

*The motion for consideration of the Bill was adopted.
The Clauses etc. were adopted.
The Bill was returned.*

SHORT DURATION DISCUSSION

Bhopal Gas Tragedy

SHRI RAVI SHANKAR PRASAD, initiating the discussion, said: It is now 26 years that the worst industrial disaster took place in Bhopal. Nearly 20,000 people died. We can only say today that justice and accountability has been the real casualty. It is a matter of shame that we have not been able to give justice to them nor substantial satisfactory rehabilitation.

I must salute the NGOs working in Bhopal with the victims who have really fought for them in a very powerful and committed manner, and they need our appreciation. The Union Carbide had applied for licence in the year 1970. All the officials were opposed to it because the technology was obsolete. The Emergency came on 26th June, 1975 and they were given the licence on 31st October, 1975. There were stark warnings, yet no action was taken. The disaster struck on 2nd and 3rd of Decemeber, 1984. On 7th of December, 1984, a shameful incident happened. Warren Anderson, the Chairman of Union Carbide, came to Bhopal and was arrested. Thereafter, Mr. Anderson was escorted by the DM Awasthi to the airport and was allowed to fly in a Government plane to Delhi and then to US. The Deputy Chief Commissioner, Mr. Grieve said that there was an agreement. Therefore, now we would like to know in the Parliament as to who allowed Anderson to escape. It is a sensitive issue. If the nation cannot uphold the law, it cannot preserve the order and when Anderson was allowed to escape, the authority of the State surrendered before the accountability and the responsibility of the State.

The Government should be impartial while taking a tough stand in respect of any body. I am much troubled to say that our own

people castigated the Indian judicial system in New York. They said that the Indian lawyers were incompetent. At the District Court, Bhopal, the entire proceedings were conducted in a shameful manner. Initially, a claim worth Rs.3900 crores was made for the people who were killed. But, at the Supreme Court, a compromise was negotiated. 20,000 people were killed, but the claim of compensation was made for only 2660 people. Although the Supreme Court has done great work in the field of human rights and fundamental rights for the growth of democracy, their attitude in the Bhopal Gas tragedy is deeply regretted. The killings of 20,000 innocent Indians were taken as a simple truck accident. In this respect, the conduct of Justice Ahmadi is not appreciable. At the place of tragedy there were three witnesses who, confirmed that no safety standard was maintained. In this respect, the role of the CBI was also doubtful. The CBI becomes active only in the case of politicians. We know the double standards of the CBI. I regret to say that, despite voluminous evidences against the Safety Officers of the Union Carbide and others, no action was taken. It is a clear case of failure of the CBI.

In case of BP Leak in the Gulf of Mexico, an amount of 20 billion dollars was compensated for just 11 people who were killed. But, in the case of Bhopal Gas tragedy, laxity was committed. The lives of 22,000 Indians are equally important. The after-effects of the tragedy are still visible in the coming generations in Bhopal. Now, when so many evidences have come, the Government should make a sincere effort. I want tough actions to be taken in this regard. In the petition filed, the name of Warren Anderson has not been mentioned in fairness. Now, my last question is about the numbers of people who were dead, disabled and handicapped in the tragedy.

SHRI ASHWANI KUMAR : I thank my friend, Shri Ravi Shankar who has made a few points with his characteristic eloquence. Even after 26 years, justice has been denied and accountability is absent. In the tragedy, lakhs of people were affected in terms of their health and future. Thousands died and many suffered disabilities. I appeal to the Opposition to use this opportunity so as to provide relief to the suffering people. The Bhopal Gas litigation is one of the most

comprehensive litigations in my 32 years' experience at Bar. A settlement of \$470 million was arrived at, which was not good enough for the tragic losses. The matter was taken to New York where Judge Keenan looked into the case and shifted the same back to the Bhopal Court. The judgement given is comprised of thousands of pages. I want to say that the ablest persons decided to agree consciously to settlement. In 1989, the non-Congress Government attempted to review the settlement, with all the procedures. At the same time, the criminal petition were invited to the Supreme Court which asked the Chief Judicial Magistrate at Bhopal to consider the case under section 304(A). On 2nd August, 2010 the present Government filed a curative petition seeking to cure the defect in the 1996 judgement. The efforts in respect of the extradition of Warren Anderson are not sincere. Once he was arrested, and immediately thereafter he was released on bail. In all this, the legal process was followed and nobody said that it was not right. That is why no appeal was made in this respect. During this period, three successive BJP Governments came. But the case was not settled. It has been said that Mr. Anderson should not have been released on bail; he should have been convicted. But that could not be the solution of the whole matter. The major concern is the thousands of people who died. The curative petition has been filed to nullify the judgement that converted the offence to a lesser offence. The general feeling was that the compensation was inadequate and it was not paid in a timely manner.

The present Government has decided to allocate an additional 669 crores rupees for ex-gratia payments in addition to other grants which are being made available. More than five lakhs people were affected in the whole. The numbers of disabled, cancer affected and renal failure people have been identified. All of them should be provided compensation. The compensation amount has been increased keeping in view the cases of permanent disability, temporary disability and for the environmental remediation and toxicity. Amounts of money have also been allocated at pro rata basis. The Planning Commission has also approved funds for relief and rehabilitation measures. The ICMR is going to set up its 31st research institute in

Bhopal to provide medical treatment to the victims. All this proves that it was a very grave national tragedy and it deserves to be given appropriate relief.

A new Incineration Centre in Madhya Pradesh is going to be set up. This is a national cause and we are going to fully support the efforts of the State Government in the matter of relief and rehabilitation. An Oversight Committee has additionally been set up. The Bhopal Memorial Hospital Trust has been taken over by the Department of Biotechnology and Atomic Energy and will be run with the assistance of the Tata Cancer Institute. An expert group of Scientific Advisory Committee has been set up. The fact remains that at that point of time, what was done by the State Government and the Union of India were correct. Please spare this subject from politicization.

SHRI NARESH CHANDRA AGRAWAL: It would be more appropriate if the then Chief Minister could speak, who happens to be the member of this House and is present here. I am speaking all this because during 1974-84 gas leakage took place there 30 times. It would be better if he could speak and place the matter.

Today, even after 26 years why did no one think about that tragedy. They entered into an agreement with the union carbide for the compensation of Rs. 713 crores, and should the number of deceased as 3 thousand and one lakh as ill. It has been a practice in our country to show the number of deceased to be fewer. If you count the details, we have had the compensation Rs. 12,000 per head. While minimum compensation Rs. 1 lakh is being provided in the cases of accidents of natural calamities. Now, the nuclear agreement is likely to appear. What is the requirement of such an agreement when we did not learn anything from the same? As per the nuclear agreement, the companies coming from abroad shall not be held responsible but India. It is the shame upon the country and one day it would cause some tragedy.

You say that you have made all the medical arrangements there but there is no arrangement as such. Today, there are around

6,000 people who seek permanent treatment. For want of money they are praying for death. What is the problem in repatriating Anderson? The killer of 20,000 people is moving at large making statements. The then judges have minimized the case resulting which such a meager punishment has been awarded. Why not, *suo-moto* action was taken. Why such an inordinate delay took place in the matter. We can make people feel that there is a law abiding Government in the country and whosoever breaks the law, strong action shall be taken against him.

SHRIMATI BRINDA KARAT: In spite of being it the worst industrial disaster, fact is that we could not get any culprit punished. When there was a large scale resentment in the country that that was the situation, the call of Bhopal victims was heard. If this is our legal proceedings, we should be ashamed of. I condemn that the Bhopal victims could not get justice as yet. More than 22,000 people got killed. Who is responsible for the same?

Two years' punishment was awarded after 26 years. The CBI charge sheet has made it clear that all the security mechanism was closed that night. It was a man made disaster. Thus, get Warren Anderson repatriated. I want to say to the friends in BJP as to what they did. You too sought opinion from an American legal firm that there should be no repatriation.

It is because of mismanagement that they got only Rs. 12 to 13 thousands. Six thousand gas victims have to go hospitals everyday. They knock at the door of the hospitals but as per the Government records they have minor injury. Even today death is taking place because of that tragedy. They should be provided full compensation. Changing the medical categorization reassessment should be made. The ICMR did not brought out its complete research papers and suddenly in 1994 all the ICMR centres were closed down. Even the top most research centres could not do justices to the gas victims. People say that if the research were completed, the claim could be increased.

Even today chemicals in larger quantities are present in the water there. The children of Bhopal are destined to consumer

contaminated water everyday. Therefore, entire amount should be realized by way of holding Dove chemicals responsible. The company should be black-listed if it does not pay the amount. Our laws are too weak to hold the supplier liable. The government is willing to exempt the supplier from every responsibility through the Nuclear Liability Bill it is going to move. This is not in favour of India. I demand that a right and united decision should be taken in this House with the Bhopal gas victims by taking a right lesson.

SHRI SHIVANAND TIWARI: I feel that word that has been adopted is more harsh. This is the mentality of the ruling class in our country and due to this only the case of Bhopal gas tragedy is affected in this manner. The punishment of only two years prison for such a big disaster created an anger in the country. I don't held the CBI guilty because it is a part of our State. It is the attitude of the government to give VIP treatment to the biggest criminal. The retired collector of Bhopal has issued the statement as to how the trader was carried out to Delhi with all VIP treatment was given to him and therefrom he was allowed to go back to America. The section 10 provided the punishment of 10 years but it was converted to two year only. It shows the character of our judiciary. The ruling class of this country has no concern for the poors. The larger scale on which we are going to generate atomic power may prove disaster. Hence, we should take every safety measures in this regard.

SHRI TIRUCHI SIVA: The Government of India, UPA-II, realizing the sense of responsibility it has its side, reconstituted the GoM on May 26 of this year. The way the GoM has functioned, will prove how much the Government is concerned towards the victims of the Bhopal tragedy. Mr. Chaidambaram, as its head, examined all the issues relating to the gas leak, including remedial measures and make appropriate recommendations. Apart from that, the Government of India has taken a very prudent step by accepting the recommendations of the GoM. As a result of the decision, more than 45,000 victims who were affected most severely by the tragedy would receive additional ex-gratia payment. Additional material in support of the request for extradition of Warren Anderson has been recommended by the GoM.

The Ministry of External Affairs will thereafter press the request for extradition with the US Government. When the victims are taken care of, the other side has also not been ignored by the Government. An appeal may be filed in the Sessions Court against the judgement of the trial court to correct the error in the sentences imposed on the accused under different Sections.

Apart from all these things, the Government has taken a very good initiative. It is said that they are going to dump the toxic waste at an incinerator at Pithampur which does not comply with the Central Pollution Control Board norms.

SHRI VEER PAL SINGH YADAV: Barring a few years during this span of 26 years the people who are in power today have almost ruled the country. They cannot escape their responsibility. The ruling and the opposition and all other should have considered it together about the manner in which the Bhopal gas tragedy victims are provided relief. How the accused were allowed to go out. The party which is in opposition today and has initiated this discussion also had remained in power also. The Leader of opposition was the minister of law at that time he has noted in his file that the case is too weak to call back Anderson and persecute him. The question is why efforts are being made to save that fellow.

I request the hon. Minister of Home Affairs to tell about the scheme of the government has for the safety of the children born handicapped after the Bhopal gas tragedy.

SHRI R. C. SINGH: Bhopal gas tragedy was not a natural disaster, it was a man-made tragedy. Even today 390 tonne of waste chemicals are lying there which are contaminating water, soil and atmosphere. No action has been taken to save that area. Till now, no arrangement has been made to discharge those chemicals. The government doesn't have any arrangement for purifying water.

The principal employer of this man-made tragedy is held responsible but he was allowed to go back with all honour. The government have made fun with the people. This is a criminal case

which require serious action but the government did not take any action deliberately. The government need to show concern about this issue. Today a number of foreign companies are coming uninterruptedly. The clause of safety measure is not impose whereas it should be there. Hon'ble Minister should take and note in future to impose safety clause with this only.

What happened to the case which was filed against Union Carbide for Rs. 3.3 billion dollar in the US court? What has been done by the government in this regard? The contaminated material which is lying there should be disposed off.

SHRI RAM VILAS PASWAN: I thank to an NGO, which is continuously pursuing the case of Bhopal tragedy. Who was at the fault, the Government of India or then Government of the State? It is a fact that no action is taken against Anderson. CBI has chargesheeted 9 people from India and 3 foreigners, including Anderson, which were declared as deserters. There is no difference of opinion that had there been no laxity, Anderson could not have left the country.

An empowered Commission should be set up, so that all matters pertaining to Gas tragedy comes under its purview and its recommendations should be implemented. The next issue is related to the waste lying there, which is another source of diseases. As the factory was purchased by DOW Company, hence, DOW Company should be asked to dispose off this waste outside India.

Next issue is related to the payment of compensation. We demand that adequate amount of compensation should be distributed between the victims whose number is 5,74,347. This is very hurting that no compensation was given by Central Government or the State Government to these victims till date. Out of 56 wards, only 36 wards have been included. The victims of remaining 20 wards should be included in the list of gas victims. Though facilities of treatment are made available yet the proper arrangement of drinking water has not been made. These companies like Union Carbide and DOW should not be allowed to continue their business in India.

SHRI VIKRAM VERMA: This was human created industrial disaster, which took the lives of 20 thousand people. The responsible person for this, Anderson even did not go to court, court came to him and he was released, the other two persons who were arrested, were kept in custody and given bail by High Court after 8 days. Why and how Anderson was let to go, is a matter of speculation. An issue is raised time and again that what have done the later Governments? All powers were ceased after Bhopal Gas Leak Disaster Act came into effect.

Nobody in Madhya Pradesh approves GOM. Only limited numbers of the people are being given compensation. The victims of Bhopal have been left. The amount of relief is also being adjusted against compensation.

The tragedy took place because of leakage of gas, not only once, but three times from 1981 to 1983. Anderson was aware of the leakage and knowing everything about the plant. Now, you say that he was not involved. The commission NK Singh was set up but its time was not extended. The public of Bhopal was befooled.

Now, the waste which was laying there, 32 metric ton out of that was dumped in Peetampur industrial area. If the waste continue to lay there, it will cause agitation at mass level. You should pressurize DOW Chemicals to dispose off the waste. I request to do away the discrimination in payment of compensation and the persons responsible for releasing Anderson should be punished.

SHRI SATYAVRAT CHATURVEDI: This was a national tragedy. The people of India were forced to think when the guilty of this tragedy were exonerated after two years of punishment. There is no difference of opinions that guilty should be given deterrent punishment and proper compensation should be given to the affected people.

This is a matter which should not be politicized. We should see this with the angle of humanity. I do not claim that there would not have any lapse on the part of Government or legal system but what

have been done by the non-congress governments which came into power both in MP and in Centre? If we were not able to extradite Anderson, what happened after we ceased to be in power? There were some legal hassles and the extradition is not so easy. What should be done now onward is important.

Apart from the adequate compensation, we should make proper arrangement for lifelong treatment of the people. The Government should take steps to ensure proper treatment of the victims. We should be ready for bringing reforms in case of such tragedies.

* * * * *
* * * * *

V. K. AGNIHOTRI,
Secretary-General.

rssynop@sansad.nic.in

****Supplement covering rest of the proceedings is being issued separately.

**ERRATA TO SYNOPSIS OF DEBATE, DATED 10TH AUGUST,
2010**

Page 166 Line 6, delete 'the' before 'a rally'

Page 167 Line 5, read '**MINISTER**' for '**MINISTRY**'