SHRI SATYA PRAKASH MALAVIYA: Mr. Jacob has rightly understood.

THE DEPUTY CHAIRMAN: Now let me hear Mr. Bapu Kaldate.

डा0 बाप कालदाते: जो ग्रंग्रेजी में उन्हें ने कहा, वहीं मैं हिंदी में कहना

उपसभापति: आप हिंदी में अनुवाद कर दीजिए उसका। मंत्री जी, तो हाउस एक्सटेंड करने का श्रापका इंटेंशन है?

शी सत्य प्रकाश मालवीय: हां, इंटेंशन है।

उपसमापति: भैंने इंटेंशन की हाउस को इलला दे दी।

Now, Shrimati Maneka Gandhi.

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND **FORESTS** (SHRIMATI MANEKA GANDHI): Madam,|| (Interruptions)

जोगी: माइक परआ श्री ग्रजीत जाइए. ग्रापकी आवाज नहीं का रही है.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): The hon. Minister is inaudible

उपसभापति: ग्राप इगर बातचीत बंद करें तों शायद ग्रावाज जाएगी।

## THE PUBLIC LIABILITY INSUR ANCE BILL, 1991

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRIMATI MANEKA GANDHI): Madam, I beg to move:

That the Bill to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matter

connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

In doing so, I beg to submit that this Bill seeks to fulfil a long felt demand for some mechanism to give immediate relief to victims of accidents in hazardous or operatons. The growth of industries hazardous industries and operations which produce the many goods needed by us is essential for our development and in recent times there has been a tremendous increase of such industries. However, it has also increased the risks of accidents not only to the workmen ut also to others who may be the victims of the accident sites. Very often, the people affected belong to the weaker strata of the society with little capacity to secure compensation for their sufferings. Workers who are victims of such accidents in hazardous industries are protected by the Workmen's Compensation Act, 1923 and by the Employees State Insurance Act of 1948, but the members of the public are not assured of any relief except through long legal procedures

The Supreme Court of India in the Oleum Gas leak case have held that the hazardous industries are strictly liable to compensate for any damage caused by an accident in their industries. The liability to give relief in such cases is based on the principle of no fault. The claimant for relief shall not be required to plead and establish €"at the disaster, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person. It is also our common experience that industrial units seldom have the willingness to readily compensate the victims of accident and, therefore, the only remedy available to the victims is the legal one. Even when a court orders relief, the industries and operations where such accidents occur may not be financially sound and an unanticipated liability often cannot be met by them. These enterprises

also run the risk of bankruptcy in case of large accident liability. This is particularly true of small scale industries.

Keeping these in view, we have proposed a scheme whereby every industry or operation which handles hazardous substances would eompul-sorily take an insurance policy covering their liability to provide immediate relief on a specified scale to any person who suffers an injury or damage to property or, in the event of death, to the legal heirs of the deceased persons. We have considered this issue from various angles and consulted the various interests involved in these matters. They include the Ministries/Departments of Labour, Industrial Development, Economic Affairs, Chemicals and Petro-Chemicals, General Insurance Corporation, Indian Chemical Manufacturers' Association and the Federation of Indian Chambers of Commerce and Industry. This Bill is therefore based on such wide consultations over a period of three vears.

It was also examined if such a measure could be introduced under the provisions of the Environment (Protection) Act of 1986 by framing rules. We were advised by the Miistry of Law and Justice that a separate legislation would be necessary to cover all aspects relating to the proposal since the objective of the proposal is to provide relief to the victims. As far as is known, an exercise of this nature is being undertaken for the first time in the world, with the specific aim of providing quick rellief to the members of the public who are victims of industrial accidents. As such, there is no model which can be adapted to the Indian situations. We have evolved our own model, adapting, to this specific context, some provisions of some of our other Acts such as the Motor Vehicles Act.

The question toas proposed.

SHRI JAGESH DESAI (Maharashtra): Madam, it has been said, • an

evercise of this nature is being undertaken for the first time in the world. As such halfan-hour time is not enough for discussing this Bill.

THE DEPUTY CHAIRMAN: It is not half an hour. It is one hour. Now, there is motion for reference of the Bill to the Select Committee by Shri S. S. Ahluwalia. He may move the motion.

SHRI S. S. AHLUWALIA vBihar): Madam, I want to speak for a minute.

THE DEPUTY CHAIRMAN: No, no. Not at this stage. You can do so at the stage of withdrawal. You just move it. You are also a speaker. You can speak whatever you like on that while you are speaking. {Interruption} I know it is important, Nobody is denying your importance also.

शी सुरे-द्रजीतसिंह स्रहलुवािया : महोदया, यह बहुत ही महत्वपूर्ण मुद्दा है और मैं इसी मकसद से इसे सिलेक्ट कमेटी...

उपसमापित: शहलुवालिया जी, श्राप इस समय बोलें या बाद में, दोनों इम्पोर्टेस कायम रहेंगी।

श्री मुरेन्द्रजीत सिंह ग्रहलुवालियाः मैं मूत्र करने की बात कर रहा हूं। ...

उपसमापति: ग्राप खाली मूव कर दीजिए।

श्री सुरे द्वजीत सिंह ग्रहतुवालिया : मूब करने के लिए खाली "एमग्रोबाई" कहना पडेगा क्या ?

उपसभापति: श्राप इस हाउस में 5-6 साल से मैम्बर हैं, श्रापको पता है क्या बोलते हैं।

श्री मुरेन्द्रजीत सिंह ग्रहलुवालियाः मैं प्रस्ताय करता हूं कि:

"किसी परिसंकटमय पदार्थ की जठाई-धराई के समय किसी दुर्घटना से प्रभावित

[श्रीं सुरे द्र जीत सिंह ग्रहलूव लिया] व्यक्तियों को तुरन्त राहत देने के प्रयोजन के लिये लोक दायित्व वीमा का ग्रीर उससे संसक्त या उसके धानुषंगिक विषयों का उपबन्ध करने वाले विधेयक को राज्य सभा के निम्नलिखित सदस्यों:

1-श्री कपिल अर्मा 2-श्री जगेश देस ई 3-श्री विश्वजित पृथ्वीजित सिंह 4-श्री राम अवधेश सिंह 5-श्री वी. गोपालसामी 6-श्री दीपेन घोष 7-श्रीमती जयन्ती नटराजन 8-श्रीनती सुषमा स्वराज 9-श्री मरलीधर चन्द्रकांत भंडारे . 10-श्री सुररेद्रजीत सिंह ब्रहलुवालिया

एक प्रवर समिति को सींपा जाये र्फ्यार उसे राज्य सभा के श्रमले सब के श्रंतिम सप्ताह तक अपना प्रतिबेधन प्रस्तत करने का अनदेश दिया जाये।"

The question was proposed.

SHRI GOPALSINH G. SOLANKI (Gujarat): Madam, I rise to support the Bill. I would like to say that there are many defects in the Bill. If you look at sub-clause (3) of clause 4, power has been given to the Central Government and no power is given to the State Governments. I suggest power my also be given to State Governments in suitable

Clause 8(1) provides that "the right to claim relief shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force."

[The Vice-Chairman (Prof. Chandresh P. Thakur), in the Chair]

Clause 8(2) is very much contradictory and it lays down that "if any person is liable to pay compensation under any other law, the amount of

such compensation shall be reduced by the amount of relief paid under this Act."

So these provisions are contradictory to each other and embarrassing. In this bill what a hazardous substance is has not been defined. The absence of a definition of hazardous substance will create problems.

Clause 13(1) is also an embaras-sing clause which lays down as follows:

"If the Central Government or any person authorised by that Government in this behalf has reason to believe that any owner has been handling any hazardous substance in contravention of any of the provisions of this Act, that Government or, as the case may be, that person may make an applicatio nto a Court, not inferior to that a Metropolitan Magistrate or a Judicial Magistrate of first class for restraining such owner from such handing."

I would like to say at this stage that this provision will give room for unfair competition among the industrialists. Not only that, this unfair competition wil create ambiguity so far as the administration is colcerned.

Provisions for penalty on the owner are mentioned from clauses 14 to 18. If you look at the Workmen's Compensation Act, in case of failure of deposit of the amount in respect of the dead person within a month penalty to the tune of Rs. 100/- per day is imposed whereas this Bill fails to make a similar provision. Then, in the Schedule in para (iii) relief for permanent disability and relief to be paid in case of death are mentioned. In case of death Rs. 25,000 is prescribed and in case of permanent disability a relief of Rs. 25,000 plus reimbursement of medical expenses to the tune of Rs. 12,500 is provided. In the case of motor vehicle accidents the person who suffers permanent disability because of injuries, also suffers from mental shock throughout his life. Yet, the highest amount to be paid in the form of relief is only

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Rs. 25,000 which ultimately works out to only Rs. 8 per day out of the interest on this account which is going to be paid. So far as the question of permanent disability is concerned, it should go under the head of suffering on account of mental shock for the purpose of computing the daily allowance that he gets. So, the quantum o"f Rs. 25,000 is very less and I would suggest to the Government that the quantum of relief should be enhanced sufficiently in such cases. (Time-bell rings)

With these words I support the Bill.

थी सुरेन्द्रजीत सिंह ग्रहतुवालिया: उपसभाध्यक्ष महोदय, लोग दायित्व बीमा विधेयक 1991, यह एक बहुत महत्वपूर्ण विधीयक है और हमारे देश में यह पहली बार आया है। इससे पहले हमने कभी इस विषय में गंभीरता से सोवा नहीं था पर चोपाल के येन कांड के बाद हमारे स मने कई समस्याएं खड़ी हुई कि किसी मल्टी-नेशनल धार्मनाइजेशन के गलत बाय-नामों के कारण, जो एक इलाके के म्रंदर या एक कारखाने के श्रंदर जहरीली गैस पैदा की जा रही है या पैस्टिसाइस बनाए जा रहे हैं या वहां से कई तरह के जहरीले वैभिनल्स निकल रहें हैं तो उससे बचाद कैये होगा? इस पद्धति में कोई भी कमी था जाने के कारण कारकाने में विस्फोट हो सकता है और ज्य दिस्फोट के कारण यहां के मजदर तो आहत हो ही सकते हैं, साथ ही उस क्षेत्र के चितासी भी गैस के कारण मर सकते हैं ग्रांर इस इलाके का वातावरण भी उपित हो सकता गहै। इन चीजों को महेनजर रखते हए मंत्री महोदया ने यह जो िधेयक प्रस्तुत किया है, मैं समझता इसके लिए वे बदाई की पात हैं ग्रीर मैं उनको बबाई देता है। पर इतके बादज्द इस विल में ग्रेसी बहत सारी वसियां हैं जो नजर बाती हैं ब्रौर उन चीजों को सामने रखते हुए मैं यह समझता हू कि इस बिल पर ग्रभी काफ़ी सोच-विचार करने की जरूरत है क्योंकि अब तक हमारे सामने जो चीजें आई हैं, उनको मद्देनजर 641 RS-5

रखते हुए इस बिल को बनाया गया है पर इसमें जो कमियां हैं उनकी सहायता से चाहे वह गवनेंमेंट का अफ़सर हो, चाहे वह मिल का मालिक हो, चाहे मल्टीनेशनल हो, वह अपना रास्ता निकालकर बच निकलेगा और इससे हमारा जो मकसद हैं वह पूरा नहीं होगा।

न्यसमाध्यक्ष महोदय, मैंने इस विषय पर बहुत से अमेंडमेटस भी दिए हैं और लस वक्त में इन अमेंडसेंट्स के बारे में बोल्ंगा... (**ब्यवधान**)

उपसभाध्यक्ष (प्रो० चन्द्रेश ठाकुर): अभी आप संक्षेप में बोलिए। श्रभेडिनेंट पर बाद में बोलिएगा श्रीर श्रगर कोई विशेष बात हो तो मंत्री जी से व्यक्तिगत संपर्क करके बता दीजिएगा . . . (व्यवधान)

श्री मुरेन्द्रजीत सिंह ग्रहलुवालिया: महोदय, आपको पता ही है कि मेरा संक्षेप क्या होता है ...(व्यवधान) महोदय, भोषाल गैस कांड के साथ-साथ . . . (ब्यवधान)

उपसमाध्यक्ष (प्रो. चन्द्रेश पी० ठाकुर): श्रभी भोषाल गैस कांड पर बोलने की जरूयत नहीं है।

श्री पुरेन्द्रजीत सिंह ग्रहलुवालिया: यह मुद्दा उससे जुड़ा हुआ है, पढ़ लीजिए आप . . . (व्यवदान)

उपसमाध्यक्ष (দ্রী৹ चन्द्रेश पी० ठाकुर): प्रोनिजन से संबंधित जो बातें हैं, उन्हीं पर बोलिए।

श्री सुरेन्त्रजीत सिंह ग्रहनुवालिया : तो ये चीजें हमारे सामने आई हैं। महोदय, यह बड़े अफ़सोस की बात है कि इस बिल में कुछ ऐसे प्रायधान हैं जिनके हारा सरकारी कारपोरेणंस को, सेंट्रल गवर्नमेंट श्रीर स्टेट गवर्नभेंट कारपोरेशंस तथा लोकल एथोरिटीज को इससे मुक्त रखा गवा है।

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Is it true?

SHRI S. S. AHLUWALIA: Yes, it is a fact.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): O.K. while replying, the Minister will clarify that point. I think there are some grey areas.

SHRIMATI MANEKA GANDHI: Sir, this is not, the time to reply. Anyhow, I will make one thing clear. The clause says that the Central Government may, by notification, exempt from the operation of sub-section (1) any owner, namely, the Central Government, any State Government or any corporation. But I have given an assurance in the Lok Sabha that while we have retained this provision, we will not use it or apply it at all because in the event of our establishing the fund, - it will take care of this provision. That is the assurance that has been given in the Lok Sabha.

THE VICE-CHAIRMAN' (PROF. CHANDRESH P. THAKUR): You see, notwithstanding the provisions, she has given an assurance in the other House, and apparently she is giving the assurance to this House also, that this provision will not be used unless a very specific occasion arises.

SHRI AJIT P. K. JOGI (Madhya Pradesh): For how long? Till eternity?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Unless It is revised.

SHRI S. S. AHLUWALIA: Sir, the provision as like this:

"(3) The Central Government may, by notification, exempt from the operation of sub-section (1) any owner, namely:-

(a) the Central Government;

- (b) any State Government;
- (c) any corporation owned or controlled by Central Government or a State Government;
- (d) any local authority;"

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): This is an enabling provision. It is not necessarily a provision for operation from the day it is passed.

SHRI S. B. CHAVAN (Maharashtra): It is a power taken by the Government.

SHRI N. K. P. SALVE (Maharashtra): This is a power taken by the Government. That is all.

श्री सुरेन्द्रजीत सिंह ग्रहनुधालिया: मैं रसी बात को कह रहा हूं। अभी कुछ साल पहले मन्द्रबस्ती में जो वहां का एल.पी.जी. का डिपो है, वहां पर सिलेंडर फट गए ग्रीर ग्रापको पता लगा होगा कि कितना बड़ा धमाका हुआ था फ्रोर त्रासपास की वस्तियों का काफी नुकसान हमा था। इसी तरह के प्रावधान के कारण उनको मुत्रावजा नहीं मिला जिसके लिए ग्राज प्राविधान कर रहे हैं। जैसे सेंट्रल वैथरहाजींसग कारपोरेशन के स्टोरेज के जो बड़े बड़े गोधाम हैं अगर वहां कुछ घटनाएं घट जाएं तो इसी प्राक्धान में वे उसका फ़ायदा उठाएंगे ।

VICE-CHIRM AN (PROF. CHANDRESH P. THAKUR): That depends on the Government of the day.

श्री सुरेन्द्रजीत सिंह ग्रहलुवालियाः उपसभाष्यक्ष महोदय, में इन्हीं चीजों को महेनजर रखते हुए कि अगर कोई ऐसी घटना घटती है तो वहां के लोगों को सही मुप्रावजा मिल सके, इसके लिए यह विधेयक लाने का मकसद है। अगर उस विधेयक की धारा में कोई कमज़ोरी है तो जैसा आपने कहा "गर्रनेमेंट आफ़ दि हे" पर यह निर्भर करेगा, अगर हक्मर न उसका नाजाइज फ़ायदा उठाना चाहतेहैं

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तो उठा सकत हैं, तो ऐस प्रावधान विधेयक में नहीं होन चाहिए जिसक न जाइजं फायदा उठाया जा सकी।

महोदय, इसी सरह से रानीयंज स्टेशन के पास नीमचा कोलियरी के पास एक गडस टेन जो ग्रॉथल ले जा रही थी उसमें ग्राम लग गई ग्रीर स्टील टैंक गैस के कारण चार गुने बड़े हो गए ग्रीर उसके बाद बर्स्ट हए ग्रीर शासपास के इलाकों में जो लोग घम रहे थे चाहे शादमी हों या जानवर वे सारे हताहत हुए। स्टील के टकाड़े स्टिलंटर्स की तरह फैले और जो तेल छिड्क गया उससे आग लग गई। भारी संख्या में लोग जरूमी हो गए। यह घटना मैंने अपनी आंखों से देखी है । उस वक्त भी यही बहुना किया गया ग्रीर मुझावजा नहीं भिला। तो जब एक विधेयक ह्या रहा है कि लोगों की मुद्रीवजा मिलना च हिए तो कमजोर क्लॉज के कारण वह निकल ज ते हैं। यह प्रावधान एसा नहीं है कि जो इंडस्टी वहां ऐपलऐंट डिस्चार्ज करती है, वह दिखाओं में छोड़ती है, जैसे मंत्री महोदया जी भी जानती हैं कि रेकेट कोलमैन का कारखाना है आसनसोल में वह खतरनाक ऐम्लयेंट छोड़ती है लुनिया रिवर में, तो लुनियां रिवर से किरात विलेज तक परी पानी उसका लोग पीते हैं उसमें जो कैमिकल मिलते हैं उससे वहां के लोग तरह तरह के रोगों से प्रसित होते हैं सिर्फ इतन ही नहीं ग्रलाय स्टील प्लांट दुर्गा र में जो कुंइचिंग प्लांट है यानी जहां पर स्टील की ऋइंचिंग होती हैं उसका सलप्य रिक एसिड दामोदर नदी में छोड़ा जाता है। इस नदी में यह जाने की वजह से बाकुरा ग्रगर मेदनीपुर के इलाके के लोग जब इस नदी का पानी पीते हैं तो आदमी तो अफेक्टिड होते ही हैं बल्कि जो जानवर भी पानी तीते हैं वे भी अफे-किट होते हैं। वे मारे वाते हैं। देखा गया है कि द मोदर नदी के किन रे जो बस्तियां है वे लोग जब इसका पानी पीते हैं तो वे जांडिस से पीड़ित हो जाते हैं, यहां तक कि भर भी जाते हैं। इन सारी ीजों को इस विधेयक के तहत लावे की

जरूरत है। इन चीजों को महत्व देते हुए इन चीजों को समझते हुए मैंने इस विधे-यक पर भ्रमेंडमेंट देने के लिए और इसे सेलेक्ट कमेटी को रेफर करने की बात कही है। मैं समझता हूं कि यह एक नया विधेयक है। कई कान्न हमारे देश में हैं ग्रीर उसमें कई कमियां हैं, खामियां हैं जो आज हमारे समने नहीं आ रही हैं. जो सभने महसस नहीं होती हैं उनको हम नहीं जोड़ते चले जाते हैं तो कमियां हमारे स मने रहेंगी ही और जो मकसद हैं सरकार का और मंत्री सहोदय का कि ऐसे अफे-क्टिड लोगों को सदद करना चहिती है, उनको मन्त्रावजा दिलान चाहती है, रिलीफ दिलाना च।हती है तो वह नहीं दिला प येंगी। इन्हीं प्रावधानों के बारे में बोलने के लिए ग्रापने जो मुझे समय दिया उसके लिए ग्रापका धन्यवाद । जब मैं ग्रपना अमेंडमेंट मूब करूंगा....

## उपसभाष्यक्ष (प्रो० चन्द्रेश पी० ठाक्र): धन्यवाद के बद कोई बात नहीं होती।

There are two separate issues." One is environmentalist aspect. The Minister's record on that is very eloquent. I am sure she is going to continue on that. The other is postaccident compensation. This Bill is related to the second aspect. If the House can help in clarifying the 'issues in relation to the application of the post\* accident compensation issue, I am sure she will appreciate that..

श्री मोहम्मद खलीलुर रहमान (ग्रान्ध प्रदेश) : जनाब वाइस चेयरमैन साहब, यह जो पब्लिक लाइबिलिटी इंग्योरेंस बिल, 1991 पेश किया गया है मैं उसकी भर-पर ताईद करता है। यह बिल नेशनल फंट गवर्नभेंट की तरफ से पेश किया गया था.....

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : ग्राप इन्हें नेशनल फंट गवर्नमेंट की मिनि-स्टर मानते हैं ?

श्री मोहम्मद खलीलुर रहमानः मैं यह अर्जं कर रहा हूं कि यह उस समय पेश किया गया था।

श्री शंकर दयाल सिंह (बिहर): उपस्पाध्यक महोदय, यह दोनों समय की मिनिस्टर हैं।

ज्यसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): पर्सन सेम है मिनिस्टर दूसरी है। (व्यव-धान) हृदय परिवर्तन की स्थिति है। (व्यवधान)

श्री मोहम्मद खलीलुर रहमानः यह विल वक्त की ग्रहम जरूरत है। पिछले 44 सालों में हमने देखा है कि हमारे म लक में जैसे-जैसे साइंस की तरक्की होती गई उसी हिसाब से मुखतलिफ किस्म की सनग्रत कायम होती गई, कई कारखाने बनते गये। इसमें धमाक्, एक्सपलोसिव कारखाने भी हैं, जहरीली गैस के कारखाने हैं। इंशही नाज्कतरीन जो सनग्रत है उसके भी कार-खाने हैं। जाहिर है जैसे-जैसे कारखाने बढ़ते गये उसके साथ ही साथ एक्सीडेंट्स में भी इजाफा होता गया। जहां तक एक्सी-डेंटस का सवाल है, एक्सीडेंट्स न सिर्फ कारखानों में काम करने व ले वर्कर्स ग्रौर एम्पलाइज ही मृत सिर नहीं होते विस्क उन वारखानों के अतराफ, विसिनिटी में जो लोग रहते हैं, ग्राम पब्लिक रहती है वे भी इससे मतासिर होते हैं। देखा यह गया है कि जहां तक वर्कर्स ग्रीर इम्पल इज का सवाल है उनके रिलीफ के लिए, उनके इमीडिएट कम्पनसंगन के लिए तो तव नीन मौजूद है। कारखाव व ले इस बात के पावंद हैं कि वे वर्कर्स भीर मुलाजियों को फौरन कुछ कम्पनसंशन दें, कुछ रिलीफ दें। श्रगश्राम पब्लिक भीमृत सिर होती है उनके लिए किसी किस्म का कोई कानन नहीं है जिसके लिए कारखाने वाले पाबंद हों उनके लिए सिर्फ एक चारा रह जात है कि वह ग्रदालत का दरवाजा खटखटायें वहां से वे अपने लिए रिलीफ मांगें। एक दफा भी अदालत का दरवाजा खटखटाया जाता है तो उसका फैसला होने में बरसों लग जाते हैं भ्रौर जिस मकसद के लिए,

जिस रिलीफ के लिए अदालत को जाते हैं उसका मकसद खाँफ होकर एह जाता है। तो लिहाचा जरूरत इस बात की है कि इस किस्म का कानून लाया जाये ताकि जो क्राम पब्लिक मृत सिरहोती है, जो उसके एकोस में रहने वाली है, उसहा ग्रगर जानी और मःली नुःसन होता है तो उसके लिए कारखाने के मालिक को जिम्मे-द र करार दिया ज्या । चुनाचे इन्हीं बातों को पेशे नगर रखते हुए यह मैनडेटरी पञ्जिक ल यबिलिटी इंग्योरेंस स्कीम लाई गई है और इससे कारखाने वालों पर पाबन्दी हो जाती है कि अगर आस पब्लिक क जानी ग्रीर माली नवसान हो तो वे फीरन मदद कर सकें ताकि उनको रिलीफ मिल सके।

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): आस पब्लिक से आपका मतलब क्या है? जो इम्पलइज है उनके अल्वा धर्डपार्टी से है ?

श्री मोहम्मद खलील्र रहमान : 'इम्पलाइज केशलावा की ही मैं **ब**ात कर ्हः हं **वर्कसं ग्रीर इम्**पल इत्र के अल वा कार-खाने की विसिनिटी में जो लोग एहते हैं उनकी अगर जानी और माल का नुकसान होता है तो उनकी भी सदद होनी चाहिए। कारखाने के एकोस जो लोग हैं उनकी मैं बात कर रहा हूं। जिसाल के तौर पर मैं यह भी हुंगा कि अगर तिसी के कीप का नुकसान होता है तो उसको भी इंग्योरेंस के तहत लिया जाना च हिए ताकि उसका मुग्रावजा दिया जा सके । जैसा कि हसाने दोस्त श्री ग्रहल्बालियां जी की तरेफ से कहा गया है, यह बिल तो लाया गया, मगर इस बिल में कई खासियां ग्रीर डिफ्टेक्ट रह गये हैं, इसको मैं तसलीम करता हूं। इस बिल को अगर सेलेक्ट कमेटी को रेफर किया जाये तो मुझे इस बात का डर है कि इस पर साल, दोसाल लग जाएंगे। लेकिन अगर इसको बिना सेलेक्ट कमेटी को रेफर किये पास कर दिया जाता है तो फीरन इसका इक्टली-मेंटेशन हो सकता है । मैं ग्रानरेबल

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मिनिस्टर से दर्खास्त शहंगा कि इसमें जो कुछ भी डिफेक्ट रह गये हैं उनको आप आयन्दा एमेंडमेंट के जरिये दर कर सकते हैं।

एक बा भें खासतीर पर कहता चाहता हं। सेक्सन 21 में एवं एडवाइजरी कमेटी के । ल्लुक से कहा गया है कि इस इडव इतरी असे ी भें एट सेन्ट्रल गवनीसेंट के इम्ब्ब ई होंगे उसरी केटेगरी है इंग्यो-रेंस की भीर जो तीसरी केटेगरी है वह भ्राप्तर्स के उल्लाह से कही गई है स्रीर चौथी केटेगरी एक्सपर्ट के तल्लाक से कही गई है। मैं यह कहूंगां कि इसमें दो केटे-गरीज और होती च हिए । एक केटेगरी आसपव्या को हो, उसके एक या दो बना-यन्दे इसमें रखने चाहिए ग्रीर उसके बद एक केटेगरी वर्क्स या वर्कमैन की होनी चाहिए, उनको भी इसमें रखा जाना च हिये।

तीसरी बं। मैं यह अर्ज करना चाहता हं हि अस्मत यह देखा गया है, खास तौर पर आंध्र प्रदेश के सहबुब नगर से मेरा तल्ला है उसमें पालमूर वर्कर्स हैं और सयद अप भी इतसे व किफ हों, मे क फी सबहर वर्कर्स हैं। यह देखा गया है कि हर साल वहां से दो लख पालस्र वर्कर्स न सिर्फ साध्य प्रदेश में बहित महा-राष्ट्र , कर्नाटक, तमिलन हु और जितनेभी एडजे सेंट स्टेटन हैं वहां मृाखिल सोते हैं, लेकिन उनका कोई रिकार्ड नहीं होता है। भौर जो कंटेक्टर उनकी सर्विसेज केते हैं वे ल यसेंस्ड कंट्रेक्टर नहीं होते हैं। यही हजारडस इंडस्टोन में काम करते हैं तो उनको कभी कभी नुकसान भी जठाना पड़ता है, वे एक्सीडेंट में इंबोल्व हो जाते हैं। जहिर है कि उनता रिकार्ड नहीं होता है तो जनको रिलीफ भी नहीं मिल पाला है। इसलिए मैं जानरेबल मिनि-स्टर से इस वात की दर्खास्त करूंगा कि वे जब वर्कस को मृतुखिल करते हैं तो कंट्रेक्टर के पास लायसेंस भी होता च हिए ग्रीर वजफता रिकस्टर मेंटेन करें तकि जितने भी वर्कर्स मृतखिल करें उनकी बकायादा रिजस्टर में एंटी हो । इन चन्द अल्फाज के साथ में इस बिल की ताईद करता हं

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाक्र) । श्री ईश दत्त यादव । संक्षेप में बोलिये लेकिन गंभीरता से बोलिये।

श्री ईश दत यादव (उत्तर प्रदेश) : मान्यवर, में यह अपना सौभाग्य मानता ह जो मझे ग्रापकी ग्रध्यक्षता में ग्रमने विचार रखने का अवसर मिलाहै। महोध्य, जो विधेयक मानवीया मंत्री जी ने प्रस्तुत किया है, उसका में स्वागत करता हूं भीर सर-कार तथा श्रीमती मेनका गांधीजी को धन्य-बाद देता हं कि क्योंकि उन्होंने अपने भाषण में कहा है कि शायद विश्व में पहली बार इस तरह का क नृत बनाया जा रहा है। मान्यवर, यह बड़ा आवश्यक था। जैंसा कि जाहिर है पब्लिक के लोग. जनता के लोग जो दुर्घटनाग्रस्त होते ये या जिनका जीवन समाप्त हो जाता था उनके लिये कानून में कोई व्यवस्था नहीं थी जिसके अन्तर्गत घायलों या मृतकों के आश्रितों को कोई मुझावजा दिया जायें। यह बात सही है कि न्यायालय के श्रध-कार क्षेत्र में यह ग्राता है लेकिन न्यायालय की लड़ाई लंबी होती थी और गरीब स्रादमी न्यायालय में जाने में श्रसमर्थ होता था । वह कोर्टफीस वगेरह नहीं देपाता था । इसलिये यह जो विधेयक प्रस्तुत किया गया है, यह जो कानून बनाया जा रहा है इसका मैं समर्थन करता हं।

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : हादिक समर्थन करता हं।

श्री ईश दत्त यादव : हार्दिक समर्थन करता हं। लेकिन, मान्यवर, इसका समर्थन करते हए एक निवेदन करना चाहता हूं कि मुग्रा-वजा लेने का अधिकार पहले भी अधालतों में जाकर लेने का था। यह कान्न इस-लिये बनाया जा रहा हैं कि त्वरित गति से विना विलम्ब के जो विकिटम है, उसकी भ्राधिक सहायता हो जाय । स्टेटमेंट भ्राफ श्रावजेक्टस एंड रीजंस में भी यहीं कहा गया है कि इससे जल्दी से उसकी सहायता हो जायेगी । ले किन मान्यवर, यह जो विद्येयक प्रस्तृत किया गया है इसमें सेक्शन 7 के पैराग्राफ 5 में कलक्टर को अधिकार दिया गया है। ठीक

है कलक्टर को भ्रधिकार दिया गया है। लेकिन इसमें यह कहा गया है कि The Collector shall have all the powers of civil courts for the purpose of taking evidence. यह बहा लेंघी प्रोसीजर हो जायेगा। सिविल प्रोसीजर ग्रंपने देश का जो हैं उसकी व्यवस्था इतनी लंबी होती है, उसके कारण सरकार और माननीया मंत्री जी की जो मंशा है, समय के बारे में कि विलंब न हो, वह परी नहीं हो सकेगी। इसलिये में माननीया मंत्री जी से अनुरोध करूगा कि जब वे इसकी नियम वलीं बनाये तो यदि संभव हो तो, ये सब अधिकार कलक्टर को सिविल कोई का दे दें, विटनेस की ग्रटेंडेंस प्रोक्योर करने के लिये, डाक्-मेंट सीज करने के लिये, जो ी हो, ये अधिकार उनको दे दें, लेकिन इसका समरी डिस्पोजल होना चाहिये । सी.पी.सी. के जो प्रीविजंस हैं, उन प्रीविजंस के ग्रंत-र्गत अगर इनका भी डिस्पोजल होगा तो यह बहुत लंबा चला जायेगा । यदि ऐसा होगा तो मान्यवर, भोपाल गैंस लासदी की तरह से कभी इसका निर्मय नहीं होगा और जो विक्टिम हैं, उनको इसका लाभ नहीं मिल सकेगा।

दूसरी चीज मैं यह कहना चाहंगा कि कई माननीय सदस्यों ने, श्री खलीलर रहमान और नई दूसरे सदस्यों ने कहा हैं कि यह तो दुर्घटनाओं से संबंधित है लेकिन जो कल कारखाने हैं, जिनसे वातावरण विषाकत होता है, जिनसे वायमंडल द्वित होता है और जो आदमी के जीवन पर बहुत बुरा प्रभाव डालते हैं ग्रीर इस स्लो-प्वाईजनिम की वजह से व्यक्तियों पर बहुत बुरा श्रसर होता है। चाहे इनसे विवें नों से निकलती हो, चाहे इससे द्वित वाय निकलती हो, चाहे जो भी हो, ईसके ऊपर भी सरकार को गंभीरता से विचार करना चाहिये। सभव है कि इसके अंदर ईसकी व्यवस्था न हो सकती हो लेकिन में माननीया मंत्री जी से च हंगा कि वे ईस ग्रोर भवश्य घ्यान दें। (समय की घंटी) मान्यवर, मैं समाप्त ही कर रहा हं।

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर)ः ग्रापने मंदी जी से व्यक्तिगत संपर्क स्थापित कर लिया है, इसलिये समाप्त करें।

श्री ईश दल यादव: मान्यवर, मैं तो उनके ही दल का हूं। लेकिन जब श्रापके साथ मेरा साथ होता हैं तो मुझे बहुत आनन्द आता हैं।

उपसभाष्यक्ष (प्रो० चन्द्रेश पी० ठाकुर)ः यह परम्परा है।

श्रीमती कमला सिन्हा (बिहर) : आपका साथ तो हो गया स्नानन्द का बड़ा मौका है।

उपसमाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : ग्राप भी ग्राइये, फायदा उठाइये।

श्री ईश दत्त यादव: श्राप के साथ
मैं विदेश याद्वा पर गया था तो उन क्षणों
को मैं कभी नहीं भूल सकता जो श्रापक
साथ बीते थे। इसलिए श्रापका वहुत बहुत धन्यवाद करता हं। मान्यवर, मैं श्रपनी बात समाप्त कर रहा हं।

श्री सैयद सिब्ते रजी (उत्त प्रदेश) : मान्यवर, क्या हम लोग शेक्षर कर सकते हैं इनके तजुबों को।

श्री श्रजीत जोगी : उपसमाध्यक्ष महोदय, हमें पूरी जानकारी दी जानी चाहिये।

उपसम्। ध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर): वहां वातावरण बड़ा ग्रच्छा या, इनवायने मेंटल पोल्यूशन नहीं था।

श्री ईश दत्त यादव: मान्यवर, मैं चाहता था कि माननीया मंत्री जी इसकी परिधि को बढ़ावें जो समय परिधि है इसके दायर को बढ़ाने की कोशिश करें श्रीर जो मुख्रावजे की धनराशि है जन पर मैं समय नहीं लेना चाहता, इस पर सरकार गम्भीरता से विचार करे और यदि एक्ट में प्रावधान नहीं तो कम से कम नियमा- विल में प्रावधान अवश्य करें। इन गब्दों के साथ मैं इस विधेयक का हदय से जोरदार ढंग से स्वागत कर रहा हूं ग्रीर समर्थन कर रहा हूं। धन्यवाद।

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Mr. Vice-Chairman, Sir, I welcome this very novel and almost a revolutionary Bill, with mixed feelings.

I think the main reason for bringing forward this Bill is the Bhopal gas tragedy, the greatest industrial disaster which the world has ever seen. But it does appear that we have not really learnt the lesson. I think one of the main issues that was "involved in the question of compensation to the victims of the Bhopal gas was the culpability of the tragedy multinationals. It is indeed unfortunate that there is not one word against the multinationals. The time has come when we should ask ourselves as to how much we value human lives. Is it Rs. 25,000 in India and 10 million dollars in the U.S.A.?

As has been explained by the hon. Minister in her speech while moving the Bill, we have to live with modern progress in science and technology which will result in production of various goods, very often hazardous, but which are very necessary for a better life. The question is, how to balance these hazards with a better way of life? This is the question which, really, has to be discussed on a much larger canvas. But two points I do want to make at this stage.

One is, what are you doing about the standards of safety? If you go to any Western country or Japan- highly industrialised countries-if you see a plant there, you will find that they have such sophisticated seftey measures without which they are not permitted to produce any article. What happened in Bhopal? Not even a whistle blew. Thousands and thousands of people were affected. I think something should be

done. Madam, you are in charge of environment. The first thing you should do is to compel these multinationals to have the same safety standards-in relation to their plants in India—as are obtainable in their own countries. There should be no letup on this. There should be no dilution in this. But I find that there is no movement on this aspect. Secondly, I must express my total disappointment at the figures mentioned in the Schedule. It is Rs. 25000 for death and Rs. 12,500 for hospitalisation. I will tell you, as a member of the Joint Consultative Committee going into the Railway Bill which was revised after hundred years—it was first enacted in 1890 the first thing we did and I am taking the House into confidence that I was personally responsible for this, that the minimum compensation you pay to any passenger, even though he may be a ticketless passenger, for loss of life in a rail accident is Rs. 1 lakh, and here you are putting Rs. 25,000. I think something is utterly wrong. And then if what has been said by Mr. Ish Dutt Yadav is correct, you will leave the balance of Rs. 2 lakh, three lakh or five lakh for the relatives of the deceased or the injured to fight in a court of law. Haven't we learnt from the tragedy of Bhopal? What is this amount of Rs. 25,000 or Rs. 12,500? Before we go through this Bill let the Minister on her own come with an amendment putting the figure at least to a lakh of rupees for a death and Rs. 50,000 for an injury. I do not think with such a paltry amount of Rs. 12,500 you can even treat a patient.

The hon. Minister mentioned that she has had wide range of consultations before introducing this Bill. Subject to correction, I would like to know, what are the voluntary agencies or non-governmental organisations which have done such yeoman service for Bhopal and other industrial tragedies, how many of them were consulted? Were they consulted at all because their contribution

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[Shri Murlidhar Chandrakant Bhandare]

would have been extremely valuable? Therefore, the suggestion is that the amount mentioned in para (iii) of the Schedule is totally inadequate.

I accept that the absolute liability under clause 3(2) which was laid down by the Supreme Court in Sriram Fertilisers case should be the rule. There should be no defence of contributory negligence. There should be no defence available at all. Once you enter this field of producing hazardous substances, the liability should be absolute, unconditional and complete. And I welcome the Bill to that extent.

I do not like a provision which says that if you have no insurance policy, you will be sent to jail for one year. I do not like this kind of provision at all. A better course would have been to say that unless you have an insurance policy under the Act, you cannot run your industry. That should be the condition.

Then, coming to clause 13(1), I regret to note that we have not accepted the locus for the voluntary agencies or the non-voluntary organisations. We have done it in an Act like the Environment Protection Act and in many other Acts. I think there should be a provision whereby action can be taken by these voluntary organisations. I personally think that a better attention should have been given to this kind of a Bill, as has been pointed out in a report today concerning the Review of this Liability Bill. In fact, there is some merit in the motion moved by Mr. Ahluwalia that this Bill should go to a Joint Select Committee, but at the same time I want that this Bill be adopted as far as it goes. All that I can say is that let the Minister take into account very very carefully the suggestions which are being made. Don't waste your time and, in the next session, please come out with amendments to strengthen this legislation. In the meantime you can also consult the voluntary agencies. You

can also consult some of the Members who are active in this field.

Sir, I would like to end by saying that there should be some sort of an \_\_ additional liability where recklessness, rashness and negligence on the part of the owner is proved. I think the ' time has come when we have to stop playing cruelly with the innocent victims of industrial disasters.

With these words, Sir, I support the Bill.

VISHVJIT P. SINGH (Maha SHRI : Mr. Vice-Chairman, rashtra) Sir, have maintained, ever since I became Member of Parliament, that the Government has got the best of tentions but these intentions get dilu ted by two major problems we suffer from. No. 1; For the sake of doing good, we are in a hurry. Let us not be in a hurry. Wanting to do good, are putting in and passing pieces of defective legislation which good not be eventually result in that done. No. We 2: are mercy of the confines of the houses we live in, of the cells we have creat ed for ourselves We take advice only from those around us and are not willing to look further and seek and find the real solutions.

My friend, Mr. Bhandare, has just now mentioned the absolutely exemplary role of the voluntary agencies. I am surprised that the honourable Minister, while moving the Bill, has not made even one reference to any voluntary agency. May I remind her that before she became a Minister, she was a great votary of the voluntary agencies? She herself was the greenest of the greens in India, and she was the one who was trumpeting from the roof tops about all the voluntary agencies. Today, Madam Minister, what has happened to the voluntary agencies? Did you consult them? I am sure you did not, and I know you did not

Here, Mr. Vice-Chairman, Sir, I would like to point out the various

defects in the Bill-and these defects are not minor defects. These are defects which will actually militate against the actual purpose of the Bill. (Interruptions)... It not only eats into the vitals. I will show you. ... {Interruptions}. The honourable Minister has said that workmen are compensated in any case ... (Interruptions) ... She is probably remembering the Statement of Objects and Reasons which was read out by tier predecessor, the gentleman to whom she had various compliments to pay, Mr. Nilmani Routray. He had said, "While workers and employees of hazardous installations are protected under separate laws, members of the public are not assured of any relief." I am quoting Mr. Nilmani Routray.

SHRI JAGESH DESAI: What about protection of that Minister?

SHRI VISHVJIT P. SINGH: He is gone. ... {Interruptions}... I would say that if you are putting in one yardstick, I may assure you— and I am quite serious about it-that the very purpose of this Bill is to provide expeditious relief, is to stop the long litigation process which takes place in the courts before anybody gets any relief, and to give speedy justice—and justice to whom? -to him who gets affected by an accident when it does take place. The person who is most affected is the person who is handling it, is the person who is in the vicinity, is the person who is within the confines of the place where it is being handled. But there is no relief provided for this person. Relief is there, as the hon. Minister will say, under the Workmen's Compensation Act. Relief is there for the general public also under the various other Acts on the statute-book. But that relief is not enough. It is because of that, it is only to provide expeditious relief that this Act is being introduced. And why are the workmen being excluded? If the members of the general public can claim relief under this Act and then go further to take relief under the other Act as has been pro-

vided under this Act itself, and the quantum of relief granted under this Act is then to be lessened from the quantum of relief granted in the other Act, thereby giving adjustment, why is it that similar adjustment is not there for the workers? Why are the workers not covered here? Do they not matter? Or is it only the members of the general public who matter and not the workmen who work in a multinational company? Absolutely, this technology comes from multinational companies. We do not have the indigenous technology. They are the ones who bring in this technology.

Insurance Bill, 1991

Who is going to pay for the sins of the multinational companies? Let me assure you. Mr. Vice-Chairman this Are you a tax-payer? Lam

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR). I am also.

SHRI VISHVJIT P. SINGH: I will show you Mr, Vice-Chairman, it is you and I who will be paying it. I will show you why and how. Becaure of what has been provided under this Act, they will take up insurance. Insurance in this country is a public sector enterprise. It is owned by the public. The insurance companies will be paying the compensation, not the multinational companies which will be paying nominal premiums. I will enlighten you some other day the quantum of premiums which are paid towards huge amounts of insurance. Let me assure you that it will be the insurance companies which will be paying this.

Let me go further. What is the quantum of compensation? Various people have spoken about it. They have spoken about Rs. 25,000, Rs. 12,500 and said that it should go up much further, that it should go up to Rs. 1 lakh, Rs. 2 lakhs. I can understand the limitation of the hon. Minister that this is an interim relief, this is a quick relief, this is a relief

[Shri Vishvjit P. Singh]

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on no-fault basis. Correct. Therefore, the quantum cannot be too high. I cannot understand that

What is the quantum for property? Rs. 6,000. You will find it funny that I am arguing about property and not about the other quantum. I will come to the property. Why? Because most of these industries are hazardous industries. The laws have been passed under the direction of the hon. Minister who has asked for these laws to be passed by Parliament. By the law, they are now to be sited in areas which are outside the habitable areas. Am I correct? Now they are to be sited in special areas outside municipal limits, outside certain areas, where there is not too large habitation. Who is affected there? The farmer gets affected. There will be leakage of toxic, noxious substances which affect the crop. I know from my own experience in my own district where crops are alected by hazardous substances discharged. by factories accidentally.

Sir, I am about to finish.

SHRI JAGESH DESAI: It is a very important point.

SHRI VISHVJIT P. SINGH: Even if one acre of sugarcane is affected, you can imagine what happens. For 500 quintals at Rs. 45, how much does it come to? It comes to Rs. 23,000 for just one acre.

Sir, I am just finishing.

I would like to go further, Sir. Who has the power to try this? This is first to be handed over to the Collector.

we know from bictsr experi As ence. those of us who live in rural know from bitter experience areas that the Collectors are already over worked. They are SO overworked have delegated most of their powers. Ram Naresh Ji is nod his head. He knows it very ding well.

जितने ये जिलाधिकारी हैं, उन्होंने सब ने अपने पावर डेलीगेट कर दिए हैं। कोई एस.डी.एम. कर रहा है, कोई तहसील-दार कर रहा है ग्रीर यहां तक कि भ्राज ये दिन आ गए हैं कि कुछ कानुनगों भी कर रहे हैं। ये जो प.वर आपने एक्ट के अधीन दिया है, उसकी कौन एक्सर-साइज करेगा? अब भी एक बहुत बड़ा एस्सीडेंट होगा, खुदा करे न हो, श्रगर कभी कहीं हुआ तो कौन उसको करेगा? कलेक्टर साहबान तो कभी मंत्रियो को हवाई भड़डे से रिसीव करते हैं ग्रौर कभी कहीं उनके साथ जाते हैं। उनके कहां टाइम है . . (व्यवधान) . . . सह हां, डेलीगेशन का प्रोबीजन (व्यवधान) . . . डेलीगेशन कौन करेगा ? जो काम न्यायालय का है, उसको न्यायालय पर छोड़िए खुद पर मत लीजिए... (व्यवधान) उसमें ग्राप समरी टायल्स का प्रोविजन कीजिए। कोई सवाल पैंदा नहीं होता कि न्यायालय न करे और दूसरे . . . (व्यवधान) . . .

Insurance Bill, 1991

उपसमाध्यक्ष (प्रो० चन्द्रोग पी० ठाकुर): एक्स-कलेक्टर आपके पास बैठे हैं, वह कुछ दूसरी ही वात कहते हैं।

श्री विश्वजित पृथ्वीजित सिंह । वह खुद कह रहे हैं । वह तो मेरा समर्थन कर रहे हैं । हमने देखा है कि कई विल पहले भी आए हैं, उनमें देखा है कि उसमें ये पेनाहर्टी होगी, से होगा।

I am just about to finish, Madam. The hon. Minister has said that she has to attend a meeting, but Parliament is also important. I know she has to go for a meeting

The fact is though those powers have been given, they are given summarily to all kinds of officers and you find they are being misused. Today powers under the Motor Vehicles Act are being misused. You must have seen protests even from the general public apart from the complaints from professionals. In this field various powers have been given in the Bill, starting from Section 9.

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SHRI JAGESH DESAI: What do you want now? You mean the Bill is not required.

SHRI VISHVJIT P. SINGH: Clause 9, clause 10, clause 11, Clause 12. Powerspower to seek information, power to enter a premises power to search, power to seize, power to order, power to dispose. To whom are these powers given? Any person authorised by the Central Government. And who is this person?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): That could be even you.

SHRI VISHVJIT P. SINGH: No. That is exactly what I want to know. I don't want the abuse of these powers. I want it to be specifically spelt out, who is going to be this person—Gazetted Officer or Non-Gazetted Officer.

SHRI T. A. MOHAMMED SAQHY (Tamil Nadu): Kindly go through the Definition Clause.

SHRI VISHVJIT P. SINGH: I have been through the definition.

(PROF. THE VICE-CHAIRMAN CHANDRESH P. THAKUR): Please conclude now.

SHRI VISHVJIT P. SINGH: I am about to conclude.

My second last problem is dealing with clause 21. We are so much in the grip of the bureacracy that, we are ready to give up everything for their sake. I will just stsow you. What does this clause say? It says: "The Central Government may, from time to time, constitute an advisory committee on matters relating to the insurance policy under this Act." Knowing the record of the hon. Minister, I would have expected that this advisory committee would consist of three officers representing the Central Government, two persons representing the insurance, two persons representing the owners and two

persons from amongst the experts on insurance or on some such thing to be appointed by the Central Government. Here is the most important Clause, sub-clause (3). It savs:

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"The Chairman of the Advisory Committee shall be one of the members representing the Central Government."

• Who are the members representing the Central Government? The three officers representing the Central Government. .

. . . (व्यवधान) . . . नहीं, वह जो ग्राफिसर्स हैं, जो तीन ग्राफिसर्स सेंट्ल गवर्नमेंट के बने हैं, उसमें कुछ नहीं लिखा हुआ है। दाहे वह पटवारी हो, चाहे वह कानुनगीं हो, वह चाहे अफ़सर हो, वह इस एड राजरी कमेटी का चेयरमैन बनेगा और जो शख्स, जैसे श्री मुरलीधर भंडारे, जो वकील हैं श्रीर दुनियां में मण्हर इकील हैं, जिन्होंने गैस कांड की बकालत की है, वह उस अफ़सर के अधीन बैठेंगे और कहेंगे कि हज्र जो ग्राप कहेंगे, वही होगा । अहल्य लिया जी, जो जनेता जा चुके हैं श्रीर जिन्होंने भारत का केस आरम्य किया है, इह भी बह खड़े हो जाएंगे और कहेंगे कि जी हजूर...(व्यवधान)...

SHRI JAGESH DESAI: This is unfair to Mr. Ahluwalia.

श्री बिश्वजीत पश्वीजीत सिंह : ग्रीर मेरी यह गुजारिश है, मेरी निम्न गुजारिश है मंत्री जी से कि इसका थोड़ा समाधान किया जाए, इसका श्रमें इसेंट तो जरूर लाइए ।

श्रीर लास्ट में मैं रनसे एक स्पष्टीकरण चाहंगा । वह स्पष्टीकरण चाहंगा मैं सैक्शन 18 के अधीन । सैक्शन 18 में लिया है

"No court shall take cognizance of any offence under this Act except on a complaint made by—(a) the Central Government or any authority or officer authorised (b) any person who has given notice of not less than sixty days..."

[श्री विषवजीत (ध्वीजीत सिह]

यह कम्पलेंठ इस एक्ट के अंतर्गत कैसे होगी; आपने तो आलरेडी प्राधिजन दे रखी है डायरेक्टोरेट के पास कम्पलेंट की। इसका क्या मतलब है ? अगर कोर्ट में जाएंगे तो अप डायरेक्टोरेट के खिलाफ़ जाएंगे ? कैसे होगा, क्या होगा, इसको जरा मुझे समझाया जाए बहुत-बहुत ध यवाद ।

उपसमाध्यक्ष (श्री चन्द्रेश पीः ठाकुर) :

ण।रुवेसाहब की एक क्लेरिफिकेशन ग्रीर उसके बाद सिस्टर सेन ।

SHRI N. K. P. SALVE: Sir, I will just not take more than two minutes because I would like to assist the Minister to attend another commitment which she has. This is a unique legislative measure. I commend it but I think it is very hastily drafted.

My first claricfications is based on clause 3. It says:

"Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable..."

The word "owner" has been denned by a fication. The "owner" means a person who has control over any handling of hazardous substance. Now in the Union Carbide actually the people having control over the handling were the employees. Therefore, the Union Carbide cannot be hauled under this Bill. The word "owner" having been denned as a person who has control over handling any hazardous substances and the liability is referrable only to the owner, then, it is the employee concerned and the company who owns, the person who owns the undertaking or the concern is left out of it. This is number one

Number two, there is a valid point that there is no control over the pollution as such because a person may be exonerated from a liability to prove that there was wrongful act. neglect or default. But none the less a person has to prove that the death, damage or injury is on account of the hazardous substance. Sir, in a sugar company molasses were stored and the people who were living adjacent to the company developed a rare type of skin allergy. They said that this was due to the molasses. Whether it was due to molasses or not, the matter is still pending and the courts are adjudicating. That defect remains.

Thirdly, if compensation is to be given, I think, we will have to refund 80 per cent to the Union Carbide. Now these are the three aspects of the matter over which a careful consideration is necessary.

I submit, Sir, this Bill is very hastily drafted. The above things have not been taken care of. The Minister should either agree to send it to a Select Committee or at least she should give a promise here that in the next session she will look into all the aspects. Unfortunately, I have not read the Bill. If I had read the Bill extensively, I might have been able to raise some more points. But prami facie, to my mind, this Bill is a very good and a very unique legislative measure with excellent perception, and very commendable intent. But if we go in this way, then, I am afraid it might be frustrated, not only frustrated but it might harm us more than helping us.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Only one minute Dada.

SHRI A. G. KULKARNI (Maharashtra): Please permit me only a minute. I am supporting Mr. Salve. I am myself not a lawyer or a technologist. But he gave an example...

And the Minister's behaviour—not you, Madam the previous Minister— brought me into trouble. He gave you the example of sugar cooperatives and sugar factories. I am person living in Sangli. Mr. Salve has extended only to molasses. Because of alcohol it is paint-washed and in

the Sangli area, the whole water is polluted. I complained to the previous Minister. It was Mr. Routray or somebody. He promised that because a senior person like me was speaking, he would inquire immediately into it. Nobody came or whoever came gave a white-wash of all the problems.

(PROF. THE VICE-CHAIRMAN CHANDRESH P. THAKUR): One minute is over.

SHRI A. G. KULKARNI; Sir, I bring to your notice the fact that because of molasses and paint-wash pollution, there is jaundice prevalent in the area and 500 to 700 young children have already expired. No Bhopal gas is required for it. A sugar factory can do that. If you have got any real interest, please see that the sugar cooperatives in Sangli are thoroughly investigated because your officers in the Maharashtra Government Pollution Board are in league to save money bags.

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): This is not a pollution issue. If this is a pollution issue, then there are many other things which will come up. I am personally drawing the attention of the Minister to this particular matter. We stay next-door to Parliament, opposite Ram Manohar Lohia Hospital. There is pollution as a result of hospital waste. Ahluwaliaji was my neighbour. He ran away from that building because mosquitoes and flies were invading. I do not know what kind of compensation we are entitled to and from whom, whether from the Minister for medical affairs or from the Minister for Environment.

SHRIMATI MANEKA GANDHI: Actually 245 such chemicals have been identified as hazardous. Once the Bill is passed, hon. Members will be entitled to some compensation if the chemicals causing pollution fall into one of these 245 prescribed.

(PROF. THE VICE-CHAIRMAN CHANDRESH P. THAKUR): Including hospitals?

SHRIMATI MANEKA GANDHI: It is not a question of hospitals. The question is of the quality of the waste. If one of the things thrown out affects your health directly and falls into these chemicals, certainly you will be entitled to compensation.

VICE-CHAIRMAN CHANDRESH P. THAKUR): We will come to you.

SHRIMATI MANEKA GANDHI: As far as Mr. Kulkarni's point is concerned, I have not received any complaint at all.

SHRI A. G. KULKARNI: It is with Mr. Routray.

SHRIMATI MANEKA GANDHI: I have recently come into the department. I have not seen the complaint at all. But I share your feelings because in my own constituency, we have the same trouble with sugar factories. Sugar, paper and pulp are among the highest priorities and for the first time, we have given them deadline in which to restrict it or to repair the machinery, after which action will be taken.

(PROF. THE VICE-CHAIRMAN CHANDRESH P. THAKUR): Mr. Sen.

SHRI ASHIS SEN (West Bengal): Sir, when the Bill was being placed before the House by the Minister, the voice was so feeble and low that we did not know what type of things she was going to place. Now we feel that the voice was very feeble, but the action she is going to take is a firm one. And I welcome the proposals made by the young Minister.

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Be kind with the Minister. She has to attend to some other business. So she is requesting people to cooperate.

SHRI ASHIS SEN: Should I not speak?

(PROF. THE VICE-CHAIRMAN CHANDRESH P. THAKUR): Certainly you should not smoke.

SHRI ASHIS SEN: I have to help her by being a little elaborate. As I said, it is a welcome move, particularly in the context of what the country experienced in Bhopal the other day in respect of the Union Carbide. I have got one hunch here. With the type of compensation that has been provided here, though in a limited way, will such a legislation have an adverse impact on the cases going on in respect of the victims of the Bhopal tragedy? The whole compensation part of it is under dispute and so I would like to know whether such a low compensation provided for indirect, bad here will have any adverse impact on the claimants so far as Bhopal Gas tragedy victims are concerned. would like to know whether this will also give a leeway to the multinationals. a question of only hazardous substances and not about the hazardous industries because it is only a small part of the total pollution effect that we are worried about. Now. Sir. there have been many such Acts prior to that on the question of environment, on the question of pollution and there have been legislations, debates and discussions, but the common man is yet to know what are the improvements and the effect of these legislations. I hope that this legislation will not be like that. Because the question comes here that the advanced technology brings in its train advanced problems and they reach the community. Now, look at the question that Hazardous substance is only a limited part of it. What about the industries coal, like road transport, like the power stations, the toxic materials and fumes, which about all the are moving time everywhere? This is the beginning for the totality of those industries. Are we taking into account those industries?

Tf not, then this Bill will also meet the same fate as the earlier enactments on pollution. Now, this pollution is also causing serious hazards

to the people around, to the people's lives. But we find here that the compensation that has been thought of in respect of the people directly affected or the properties affected is very little. What do we mean by property Now a little earlier, a reference has been made that if there is a crop land around or there is a building around, Rs. 6,000]compensation is kept for that which has no meaning. I would request the Minister to think in a different way.

Then the amount of Rs. 12,5001- or Rs. 25,000|- in today's context also does not have any serious implication. I would like to know whether the compensation is seriously thought of or it is only a document for the archives. That is what anyone would like to feel about it. It is good that in clause 12, penalty has been provided for stopping water and electricity. But why it is an enabling clause? Why should it not be a direct enactment that it will be stopped? Not only that, the licence is to be cancelled if the running of an industry with these hazardous substances is going to create a problem among the people living around. It should not be an enabling clause. It should be direct provision. That is what I would like to suggest to the Minister. But incidentally, the question comes here why the Government undertakings and the public sector industries are out of it. I am not in a position to understand it because pollution affects people irrespective of the fact whether the concern is owned by a private sector owner or it is owned by a public sector undertaking. It makes no difference so far as the objective of this legislation is concerned. Therefore, I strongly urge that this exemption must not be there to industries, for that matter, whether owned by the Government or not. That must come under the purview of this legislation. It is good that there

has been a provision for penalty of imprisonment, penalty for fine. But at the same time, I am not really in a position to reconcile myself with the provisions of clause 16 whereby anybody can say, I have no knowledge, these things have happened without my knowledge. I being the owner, I am not aware of these things. It was done by somebody else and I can escape the liability. If this provision is there, then the Union Carbide masters in the United States will be very happy about it. If such a thing is introduced in this legislation in India after that thing has happened, then naturally, there will be rejoicing. I would request the Minister to have reconsideration on this matter. Then, about the relief amount, it is clear that the amount is small. But at the same time, there is no clearcut direction within what period the amount is to be provided. Even if it is a small amount, there is no guarantee that the amount will be available to the victims within the specified time-limit. So there should be some specific time-limit. Otherwise, this will remain a notional provision not giving relief to the people. Now, Rs. 1,000|-for a worker for three months is there. Now the Bhopal tragedy has shown us how many months and years it lingers on because the victims are to suffer from disabilities they have contracted because of death and explosion that have taken place there. One more point I would like to say is about the Advisory Committee that has been sought to be appointed for supervising these things. These industries are located all over the country and in many States. I join with some of the friends who suggested why not the State Government's nominees also be placed on the Advisory Committee so that the local responsibility is also shared by them and they can have supervision and monitoring of the industries working in those areas. Will the Minister be pleased to inform the House the steps that have been taken to find out the defaulters in respect of earlier legislations that were passed? "Who are the people?

What types of violations, violations of the law, are there? The House should be informed about this.

Another question arises: If this provision is to be made, if the pollution is to be checked, apart from the small fines or small punishments, who is to take care of the prevention of pollution? Will it be done by the Government or will it be done by the industries themselves or will it be a combination of both? Nothing is clear in this Bill. One can pass on the buck to the other but the population around continues to be suffering from the hazards of pollution. I would like the Minister to see that these provisions are clearly spelt out.

A small suggestion at the end. It is said "accidents". Accident means accident, But there are incidents linked with accidents. If there are no accidents, there may be some incidents arising out of the storage or use of hazardous substances. Naturally, I would like that in clause 2 the word "accident" should also have an addition to read—"accident or incidents occurring whie handling any hazardous substance."

With these words, I conclude and I expect that the suggestions we have made will be taken into consideration Though she started with a low voice, I think when she will be concluding this Bill and when she will start enforcing it, she will come out with a firmer voice, to get it implemented properly in the perspective in which it has been conceived, and not as another item for the archives.

SHRIMATI MIRA DAS (Orissa): Mr. Vice-Chairman, Sir, this is a very unique type of Bill, unique in the context of our country. But what I feel is that the provisions of this Bill are not adequate and I apprehend the possibility of all kinds of dangers and hazards of these industries continuing. . .

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Everybody is well appreciating her initia-

[Prof, Chandresh P. Thakur]

Everybody is asking for more liberal tive. and considerate provisions.

SHRIMATI MIRA DAS: But it is rather more important to ensure workers safety of in hazardous the industries. Hazardous industries should be identified and surveyed before giving them permission. Here I would like to mention that keeping factor in mind the this Government of Orissa has set up a multi-discipli nary organisation the State to in major industrial hazards control the and ensure the occupational health safety to the workers of this indus I would urge upon Therefore, trv. the Government of India and also the Minister personally to look after of interests workers of hazardous industries and set up this type of multi-disciplinary organisations in State. Most every of the been points have mentioned by the previous speakers and I need not repeat them. I would only urge upon the Government of India to survey sensitive areas of chemical industries. Recently we had the sad experience of Bhopal. Therefore, we must take necessary steps.

As regards payment of compensation, where money is concerned it is very difficult to get the monetary compensation from the concerned factory or industry. So I request the Government to make the procedures simple for payment of accident relief so that the relief to be given to the affected person is given at the earliest and it proves helpful to the injured person or his family; otherwise, relief given late may prove to be too late and the injured person may no more be alive to take the help of that relief. Therefore, a time-limit should be fixed for completing the process of identifying the victim or his legal representative and reaching the relief to him. A lengthy and timeconsuming process will only defeat the purpose and the relief may even go to wrong hands ultimately. You must stipulate the time-frame, say, within a month, compensation claims should be cleared.

Talking about legal representatives, I regret to have to say that the wife is not given importance. You must make the provision very specific that wife must be given the first consideration in determining legal represen-

With these words I support the Bill.

Insurance Bill, 1991

SHRI TINDIVANAM G. VENKA-TRAMAN (Tamil Nadu): Mr. Vice-Chairman, while welcoming the Bill, I come to Clause 7 wherein application for getting compensation is required to be made to the Collector. But in practical experience we find that the Collectors are only camping officers. Under the Criminal Procedure Code all proceedings under Section 145 have to be finished within two months. This provision has proved only a dead letter. Even after two years the Collectors are not able to dispose of the applications. Therefore, I suggest a Special Officer or a Special Tribunal should be appointed and the Tribunal should look into the compensation claims.

As regards the quantum of compensation to be awarded, in the Schedule to the Bill in item (v) only Rs. 6,000 is provided for damage to private property. Very recently in my town an explosion took place in which a number of houses were damaged. It was a case of explosive which were stored which exploded at the time of repacking. A number of houses were damaged as a result of this explosion. In the case of one house the least estimate of damage was Rs. 25,000. There the minimum loss was twenty-five thousand rupees. Therefore, some latitude may be given and the amount may be raised to the figure of fifty thousand rupees or so.

Again, in the case of fatal accidents the amount of twenty-five thousand rupees, as provided in the Schedule, is not adequate in my opinion. Therefore, I suggest that the amount of twenty-five thousand rupees may also be enlarge to fifty thousand rupees,

Sir, this is a laudable Bill. Therefore, with these words, I welcome this Bill. Thank you very much, Sir.

श्री धर्जात जोगी : उपसभाध्यक्ष महोदय, यह जो श्रधिनियम प्रस्तुत किया गया है, मैं इसके उद्देश्य से, इसके लक्ष्य से श्रीर इसके मकसद से सहमत हूं श्रीर उसकी प्रशंसा करता हं। बहुत ग्रच्छे मकसद को प्राप्त करने के लिए यह अधिनियम बनाया गया है, लेकिन इसमें बहुत-सी खामियां रह गई हैं। मेरे पूर्व बक्ताम्रों ने बहत-सी बातों की ग्रोर सदन का ध्यान ग्राकांवत किया है। मैं यह कहता चाहंगा कि मैं एक ऐसे प्रदेश से श्राता है जिसकी राजधानी भोषाल है, जहां विश्व की सबसे खतरनाक श्रीद्योगिक दुर्घटना का सामना हम लोगों को करना पड़ा था। ग्रीर लसके बाद से श्रव तक इस दुर्घटना को हुए कई वर्ष व्यतीत हो गये हैं पर अब तक न्यायालय में वह प्रकरण चल रह है। उसमें हजारों लोगों की जानें गई, लाखों लोग उससे प्रमावित हए, लेकिन फ़िर भी जिस तरह से उनकी मदद की जानी थी हम उनकी मदद नहीं कर पाये हैं। इस परिवेश में एसा श्रधिनियम स्वागत योग्य होना चाहिए। ऐसा ऋधिनियम जो इस प्रक्रिया को ब्रासान करता है और एक ऐसा अधिनियम जो इस प्रक्रिया को कम समय की बनाता है, उप्तका हमें स्वागत करना चाहिए ।

हम।रे देश में जैसे कानून की व्यवस्था है उसके अन्तर्गत जो ला आफ टॉट्स (Torts) है वह अभी तक कोडिफ़ाई नहीं हुआ है। इसलिए जो दुर्घटनायें होती हैं उनमें जो मुश्रावजा दिया जाता है, प्रतिकर दिया जाता है उस विषय में जो न्याबालयों ने व्यवस्था दी है उसी को कानून मानकर हम चलते हैं। आज से कोई सौ साल पहले ब्रिटेन की अदालत में संभवत: लाई ब्लैक्झनें ने ''रेनोलंड वर्सेज पलेकर'' प्रसिद्ध केस में स्टिक्ट और एवसल्यूट लायबिलिटी का सिद्धान्त प्रतिपादित किया था जिसके अनुसार...(व्यवधान)

SHRI VITHALRAO MADHAV-RAO JADHAV (Maharashtra): Sir, some time back, Mr. Kulkarni .refer-641 RS—6

red to the Sangli Sahakari Shakkar Kharkana... (Interruptions)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUB): No. Mr. Jogi is speaking and suddenly you say something. J am not allowing. Sang-It is not the issue; Let him continue. Please sit down.

श्री श्रजीत जोगी : उपसभाध्यक्ष जी मैं कह रहा था कि इस कानून के पीछे जो इतिहास है उसमें लगभग सी वर्ष पहले ब्रिटेन के न्ययालय ने एक सिद्धान्त को प्रतिपादन किया था जिसको एवसल्यट ग्रीर स्टिक्ट लायबिलिटी का सिद्धान्त कहा जाता है; जिसके अनुसर यदि व्यक्तिकी गलती न भी हो, व्यक्ति की नेम्लिजेन्स या ग्रसायधानी न भी हो श्रीर फ़िर भी यदि नकसान होता है तो उसको मुभावजा मिलना चाहिए। ऐसे सिद्धान्त का प्रतिपादन किया गया है। हमारे देश में चंकि यह कानन अभी तक कोडिफ़ाई नहीं किया गया है इसलिए न्यायालयों की जो व्यवस्था है. उसके आधार पर इस प्रकार के प्रकरणों पर मधावजा दिया जाता रहा है। धत: इस नये कानन के संदर्भ में मैं यह कहना चाहंगा कि एक बहुत ग्रच्छे ल्हेश्य को लेकर ऐसा कानून बन पड़ा है जिसकी ड्राफ्टिंग में, उसके बनाये जाने में, बहुत बड़ी खामियां प्रारम्भ से ग्रंत तक दिख रही हैं। सबसे पहले यदि हम डेफिनेशन के क्लाज को लेंगे, जहां परिभाषाएं दी गई हैं, इस क्लाज के सब-क्लाज जी में ग्रोनर शब्द को परिभाषित किया है। उसमें स्रोनर की परिभाषा यह दी गई है कि :

"(g) 'owner" means a person who has control over handling any hazardous substance".

यह जो परिभाषा है यह बहुत ही जो खिम से, खतरे से भरी हुई परिभाषा है। यदि आप भोपाल के हादसे को सामने रखेंगे; उपसभाध्यक्ष महोदय, तो खोनर की इस परिभाषा में अगर यूनियन कार्बाइड के खोनर को लाने की कोशिश करेंगे तो यूनियन कार्बाइड का खोनर इससे छुठकारा पा जायेगा क्योंकि यूनियन कार्बाइड का खोनर, मल्टीनेशनल कंपनी का खोनर

## [श्री ग्रजीत जोगी]

भारत में नहीं रहता । इस डेफिनेशन के ग्रनसर उनका कंट्रोल ग्रोव हैंडलिंग एनी हेजार्डस सब्सटेंस नहीं है। यानी ग्रगर हम भोपाल के गैस दुर्घटना में मुद्रावजा लेना चाहेंगे तो युनियन कार्बाइड का जो स लिक है, यंडरसन, उससे ग्राप मन्नावजा नहीं ले सकेंगे । इस परिभाषा के अन्तर्गत यदि मुम्रावजा भ्राप ले सकेंगे तो उस भारतीय से लेंगे जो उस कंपनी का मैनेजर है,जिसका उस कंपनी में जो सब्सटेंस बन रहा है, जो हेजाइस सब्सटेंस बन रहा है, उसके निर्माण के ऊपर कंट्रोल है। तो जिसने भी इस अधिनियम को बनाया है उसने परोक्षरूप से इन मल्टीनेशनल श्रोनर्स को बचा लिया है, उनको संरक्षण दे दिया है। ग्रोनर की इस परिभाषा से मल्टी-नेशनल कंपनियों के जो श्रोनर्स हैं उनको संरक्षण दिया जा रहा है ग्रीर मैं यह मानकर चलता है कि सरकार का यह मकसद नहीं है, हम री मंत्री महोदया का यह उद्देश्य नहीं है कि हम इस अधिनियम के माध्यम से उन लोगों को बचा लें जो वास्तव में सीधे रूप से, व प्रत्यक्षरूप से उसके लिये जवाबदार है।

इसी तरह से "कलक्टर" की परिभाषा के बारे में मेरे बहुत से पूर्व वक्ताम्रों ने कहा है। मेरा सौभाग्य था या दुर्भाग्य मैं भी 12-13 वर्षों तक कलक्टर रहा। इसलिये में जानता हं कि कलक्टर ग्रपने ग्राप में कितना व्यस्त ग्रधिकारी रहता है। क्लेक्टर को बहुत से काम दिये गये हैं। मैं यह मानता हूं कि कलेक्टर के ब्राफिस की परंपरा के नाते, ब्र**पने** कार्य के नाते, उस ग्राफिस की इतनी क्षमता है कि ग्रगर उसे भीर भी कार्य दिये जांय तो वह ग्रधिकारी ग्रीर उसका कार्यालय उस कार्य को कर सकते हैं। लेकिन उसको यहां जिस तरह से परिभाषित किया गया है उसके ग्रन्सारया तो कलेक्टर को खद करना पड़ेगा यन्यथा जो यधिकारी केंद्र शासन के द्वारा नामांकित किया जायेगा, उसको यह कार्य करना पड़ेगा। क्योंकि यह कार्य बहुत महत्वपूर्ण है, इसलिये में चाहंगा कि इसमें यह बात भी शामिल की ं जाय कि किसी एक स्तर से कम के अधिकारी को यह काम न सौंपा जाय। यदि इसका डेलीगेशन किया जाता है तो कम से कम ए०डी ०एम० लेबल तक या डिप्टी कलेक्टर लेबल तक से नीचे इसका डेलीगेशन नहीं होना चःहिये । ऐसा प्रावधान भी इसमें होता च हिये।

इसी तरह से जो इसमें अनुसूची लगी हुई है, जो शैंड्यूल लगा हुन्ना है, उसमें मुद्रावजे की दरें दी गई हैं। इसके वारे में सेरे पूर्व वक्ताओं ने कहा है श्रीर में ईस बात की ताईद करता हंग्रीर इसको रेखांकित करना चाहूंगा कि जो मुम्रावजे का प्रावधान इसमें किया गया है वह बहुत ही हास्यपद लगता है। किसी की मौत हो जाय, उसके लिये केवल 25 हजार रुपये के मुश्रावजे का प्रावधान किया गया है । गंभीर रूप से, हमेशा के लिये विकलांग हुए व्यक्ति के लिये साढ़े बारह हजार रुपये का प्रावधान किया गया है। यह प्रावधान अपने आप में बहुत कम है ग्रीर इसे इतना कम करके हम भारत में, अपने राष्ट्र में, मानव जीवन के मृत्य का अवमल्यन कर रहे हैं, मन्ष्य के जीवन की जो क्षति होती है उसका अवमृत्यन कर रहे हैं । उसकी संपत्ति का ग्रीधकतम मग्रावजा इसमें केवल 6 हजार रुपये रखा गया है जो कि बहुत ही कम है। मैं यह मानता हं कि यह केवल तात्कालिक मदद के रूप में, न्यायालय से जो मदद मिले, उससे पहले उसे जो मदद दी जानी चाहिये, उसके रूप में देने का लक्ष्य रखकर यह प्रावधान किया गया है लेकिन यह प्रावधान मेरे द्विकोण से उचित नहीं है। ऐसी अन सुची यहां होनी ही नहीं चाहिये थी ग्रौर इसे जिनको हम ग्रधिकृत कर रहे हैं कि वे प्रतिकर का, मुग्नावजे का संधारण करें, उसका निश्चय करें, यह हमें उनका जो बिवेक है, उस पर छोड़ना चाहिये कि उस प्रकरण में कितना मुग्रावजा मालिक से ले सकते हैं।

श्री श्रजीत जोगी: महोदय, यह बहुत महत्वपूर्ण विधेयक है, इसलिए : . .

उपसभाष्यक्ष (प्रो० चन्द्रेश पीं० ठाकुर) : मंत्री जी सुन रहे हैं, इस घर विचार व्यक्त किये गये हैं, उनकी प्रतिक्रिया की अपेक्षा कीजिये।

श्री ग्रजीत जोगी: इसी तरह से ग्रोनर की परिभाषा की तरफ ध्यान देकर मैं यह कह रहा था कि प्रत्यक्ष या परोक्ष रूप से ग्रोनर की परिभाषा देते हुए इस ग्रधि नियम में यह प्रावधान किया गया है कि मल्टीनेशनल्स, बहराष्ट्रीय कम्पनियों के मालिकों को संरक्षण दे। उस तरह से जो कम्पलसरी इंग्योरेंस का प्रावधान है मेरे मत के ग्रनुस र इन्ह्योरेंस करान य नहीं कराना, यह कम्पनियों के मालिकों पर छोडा जाना चाहिए। हमें इसकी ५ रवाह क्यों है ? हमें इस बात की परवाह नहीं होनी चाहिये कि वह इंग्योरेंस करवाते हैं या नहीं करवाते हैं । हमारे यहां इंश्योरेंस कम्पनियां ज्यादातर शासन के ग्रधीन हैं ग्रीर जब इंग्योरेंस का क्लेम होगा तो वह भी शासन से ही लिया जाएगा ग्रीर इंश्योरेंस के प्रिमियम भी बहुत कम दिए जायोंगे। यह कम्पनी की जवाबदारी है, मालिकों की जवाबदारी हैं। यदि कम्पनी के किसी **ते**जार्डस मटीरियल के कारण कोई **दर्घट**ना होती है तो कम्पनी उसका मुद्रावजा भी देगी । वह इन्श्योरेंस करवाए या न कर-वाए यह उन पर छोड़ा जाये (समय की घंटी) ग्रभी समाप्त कर देता हूं। ग्रंत में मैं यह कहना चाहूंगा कि ग्रच्छे उद्देण्यों को लेकर इस सरकार ने मंत्री महोदय ने यह ब्रधिनियम बनाया है परन्त जैसा उनका उद्देश्य है उसके अनुरूप यह ग्रधिनियम नहीं बन पाया है । इसमें सबसे बड़ा खतरा यह है कि हम इस अधिनियम की आड में ऐसे लोगों को संरक्षण देने जा रहे हैं जिनको संरक्षण देन का हमारा कदापि उद्देश्य नहीं था । मल्टीनेशनल्ज केमालिकों को ग्रौर दूसरे लोगों को इस श्रधिनियम के अन्तर्गत संरक्षण मिलेगा जो उचित नहीं होगा। इसीलिए मेरा निवेदन है, मेरे एक मिल ने संशोधन भी प्रस्तुत किया है कि इसे एक ज्वाइंट सलेक्ट कमेटी के पास भेज दिया जाए । सरकार ग्रीर मंत्री महोदया इस पर गम्भीरता से विचर करें क्यों कि इसके बडे दूरगामी परिणाम होने वाले हैं। इसलिए हमें और गहनता से विचार करना च हिये, गम्भीरता से विचार करना च हिये ग्रीर इस विघेयक को जब इंट सलेक्ट कमेटी के पास विचार के लिए भेजना चाहिये। धन्यवाद ।

SHRI DINESHBHAI TRIVEDI (Gujarat): Sir, I do not want to make a long speech. I know that we are all in a hurry. I just want to make an observation.

Sir, I have a very serious objection to the have been talking for time attitude we immemorial in this country, the attitude of holier than thou. Take the example of the statutory things which we have to pay to the whether it is income-tax or Government, excise or what have you. If a citizen of this country genuinely for some reason is a defaulter, then he can be taken behind the bars. But when the case of refund comes, whether it is from the Income-tax Department or pension or gratuity or what have you, in that case, if the Government fails and it takes years together, then there is nothing we can do to the Government. The reason why I am citing this, Sir, is, I do not know why the Government should be kept out of the purview of this Bill. I just do not understand it because for pollution and other things that we talk about, the most responsible are the Government Undertakings, and the very purpose of this Bill, I am afraid, would be defeated if we kept them out of the purview of this Bill. While I welcome the provisions of the Bill, I would earnestly request the Minister concerned—I am sure she will agree with me that unless and until you include the Government Undertakings, I am afraid, the very purpose of this Bill is going to be defeated. Thank you.

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We have exceeded the time of one hour by a large margin. There are still some more names. At least, there are two names-Shri V. M. Jadhav and Chowdhry Hari Singh. What is the pleasure of the House? Let us hear the Minister,

SHRIMATI MANEKA GANDHI: May I request that additional time be given to finish the Bill, if the House agrees.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): It is open to further discussion. If she is willing to extend further discussion, then it need not be today

SHRIMATI MANEKA GANDHI: I would prefer to have it passed today. It has already waited for three years.

THE MINISTER OF PETROLEUM & CHEMICALS AND PARLIAMENTARY AFFAIRS (SHRI SATYA PRAKASH MALAVIYA): She means that it should be passed today itself.

VICE-CHAIRMAN (PROF THE CHANDRESH P. THAKUR): Mr. V. M. Jadhav. Please finish it in two minutes, and no Sangli.

SHRI VITHALRAO **MADHAVRAO** JADHAV: Mr. Vice-Chairman, I will finish in This Bill has been brought two minutes. before us but it seems not much attention has been paid to it. I would have appreciated if the Government could have given a deeper thought to control the hazardous effects of pollution by industries. I refer to clause 13, that is, power to make application to courts for restraining the owner from handling hazardous substances. We are aware of the fact that after the Bhopal accident took place, the courts could have disposed of their work immediately. That is why I appeal to the Government to have special judicial arrangement for such accidents. Normally, the multinationals who install their factories, and the big industrial concerns, do not look after the welfare of the people of this country. So, there should be some restrictions on these people while setting up their industrial units in the country.

The second important thing is, if you go to any urban area or any urban locality which is located on the bank of a river, you will find lot of pollution due to wastes left into the river. I know it and my senior colleague, Chavan Sahib who also comes from Nanded. knows it. Small cities whick are on the bank of the

river Godavari and other rivers, are affected by pollution. You have started cleaning- Ganga and Yamuna rivers, Brt ail rivers in the country are to be cleaned.up. That is important. We are only speaking of avoiding accidents due to pollution caused by industries, because these are normally industries, and these chemicals are chemical hazardous to life emitting poisonous ,gas etc. But my submission is, if you go to villages, you will find that people do not have even the normal arrangement for latrines etc. and you will find so much of pollution. People live there in )the worst conditions. What are we going to do about them? You have to think of improving their living conditions and them some relief. It is not a question of pollution due to Bhopal accident. That accident took place where thousands of people lost their life. Though you provide for insurance give them money for now, so that you loss of life or loss of any limb or for illness, but are you going to restore their lost life or lost limbs? It is not possible. We have to think on these lines also and we must make concrete rules in the country to ensure that whenever an industry is going to be set up either in a rural or an urban area, they must make sure that it would not cause, .any pollution ami the people would not suffer. We have to bring in a comprehensive Ac. to regulate such industries.

Coming to Sangli incident—this is a part of my, speech and my friend Apa Sahib Kulkarniji referred to it— and I am raising it because the Minister does not know about it: Vasant Dada Patil established a big sugar factory, the biggest sugar factory in Asia. This sugar factory is-producing, every day, 10,000 bags of sugar.

VICE-CHAIRMAN THE (PROF. CHANDRESH P. THAKUR): complaint was that it should not pol-

SHRI VITHALRAO MADHAVRAO JADHAV: Sir, I am just concluding in halfa-minute. I would not waste

the time of the House I am giving precise information. The pollution control authorities had restricted the Sangh sugar factory in regard to the hazardous effects of pollution. The factory prepared a Rs. 2 crore scheme for filtration of water. This Altera -ted water was taken 17 kms. away from the sugar factory. This water is being used for irrigating 1200 acres of land. I think the other sugar factories and industries should follow this example. In Maharashtra, hundreds of co-operative sugar factories are there.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You have made your point.

SHRI VITHALRAO MADHAVRAO JADHAV: Before licence is given to the sugar factories, they should take ca:re of these things so that pollution does not take place, specially in rural areas because the rural areas are not looked after by any organisation, neither by the Government nor by the local authorities,

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); Thank you.

SHRI VITHALRAO MADHAVRAO JADHAV: With these words, I would appeal to the hon. Minister to agree to refer this Bill to a Joint Committee of Parliament so that we can bring 'forward a well-thoughtout Bill which will benefit the country. Thank you.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Chowdhry Hari Singh. Last speaker.

चौधरी हरी सिंह (उत्तर प्रदेश): मान्य-वर, मैं बहुत समय नहीं लेना चाहता हूं। यह जो पिटतक लिमिटेड इंग्योरेंस बिल, 1991 हैं, इसकी भावनी, आत्मा बहुत अच्छी है और ईस मुल्क की मांग भी है, अवश्यकता के अनुस र है, लेकिन इसमें मैंसिफ तीन बातें कहना चाहता हूं, जो एक मिनट से ज्यादा की नहीं होंगी।

इसमें साठ दिन का नोटिस जो मांगा है, यह तो इम्प्रैक्टिकेबल है। इसमें कम से कम पन्द्रह दिन के नोटिस का अमेंडमेंट करना चाहिये।

दूसरी बात यह है कि कलेक्टर को जो निपटाने, तय करने का काम दिया गया है, जो भी मामला उनके सामने पेण होगा उस पर भी पावन्दी होनी चाहिये कि इतने दिन के अन्दर मिनिमम एक महीन के अन्दर उसकी निपटाना चाहिये, क्योंकि कलेक्टर के पास तो इतना समय होता ही नहीं। वह सालों तक पड़ा रहेगा और जिसको मुखावजा मिलना है, वह शायद खत्म भी हो जाएगा, पर मुखावजा नहीं मिल पाएगा। खाजकल मुखावजे के यह हालात हैं।

तीसरी बात जो मैं इस सिलसिले में कहना चाहता हूं, उसमें बुनियादी तौर पर जो चीजें की गई हैं, इसमें सेंट्रल गवर्नमेंट और स्टेट गवर्नमेंट को जो बरी कर दिया गया है और उसके परव्यू में नहीं श्रायेंग तो फिर कौन जाएगा।

वक्त के साथ बहुत से नए प्रोजेक्ड श्राते हैं, बहुत से हजाइंस काम आते हैं, तो मान्यवर, मैं यह कहना चाहता हूं कि इस बिल को फिर से री-राईट करने की जरूरत है । इस बिल को इसी सूरत में पास करने से कोई मंगा, श्रव्छी भावता होने के बावजूद भी, पूरी नहीं होती है।

इसलिए मेरा आपसे आग्नह है कि इस बिल को दुबारा पढ़ा जाए और री-राईट किया जाए और इस पर फिर से डिस्कशन होतो पास किया जाए।

THE **VICE-CHAIRMAN** (PROF. CHANDRESH P. THAKUR): Before I call on the hon. Minister to reply, I would like specifically to draw the attention of the hon. Minister that the House has almost unanimously complimented her for bringing forward this Bill. At the same time, far too many important issues have been raised as regards the nature of ownership, national or international, nature of accident, directly involved parties or third parties, amount of compensation and jurisdiction of the delegated authorities. In the light of this, would you like to respond?

SHRIMATI MANEKA GANDHI: Mr. Vice-Chairman, Sir, I am grateful to the hon. Members who have spoken, for the support they have given to this measure. They have made many valuable suggestions. I would like to clarify a few points here.

Firstly, it was said that the workers should get adequate compensation. They do. They are protected not under one Act, but two Acts, namely the Workmen's' Compensation Act and the Employees State Insurance Act. The .members of the public has no protection at all. . .

Secondly, some Members asked Why has an individual to give 60 days' notice?' and they said 'It seems to be very unfair, *prima facie*.' Sir, this provision enables a person, who may not be the victim but who may be aware of and ffence committed by the owner' handling hazardous substances, to draw the attention of the authorities concerned or the court for compliance with the provisions, in publice interest. This will enable the authorities concerned to take action and thus free the person of the burden of litigation.

Now the main complaint that runs across all' the Members is that the quantum of relief is negligible. It is limited, I agree,- not because I would not have liked the victim to get more but because it is merely a short interim measure and the victim is entitled to claim full and adequate compensation from the court

SHRI MURLIDHAR CHANDRAKANT BHANDARE: After he attains the majority, 21 years of age.

SHRIMATI MANEKA GANDHI: So, it is a relief measure, not a compensation measure

Mr. Salve suggested that we should include 'and include' in clause 2(g). Let us pass the Bill. I can give you an assurance that 'the inclusion' will be made in the next session.

I am glad everybody has appreciated the BilL Of course, all of us feel that we can do better than anybody who has put three years on it. If the Bill has been kept extremely simple, it is because of the fact that relief can be disbursed immediately. The objective is one of socio-welfare and the definition of hazardous substance is the same as it is in the Environment Protection Act.

The implementation of the relief has been decentralised to the Collector because at the moment Collector is the central authority of the disaster management scheme. The Collector would be the best person *to* disburse the relief. In any event, even now in case of flood, droughts, in my own constituency this year when 250 villages were drowned, it was the Collector who was given the responsibility to disburse the relief. So, he is the natural authority.

Many hon. Members have brought in the point that Government undertakings should not be exempted. They are not being exempted from the relief. We will see that a fund is created before any exemption is given. Even in that case it will be stringent and very very sparing because I agree with you that, as Mr. Ahluwalia has said, in a lot of cases, mismanagement of hazardous chemicals is done by public sector enterprises. It will mean a big lacuna if we were to exclude them. This has already been provided and the exemptions will be given very very sparingly. As a matter of fact, it is an exception rather than rule. (Interruptions). Would you like to see proviso to clause 4(3)?

Now the general sentiment that runs across all parties has been that the measure is such that we should lose no time in legislating the provision for providing relief to the weaker sections, poorer sections. The valuable suggestions will all be discussed and many of them will be accommo dated in the rules to be made under this Bill.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Before that, what about the voluntary agencies? Did you consult them? What about giving them locus? (Interruptions).

SHRI TINDIVANAM G. VENKA-TRAMAN: Is it a discussion between the Member and the Minister or what? ... (Interruptions) ...

SHRIMATI MANEKA GANDHI: I am sorry, Sir. He was just asking me what I would like to do.

Sir, I commend the Bill to the House.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now we shall first take up the amendment of Mr. Ahluwalia—motion for reference of the Bill to a Select Committee. Mr. Ahluwalia, would you like to press your amendment or are you withdrawing it?

SHRI S; S, AHLUWALIA; I am talking about the Select Committee. There are 15 other amendments on which I will speak later on. Now I am speaking on the Select Committee. ... (Interruptions)...

SHRI M. M. JACOB (Kerala): Sir, Mr. Ahluwalia was given a chance in the beginning because he was having many amendments and we thought more time would be wasted. I hope Mr. Ahluwalia would not speak later on... . (*Interruptions*) .. .I hope Mr. Ahluwalia may have his time anyway.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I hope he is not hoping against hope.

AN HONOURABLE MEMBER: He is!

SHRI S. S. AHLUWALIA: Don't become hopeless! ... (*Interruptions*).

SHRI VITHALRAO MADHAVRAO JADHAV: He says, keep some hopes on.

SHRI M. M. JACOB: For misery there is no other medicine except hope.

SHRI S. S. AHLUWALIA: Yes.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Don't forget that at six exactly there is an item listed which, I am told by a senior parliamentarian.

... (Interruptions).,.

SHRI VIREN J. SHAH (Maharashtra): Under this particular section, when it is listed

श्री पुरेन्द्रजीत सिंह ग्रहलुवालिया उपाध्यक्ष महोदय वह सिलेक्ट कमेंटी को रैफ़र करने का प्रस्ताव उद्देश्य से किया था। वह उद्देश्य सिर्फ़ इतनाथा कि मंत्री महोदय ने ग्रीर सरकार ते इस विधेयक को लाने के लिए अपने दिमाग में जो चीजें रखी है, वह काफी महत्वपूर्ण हैं भीर श्राज एसे एक विधेयक की हमें जरूरत हैं जो खामियां विल में सामने नजर आई हैं, वह करीव-करोब सभी सदस्यों ने, जिन्होंने इस बहस में हिस्सा लिया है, सामने रखी हैं ग्रीर मंत्री महोदय ने खद स्वीकार किया है कि वह इसमें कुछ-न-कुछ एमेंडमेंट करके इस बिल में सुधार लाने की कोशिश करेंगी श्रीर इसको एडजैस्ट करेंगी।

उनके आध्वासन पर मे अपन सलेक्ट कमेटी को रेफर करने का मोशन वापिस लेता है।

for six o'clock it has to come up at six o'clock.

... (Interruptions)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Has Mr. Ahluwalia the permission of the House to withdraw his amendment— the motion for reference of the Bill to a Select Committee?"

The amendment was, by leave, withdrawn.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR); 1 shall now put the motion moved by the Minister to vote. The question is:

[Prof. Chandresh P. Thakur]

That the Bill to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

VICE-CHAIRMAN. (PROF. CHANDRESH P. THAKUR): We shall now take up clause-by-clause consideration of the

Clause 2 was added to the Bill.

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We shall now take up clause 3. There are two amendments-Nos. 14 and 15-again by Shri Ahluwalia.

SHRI S. S. AHLUWALIA: I have 15. amendments.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Are you speaking on all the 15? ... (Interruptions) ... As a friend I can tell you, if you get up 15 times, you will be bored by listening to your own voice. So, better speak on all the 15 together.

SHRI S. S. AHLUWALIA: Sir, I don't find time for exercise. At least, please give me.the chance to sit down and get up 15 times.

VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You are speaking on all the 15 amendments together.

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया : उपसभाध्यक्ष महोदय इस बिल में जो खामियां है, मैं एक बार इन सारे जो 15 एमेंडमैन्टस मेरे हैं; सबके बारे में ही कह देता हूं कि जो-जो खामियां सामने वह सारी मैंने लिखी हैं ग्रीर क्लाज-3 में लाइन-20 पर "अदर दैन वकमैन" बैकेट में लिखा गया हैं, मैंने इसको डिलिट करने के लिए एमेंडमेंट मुव किया है।

श्रीर दूसरा एक नेक्स्ट लाइन 23 पर जो मेरा अभेडमेंट हैं जो मैंने लिखा हैं कि एक तो कारखाने के अंदर को एक्सीडेंट होता है या कारखाने में कोई विस्फोंटक टैक एक्सीडेंट होता है धीर एक जो वहां से कुछ डिस्चार्ज किए जाने हैं-टॉक्सिक भौर पाँयजनस कैमिकल्स डिस्चार्ज किए हैं, उनसे जो नुकशान होता है, जैसा मैंने एक नई क्लाज 1-ए इन्क्लूड करने के लिए कहा है

"Where death or injury or harm to any person or livestock or da mage to any crop has resulted from the discharge of effluent from the establishment of a company of an owner, the owner shall be liable to give such relief as may be pres

जैसे कि बहत सारे सदस्यों ने इस बारे में बात कही है, यह क्लाज भी इसमें होना बहुत जरूरी हैं और इस चीज की महेनजर यह मैंने कहा है।

दूसरा मेरा अमेंडमेंट नम्बर, जो सरकार को इसमें एग्जैम्प्ट किया गया है ...(व्यवधान) ... मैं फिर इस बात को दोहराता हूं कि सरकार के तहत में ग्रीर यह जो सरे के सारे ग्रार्गनाईजेशनस को इस आर्डर से अलग करने की कोशिश भी की गई है, उस पर विरोध करते हुए मैंने यह अमेंडमेंट दिया था; १र मंती महोदया कह रही हैं कि ग्रेसारे अमेंडमेंटस का जवाब भी देंगी और सारे अमेंडमेंटस पर गौर फ़रमाते हुए एडजस्ट की भी कोशिश करेंगी।

इनको आश्वासन को महेनजर रखते हुए में अपने 15 के 15 अमेंडमेंटस मुख नहीं कर रह हूं। cribed." .....

VICE-CHAIRMAN (PROF, CHANDRESH P. THAKUR): That is a generous chivalry on your part.

I shall now put dause 3 to vote. The questions is:

That clause 3 stand part of the Bill.

The motion was adopted. .

Clause 3 was added to the Bill.

Clause 4 to 23 were added to the Bill. 6.00 P.M.

The Schedule was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRIMATI MANEKA GANDHI: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): May I compliment the Minister for getting the Bill passed? Your assurance to the -House is on record. Now, we mave on to the next item. Shri Viren J. Shah.

SHRI VIREN J. SHAH: Sir, I move the following motion. (*Interruptions*).

डाउ रस्ताकर पाण्डेय (उत्तर प्रदेश): एक दिन के लिए सदन बढ़ गथा है, माननीय उपाध्यक्ष जी, सदन प्राग्नह करेगा कि कल प्रस्ताव रखा जाये ... (व्यवधान पोस्टपोन नहीं होगा । यदि सोधवार को हाउस होगा तो मंत्री महोदय बैठे हैं प्राप्ते प्रस्ताव के लिए खूलेगा लेकिन आज प्रा करके हम लोगों को मुक्त करिए ।

SHRI JAGESH DESAI: Sir, for the last three days we are waiting for discussion on price rise. So, tomorrow the price rise should be taken up first. (Interruptions)

SHRI SYED SIBTEY RAZI: The Special Mention should be taken up first. (Interruptions)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please sit down. Why at 6 o'clock you all are getting excited? Just wait, Mr. Bhandare, please. The- whole question is that on the Agenda paper at 6 o'clock...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: We are not objecting to that. We are only saying that you take Special Mentions today, but tomorrow the price rise should be taken up first. (Interruptions.)

## MOTION FOR MODIFICATION IN THE GOVERNMENT NOTIFICA. TION S. O. 272(E), DATED THE 30TH MARCH, 1990..

SHRI VIREN J. SHAH (Maharashtra) : I move the following motion:—

"That this House resolves that Government Notification No. E(C) O, 1988,1AM|50, published .as S.O. 272(E), in the Gazette of- India, dated the 30th March, 1990, and laid on the Table of the House on the 16th August, 1990, shall be amended as follows:— . ....

- (i) That in Part A, the existing entry against item (ii) of Serial No. 19 relating to fresh and frozen silver pomfrets of weight less than 200 grams from the ports of Tuticorin, Madras, Kakinada, Vishaka-patnam, Paradeep and Calcutta and less than 300 grams from all other ports shall be deleted;
- (ii) That in List 3 of Part B, the existing entry against Item No. (V) of Serial No. 28 shall be substituted as under: —

'Fresh and frozen silver poni-ferts of weight 200 grams and' above'; and

that this House recommends to Lok Sabha that Lok Sabha do concur in this Resolution."

The question was proposed.