

STATEMENT BY MINISTER

INDUSTRY AND ENVIRONMENTAL POLLUTION RIGOROUS ENFORCEMENT OF CONTROL MEASURES.

THE MINISTER OF STAIL IN THE MINISTRY OF ENVIRONMENT AND FOREST (SHRI L. R. ANSARI). Madam, exactly a year ago, Bhopal was overtaken by a ghastly tragedy involving heavy loss to human life and property. The unprecedented environmental disaster on December 3, 1984 resulted from a combination of shortcomings in concepts and designs of the plant and in the practices and safety measures adopted in its operation. The haunting memories of death, misery and suffering will endure for ever. We have tried our best and spared no effort in organising relief and rehabilitation measures on a massive scale for the victims of the tragedy. But the traumatic effects of the holocaust will continue to be felt; no relief or rehabilitation can ever compensate the brutal sufferings of countless men, women and children caused by gross neglect of fundamental safety. Hon'ble Members are aware of the Government's ceaseless efforts for securing justice to the affected population.

The Bhopal Tragedy provided painful proof that no substitute exists for strict and ceaseless vigilance of industrial safety measures coupled with a high degree of awareness of the risks and consequences and a scientific analysis of these. No laxity in such matters can ever be permitted. While educational and promotional efforts have their own place, what is essential is a strict enforcement of well-thought-out safety regulation can ever compensate the brutal who fail to provide the necessary safeguards and play with the lives of people, this is all the more so where one has to deal with agencies who do not take adequately seriously their responsibilities to the community at large.

A thorough review of the existing provisions of the Factory Act has been undertaken, realising the need for protecting the workers from the health hazards

arising out of storage, use and production of hazardous materials. The Factories Act will be amended to specify the special requirements regarding safety and health which the owners and occupiers of factories have to follow. The Act would also lay down the permissible limits of exposure to toxic and chemical substances. Penalties for violation of the Act would be made deterrent.

We intend to make provisions for the management of hazardous substances beyond those that can be covered by the Factories Act. The Acts for Water and Air Pollution control will also be amended to ensure that we have adequate powers for dealing effectively with violators of safety. Provisions for enforcing closure of polluting industries which do not observe standard, will be introduced. The present penalties for defaulters are inadequate and will be made deterrent. Government would consider enabling private individuals affected by industrial pollution to sue polluting factories.

It shall be our endeavour to see that tragedies like the one in Bhopal do not recur and that every effort is made to strive towards promoting industrial safety and a cleaner environment.

SHRI JASWANT SINGH (Rajasthan): I do not ordinarily like to do this. But I find this statement abhorrent. This is a statement regarding one of the grimmest tragedies that struck not only India, but the entire mankind. I find it particularly distressing that this statement has been reduced to a bare exercise, the Government of India coming forward and making a lot of pious empty Statements. The hon. Minister's statement itself suggest at certain points saying that no laxity in such matter can ever be permitted. Thereafter, it goes on to say that a thorough review of the existing provisions has been undertaken. They say:

"We intend to make provisions for the management of hazardous substances ... The Acts for Water and Air Pollution control will also be amended to ensure that we have adequate powers for dealing effectively with violators of safety. Provisions for enforcing closure of polluted in-

[Shri Jaswant Singh]

industries which do not observe standards will be introduced. The present penalties for defaulters are inadequate and will be made more deterrent."

A year has passed. For one whole year the Government of India has been thinking of doing all these things on the tragic eve of such an occasion, all that the hon. Minister and the Govt. of India can do is to come forward to tell us that whereas they will not tolerate laxity, they are still considering what to do. I find it highly unsatisfactory. I express my strongest dissatisfaction with the statement. This statement is an absolute cruelty not so much to those who are dead because the dead are gone. They will no longer suffer because of it. But it is an insult to those who continue to live, who are crippled in mind and body, whose souls have been scarred and who continue to live, half live, in Bhopal. It is an insult to the living memory of all those who are dead.

It is almost a joke to ask for clarifications now. I would have never done so but for the fact that I will not get an opportunity. Would the hon. Minister, now at least, answer categorically what I have to ask? What do you have to say for this laxity of the Government of India which you yourself say you will not permit, in taking a whole year and at the end of it coming forward with hollow wishes? What are you going to do in subsequent years and months?

Secondly, will you give a commitment here and now as to when you are going to release the Vardarajan Committee Report to both the Houses? Why has the Vardarajan Committee Report not been made public? I demand it, Madam, through you. I cannot demand it normally as I am a helpless Member of the opposition. I can voice my resentment and anger in the face of the crimmest industrial tragedy that mankind has seen. Why is the Vardarajan Committee Report not been released and discussed? When are you going to discuss it?

We hear, thirdly, that the enquiry which was instituted has not with insufficient cooperation from the State Government and from local officials. Is that correct? We hear rumours and now an hon. Member of this very House has voiced that fear that this Enquiry Committee is to be wound up. Is that correct?

Finally, would the hon. Minister give a categorical statement here and now that the Government of India—indeed there are reports of it in the press—will not pusillanimously capitulate in front of criminal U.S. industrialists and settle out of court with Union Carbide Limited.

PROF. C. LAKSHMANNA (Andhra Pradesh): Madam Deputy Chairman, I do not know whether I have to congratulate the hon. Minister for having an exercise in futility. If one has to go through the statement which has been given just now, I do not know what exactly is the position. After one year and after innumerable press reports which we have been having about the Bhopal tragedy, at least I was expecting that by this statement we would be able to know exactly what the position is with regard to the tragedy, what is the Government of India stand, what is the stand of union carbide, what is the stand of the State Government and what is the cumulative effect of all these on our unfortunate brethren and sisters over there. But this statement, though making a very nice facade of things, does not give any details. Secondly, Madam, it is not the Bhopal tragedy which alone has happened about a year back. Subsequently, there had been at least half a dozen incidents of similar nature which have threatened the lives of the citizens living in the surroundings. This statement is—"Industrial and environmental pollution—Rigorous enforcement of control measures". But he has not made out what steps have been taken by the Government of India to improve the conditions in similar circumstances. Not only that, Madam. In the public Sector Undertakings like the Nuclear Fuel Complex and the ECIL at Hyderabad, there was an incident, and there were certain problems emanating out of pollution from these

two factories. One cameraman of a particular news paper wanted to take some photographs of the enough evidence to prove how there has been absolute negligence on the part of these organisations. The net result was that he was beaten and he was not permitted to take photographs on the ground that it would lead to some embarrassment of public cause. How can we take from this Government that if they are not able to enforce the measures with regard to the control of pollution in the factories directly under their management that they will be able to safeguard the interests of people all over the country, from different factories? Therefore, the Minister should have thought it best to come out with concrete steps that these are the steps that have been taken. These are the results that have flown. Now, these are the steps that will be taken and that this will be the position with regard to environmental pollution control in the years to come. Instead of that, taking advantage of a human tragedy which occurred one year back, he would like to present before the nation a picture that the Government is very much interested in the well-being. What is their interest? I understand from one statement that the compensation which is coming forth for each family is only Rs. 300/-. What has been done by the Government to meet the situation. Therefore, concrete steps should have been made available. Instead of that, as I was mentioning earlier, making this statement is nothing but an exercise in futility. Therefore, even now it is not late. Will the Minister make a statement that if there is any problem of environmental pollution in any of the factories under the control of Government of India itself, immediate steps will be taken to meet the situation there? Secondly, I would demand from the Minister whether he is prepared to appoint a committee or a research team to go into the various industries that have been established in this country as to how many of them conform to the requirements of environmental pollution control and what is the percentage of them who do not conform, and if the percentage is big enough, what particu-

lar steps he will take. Therefore I demand from the Minister whether he is prepared to appoint a committee or a research study team to go into the working of all these industries.

Thank you, Madam.

SHRI SUSHIL CHAND MOHUNTA (Haryana): Madam, I want to know from the hon. Minister that after a lapse of this one year what the extent of damage is that is caused by the Bhopal tragedy in terms of human lives. How many people are crippled? How many people are to be rehabilitated and to what extent the Government has helped those people whose kith and kin have died or those families in which a number of people have been crippled? What is the relief which the Government is providing? And what has it done so far? Secondly, I would also like to know that when a tragedy of this dimension has occurred in Bhopal, whether the Government during the last one year has drawn any lesson from it and whether it has known as to what the real reasons were behind this tragedy. There have been reports in the press earlier that it might have been a case of sabotage. I do not agree with it. This is probably just trying to cover the misdeeds of the Company itself so that they may not have to pay the full amount of damages. But, in any case, what is the extent, what is the truth about this rumour that it was an act of sabotage by certain extremists or terrorist elements and it was not the fault of the company at all? Thirdly, has the Government by now learnt a lesson that major industries, big industries, should not be allowed to be opened within a particular area of any town or city so as to cause not only pollution hazard, safety hazard, but also because such a thing overcrowds the whole city and creates slums out of the city as has happened in the case of Delhi now. (Time Bell rings) Unauthorised expansion of housing and industries all round Delhi has now resulted in various areas of it becoming slums and this problem is bound to grow in the years to come. Has the Government drawn up any scheme by which it will prohibit the installation of any major industry which is likely to endanger or which is likely to be pollu-

[Shri Sushil Chand Mohanta].

tion hazard within a particular area from a big town or a city. Fourthly, by now, during this one year, what are the loopholes which the Government has so far detected which the Minister feels that he should plug those loopholes and make a law more drastic and severe so that these tragedies do not occur. By now he should have known that these are the problems which he has got to surmount and tackle. Has he found out what the lacuna in the law is and what has been his advice to the Government?

DR. SHYAM SUNDAR MOHAPATRA (Orissa): Madam, I went to draw the attention of the hon. Minister to Mr. Anderson's statement that they will be happy to grant \$ 5 million to the gas victims which in a modest estimate according to Indian estimates comes to Rs. 300 per person. Madam, I would like to know how much Anderson has to pay for each person. Has the Government of India made any calculation about it and what is their stipulation? In USA, according to a news report a man who loses a hand only if he is in Hollywood gets \$ 5 million. How much should these victims get from the Union Carbide? When Mr. Asoke Sen went to the United States what preliminary talk did he have with Mr. Anderson or the Union Carbide? As you know, a large number of lawyers and attorneys have already come to Bhopal and the relations of those victims have given them power of attorney for representing them in the United States district courts. Are you going to allow individual persons to sue Union Carbide in the USA? We want to know what the Government's general policy is so that these poor victims, whose number not only 2,000, but much more there may be a million of them, who are going to be affected, because the researchers say is that it is going to affect the whole generation to come get adequate relief.

SHRI RAOOF VALIULLAH (Gujarat): This pertains to the statement by the Minister where he says that we have

tried our best and spared no effort in organising relief and rehabilitation on a massive scale for the victims of the tragedy. Some time in July this year the Chief Minister of Madhya Pradesh made a statement that all those who are affected in this Bhopal tragedy will be employed in Government service. I do not know whether this was a statement that could have come from the Chief Minister and what service could the Government provide. In fact, I had suggested even at that time that some scheme could be mooted to give gainful employment to all those who have suffered in order to rehabilitate them, some kind of self-employment scheme which would generate employment not only to the people who are affected but even to those who are crippled and some kind of workshop could be started. I would like to know precisely whether this has been followed and whether the Chief Minister of Madhya Pradesh has been advised accordingly.

SHRI Z. R. ANSARI: Madam, I share the anxiety of the hon. Members which they have shown. Broadly the question pertains to two aspects of the whole matter. One is regarding the Bhopal tragedy and the lapses on the part of the Union Carbide there, you will appreciate that—and this hon. House will appreciate—the whole matter is *sub-judice* and therefore, it will not be proper to discuss that matter here. As far as other questions are concerned, I am just giving my reply. Instead of taking this statement in good spirit from the Government which has come forward with a saner intention of removing all those lacunae which do exist in our laws, to avoid recurrence of such tragedies and to show our firm intention that we are going to bring such amendments in the Factories Act and in the Air and Water Pollution Control Act so that more stringent action and more deterrent action may be taken against those industries which pollute the atmosphere at the cost of the people in

general, instead of just appreciating the spirit behind this statement which has been shown, my friend Mr. Jaswant Singh, was very emotional in discrediting this statement. The essence of this statement is that Bhopal tragedy which has taken place has opened our eyes and the eyes of the whole society and we have made all efforts to identify those industries which are dangerous and where some more stringent action should be taken. The present laws which are there, the Factories Act, Water and Air Pollution Control Act, and the mechanism to enforce those laws are weak; in other words we may say that we are not having enough teeth to bite the wrong-doers. It is the intention by this statement of the Government to provide those teeth against wrong-doers.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): The question is, why did you sleep for one year and why did you not come up with this? Parliament met thrice afterwards.

SHRI Z. R. ANSARI: The whole thing has to be identified; the industries have to be identified and when we came to the conclusion that these are the areas where strict measures should be there and some deterrent punishment should be there, it has come forward with this intention and I think probably in this very session we are making efforts to come forward with those amendments to provide teeth to the Administration to bite wrong-doers.

My friend raised the question of Vardharajan Committee Report. As a matter of fact, the Government has not yet received the Vardharajan Committee Report. Therefore, when we have not yet received the report how can that be.

SHRI JASWANT SINGH: I have to believe what you say.

SHRI Z. R. ANSARI: This is the information I am giving that the Government has not yet received Vardharajan Committee Report.

SHRI PARVATHANENI UPENDRA: He is also sleeping?

श्री जसवंत सिंह : आप जो फर्मा रहे हैं सही फर्मा रहे हैं । अगर नहीं मिली है तो इसको आप चेकअप कर लीजियेगा । कई लोगों से ऐसा सुनने में आया है वर्धराजन कमेटी की रिपोर्ट सरकार दवाए बैठी है ।

श्री जेड० आर० अंसारी : जनाब, आली मैं यही अर्ज कर रहा हूँ कि मैं जो आपको बात बता रहा हूँ वह यह है कि सरकार को अभी तक वर्धराजन कमेटी की रिपोर्ट प्राप्त नहीं हुई है । जो मुझे इतला है मैं उसी की बुनियादी पर अर्ज कर रहा हूँ ।

PROF. C. LAKSHMANNA: Was there no time-limit laid down in regard to the submission of the report by the Vardharajan Committee? What reminders were given by the Government to the Director-General of the CSIR to expedite the report?

SHRI PARVATHANENI UPENDRA: What is the difficulty in giving the report?

SHRI Z. R. ANSARI: I do not know, CSIR is an autonomous organisation, When they form some opinion, Director General CSIR will submit his report and only then we can be accused of not placing the report before the House.

उप सभापति : मैम्बरों का कहना यह है कि यह बहुत सख्त टूजिडी थी, इसलिए अगर वह रिपोर्ट आ जाय तो ठीक रहेगा । उनका कंसर्न सिर्फ यह है कि आप खुद इस रिपोर्ट को मंगाये और डिसकश कर लिया जाये ।

This is a very serious matter. If the report has not come, then, it should be expedited.

PROF. C. LAKSHMANNA: Can the hon. Minister give an assurance on the

[Prof. C. Lakshmananna]

floor of the House that they will see to it that the Varadhrayan Committee report is submitted soon so that we know what is the exact position with regard to the Bhopal tragedy?

SHRI Z. R. ANSARI: Madam, this assurance I cannot give on the floor of the House, because, the submission of the report is not in our hands. CSIR is an organisation. (

SHRI PARVATHANENI UPENDRA: It is under the control of the Government of India. You are saying as if it is a private organisation. Why don't you impress upon them that the report should be given quickly? Is this the concern you show to the unfortunate people after one year?

PROF. C. LAKSHMANNA: Madam, this is not a routine report. This is in regard to a particular tragedy which has taken place. Therefore, this report cannot be treated as a routine report, that the CSIR can think it fit to submit the report whenever it wants. I understand, this particular Committee has been asked to go into it in view of the great tragedy which took place in Bhopal. Therefore, all that I am asking is that the Minister should give an assurance that he will make efforts to get the report as soon as possible so that we really know what happened.

SHRI Z. R. ANSARI: Madam, I am sorry, I cannot enter into this regular dialogue. I can only say that as soon as we receive the report, we shall certainly place it before the House at the appropriate time.

Madam, now, to proceed further, I refute in the strongest terms, the charge that we want to capitulate before anybody. I strongly refute this charge. We will not capitulate before anybody; it may be a foreign firm or an Indian firm. As far

as this question is concerned, as far as control of pollution is concerned, there is no distinction and discrimination between the public sector and the private sector. Everybody will be dealt with with a strong hand and by the same law. There will be no distinction between the public sector and the private sector. Whoever pollutes the atmosphere, will be dealt with properly.

Now, Madam, as far as the question of gas leakage is concerned, it is being looked after by an inter-Ministerial committee and whatever specific instances have been cited by hon. Members, after the Bhopal tragedy there were some other instances...

SHRI PARVATHANENI UPENDRA: In Hyderabad.

SHRI Z. R. ANSARI: These will be certainly looked into. I think, I have met almost all the points and I have come forward with this statement with a determination to bring about changes in our law to provide more teeth to the administration against the wrong-doers, as far as air and water pollution are concerned.

DR. SHYAM SUNDAR MOHAPATRA: What about my question, about compensation to the victims?

SHRI PARVATHANENI UPENDRA: May the souls of these 2500 people rest in peace!

SHRI Z. R. ANSARI: Madam, there cannot be any compensation to the victims. As far as we are concerned, we have provided, the Government have provided, whatever we could, whatever was possible, by way of relief to the victims.

As far as compensation is concerned, we are fighting a case against the Union

Carbide to get proper compensation for those victims. We hope to succeed. We are trying our utmost to succeed in that matter.

SHRI SUSHIL CHAND MOHUNTA:
What is the loss in terms of human lives....

SHRI RAOOF VAIJULLAH: What are the long-term measures to rehabilitate the victims?

THE DEPUTY CHAIRMAN: The House is adjourned till 11 o'clock tomorrow.

The House then adjourned at forty-six minutes past six of the clock till eleven of the clock on Wednesday, the 4th December, 1985.