

SHRI SATYA PRAKASH MALA-VIYA: Mr. Jacob has rightly understood.

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

डॉ० बापू कालदाते : जो अंग्रेजी में उन्होंने कहा, वही मैं हिंदी में कहना चाहता हूँ।

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

श्री सत्य प्रकाश मालवीय : हा, इंटेंशन है।

उपसभापति : मैंने इंटेंशन की हाउस को इन्तला दे दी।

Now, Shrimati Maneka Gandhi.

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

श्री अजीत जोगी : माइक पर आ जाइए, आपकी आवाज नहीं आ रही है

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): The hon Minister is inaudible.

उपसभापति . आप अगर बातचीत बंद करें तों शायद आवाज जाएगी।

THE PUBLIC LIABILITY INSURANCE 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 industries or operations. The growth of 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 but 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 that 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 compulsorily 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 years.

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 Ministry 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 relief 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 was proposed

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

exercise of this nature is being undertaken for the first time in the world. As such, half-an-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 (Bihar): 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.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदया, यह बहुत ही महत्वपूर्ण मुद्दा है और मैं इसी मकसद से इसे सिलेक्ट कमेटी...

उपसभापति : अहलुवालिया जी, आप इस समय बोलें या बाब में, दोनों इम्पोर्टेस कायम रहेंगी।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं मूव करने की बात कर रहा हूँ। ...

उपसभापति : आप खाली मूव कर दीजिए।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं मूव करने के लिए खाली "एमबोआई" कहना पड़ेगा क्या ?

उपसभापति : आप इस हाउस में 5-6 साल से मैनबर हैं, आपको पता है क्या बोलते हैं।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैं प्रस्ताव करता हूँ कि :

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

[श्री सुरेन्द्र जीत सिंह अहलूव लिया]
 व्यक्तियों को सुरक्षित राह देने के प्रयोजन
 के लिये लोक दायित्व बीमा का और
 उससे ससक्त या उसके आनुषंगिक विषयों
 का उपबन्ध करने वाले विधेयक को
 राज्य सभा के निम्नलिखित सदस्यो :

- 1-श्री कपिल वर्मा
- 2-श्री जगेश देस ई
- 3-श्री विश्वजित पृथ्वीजित सिंह
- 4-श्री राम अबोधेन सिंह
- 5-श्री बी. गोपालसामी
- 6-श्री दीपेन घोष
- 7-श्रीमती जयन्ती नटराजन
- 8-श्रीमती सुषमा स्वराज
- 9-श्री मुरलीधर चन्द्रकांत भंडारे
- 10-श्री सुरेन्द्रजीत सिंह अहलूवालिया

की एक प्रवर समिति को सौंपा जाये
 और उसे राज्य सभा के प्रगले सत्र के
 अंतिम सप्ताह तक अपना प्रतिवेदन प्रस्तुत
 करने का अनुदेश 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 may also be given to State Gov-
 ernments in suitable cases.

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

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

Clause 8(2) is very much contra-
 dictory 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 contradic-
 tory to each other and embarrassing.
 In this bill what a hazardous sub-
 stance is has not been defined. The
 absence of a definition of hazardous
 substance will create problems

Clause 13(1) is also an embar-
 assing clause which lays down as fol-
 lows:

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

I would like to say at this stage
 that this provision will give room
 for unfair competition among the in-
 dustrialists. Not only that, this unfair
 competition will create ambiguity
 so far as the administration is col-
 concerned

Provisions for penalty on the own-
 er 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 perma-
 nent disability a relief of Rs. 25,000
 plus reimbursement of medical expen-
 ses 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

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 of 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

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया :
उपसभाध्यक्ष महोदय, लोक दायित्व बीमा विधेयक 1991, यह एक बहुत महत्वपूर्ण विधेयक है और हमारे देश में यह पहली बार आया है। इससे पहले हमने कभी इस विषय में गंभीरता से सोचा नहीं था पर चोपाल के गैस कांड के बाद हमारे सामने कई समस्याएँ खड़ी हुई कि किसी मल्टी-नेशनल आर्गनाइजेशन ने गलत वायु-नामों के कारण, जो एक इलाके के अंदर या एक कारखाने के अंदर जहरीली गैस पैदा की जा रही है या पैस्टिसाइड बनाए जा रहे हैं या वहाँ से कई तरह के जहरीले वैमिकल्स निकल रहे हैं तो उससे बचाव कैसे होगा? इस पद्धति में कोई भी बमो या जाने के कारण कारखाने में विस्फोट हो सकता है और उस विस्फोट के कारण वहाँ के भजदूर तो आहत हो ही सकते हैं, साथ ही उस क्षेत्र के निवासी भी गैस के कारण मर सकते हैं और इस इलाके का वातावरण भी उषित हो सकता है। इन चीजों को मद्देनजर रखते हुए मंत्री महोदय ने यह जो विधेयक प्रस्तुत किया है, मैं समझता हूँ इसके लिए वे बधाई की पात्र हैं और मैं उनको बधाई देता हूँ। पर इसके बावजूद इस बिल में ऐसी बहुत सारी कमियाँ हैं जो नजर आती हैं और उन चीजों को सामने रखते हुए मैं यह समझता हूँ कि इस बिल पर अभी काफ़ी सोच-विचार करने की जरूरत है क्योंकि अब तक हमारे सामने जो चीजें आई हैं, उनको मद्देनजर

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

उपसभाध्यक्ष महोदय, मैंने इस विषय पर बहुत से अमेडमेंट्स भी दिए हैं और उस वक्त मैं इन अमेडमेंट्स के बारे में बोलूंगा... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : अभी आप संक्षेप में बोलिए। अमेडमेंट पर बाद में बोलिएगा और अगर कोई विशेष बात हो तो मंत्री जी से व्यक्तिगत संपर्क करके बता दीजिएगा... (व्यवधान)

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

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : अभी भोपाल गैस कांड पर बोलने की जरूरत नहीं है।

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया :
यह मुदा उससे जुड़ा हुआ है, पठ लीजिए आप... (व्यवधान)

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : प्रोविजन से संबंधित जो बातें हैं, उन्हीं पर बोलिए।

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया :
तो ये चीजें हमारे सामने आई हैं। महोदय, यह बड़े अफसरों की बात है कि इस बिल में कुछ ऐसे प्रावधान हैं जिनके द्वारा सरकारी कारपोरेशंस को, सेंट्रल गवर्नमेंट और स्टेट गवर्नमेंट कारपोरेशंस तथा लोकल एबोरीटीज को इससे मुक्त रखा गया 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 is 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; or

(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 ग्रहलुधालिया : मैं उसी बात को कह रहा हूँ। अभी कुछ साल पहले शकूरबस्ती में जो वहाँ का एल.पी.जी. का डिपो है, वहाँ पर सिलेंडर फट गए और आपको पता लगा होगा कि कितना बड़ा धमाका हुआ था और आसपास की बस्तियों का काफी नुकसान हुआ था। इसी तरह के प्रावधान के कारण उनको मुआवजा नहीं मिला जिसके लिए आज प्रावधान कर रहे हैं। जैसे सेंट्रल वैयरहाउसिंग कारपोरेशन के स्टोरेज के जो बड़े बड़े गोदाम हैं अगर वहाँ कुछ घटनाएं घट जाएं तो इसी प्रावधान में वे उसका फायदा उठाएंगे।

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

श्री सुरेन्द्रजीत सिंह ग्रहलुधालिया : उसभाष्यक्ष महोदय, मैं इन्हीं चीजों को मद्देनजर रखते हुए कि अगर कोई ऐसी घटना घटती है तो वहाँ के लोगों को सही मुआवजा मिल सके, इसके लिए यह विधेयक लाने का प्रयत्न है। अगर उस विधेयक की धारा में कोई कमजोरी है तो जैसा आपने कहा "गवर्नमेंट आफ दि डे" पर यह निर्भर करेगा, अगर हुक्मरान उसका नाजाइज फायदा उठाना चाहते हैं

तो उठा सकत है, तो ऐसा प्रावधान विधेयक में नहीं होना चाहिए जिसका नाजाइज फायदा उठाया जा सके।

महोदय, इसी तरह से रानीगंज स्टेशन के पास नीमचा कोलियरी के पास एक गुडस ट्रेन जो ऑयल ले जा रही थी उसमें आग लग गई और स्टील टैंक गैस के कारण चार गुने बड़े हो गए और उसके बाद बस्टे हुए और आसपास के इलाकों में जो लोग घूम रहे थे चाहे आदमी हों या जानवर वे सारे हताहत हुए। स्टील के टुकड़े स्प्लिटर्स की तरह फैले और जो तेल छिड़क गया उससे आग लग गई। भारी संख्या में लोग जखमी हो गए। यह घटना मैंने अपनी आंखों से देखी है। उस वक्त भी यही वह ना किया गया और मुआवजा नहीं मिला। तो जब एक विधेयक आ रहा है कि लोगों को मुआवजा मिलना चाहिए तो कमजोर क्लास के कारण वह निकल जते हैं। यह प्रावधान ऐसा नहीं है कि जो इंडस्ट्री वहां ऐप्लेट डिस्चार्ज करती है, वह दरियाओं में छोड़ती है, जैसे मंत्री महोदय जी भी जानती हैं कि रेकेट कोलमैन का कारखाना है आसनसोल में वह खतरनाक ऐप्लेट छोड़ती है लुनिया रिवर में, तो लुनिया रिवर से किरात विलेज तक पूरी पानी उसका लोग पीते हैं उसमें जो कैमिकल मिलते हैं उससे वहां के लोग तरह तरह के रोगों से ग्रसित होते हैं सिर्फ इतन ही नहीं अलाय स्टील प्लांट दुर्गापुर में जो कंडीचिंग प्लांट है यानी जहां पर स्टील की कंडीचिंग होती है उसका सलैप्यूरिक एमिड दामोदर नदी में छोड़ा जाता है। इस नदी में यह जाने की वजह से बाकुरा अगर मेदनीपुर के इलाके के लोग जब इस नदी का पानी पीते हैं तो आदमी तो अफेक्टिड होते ही हैं बल्कि जो जानवर भी पानी पीते हैं वे भी अफेक्टिड होते हैं। वे मारे जाते हैं। देखा गया है कि दामोदर नदी के किनारे जो बस्तियां हैं वे लोग जब इसका पानी पीते हैं तो वे जाडिस से पीड़ित हो जाते हैं, यहाँ तक कि भर भी जाते हैं। इन सारी चीजों को इस विधेयक के तहत लाने की

जरूरत है। इन चीजों को महत्व देते हुए इन चीजों को समझते हुए मैंने इस विधेयक पर अमेन्डमेंट देने के लिए और इसे सेलेक्ट कमेटी को रेफर करने की बात कही है। मैं समझता हूँ कि यह एक नया विधेयक है। कई कानून हमारे देश में हैं और उसमें कई कमियाँ हैं, खामियाँ हैं जो आज हमारे सामने नहीं आ रही हैं, जो सामने महसूस नहीं होती हैं उनको हम नहीं जोड़ते चले जाते हैं तो कमियाँ हमारे सामने रहेंगी ही और जो मकसद है सरकार का और मंत्री महोदय का कि ऐसे अफेक्टिड लोगों को मदद करना चाहती है, उनको मुआवजा दिलाना चाहती है, रिस्कीफ दिलाना चाहती है तो वह नहीं दिला पायेगी। इन्हीं प्रावधानों के बारे में बोलने के लिए अपने जो मुझे समय दिया उसके लिए आपका धन्यवाद। जब मैं अपना अमेन्डमेंट मूव करूँगा...

उपसभाध्यक्ष (प्रो० चन्नेश पी० ठाकुर) :

धन्यवाद के बाद 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 post-accident 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 (आन्ध्र प्रदेश) : जनाब वाइस चैयरमैन साहब, यह जो पब्लिक लाइबिलिटी इश्योरेंस बिल, 1991 पेश किया गया है मैं उसकी भरपूर तारीफ करता हूँ। यह बिल नेशनल फ्रंट गवर्नमेंट की तरफ से पेश किया गया था.....

उपसभाध्यक्ष (प्रो० चन्नेश पी० ठाकुर) :

आप इन्हें नेशनल फ्रंट गवर्नमेंट की मिनिस्टर मानते हैं ?

श्री मोहम्मद खलीलुर रहमान : मैं यह अर्ज कर रहा हूँ कि यह उस समय पेश किया गया था ।

श्री संकर बहाल सिंह (बिह्र) : उपसभाध्यक्ष महोदय, यह दोनों समय की मिनिस्टर है ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : पर्सन सेम है मिनिस्टर दूसरी है । (व्यवधान) हृदय परिवर्तन की स्थिति है । (व्यवधान)

श्री मोहम्मद खलीलुर रहमान : यह बिल वक्ता की ग्रहण जरूरत है । पिछले 44 सालों में हमने देखा है कि हमारे मुल्क में जैसे-जैसे साइस की तरक्की होती गई उसी हिसाब से मुख्तलिफ किस्म की सनअत कायम होती गई, कई कारखाने बनते गये । इसमें धमाकू, एक्सप्लोसिव कारखाने भी हैं, जहरीली गैस के कारखाने हैं । इतनी नाजुकतरीन जो सनअत है उसके भी कारखाने हैं । जाहिर है जैसे-जैसे कारखाने बढ़ते गये उसके साथ ही साथ एक्सीडेंट्स में भी इजाफा होना गया । जहां तक एक्सीडेंट्स का सवाल है, एक्सीडेंट्स न सिर्फ कारखानों में काम करने वाले वर्कर्स और एम्प्लाइज ही मृत सिर नहीं होते बल्कि उन कारखानों के अतराफ, विसिनिटी में जो लोग रहते हैं, ग्राम पब्लिक रहती है वे भी इससे मृतासिर होते हैं । देखा यह गया है कि जहां तक वर्कर्स और एम्प्लाइज का सवाल है उनके रिलीफ के लिए, उनके इमीडिएट कम्पनसेशन के लिए तो तब मीन मौजूद है । कारखाने वाले इस बात के पाबंद हैं कि वे वर्कर्स और मुलाजिमों को फौरन कुछ कम्पनसेशन दें, कुछ रिलीफ दें । अगर ग्राम पब्लिक भी मृत सिर होती है उनके लिए किसी किस्म का कोई कानून नहीं है जिसके लिए कारखाने वाले पाबंद हों उनके लिए सिर्फ एक चारा रह जात है कि वह अदालत का दरवाजा खटखटायें वहां से वे अपने लिए रिलीफ मांगें । एक दफा भी अदालत का दरवाजा खटखटाय जाता है तो उसका फैसला होने में बरसों लग जाते हैं और जिस मकसद के लिए,

जिस रिलीफ के लिए अदालत को जाते हैं उसका मकसद खोफ होकर रह जाता है । तो लिहाजा जरूरत इस बात की है कि इस किस्म का कानून लाया जाये ताकि जो ग्राम पब्लिक मृत सिर होती है, जो उसके एक्जोस में रहने वाली है, उसका अगर जानी और माली नुकसान होता है तो उसके लिए कारखाने के मालिक को जिम्मेदार करार दिया जाये । चुनावे इन्हीं बातों को पेशे नजर रखते हुए यह मैनडेटरी पब्लिक लियबिलिटी इन्श्योरेंस स्कीम लाई गई है और इससे कारखाने वालों पर पाबन्दी हो जाती है कि अगर ग्राम पब्लिक क जानी और माली नुकसान हो तो वे फौरन मदद कर सकें ताकि उनको रिलीफ मिल सके ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : ग्राम पब्लिक से आपका मतलब क्या है ? जो इम्प्लाइज है उनके अलावा थर्ड पार्टी से है ?

श्री मोहम्मद खलीलुर रहमान : 'इम्प्लाइज के अलावा' की ही मैं बात कर रहा हूँ वर्कर्स और इम्प्लाइज के अलावा कारखाने की विसिनिटी में जो लोग रहते हैं उनकी अगर जानी और माल का नुकसान होता है तो उनकी भी मदद होनी चाहिए । कारखाने के एक्जोस जो लोग हैं उनकी मैं बात कर रहा हूँ । मिसाल के तौर पर मैं यह भी कहूंगा कि अगर किसी के क्रोप का नुकसान होता है तो उसको भी इन्श्योरेंस के तहत लिया जाना चाहिए ताकि उसका मुआवजा दिया जा सके । जैसा कि हमाने दोस्त श्री अहलुवालिया जी की तरफ से कहा गया है, यह बिल तो लाया गया, मगर इस बिल में कई खामिया और डिफेक्ट रह गये हैं, इसको मैं तसलीम करता हूँ । इस बिल को अगर सेलेक्ट कमेटी को रेफर किया जाये तो मुझे इस बात का डर है कि इस पर साल, दो साल लग जाएंगे । लेकिन अगर इसको बिना सेलेक्ट कमेटी को रेफर किये पास कर दिया जाता है तो फौरन इसका इम्प्लीमेंटेशन हो सकता है । मैं आनन्दबल

मिनिस्टर से दखाना करूंगा कि इसमें जो कुछ भी डिफेक्ट रह गये हैं उनको आप आयन्दा एमेडमेंट के जरिये दूर कर सकते हैं।

एक बात मैं खासतौर पर कहना चाहता हूँ। सेक्शन 21 में एन एडवाइजरी कमेटी के तल्लूक से कहा गया है कि इस एडवाइजरी कमेटी में एन सेन्ट्रल गवर्नमेंट के इम्प्लूई होने दूयरी कटेगरी है इन्डो-रेस की और जो तीसरी कटेगरी है वह ग्रान्स के तल्लूक से कही गई है और चौथी कटेगरी एक्सपर्ट के तल्लूक से कही गई है। मैं यह कहूंगा कि इसमें दो कटेगरीज और होनी चाहिए। एक कटेगरी ग्रामपब्लिक की हो, उसके एक या दो चुमायन्दे इसमें रखने चाहिए और उसके बाद एक कटेगरी वर्क्स या वर्कमैन की होनी चाहिए, उनको भी इसमें रखा जाना चाहिये।

तीसरी बात मैं यह अर्ज करना चाहता हूँ कि अमूमन यह देखा गया है, खास तौर पर आंध्र प्रदेश के महबूब नगर से मेरा तल्लूक है उसमें पालमूर वर्क्स हैं और शायद आप भी इनसे वकिफ हों, ये काफी मशहूर वर्क्स हैं। यह देखा गया है कि हर साल वहां से दो लाख पालमूर वर्क्स न सिर्फ आंध्र प्रदेश में बल्कि महाराष्ट्र, कर्नाटक, तमिलनाडु और जितने भी एडजस्टेड स्टेट्स हैं वहां मुंखिल होते हैं, लेकिन उनका कोई रिकार्ड नहीं होता है और जो कंटेक्टर उनकी सर्विसेज लेते हैं वे लयसेड कंटेक्टर नहीं होते हैं। यही हजारहस इन्स्ट्रुमेंट में काम करते हैं तो उनको कभी कभी नुकसान भी उठाना पड़ता है, वे एक्सीडेंट में इंकोल्व हो जाते हैं। जहिर है कि उनका रिकार्ड नहीं होता है तो उनको रिलीफ भी नहीं मिल पाता है। इसलिए मैं आन्तरेबल मिनिस्टर से इस बात की दखाना करूंगा कि वे जब वर्क्स को मुंखिल करते हैं तो कंटेक्टर के पास लायसेंस भी होना चाहिए और वजफत रजिस्टर भेटेन करें तकि जितने भी वर्क्स मुंखिल करें उनकी बकायादा रजिस्टर में एंट्री हो। इन चन्द अल्फाज के साथ मैं इस बिल की तईय करता हूँ।

उपसभाध्यक्ष (प्रो० चन्द्रश पी० ठाकुर) : श्री ईश दत्त यादव। संक्षेप में बोलिये लेकिन गंभीरता से बोलिये।

श्री ईश दत्त यादव (उत्तर प्रदेश) : मान्यवर, मैं यह अपना सीमांत मानता हूँ जो मुझे आपकी अध्यक्षता में करने विचार रखने का अवसर मिला है। महोदय, जो विधेयक माननीया मंत्री जी ने प्रस्तुत किया है, उसका मैं स्वागत करता हूँ और सरकार तथा श्रीमती मेनका गांधीजी को धन्यवाद देता हूँ कि क्योंकि उन्होंने अपने भाषण में कहा है कि मायब विश्व में पहली बार इस तरह का कानून बनाया जा रहा है। मान्यवर, यह बड़ा आवश्यक था। जैसा कि जाहिर है पब्लिक के लोग, जनता के लोग जो दुर्घटनाग्रस्त होते थे या जिनका जीवन समाप्त हो जाता था उनके लिये कानून में कोई व्यवस्था नहीं थी जिसके अन्तर्गत शायलों या मृतकों के आश्रितों को कोई मुआवजा दिया जाये। यह बात सही है कि न्यायालय के अधिकार क्षेत्र में यह आता है लेकिन न्यायालय की लड़ाई लंबी होती थी और बरीब आधुनी न्यायालय में जाने में असमर्थ होता था। वह कोर्ट फीस वगैरह नहीं दे पाता था। इसलिये यह जो विधेयक प्रस्तुत किया गया है, यह जो कानून बनाया जा रहा है इसका मैं समर्थन करता हूँ।

उपसभाध्यक्ष (प्रो० चन्द्रश पी० ठाकुर) : हादिक समर्थन करता हूँ।

श्री ईश दत्त यादव : हादिक समर्थन करता हूँ। लेकिन, मान्यवर, इसका समर्थन करते हुए एक निवेदन करना चाहता हूँ कि मुआवजा लेने का अधिकार पहले भी अदालतों में जाकर लेने का था। यह कानून इसलिये बनाया जा रहा है कि त्वरित गति से बिना विलम्ब के जो विक्टिम है, उसकी आर्थिक सहायता हो जाय। स्टेटमेंट आफ आवजेक्ट्स एंड रीजंस में भी यही कहा गया है कि इसमें जल्दी से उसकी सहायता हो जायेगी। लेकिन मान्यवर, यह जो विधेयक प्रस्तुत किया गया है इसमें सेक्शन 7 के पैराग्राफ 5 में कलक्टर को अधिकार दिया गया है। ठीक

[श्री ईश दत्त यादव]

है कलक्टर को अधिकार 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 बड़ा लेंबी प्रोसीजर हो जायेगा। सिविल प्रोसीजर अपने देश का जो है 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 पूरी नहीं हो सकेगी। इसलिये मैं माननीया मंत्री जी से अनुरोध करूंगा कि जब वे इसकी नियम बनी बनायें तो यदि संभव हो तो, ये सब अधिकार कलक्टर को सिविल कोर्ट का दे दें, विटनेस की अटोडेंस प्रोव्वायर करने के लिये, डाकु-मेट सीज करने के लिये, जो भी हों, ये अधिकार उनको दे दें, लेकिन इसका स्मरी डिस्पोजल होना चाहिये। सी.पी.सी. के जो प्रोविजंस हैं, उन प्रोविजंस के अंतर्गत अगर इनका भी डिस्पोजल होगा तो यह बहुत लंबा चला जायेगा। यदि ऐसा होगा तो मान्यवर, भोपाल गैस त्रासदी की तरह से कभी इसका निर्णय नहीं होगा और जो विकटिम है, उनको इसका लाभ नहीं मिल सकेगा।

दूसरी चीज मैं यह कहना चाहूंगा कि कई माननीय सदस्यों ने, श्री खलीलुर रहमान और कई दूसरे सदस्यों ने कहा है कि यह तो दुर्घटनाओं से संबंधित है लेकिन जो कल कारखाने हैं, जिनसे वातावरण विषाक्त होता है, जिनसे वायुमंडल दूषित होता है और जो आदमी के जीवन पर बहुत बुरा प्रभाव डालते हैं और इस स्लेन्-प्वाइजनिज को वजह से व्यक्तियों पर बहुत बुरा असर होता है। चाहे इनसे विषैली गैस निकलती हो, चाहे इससे दूषित वायु निकलती हो, चाहे जो भी हो, इसके ऊपर भी सरकार को गंभीरता से विचार करना चाहिये। संभव है कि इसके अंदर इसकी व्यवस्था न हो सकती हो लेकिन मैं माननीया मंत्री जी से यह हूंगा कि वे इस ओर अवश्य ध्यान दें। (समय की घंटी) मान्यवर, मैं समाप्त ही कर रहा हूँ।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : आपने मंत्री जी से व्यक्तिगत संपर्क स्थापित कर लिया है, इसलिये समाप्त करें।

श्री ईश दत्त यादव : मान्यवर, मैं तो उनके ही दल का हूँ। लेकिन जब आपके साथ मेरा साथ होता है तो मुझे बहुत आनन्द आता है।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : यह परम्परा है।

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

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : आप भी आइये, फायदा उठाइये।

श्री ईश दत्त यादव : आप के साथ मैं विदेश यात्रा पर गया था तो उन क्षणों को मैं कभी नहीं भूल सकता जो आपके साथ बीते थे। इसलिए आपका बहुत बहुत धन्यवाद करता हूँ। मान्यवर, मैं अपनी बात समाप्त कर रहा हूँ।

श्री सैयद सिद्दीक रज़ी (उत्तर प्रदेश) : मान्यवर, क्या हम लोग शेरअर कर सकते हैं इनके तजुबों को।

श्री अजीत जोगी : उपसभाध्यक्ष महोदय, हमें पूरी जानकारी दी जानी चाहिये।

उपसभाध्यक्ष (प्रो० चन्द्रेश पी० ठाकुर) : वहाँ वातावरण बड़ा अच्छा था, इनवायर्नमेंटल पोल्यूशन नहीं था।

श्री ईश दत्त यादव : मान्यवर, मैं चाहता था कि माननीया मंत्री जी इसकी परिधि को बढ़ावें जो समय परिधि है इसके दायरे को बढ़ाने की कोशिश करें और जो सुझावों की धनराशि है उस पर मैं समय नहीं लेना चाहता, इस पर सरकार गंभीरता से विचार करे और यदि एकट में प्रावधान न हो तो कम से कम नियमा-

बलि मे प्रावधान अवश्य करें। इन शब्दों के साथ मैं इस विधेयक का हृदय से जोरदार ढंग से स्वागत कर रहा हूँ और समर्थन कर रहा हूँ। धन्यवाद।

SHRI MURLIDHAR CHANDRA-KANT 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 tragedy was the culpability of the 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 safety 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. 25,000 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

[Shri Murlidhar Chandrakant Bhandare]

would have been extremely valuable? Therefore, the suggestion is that the amount mentioned in para (iu) 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.

SHRI VISHVJIT P. SINGH (Maharashtra) Mr. Vice-Chairman, Sir, I have maintained, ever since I became a Member of Parliament, that the Government has got the best of intentions but these intentions get diluted 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, we are putting in and passing pieces of defective legislation which will eventually result in that good not being done. No. 2: We are at the mercy of the confines of the houses we live in, of the cells we have created 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 her 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.

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? I am.

THE 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. Because 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]

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 affected 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.

As we know from bitter experience, those of us who live in rural areas know from bitter experience that the Collectors are already overworked. They are so overworked that they have delegated most of their powers. Ram Naresh Ji is nodding his head. He knows it very well.

जितने ये जिलाधिकारी है, उन्होंने सब ने अपने पावर डेलीगेट कर दिए हैं। कोई एस.डी.एम. कर रहा है, कोई तहसीलदार कर रहा है और यहाँ तक कि आज ये दिन आ गए हैं कि कुछ कानूनगो भी कर रहे हैं। ये जो पावर आपने एक्ट के अधीन दिया है, उसको कौन एक्सरसाइज करेगा? जब भी एक बहुत बड़ा एक्सीडेंट होगा, खुदा करे न हो, अगर कभी कहीं हम्रा तो कौन उसको करेगा? कलेक्टर साहबान तो कभी मंत्रियों को हवाई अड्डे से रिसीव करते हैं और कभी कहीं उनके साथ जाते हैं। उनके पास कहा टाइम है... (व्यवधान)... हा, डेलीगेशन का प्रोजेक्शन है... (व्यवधान)... डेलीगेशन कौन करेगा? जो काम न्यायालय का है, उसको न्यायालय पर छोड़िए खुद पर मत लीजिए... (व्यवधान) उसमें आप समरी ट्रायलस का प्रोविजन कीजिए। कोई सवाल पैदा नहीं होता कि न्यायालय न करे और दूसरे... (व्यवधान)...

उपसभाध्यक्ष (प्रो० चन्द्रशेखर पी० ठाकुर) :
एक्स-कलेक्टर आपके पास बैठे हैं, वह कुछ दूसरी ही बात कहते हैं।

श्री विश्वजित पृथ्वीजित सिंह : वह खुद कह रहे हैं। वह तो मेरा समर्थन कर रहे हैं। हमने देखा है कि कई बिल पहले भी आए हैं, उनमें देखा है कि उसमें ये पेनल्टी होगी, ये 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.

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. Powers—power 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

THE VICE-CHAIRMAN (PROF. 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 bureaucracy that, we are ready to give up everything for their sake. I will just show 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 says:

"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) ... नही, वह

जो आफिसर्स हैं, जो तीन आफिसर्स सेंट्रल गवर्नमेंट के बने हैं, उसमें कुछ नहीं लिखा हुआ है। चाहे वह पटवारी हो, चाहे वह कानूनगी हो, वह चाहे अफसर हो, वह इस एडवाइजरी कमेटी का चेयरमैन बनेगा और जो शब्द, जैसे श्री मुरलीधर भंडारे, जो वकील है और दुनिया में मशहूर वकील है, जिन्होंने गैस कांड की वकालत की है, वह उस अफसर के अधीन बैठेंगे और कहेंगे कि हुजूर जो आप कहेंगे, वही होगा। अहलुव लिया जी, जो जतना जा चुके हैं और जिन्होंने भारत का केस आरम्भ किया है, वह भी वह खड़े हो जाएंगे और कहेंगे कि जी हुजूर... (व्यवधान)...

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

श्री विश्वजीत पृथ्वीजीत सिंह और मेरी यह गुजारिश है, मेरी निम्न गुजारिश है मंत्री जी से कि इसका थोड़ा समाधान किया जाए, इसका अमेन्डमेंट तो जरूर लाइए।

और लास्ट में मैं ननसे एक स्पष्टीकरण चाहूंगा। वह स्पष्टीकरण चाहूंगा मैं सैक्शन 18 के अधीन। सैक्शन 18 में लिखा है कि

"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 विश्वजीत श्रुवीजीत सिंह]

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

उपसभाध्यक्ष (श्री चन्द्रेश पी० ठाकुर) :

णास्वे साहब की एक क्लेरिफिकेशन और उसके बाद मिस्टर 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 clarification 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 defined by a fiction. 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 defined as a person who has control over handling any hazardous substances and the liability is referable 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

THE VICE-CHAIRMAN (PROF. 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.

THE 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.

THE VICE-CHAIRMAN (PROF. 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.

THE VICE-CHAIRMAN (PROF. 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.

THE VICE-CHAIRMAN (PROF. 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.

THE 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?

THE VICE-CHAIRMAN (PROF. 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 here will have any indirect, bad and adverse impact on the claimants so far as Bhopal Gas tragedy victims are concerned. I would like to know whether this will also give a leeway to the multinationals. Here is 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 way. Hazardous substance is only a limited part of it. What about the industries like coal, like road transport, like the power stations, the toxic materials and fumes, which are moving about all the time everywhere? This is the beginning for the totality of those industries. Are we taking into account those industries?

If 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. 12,500/- 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 clear-cut 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 while 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]

tive Everybody is asking for more liberal and considerate provisions.

SHRIMATI MIRA DAS: But it is rather more important to ensure safety of the workers in hazardous industries. Hazardous industries should be identified and surveyed before giving them permission. Here I would like to mention that keeping this factor in mind the Government of Orissa has set up a multi-disciplinary organisation in the State to control the major industrial hazards and ensure the occupational health safety to the workers of this industry. Therefore, I would urge upon the Government of India and also the Minister personally to look after the interests of workers of hazardous industries and set up this type of multi-disciplinary organisations in every State. Most of the points have been 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 time-consuming 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, all 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 representatives.

With these words I support the Bill.

SHRI TINDIVANAM G. VENKATRAMAN (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 enlarged to fifty thousand rupees.

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

श्री प्रवीण जोशी : उपसभाध्यक्ष महोदय, यह जो अधिनियम प्रस्तुत किया गया है, मैं इसके उद्देश्य से, इसके लक्ष्य से और इसके मकसद से सहमत हूँ और उसकी प्रशंसा करता हूँ। बहुत अच्छे मकसद को प्राप्त करने के लिए यह अधिनियम बनाया गया है। लेकिन इसमें बहुत-सी खामियां रह गई हैं। मेरे कुछ बयानों ने बहुत-सी बातों की ओर सदन का ध्यान आकर्षित किया है। मैं यह कहना चाहूंगा कि मैं एक ऐसे प्रदेश से आता हूँ जिसकी राजधानी भोपाल है, जहाँ विश्व की सबसे खतरनाक औद्योगिक दुर्घटना का सामना हम लोगों को करना पड़ा था। और उसके बाद से अब तक इस दुर्घटना को हुए कई वर्ष बीतते ही गये हैं पर अब तक न्यायालय में वह प्रकरण चल रहा है। उसमें हजारों लोगों की जानें गई, लाखों लोग उससे प्रभावित हुए, लेकिन फिर भी जिस तरह से उसकी मरद की जानी थी हम उनकी मरद नहीं कर पाये हैं। इस परिदृश्य में ऐसा अधिनियम स्वागत योग्य होगा चाहिए। ऐसा अधिनियम जो इस प्रक्रिया को आसान करता है और एक ऐसा अधिनियम जो इस प्रक्रिया को कम समय की बनाता है, उसका हमें स्वागत करना चाहिए।

हमारे देश में जैसे कानून की व्यवस्था है उसके अन्तर्गत जो ला आफ़ टोर्ट्स (Torts) हैं वह अभी तक कोडिफ़ाई नहीं हुआ है। इसलिए जो दुर्घटनाएँ होती हैं उनमें जो मुआवज़ा दिया जाता है, प्रतिफल दिया जाता है उस विषय में जो न्यायालयों ने व्यवस्था दी है उसी को कानून मानकर हलं चलते हैं। आज से कोई सौ साल पहले ब्रिटेन की अदालत में संभवतः लार्ड जस्टिस ने "रेनोल्ड वसोज प्लेचर" प्रसिद्ध केस में स्ट्रिक्ट और एक्स्प्लूट लायबिलिटी का सिद्धान्त प्रतिपादित किया था जिसके अनुसार... (व्यवस्था)।

SHRI VITHALRAO MADHAV. KAO (JADHAV) (Maharashtra): Sir, some time back, Mr. Kulkarni inter-

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

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Now Mr. Jogi is speaking and suddenly you say something. I am not allowing. Sangli It is not the issue. Let him continue. Please sit down.

श्री प्रवीण जोशी : उपसभाध्यक्ष जी मैं कह रहा था कि इस कानून के मीठे को इतिहास है उसमें संभवतः सौ वर्ष पहले ब्रिटेन के न्यायालय ने एक सिद्धान्त को प्रतिपादित किया था जिसको एक्स्प्लूट और स्ट्रिक्ट लायबिलिटी का सिद्धान्त कहा जाता है। जिसके अनुसार यदि व्यक्ति की वस्ती न भी हो, व्यक्ति की नेमलिजेंस या मसलमानी न भी हो और फिर भी यदि नुकसान होता है तो उसको मुआवज़ा भिजना चाहिए। ऐसे सिद्धान्त का प्रतिपादन किया गया है। हमारे देश में बंकि यह कानून अभी तक कोडिफ़ाई नहीं किया गया है इसलिए न्यायालयों की जो व्यवस्था है, उसके आधार पर इस प्रकार के प्रकरणों पर मुआवज़ा दिया जाता रहा है। अब इस नये कानून के संदर्भ में मैं यह कहना चाहूंगा कि एक बहुत अच्छे उद्देश्य को लेकर ऐसा कानून बन पड़ा है उसकी डाफ़्टिंग में, उसके बनाने जमाने में, बहुत बड़ी ज़रूरतें प्रारम्भ से अंत तक दिख रही हैं। सबसे पहले यदि हम डेफ़िनेशन के ब्रैज को लेंगे, जहाँ परिभाषा दी गई है, इस ब्रैज के सब-क्लॉज जी में ओनर शब्द को परिभाषित किया है। उसमें ओनर की परिभाषा यह दी गई है कि :

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

इसको परिभाषा है यह बहुत ही जोशिम से, जल्द से जल्द ही परिभाषा है। यदि आज प्रत्यक्ष के हाथों की साजमेटर के; उपसभाध्यक्ष महोदय, तो ओनर की इस परिभाषा में अगर यूसियन काबिडि के ओनर को लाने की कोशिश करें तो यूनिवर्स काबिडि का ओनर इससे छुड़ारा पा जायेगा। क्योंकि यूनिवर्स काबिडि का ओनर, मल्टीप्लेसज कंपनी का ओनर

[श्री अजीत जोगी]

भारत में नहीं रहता। इस डेफिनेशन के अनुसार उनका कंट्रोल ओवर हैडक्वार्टर्स एनी हेडक्वार्टर्स सब्सटेंस नहीं है। यानी अगर हम भोपाल के गैस दुर्घटना में मुआवजा लेना चाहेंगे तो यूनिवर्सल कार्बाइड का जो मालिक है, यंडरसन, उससे आप मुआवजा नहीं ले सकेंगे। इस परिभाषा के अन्तर्गत यदि मुआवजा आप ले सकेंगे तो उस भारतीय से लेंगे जो उस कंपनी का मैनेजर है, जिसका उस कंपनी में जो सब्सटेंस बन रहा है, जो हेडक्वार्टर्स सब्सटेंस बन रहा है, उसके निर्माण के ऊपर कंट्रोल है। तो जिसने भी इस अधिनियम को बनाया है उसने परोक्षरूप से इन मल्टीनेशनल ओनर्स को बचा लिया है, उनको संरक्षण दे दिया है। ओनर्स की इस परिभाषा से मल्टीनेशनल कंपनियों के जो ओनर्स हैं उनको संरक्षण दिया जा रहा है और मैं यह मानकर चलता हूँ कि सरकार का यह मकसद नहीं है, हमारी 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 ज़िम्मेदार हैं।

इसी तरह से "कलेक्टर" की परिभाषा के बारे में मेरे बहुत से पूर्व वक्ताओं ने कहा है। मेरा सौभाग्य था या दुर्भाग्य मैं भी 12-13 वर्षों तक कलेक्टर रहा। इसलिये मैं जानता हूँ कि कलेक्टर अपने आप में कितना व्यस्त अधिकारी रहता है। कलेक्टर को बहुत से काम दिये गये हैं। मैं यह मानता हूँ कि कलेक्टर के आफिस की परंपरा के नाते, अपने कार्य के नाते, उस आफिस की इतनी क्षमता है कि अगर उसे और भी कार्य दिये जाय तो वह अधिकारी और उसका कार्यालय उस कार्य को कर सकते हैं। लेकिन उसको यहां जिस तरह से परिभाषित किया गया है उसके अनुसार तो कलेक्टर को खुद करना पड़ेगा, अन्यथा जो अधिकारी कैंडिडेट के द्वारा नामांकित किया जायेगा, उसको यह कार्य करना पड़ेगा। क्योंकि यह कार्य बहुत महत्वपूर्ण है, इसलिये मैं चाहूंगा 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 एंडी०एम० लेवल तक या डिप्टी कलेक्टर लेवल तक से नीचे इसका डेलीगेशन नहीं होना चाहिये। ऐसा प्रावधान भी इसमें होना चाहिये।

इसी तरह से जो इसमें अनुसूची लगी हुई है, जो शैड्यूल लगा हुआ है, उसमें मुआवजे की दरें दी गई हैं। इसके बारे में मेरे पूर्व वक्ताओं ने कहा है और मैं इस बात की ताईद करता हूँ और इसको रेखांकित करना चाहूंगा कि जो मुआवजे का प्रावधान इसमें किया गया है वह बहुत ही हास्यपद लगता है। किसी की मौत हो जाय, उसके लिये केवल 25 हजार रुपये के मुआवजे 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 और इसे इतना कम करके हम भारत में, अपने राष्ट्र में, मानव जीवन के मूल्य का अवमूल्यन कर रहे हैं, मनुष्य के जीवन की जो क्षति होती है उसका अवमूल्यन कर रहे हैं। उसकी संपत्ति का अधिकतम मुआवजा इसमें केवल 6 हजार रुपये रखा गया है जो कि बहुत ही कम है। मैं यह मानता हूँ 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 दृष्टिकोण से उचित नहीं है। ऐसी अनुसूची यहां होनी ही नहीं चाहिये थी और इसे जिनको हम अधिकृत कर रहे हैं कि वे प्रतिकार का, मुआवजे का संचारण करें, उसका निश्चय करें, यह हमें उनका जो विवेक है, उस पर छोड़ना चाहिये कि उस प्रकरण में कितना मुआवजा मालिक से ले सकते हैं।

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

उपसभाध्यक्ष (प्रो० चन्देश पी० ठाकुर): मंत्री जी सुन रहे हैं, इस पर विचार व्यक्त किये गये हैं, उनकी प्रतिक्रिया की अपेक्षा कीजिये।

श्री अजीत जोशी : इसी तरह से अोनर की परिभाषा की तरफ ध्यान देकर मैं यह कह रहा था कि प्रत्यक्ष या परोक्ष रूप से अोनर की परिभाषा देते हुए इस अधिनियम में यह प्रावधान किया गया है कि मल्टीनेशनल्स, बहुराष्ट्रीय कम्पनियों के मालिकों को संरक्षण दे। उस तरह से जो कम्पनिसरी इश्योरेंस का प्रावधान है मेरे मत के अनुसार इश्योरेंस कराना नहीं कराना, यह कम्पनियों के मालिकों पर छोड़ा जाना चाहिए। हमें इसकी परवाह क्यों है? हमें इस बात की परवाह नहीं होनी चाहिये कि वह इश्योरेंस करवाते हैं या नहीं करवाते हैं। हमारे यहां इश्योरेंस कम्पनियां ज्यादातर शासन के अधीन हैं और जब इश्योरेंस का क्लेम होगा तो वह भी शासन से ही लिया जाएगा और इश्योरेंस के प्रिमियम भी बहुत कम दिए जायेंगे। यह कम्पनी की जवाबदारी है, मालिकों की जवाबदारी है। यदि कम्पनी के किसी हेजार्ड्स मटेरियल के कारण कोई दुर्घटना होती है तो कम्पनी उसका मुआवजा भी देगी। वह इश्योरेंस करवाए या न करवाए यह उन पर छोड़ा जाये (समय की बंदी) अभी समाप्त कर देता हूं। अंत में मैं यह कहना चाहूंगा कि अच्छे उद्देश्यों को लेकर इस सरकार ने मंत्री महोदय ने यह अधिनियम बनाया है परन्तु जैसा उनका उद्देश्य है उसके अनुरूप यह अधिनियम नहीं बन पाया है। इसमें सबसे बड़ा खतरा यह है कि हम इस अधिनियम को ग्राइ मे ऐसे लोगों को संरक्षण देने जा रहे हैं जिनको संरक्षण देने का हमारा कदापि उद्देश्य नहीं था। मल्टीनेशनल्स के मालिकों को और दूसरे लोगों को इस अधिनियम के अन्तर्गत संरक्षण मिलेगा जो उचित नहीं होगा। इसीलिए मेरा निवेदन है, मेरे एक मित्र ने संसोधन भी प्रस्तुत किया है कि इसे एक ज्वाइंट सलेक्ट कमेटी के पास भेज दिया जाए। सरकार और मंत्री महोदय इस पर गम्भीरता से विचार करें क्योंकि इसके बड़े दूरगामी परिणाम होने वाले हैं। इसलिए हमें और गहनता से विचार करना चाहिये, गम्भीरता से विचार करना चाहिये और इस विधेयक को ज्वाइंट 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 attitude we have been talking for time immemorial in this country, the attitude of holier than thou. Take the example of the statutory things which we have to pay to the Government, whether it is income-tax or 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.

THE 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 itself

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

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

SHRI VITHALRAO MADHAVRAO JADHAV: Mr Vice-Chairman, I will finish in two minutes. This Bill has been brought 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 which are on the bank of the

river Godavari and other rivers, are affected by pollution. You have started cleaning Ganga and Yamuna rivers, but all rivers in the country are to be cleaned up. That is very important. We are only speaking of avoiding accidents due to pollution caused by industries, because these are normally chemical industries, and these chemicals are 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 giving 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 now, so that you give them money for 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 and the people would not suffer. We have to bring in a comprehensive Act to regulate such industries.

Coming to Sangh incident—this is a part of my speech and my friend Apa Sahib Kulkarni, 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.

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

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

the time of the House I am giving precise information. The pollution control authorities had restricted the Sangli sugar factory in regard to the hazardous effects of pollution. The factory prepared a Rs. 2 crore scheme for filtration of water. This filtered 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 care 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): मान्यवर, मैं बहुत समय नहीं लेना चाहता हूँ। यह जो पब्लिक लिमिटेड इंश्योरेंस बिल, 1991 है, इसकी भावना, आत्मा बहुत अच्छी है और इस मुल्क की मांग भी है, आत्मनिर्भरता के अनुसार है, लेकिन इसमें मैक्सिमलम बर्से कहना चाहता हूँ, जो एक मिनिट से ज्यादा की नहीं होगी।

इसमें साठ-द्विज का जोडिस जो मांगा है, यह तो इन्सुरेंस केवल है। इसमें काम

से काम पन्द्रह दिन के नोटिस का अमेंडमेंट करना चाहिये।

दूसरी बात यह है कि कलेक्टर को जो नियमाने, तय करने का काम दिया गया है, जो भी मामला उनके सामने पैदा होगा उस पर भी पाबन्दी होनी चाहिये कि कितने दिन के अन्दर मिनिमम एक महीने के अन्दर उसकी निपटाना चाहिये, क्योंकि कलेक्टर के पास तो इतना समय होता ही नहीं। वह सालों तक पड़ा रहेगा और जिसको मुआवजा मिलना है, वह शाब्द खत्म भी हो आया, पर मुआवजा नहीं मिल पाया। आजकल मुआवजे के यह हालात हैं।

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

वक्त के साथ बहुत से नए प्रोजेक्ट आते हैं, बहुत से हाइड्रो काम आते हैं, तो मान्यवर, मैं यह कहना चाहता हूँ कि इस बिल को फिर से री-रॉइट करने की जरूरत है। इस बिल को खली मुहल में पास करने से कोई मंशा, अच्छी आशा होने के बावजूद भी, पूरी नहीं होती है।

इसलिए मेरा अग्रिम प्रस्ताव है कि इस बिल को कुवांग पड़ा जाए और री-रॉइट किया जाए और इस पर फिर से डिस्कशन होती 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 an offence committed by the owner handling hazardous substances, to draw the attention of the authorities concerned or the court for compliance with the provisions, in public 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 accommodated in the rules to be made under this Bill.

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

SHRI TINDIVANAM G. VENKATRAMAN: 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*) ...

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
उपाध्यक्ष महोदय वह सिलेक्ट कमेटी को
रिफर करने का प्रस्ताव मैंने जिस
उद्देश्य से किया था। वह उद्देश्य सिर्फ
इतना था कि मंत्री महोदय ने और सरकार
ने इस विधेयक को लाने के लिए अपने
दिमाग में जो चीजें रखी हैं, वह काफी
महत्वपूर्ण हैं और आज ऐसे एक विधेयक
को हमें जरूरत है जो छामियां बिल
में सामने नजर आई हैं, वह करीब-करीब
सभी सदस्यों ने, जिन्होंने इस बहस में
हिस्सा लिया है, सामने रखी हैं और
मंत्री महोदय ने खुद स्वीकार किया है
कि वह इसमें कुछ-न-कुछ एमेंडमेंट करके
इस बिल में सुधार लाने की कोशिश करेंगी
और इसको एजेंड्या करेगी।

उनके आश्वासन पर मैं अपना सिलेक्ट
कमेटी को रेफर करने का मोशन वापिस
लेता हूँ।

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

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

Clause 2 was added to the Bill

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

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

श्री सुरेशचन्द्र सिंह आहलुवालिया : उपसभाध्यक्ष महोदय, इस बिल में जो धारायाँ हैं, मैं एक बार इन सारे को 15 एमेंडमेंट्स मेरे हैं; सबके बारे में ही कह देता हूँ कि जो-जो धारायाँ सामने आई हैं, वह सभी मैंने सिली हैं और जिसकी धारा-3 में धारा-20 पर "अदर इन कनेक्शन" सेट में लिखा गया

है, मैंने इसको बिलिट करने के लिए एमेंडमेंट मूव किया है।

और दूसरा एक नेक्स्ट लाइन 23 पर जो मेरा अमेंडमेंट है जो मैंने लिखा है कि एक तो कारखाने के अंदर को एक्सीडेंट होता है या कारखाने में कोई किसमेंटक टैंक एक्सीडेंट होता है और एक जो वहाँ से कुछ डिस्चार्ज किए जाते हैं—टॉक्सिक और पॉयजनस कैमिकल्स डिस्चार्ज किए जाते हैं, उनसे जो नुकसान होता है, जैसा मैंने एक नई क्लॉज 1-ए इन्क्लूड करने के लिए कहा है

"Where death or injury or harm to any person or livestock or damage 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 prescribed."

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

दूसरा मेरा अमेंडमेंट नम्बर, जो सरकार को इसमें एडिजस्ट किया गया है ... (अवधान) ... मैं फिर इस बात को बोलता हूँ कि सरकार के बहुत से और वहाँ से सारे प्राशन डिजेक्शन को इस अंदर से अलग करने की कोशिश भी की गई है, उस पर विरोध करते हुए मैंने यह अमेंडमेंट दिया था; पर मंत्री महोदय कह नहीं हैं कि ये सारे अमेंडमेंट्स का जवाब भी वेसी और सारे अमेंडमेंट्स पर गौर फरमाते हुए एडजस्ट करने की भी कोशिश करेंगी।

इनको आश्वासन को मद्देनजर रखते हुए मैं अपने 15 को 15 अमेंडमेंट्स मूव नहीं कर रहा हूँ।

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

I shall now put clause 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 move on to the next item Shri Viren J Shah.

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

डा० रत्नाकरकाशेकर (उत्तर प्रदेश):
एक दिन के लिए सबन चढ़ गया है, माननीय उपाध्यक्ष जी, सदन ग्राग्रह करेगा कि कल प्रस्ताव रखा जाये ... (व्यवधान फोड़ते नहीं होना) यदि सोमवार को हाजिर होगा तो मंत्री महोदय बैठे हैं आपने प्रस्ताव के लिए बुलेगा लेकिन आज सुपा 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 NOTIFICATION 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. R(C) O. 1988/AM/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, Vishakapatnam, 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 pomfrets 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.