

SHRI NIRMAL CHATTERJEE: Are there cases which are pending since and which had originated earlier than 1984-85? If so, at what stage are they? If the time involved is too long according to the Minister, should not penal steps be taken in such cases?

SHRI T. ANJALIAH: We can dispose of these cases within twenty days. We have got only 24 cases in Delhi I have already said it. There is another question, No. 320 related to this. If you link your question to that question. I can give you the answer as to how many have been prosecuted, how many have been sent to jail what the amount of arrears is, State-wise information we have.

SHRI NIRMAL CHATTERJEE: Do I understand that before 1984 there were no cases for 1983 or earlier? You have given figures for 1984-85 only.

SHRI T. ANJALIAH: She asked that question. If you ask another question, I shall answer.

MR. CHAIRMAN: His answer is in relation to the question which deals with 1984.

SHRI NIRMAL CHATTERJEE: But the sub-title of the question is about provident fund dues. On the basis I have asked my question.

MR. CHAIRMAN: You cannot ask that question. That is why you did not get an answer.

SHRI ALADI ARUNA alias V. ARUNACHALAM: The honourable Minister said nearly 26 establishments have been exempted from this scheme. What is the reason for exemption? What are the alternatives available to the employees who have been deprived of the facility?

SHRI T. ANJALIAH: We are not happy to give exemption. We give exemption only when the workers insist. Here they themselves wanted it; they said whatever arrangements the management have made will do for them. That is why they are exempted.

Pollution control measures for the Chlorine plant of Shriram Food and Fertilizer industries

†*303. **SHRI SATYA PRAKASH MALVIYA:†**
SHRI SUSHIL CHAND MOHUNTA:

Will the Minister of LABOUR be pleased to state:

(a) whether the committee of experts set up to examine the safety and pollution control measures of the chlorine plant of the Shriram Food and Fertilizer Industries at Najafgarh Road, Delhi has submitted its report; and

(b) if so, what are the findings of the committee and what action Government have taken or propose to take thereon?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJALIAH): (a) Yes, Sir

(b) A Statement is laid on the Table of the House. (See below)

Statement

The Expert Committee on Shriram Food & Fertilizer Industries, in its report on the chlorine plant of that unit, submitted to Delhi Administration on the 18th September, 1985, had observed that total elimination of the risk to the community from toxic plant/hazardous industry located in close proximity is improvable. The Committee had further added that the probability of risk can be immensely reduced if the plant is run with adequate precautions. The Committee had

†Previously Starred Question 143, transferred from the 28th November, 1985.

†The question was actually asked on the floor of the House by Shri Satya Prakash Malaviya.

made certain specific recommendations in relation to the chlorine plant and had urged for strict and immediate compliance of the recommendations by the management so as to minimise the risk to the workers and the population around. While copies of the report of the Committee have already been placed in the Parliament Library for facility some of the principal recommendations are listed below:—

(1) The 100 Mt. liquid chlorine storage tank should be discontinued from storage service.

(2) The management should restrict the limit of storage of liquid chlorine to three tanks with capacity of 20/25 MT each.

(3) The management should arrange immediately radiography of all weld joints, supplemented by thickness survey and hydraulic test.

(4) Safety valves release from all tanks to be directly connected to the neutralising scrubber.

(5) The maximum number of filled chlorine cylinders within SFFI complex to be restricted to the barest minimum and the extra filled cylinders should be stored at a place in the out-skirts of Delhi away from population.

(6) The chlorine neutralising system should be made capable of dealing safely with any flow which can reasonably be foreseen as a result of simultaneous operation of more than one relief device.

(7) All pipe lines handling liquid chlorine should be subject to thickness survey once to six months, flange joints are to be minimised and no repaired pipe line is to be used for chlorine service.

(8) Instead of the one chlorine detector the management should install seven chlorine detectors to be located so as to cover chlorine storage, cylinder filling shed, scrubber area and chlorine compressor house.

(9) The management should construct a separate control room with the provision of pressurization and double door arrangement and the air intake for pressurization or airconditioning should be taken from far off place.

(10) The management should procure six numbers of self-contained breathing apparatus with spare twelve cylinders of compressed gases.

(11) The Plant should have air line breathing point at about six locations all around the chlorine plant and air line breathing sets should be kept for use in emergency.

(12) A trained Medical Assistant with mobile ambulance van should be available round the clock in the plant site.

(13) A specially trained group to handle chlorine leakage during emergency should be available round the clock.

(14) The plant should not be given permission for future expansion of hazardous chemical industries beyond its existing installed capacities.

After receipt of the Report, Ministry of Labour convened two meetings on 24th September and 10th October at which representatives of the concerned Ministries/Departments and the Delhi Administration were present. At this meeting, it was decided that the management should be asked to immediately comply with the recommendations and the Delhi Administration was also advised to appoint M/s. Engineers India Limited as a Consultant for overseeing the recommendations of the Companies. The Delhi Administration was also asked with the management to restrict the storage of chlorine gas to the limits as recommended by the Committee. Again on 2nd December, the Lt. Governor had written to the management to strictly comply with all the recommendations of the Committee immediately.

Consequent on the gas leakage in the Oleum plant on 4th and 6th December, the Delhi Administration had issued an order under Section 133 of the Cr. P. C. and directed the management to cease carrying on the manufacture and processing of hazardous and lethal gases, including chlorine and Oleum at the establishment of the factory within two days and also remove the above chemicals and gases stored at the said place within seven days. They have also issued an Order under Section 40(2) of the Factories Act, 1943, prohibiting the use of caustic chlorine Plant and sulphuric acid plant, till adequate safety measures have been adopted and immediate danger to human life is eliminated.

श्री सत्यप्रकाश मालवीय : मान्यवर, समिति ने सिफारिश की थी कि यह प्लांट खतरनाक है, इसलिए उस प्लांट को बन्द कर दिया जाय और 21 अक्टूबर को गैस त्रासदी समिति भोपाल ने दिल्ली में धरना भी दिया था यह प्लांट खतरनाक है, यह बन्द कर दिया जाय, लेकिन चूंकि सरकार की ओर से कोई कार्रवाई नहीं की गई इसलिए 4 दिसम्बर को दिल्ली में गैस कांड वाली घटना घटित हो गई। मेरा प्रश्न यह है कि क्या कारण है कि जब समिति की रिपोर्ट थी कि यह खतरनाक है, इसको तत्काल बन्द किया जाय तो बन्द क्यों नहीं किया गया ?

श्री टी० अन्जय्या : जो रिपोर्ट आई है वह हमने लाइब्रेरी में रख दी है। वह क्लोरीन के बारे में थी। यह जो लीकेज हुआ है यह ओलियम का है जो एक और केमिकल है। एक्सपर्ट कमेटी के अनुसार क्लोरीन का जितना स्टॉक रखना चाहिए उससे ज्यादा उन्होंने रखा है। यह जो इंसीडेंट हुआ है यह दूसरे केमिकल का है, वह हमने साफ तौर पर अपने जवाब में बता दिया है।

श्री सत्यप्रकाश मालवीय : मेरा दूसरा प्रश्न है। कमेटी की एक रिकमेंडेशन यह भी है कि —

“After examining the chlorine in dispersal in different ambient

conditions, the Committee has warned that if at any time chlorine leakage takes place on account of the collapse of the tank or leakage, the effect on the surrounding community will be disastrous.”

मान्यवर, कमेटी की स्पेसिफिक रिकमेंडेशन थी कि लीकेज होगा तो भयंकर होगा और 2 दिसम्बर, को लैपटीनेंट गवर्नर ने भी आदेश दिया था कि कमेटी की सिफारिशों को तुरन्त लागू किया जाय मेरा प्रश्न यह है कि जब इंफिनिट रिकमेंडेशन है कि लीकेज होने पर भयंकर घटना हो सकती है तो क्यों उसको रोकने के लिए तत्काल उपाय न किए गए ?

श्री टी० अन्जय्या : जो बात मैंने पहले कही अभी भी कह रहा हूँ कि जो एक्सपर्ट कमेटी की रिपोर्ट थी वह क्लोरीन के बारे में आई थी, उसमें कहा गया था कि 280 टन क्लोरीन रखते हैं जबकि 60 टन रख सकते हैं। अब जो इंसीडेंट हुआ है वह दूसरी गैस का है। उसका क्लोरीन से ताल्लुक नहीं है। इस पर भी एक्सपर्ट कमेटी बिठानी चाहिए। हर साल चेज करना पड़ता है, शायद उन लोगों ने चेज नहीं किया, फरवरी 1984 में क्लियर किया था, फिर नहीं किया, जिससे मालूम होता है कि मैनेजमेंट ने इसमें कोई लापरवाही की है जिसकी वजह से यह इंसीडेंट हुआ है। हमेशा यही कहते हैं कि हम इम्प्लीमेंट कर रहे हैं रिपोर्ट को। इसलिए इस पर भी विचार होगा और ओलियम के बारे में एक्सपर्ट कमेटी जो रिपोर्ट रखेगी उसको उसके सामने रखेंगे। तो-तन किस्म के केमिकल हैं जिनसे गैस आ सकती है। यह इंसीडेंट ओलियम गैस का हुआ है।

MR. CHAIRMAN: Yes, Mr. Mohunta.

SHRI SUSHIL CHAND MOHUNTA: Sir, I want to draw the attention of the honourable Minister to the statement which he has laid on the Table of the House. I would like to draw his attention to one particular sentence in the statement. It says that the total elimination of the risk to the community from toxic plant/hazardous

industry located in close proximity is improbable. I really cannot understand the meaning of the word "improbable". What does it mean? Either the total elimination is not possible at all or even if it is possible, they have no will to do it. I do not know what is meant by the word "improbable". I would not like to argue much about the composition of this sentence. But I want to know what the meaning of this is. Now, chlorine is one by-product of so many industries which it is very difficult to dispose of because it cannot be left in the atmosphere and hydrochloric acid is not so much in great demand and, so, there is no way to dump it out. It has also been found that the production of a poisonous gas or its by-product cannot be allowed in any inhabited area or in close proximity thereto. Now, when the Government came to know from the Report of the Committee that the situation in the plant was such that it was not possible at all to eliminate the chance of risk or hazard to the inhabitants in the locality, why was the plant not stopped immediately? And the management directed to shift its location to a place away from the inhabitants. This is the first, paramount duty of the Government. Why was this step not taken?

श्री टी० अन्जैया : श्रीमान्, जो मैम्बर सहबान ने बताया यह तो दिल्ली एडमिनिस्ट्रेशन का जो लेबर कमिश्नर है उसका जो रिकमेंडेशन है उस पर अमल करना चाहिए। फिर भी दिल्ली एडमिनिस्ट्रेशन का जो फैसला है उस पर उन लोगों ने ऐक्ट नहीं किया। जब सवाल पार्लियामेंट में आया तो हमने कमेटी बैठाई और उस कमेटी की रिपोर्ट में क्लियर कहा गया है कि कितना स्टॉक उनको रखना चाहिए और कितना वह रख सकते हैं, लेकिन उससे ज्यादा स्टॉक रख रहे हैं। अब रहा किन्टरी शिफ्ट करने के बारे में, उसके लिए टाइम लगेगा। दिल्ली एडमिनिस्ट्रेशन के लेबर कमिश्नर ने कहा कि इसको क्लोज करना चाहिए। मगर दिल्ली एडमिनिस्ट्रेशन की ओर लेबर कमिश्नर की रिपोर्टें अलग हैं। उसमें जब

तक स्टेट गवर्नमेंट हमको सहायता नहीं देगे, हमारे पास कोई अधिकार नहीं है कि हम उसको इन्फ्रीमेंट कर सकें वह जो सैफटी का मॅटर है वह स्टेट मॅटर है। उनके इन्स्पेक्टर्स को चेक करना चाहिए, उसके ऊपर काम करना चाहिए, क्या लीकेज हो रहा है, किधर हो रहा है, सेबोटज तोन श है, वह भी देखना चाहिए। इतना आसान नहीं है कि मैं कुछ कह सकूँ। इस बारे में स्टेट गवर्नमेंट की पूरी रीस्पॉन्सिबिलिटी है। अगर कहीं कुछ होता है तो वह स्टेट गवर्नमेंट की जिम्मेदारी है।

SHRI SUSHIL CHAND MOHUNTA: What does the word 'improbable' (Interruptions)

MR. CHAIRMAN: You put the question in such a verbose way that he does not understand. I will put it. Now, the hon. Member wants to know, when did the Government come to know about the storage of chlorine in such large quantity and why didn't the Government take immediate action as soon as they got this information? Is it all right?

SHRI SUSHIL CHAND MOHUNTA: What does 'improbable' mean?

SHRI T. ANJIAH: You have already told me that it is not possible to shift or absorb this gas at a time. You have already told me. You have already given your answer. (Interruptions)

SHRI SUSHIL CHAND MOHUNTA: I do not understand what is the meaning of 'improbable'. The sentence reads like this... (Interruptions)

MR. CHAIRMAN: If you have the information when the Government first got the information or knowledge about the storage of chlorine in large quantities...

SHRI T. ANJIAH: There is no question of that now that this accident has taken place. Only he is talking of chlorine. (Interruptions)

MR. CHAIRMAN: Mr. Kapil Verma.

SHRI KAPIL VERMA: The hon. Minister has admitted that there has been gross negligence on the part of

the management and there has been a violation of law. Then why only minor and small employees have been arrested? Will the Government consider arresting the proprietors of the firm?

SHRI T. ANJIAH: Sir, this law is implemented by the State Administration whatever it may be we had set up an expert committee. That expert committee has already given a report. They say that we are already implementing whatever the expert committee has recommended. Now we have to go into what is the volume and how many tonnes they keep in their factory. It will take some time. It is not a question of that. The incident has taken place, of Oleum gas. This is a new thing. (Interruptions)

श्री बीरेन्द्र वर्मा : माननीय मंत्री जी यह बताने की कृपा करेंगे कि 18 सितम्बर को एक्सपर्ट कमेटी ने अपनी रिपोर्ट दी और 24 सितम्बर और 10 अक्टूबर को मंत्री जी ने एक्सपर्ट्स और दिल्ली एडमिनिस्ट्रेशन के जो अलग अलग विभाग हैं उनकी मीटिंग की। उसके बाद लेफ्टिनेंट गवर्नर ने आदेश दिया कि जो 14 रिकमंडेशंस कमेटी की हैं उनको इंप्लीमेंट किया जाए जल्द से जल्द तो उन 14 रिकमंडेशंस में से दो दफा आपकी मीटिंग हो चुकी हैं और लेफ्टिनेंट गवर्नर का आदेश है, इनमें से कितनी रिकमंडेशंस का कॉम्प्लायेंस किया है अब तक ?

श्री टी० अजय्या : जो कुछ छोटी-छोटी बातें थीं उन्होंने वह इंप्लीमेंट कर दीं।

श्री बीरेन्द्र वर्मा : 14 में से कितनी कर दीं ?

श्री टी० अजय्या : जो चीजें थी, क्लोरीन स्टॉक करने के बारे में जो रिकमंडेशंस थीं नको उन्होंने इंप्लीमेंट नहीं किया। दिल्ली एडमिनिस्ट्रेशन ने जो दो दिसम्बर को लेटर लिखा अगर वह पहले लिखते, पहले से बर्निंग करते रहते तो ठीक रहता। हमने लेफ्टिनेंट गवर्नर साहब से भी कहा, लेबर डिपार्टमेंट लोगों से कहा कि आप बहुत जल्दी एक्शन लीजिए नहीं तो यह भोपाल बन जाएगा तो उन्होंने यह कहा कि हम एक्शन ले रहे

हैं, हम एक्शन ले रहे हैं। यह तो आप जानते हैं कि वी कांट इन्टरफीयर, हम तो एडवाइस कर सकते हैं।

श्री बीरेन्द्र वर्मा : हम तो जानते हैं आप भी जानते होंगे ?

SHRI M. S. RAMACHANDRAN: Mr. Chairman, Sir, according to the reply, after the receipt of the report from the Expert Committee they had just two meetings and given some advice to the Delhi Council, etc. Apart from a formal review and giving some advice, they have not taken any concrete action in the matter. I learn from the Press report that the Chief Inspector of Factories has now given a notice asking them to close the plant. If this action had been taken by the Chief Inspector of Factories one month before, this unfortunate incident would not have occurred on 6th of December. Some of the recommendations made by the Expert Committee are so simple and small that any management with the least consideration for human aspect and safety of their workers and the near by population would have carried out in no time without much of expenditure on their part. Sir, this incident has taken place because of the reckless indifference on the part of the management on the one hand and lack of attention and a sense of urgency on the part of the Labour Department.

MR. CHAIRMAN: Question please. Your time is up.

SHRI M. S. RAMACHANDRAN: The Chief Labour Commissioner of Delhi has made a recommendation to the Delhi Metropolitan Council and the Delhi Administration that they should approach the Central Government for amendment of the Factories Act. My question to the hon. Minister is whether they will take

up the amendment of the Factories Act taking a lesson from this pollution. Will they also appoint a separate Chief Inspector of Factories for pollution and safety?

SHRI T. ANJALIAH: The Act is already there and there is no question of any amendment. But the rules are to be published. They have already taken up the publication of rules. According to the rules, they have closed down and the Labour Department has written to the management. The violations are going on from the beginning. There has been an utter failure on the part of the management. I have already told you that it is not chlorine. It is another gas. The same Expert Committee will go into details about oleum. This is also a new kind of health hazard. So, I must know what the report about this gas is.

DR. SHANTI G. PATEL: Sir, as pointed out earlier, the report states that total elimination of the risk to the community from toxic plant/hazardous industry located in close proximity is improbable. Secondly, there have been complete violations of the requirements that have been conveyed to the factory owners from time to time. Thirdly, I am reading from the Times of India dated 5th of this month wherein it is stated that the Labour Department of the Delhi Administration had made a survey soon after the Bhopal tragedy and had recommended temporary closure and shifting of this particular plant. I quote, "Had the Delhi Administration's recommendation for temporary closure of the unit and its shifting from Najafgarh area been implemented, the mishap that occurred today could have been avoided, claim Administration sources". In the light of these facts, may I know from the hon. Minister whether they would now decide to shift this particular factory from this area and thus eliminate the danger completely and for all times to come?

SHRI T. ANAJALIAH: Sir, I cannot say abruptly about the shifting and not shifting. It will go to the Expert Committee. They will recommend. If shifting is necessary, they will shift. We will give the order to the Delhi Administration. But we have to see other States also.

DR. SHANTI G. PATEL: This is the decision of the Delhi Administration.

MR. CHAIRMAN: The Minister says that with regard to oleum, the Expert committee has to give a report. And on the basis of that report, the Government will decide.

DR. SHANTI G. PATEL: My point was different. I was not referring to oleum at all. I was referring to chlorine. Even that gas is found to be dangerous. And in that connection, shifting was recommended. I am not talking of oleum at this stage.

SHRI T. ANJALIAH: About chlorine, the Expert Committee has not recommended closing down the industry. They said in the report that the capacity of 280 tonnes should come down to 60 tonnes. This is their report.

DR. SHANTI G. PATEL: What about Delhi Administration's recommendation to shift it.

MR. CHAIRMAN: He says... (Interruptions) The answer is that the expert committee has not recommended shifting. It has recommended reduction of the volume of storage from 280 tonnes to 60 tonnes. Now, Mr. Chaturanan Mishra.

DR. SHANTI G. PATEL: The Government should take the decision.

श्री चतुरानन मिश्र : सभापति महोदय, जितने भी मौलिक अधिकार हैं उनमें जाने का अधिकार सर्वोपरि है, सबसे ऊंचा है। इसका किसी कम्पनी के भरोसे नहीं छोड़ा जा सकता है। ऐसी स्थिति में मैं माननीय मंत्री महोदय से यह जानना चाहता हूँ कि इस मौलिक अधिकार के ऊपर अगर किसी मल्टी-नेशनल कम्पनी की तरफ से या किसी एकाधिकारवादी कम्पनी की तरफ से अशान्ति

होता है तो उसको देखते हुए क्या सरकार ऐसी कार्यवाही करेगी जिससे भविष्य में जीवन पर कोई खतरा न उपस्थित हो य नी कोई ऐसी कार्यवाही करेगी जिससे लोगों के जीवन को खतरा न रहे ? मैं स्पष्ट रूप से जानना चाहता हूँ कि क्या आप उनको वहाँ से हटाने के लिए कदम उठाएंगे ?

श्री टी० अंजय्या : हमने तो कदम उठाया है। लोगों को एरेस्ट किया गया है और फँकट्री को बंद किया गया है और सब कुछ किया गया है... (व्यवधान)

श्री चतुरानन मिश्र : हमारा यह कहना है कि लोगों के मरने से पहले क्या आप इस तरह की कार्यवाही करेंगे ? यह तो आपने लोगों के मरने के बाद कार्यवाही की है। आप लोगों के मरने के बाद कार्यवाही करते हैं... (व्यवधान) यह तो मरी हुई सरकार का जवाब है... (व्यवधान)

श्री टी० अंजय्या : भोपाल के बाद इस मामले पर गवर्नमेंट बहुत सीरीयसली सोच रही है। तमाम फँकट्रीज से रिपोर्ट मंगा रहे हैं और उसके ऊपर जो कुछ भी हो सकता है वह करेंगे। जो आफिसर्स आर्डर्स को इम्प्लीमेंट नहीं करेंगे उन लोगों के खिलाफ एक्शन लेंगे। हम चीफ इंस्पेक्टर की मीटिंग बुला रहे हैं। हम उनसे कहेंगे कि स्टैट्स में उनकी जिम्मेदारी है। वे मैनेजमेंट को एडवाइज करें। क्लोरीन के बारे में एक्सपर्ट कमेटी ने कहा है। स्टेट गवर्नमेंट को पूरा अधिकार है कि वे किसी फँकट्री को क्लोज कर दें, सिफ्ट कर दें। उनको इन बातों का पूरा अधिकार है। हम कहेंगे तो कहा जाएगा कि किसी के दिमाग की उपज है। फँकट्री को क्लोज करने की जिम्मेदारी उनकी है। हमारे ऊपर भी थोड़ी जिम्मेदारी है। हम रिपोर्ट मंगाने के बाद कह सकते हैं।

MR. CHAIRMAN: Question No. 304—
Shri Gurudas Das Gupta.

*304. [The Questioner (Shri Gurudas Das Gupta) was absent. For answer. vide col. 37-38 infra.]

MR. CHAIRMAN: Question No. 305—Shri Chaturanan Mishra.

Creation of Credit and Collection Division by the ITDC

*305. SHRI CHATURANAN MISHRA: Will the Minister of PARLIAMENTARY AFFAIRS AND TOURISM be pleased to state:

(a) whether it is a fact that in order to realise its huge outstanding arrears ITDC created an independent cell called 'Credit and Collection Division' sometime back;

(b) if so, what are the details thereof;

(c) what amount has been realised by this Division till September, 1985; and

(d) what are the details of the amount outstanding till September, 1985 and what efforts are being made to get the same realised before the end of the current financial year?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND TOURISM (SHRI H.K.L. BHAGAT): (a) to (d) A statement is laid on the Table of the House.

Statement

(a) and (b) The Credit & Collection Division was set up in July 1981 to perform the following broad functions :—

To scrutinise and assist the units in effecting recoveries of outstanding, and to initiate legal action wherever necessary.

The Division was manned by 4 officers and a complement of 8 staff and was headed by the Senior Vice-President (Finance). The staff of the Division was distributed among the concerned units in February, 1985.

(c) Since the Division was primarily created to effect and assist the units in the recovery of outstanding, no parallel records were maintained at Headquarters as it would have duplicated the accounting process. The