Minutes of the meeting held under the Chairmanship of Secretary (C&PC) on 6th September, 2017 in the Chamber of Secretary (C&PC) at 3.30 PM with In-Charge Registrar, Office of the Welfare Commissioner, Bhopal Gas victims, Representatives of Govt. of Madhya Pradesh to discuss issues of disbursal of ex-gratia, progress of schemes under New Plan of Action-2010 etc.

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The list of participants is annexed. Secretary (C&PC) welcomed the participants. Jt. Secretary (Chemicals) apprised the Secretary (C&PC) about the actions taken on the decisions of the last review meeting held on 7th February, 2017. The points discussed and decisions taken are as follows:-

Issues related to the Office of the Welfare Commissioner, Bhopal Gas Victims, Bhopal

2(i) Utilization of funds sanctioned for Ex-gratia to Bhopal Gas victims under BE 2017-18

In-Charge Registrar informed that 443 ex-gratia cases were decided and a sum of Rs. 7.93 crore has been awarded till end of August, 2017. After discussion, it was decided that steps may be taken for expeditious disposal of ex-gratia cases.

2(ii) Pending appeals filed by Bhopal Gas victims aggrieved with the compensation granted under Bhopal Gas Leak Disaster (processing of Claim) Act, 1985

In-Charge Registrar explained to the Secretary (C&PC), the process of Appeal under the Bhopal Gas Leak Disaster (processing of Claim) Act, 1985 and the reasons for increase in appeal cases. After discussion, it was decided that the Office of the Welfare Commissioner may initiate prescribed procedure seeking the approval of the Department for the appointment of one more Additional Welfare Commissioner for a period of one year for liquidation of all pending Appeal cases.

2(iii) Curtailment of staff strength in the Office of the Welfare Commissioner, Bhopal

In-Charge Registrar explained to the Chair that the work of the Office of the Welfare Commissioner increased on account of implementation of DBT, Digitalization of records, and verification of applications through Govt. of Madhya Pradesh etc. Hence, he expressed his difficulties in curtailment of existing staff strength. After hearing his views, Secretary (C&PC) directed that an Internal Work Study may be done at the Office of the Welfare Commissioner and the report may be submitted at the earliest.
2(iv) Increase in the amount for payment of ex-gratia Bhopal gas victims under the categories of Death cases, Permanent partial disablement cases and temporary partial disablement cases.

The In-Charge Registrar explained that the Cabinet had sanctioned the disbursement of ex-gratia to 5295 Death cases in the year 2010. Thereafter, it was detected during scrutiny of records, that 30 cases which awarded compensation under death category had erroneously been left out from the list of 5295. Further, 111 cases initially registered under Injury category but on account of death of claimants in course of adjudication and death having been proved due to gas effect, were ultimately paid compensation under death category. Another 51 cases registered originally under Permanent disability category, but adjudicated under the Death category for compensation. Hon'ble Welfare Commissioner ordered after adjudication for payment of ex-gratia in respect of ‘4’ Death cases. Thus, ex-gratia to additional 196 death cases has to be disbursed.

The In-Charge Registrar brought out that out of total number of 35,455 cases sanctioned under the category of Temporary Partial disablement resulting in reduced capacity to earn livelihood, 34,229 cases were decided till July, 2017. The figure of 35,455 reported to the Department under this category were based on the records maintained and cases originally finalized by the Dy. Commissioner up to the year 2000-2001. Thereafter, the categories were changed on the basis of orders passed by the Appellate Authority, Revisonal Authority, High Court and Supreme Court from 2002 onwards, as per the scheme based on medical records. He stated that each case while disbursing the ex-gratia, medical record is examined and if any error is found in the scheme category, in which case was placed earlier, then said error is corrected and appropriate category awarded. He further stated that about 2445 cases which were initially categorized under Minor injury cases were subsequently re-categorized under Temporary disability category by the Appellate Authorities in Appeal and Suo-Motu Revision Authority (Hon'ble W.C).

He further informed that out of 4902 cases sanctioned under the category of Permanent partial Disablement affecting the overall capacity to earn his livelihood, 4731 cases were already decided. The examination of the figures of the last 6 years revealed that approximately 300-350 cases were added per year in the scheme category of Permanent Partial Disablement in the process of adjudication. Thus, it is expected that additional 1000 cases would be added in this category.

The requirement of fund for disbursal of these additional cases would come about Rs. 61.72 crore.
The issue of variation in the amount for payment of ex-gratia to Bhopal gas victims under the above three categories was discussed in detail. After that, it was decided that the Office of the Welfare Commissioner may reconcile the figures under these categories and come up with the final figures along with the requirement of funds and maximum variation expected in future for consideration of the proposal by the Cabinet.

3. **Pending issues related to Rehabilitation of Bhopal Gas victims under New Plan of Action 2010 with the Govt. of Madhya Pradesh:**

3(i) **Medical Rehabilitation**

Principal Secretary to the Govt. of Madhya Pradesh, BGTR & R Department explained the Secretary (C&PC) that a fund of Rs. 33.55 crore was earmarked for carrying out various components of Action Plan under Medical Rehabilitation. Out of that, the unspent balance available is Rs. 17.23 crore. Government of M.P intended to utilize a fund of Rs. 7.94 crore out of Rs. 17.23 crore, for up-gradation and moderation of Modular OT complex for 4 Gas Rahat Hospitals and construction of Bone Marrow Transplant centre at Kamla Nehru Hospital.

Proposal for the remaining Rs. 9.29 crore will be sent by GoMP soon. As the proposed changes do not entail exceeding the approved allocation of funds, the proposals fall under Medical Rehabilitation and these are not major changes, it was decided that the proposal may be submitted to the Hon’ble Minister (C&F) for approval based on the precedent available in this matter.

3(iii) **Social Rehabilitation**

Principal Secretary to the Govt. of Madhya Pradesh, BGTR & R Department explained that the Govt. of M.P proposed to utilize a fund of Rs. 25 crore allocated under Social Rehabilitation to Pradhan Mantri Awas Yojana (P.M’s Housing for all scheme) for providing houses for dependents/families of gas victims residing in the vicinity of UCIL factory site and a sum of Rs. 14 crore for providing basic social and Environmental facilities in the Gas affected areas. The issue of houses was discussed in detail. It was decided that the Govt. of M.P may relook in to the eligibility criteria for ensuring that genuine gas victims who do not own houses get benefitted and proper priority is given for more serious injuries and thereafter submit a proposal.

3(iv) **Economic Rehabilitation**

The new proposals submitted by Govt. of M.P were explained to the Chair by Principal Secretary to the Govt. of M.P. Out of total allocation of Rs. 104 crore, the fund utilized under Economic Rehabilitation was Rs. 18.13 crore. Govt. of M.P intended to divert a fund of Rs. 25.12 crore out of unutilized fund of Rs. 85.87 crore, to “Madhya Pradesh Chief Minister Self Employment Scheme” for providing financial assistance to gas victims for establishment of their own new enterprises. As the fund allocated for the specific purpose cannot be linked with Chief Minister’s self employment scheme, it was decided that the Govt. of M.P may relook at the proposal for further consideration.
The other proposal submitted by the Govt. of M.P regarding utilization of the fund of Rs. 60.75 crore out of unutilized fund of Rs. 85.87 crore from Economic Rehabilitation for the purposes of construction of Roads & Drains and Park Development in the different Gas affected areas, supply and fixing work of metal handle and led lights fittings and construction of social common infrastructure was also discussed. As the proposal is deviation from the proposal approved by the Cabinet, and also the fact that additional fund will be required for payment of ex-gratia, the proposed infrastructure work will be considered only if fund is available from upspent balance after meeting the requirement for ex-gratia and medical rehabilitation.

3 (v) Disposal of remaining UCIL's waste

Principal Secretary to the Govt. of Madhya Pradesh, BGTR & R Department informed that the Detailed Project Report (DPR) of remediation of UCIL site is ready and will share with CPCB seeking their technical support. After hearing the views of the representatives of CPCB and Govt. of M.P present in the meeting, it was decided that CPCB shall give their assessment within one month on DPR shared by Govt. of M.P and a draft request for proposal (RFP) will be provided by the CPCB by the end of October, 2017 for floating a national tender by the Govt. of M.P.

The meeting ended with thanks to the Chair.

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[Signature]
List of participants

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1. Secretary (C&PC) - Chairperson
2. Joint Secretary (Chemicals), D/o C&PC
3. Director (Ch-I), D/o C&PC
4. Ms. Gauri Singh, Pr. Secretary, BGTR&RD, Govt. of M.P.
5. Shri K.G. Tiwari, Director, BGTR&RD, Govt. of M.P.
6. Shri K.K. Dubey, Deputy Secretary, BGTR&RD, Govt. of M.P.
7. Shri Ajay Shrivastava, In-Charge, Registrar, O/o W. C., Bhopal Gas Victims
8. Shri Rajendra Chourasia, Addl. W.C., O/o Welfare Commissioner, Bhopal Gas Victims
9. Shri Arvind Kumar, Controller of Accounts, D/o C&PC
10. Shri A.N. Singh, Scientist-D, M/o EF&CC
11. Shri B. Vinod Babu, AD, CPCB, New Delhi
12. Ms. Deepti Kapil, Scientist-C, CPCB, M/o EF&CC
13. Shri Neeraj Pande, E.E., Gas Rahat, Div. CPA, GoMP

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