

BHOPAL GAS LEAK DISASTER (REGISTRATION AND PROCESSING OF CLAIMS SCHEME) 1985



BHOPAL GAS LEAK DISASTER (REGISTRATION AND PROCESSING OF CLAIMS) SCHEME, 1985

SCHEME, 1985B In exercise of the powers conferred by Section 9 of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (21 of 1985), the Central Govt. hereby frame the following scheme, namely : — Short title and I (1) This scheme may be called the Bhopal Gas Leak Disaster (Registration and Processing of Claims) Scheme, 1985. Definition (2) It shall come into force on the date of the publication in the Official Gazette. 2. In this Scheme, unless the context otherwise requires "Act" means the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (21 of 1985); * (aa) "Bhopal Gas Victims Monthly Unit Scheme" means the "Bhopal Gas Victims Monthly Unit Scheme, 1992" made by the Board of the Unit Trust of India in exercise of the powers conferred by the Section 21 of the Unit Trust of India Act, 1963, (53 of 1963); 'Section' means a Section of the Act • (c) words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act. Authority 3, The Deputy Commissioners appointed under section 6 of the Act shall register;ion Of the authorities for registration of claims (including the receipt, scrutiny and proper claim, forwarding claims, categorisation of such claims under paragraphs 5 of the Scheme) arising within areas of their respective jurisdictions and they shall be assisted by such other officers may be appointed by the Central Government under section 6 of the Act for scrutiny and verification of the claims and other related matters. 4. (I) An application for claim, shall be made to the Deputy Commissioner concerned in



Form No. 1 or, as the case may be, Form No. 2 or Form No. 3 or Form No. 4 or Form No. 5 appended to this Scheme within a period of thirty days from the date notified by the Commissioner inviting applications for claims: Provided that if the Deputy Commissioner is satisfied that the claimant was prevented by sufficient cause from filing the application for the claims within the said period of sixty days, he may entertain the application for the claim within a further period of sixty days but not thereafter, (2) Notwithstanding anything contained in sub-paragraph (1) an application for a claim arising in future on account of the Bhopal gas leak disaster may be made to the Deputy Commissioner within such further period, after the expiry of the period specified in the provision to the said sub-paragraph (1) as he may specify from time to time. (3) The claim may be made by any person affected by the Bhopal Gas Leak Disaster or, as the case may be, the spouse, child or other heirs of such deceased person or by a representative duly authorised by such person in this behalf or, in the case of a minor so affected, by his guardian. (4) A separate claim form in respect of each category of claim specified in paragraph 5 of the Scheme shall be filed by each person having a claim. Each person filing a claim shall be considered to have a single claim regardless of the number of categories of claim included therein, (5) The Deputy Commissioner shall provide the required forms for filing the applications free of cost. Transfer of I A. (1) Notwithstanding anything contained in paragraph 4, all applications for claims received for the Bhopal Gas Leak Disaster (Registration and Processing of Claims) Amendment Scheme, 1987, by the Director of Claims or by any other officer specified in the order of the Government of Madhya Pradesh No. 373/691/1-Four/Coordination/85, dated 7th 1985, shall stand transferred along with the relevant records, to the office of Deputy Commissioner concerned as if such applications had been made to that Deputy Commissioner under Paragraph 4 and such Deputy Commissioner may further process the said applications in accordance with the provisions of this Scheme. (2) The Commissioner and Deputy Commissioner may summon any claimant whose application for claim has been transferred under sub-paragraph (1), for verification of particulars in the application and may also call for such additional information as may be required by the Commissioner or the Deputy Commissioner, as the case may be. 5. (1) Options available under 4 of the Scheme, the Deputy Commissioner shall be subject to the provisions of sub-paragraph (3) and sub-paragraph (4) of the Scheme. (2) The claim received for registration shall be placed under the following categories, namely: (a) death; (b) total disablement resulting in permanent disability to earn livelihood; (c) permanent partial disablement affecting the overall capacity to earn his livelihood; (d) temporary partial disablement resulting in reduced capacity to earn livelihood; (e) injury of utmost severity; (f) injury of minor severity; (g) temporary dislocation of means of livelihood; (h) claims of the Government, authorities under the control of the Government, local authorities, and institutions for expenses incurred in providing relief aid and rehabilitation to the person affected by the Bhopal Gas Leak Disaster; (g) administration expense; incurred by the Central Government, Government of Madhya Pradesh or local authorities to cope up with the Bhopal Gas Leak disaster, including all local and administrative expenses attributable or related to the said disaster; (h) claims relating to loss of revenue to Government authorities under the control of Government or local authorities arising out of, or connected with, Bhopal Gas Leak Disaster; (i) claims on account of damage to the fauna including animals and drought animals; (j) claims arising from damage to flora including destruction of agricultural crops, vegetables, trees and orchards; (k) claims on account of damage to environment including pollution of soil, flora, fauna and water systems; (l) claims relating to loss and destruction of claims relating to loss of business of employment or both; (n) claims in respect of injuries that are likely to be suffered on account of the Bhopal Gas Leak Disaster; (o) any other claim or claims which the Deputy Commissioner may determine for reasons to be recorded. in writing as arising out of, or connected with, the Bhopal Gas Leak Disaster. (3) On the consideration of a claim made under paragraph 4 of the Scheme, if the Deputy Commissioner is of the opinion that the claim falls in a category different from the category mentioned by the claimant, he may decide the appropriate category after giving an opportunity to the claimant to be heard and also after taking into consideration any facts made available to him in this behalf by the Government in this behalf. (4) Where the Deputy Commissioner is of the opinion that a claim made under paragraph 4 does not fall in any of the categories specified in sub-paragraph (2) he may refuse to register the claim; Provided that before so refusing, he shall give a reasonable opportunity for a personal hearing to the claimant. (5) If the claimant is not satisfied with the order of the Deputy

Commissioner under sub-paragraph (3) or sub-paragraph (4) he may prefer an appeal against such order to the Additional Commissioner who shall decide the same. (6) Every appeal under sub-paragraph (5) shall be filed in such Form as may be specified by the Commissioner within 60 days from the date on which the order sought to be appealed against is communicated to the claimant preferring the appeal. (7) The Additional Commissioner shall give a reasonable opportunity to the claimant before passing an order and a copy of every order passed under this shall be sent by the Additional Commissioner to the Deputy Commissioner and the claimant. (8) On categorisation and registration of the claim of a claimant the Deputy Commissioner shall make available the information to the Commissioner who may transmit the same to the Central Government for enabling it to discharge its function under section 3 of the Act

6. The Deputy Commissioner, while categorising and registering the claims under the Scheme shall :- taken into consideration for (a) give due consideration and weightage to the data, collected and provided by the Government or the authorities authorised by the Government in claims. In this behalf, relating to cases arising out of, or connected with the Bhopal Gas Leak Disaster ; (b) obtain copies of claims filed in different courts or before other authorities, whether within or outside India, to the extent feasible, for proper consideration of the claims made before him. (1) The Commissioner shall cause to be maintained a register for registration and maintenance of claims in serial order according to the receipt of applications for claims and record. a register for listing the claims, category-wise as laid down in paragraph 5. (2) The Commissioner may also cause to be maintained such other record or register as he may deem necessary for the purpose of carrying out the provisions of this Scheme

8. The Commissioner shall have the power to regulate his own procedure, and the Procedure. procedure to be followed by the Deputy Commissioner and other officers and employees appointed under section 6, in all matters arising out of discharge of his or, as the case may be, their functions under this scheme, including the place or places where he shall hold his sittings

9. There shall be created and maintained by the Central Government a Fund to be called the Processing of Claims Account Fund. Claims of the Fund. (2) The Fund shall include the amount which the Central Government may after due appropriation made by Parliament by law in that behalf, credit to the said Fund and any other amounts which may be credited to such Fund. (3) The amount or as the case may be, the amounts in the said Fund shall be applied by the Commissioner for meeting expenses in connection with administration of this Scheme and of the provisions of the Act. (1) There shall be created and maintained by the Central Government a Fund for Claims and to be called the Claims and Relief Fund. (2) The Fund shall include the amounts received in satisfaction of the claims and any other amounts made available to the Commissioner as donation of relief purposes. (3) The amount in the said Fund shall be applied by the Commissioner for the following purposes, namely : (a) disbursement of amounts in settlement of claims registered with the Deputy Commissioners ; (b) disbursement of amounts as relief (including interim relief) to the persons affected by the Bhopal gas leak disaster ; and (c) appropriation of part of the fund for disbursement of amounts in settlement of claims arising in future or for disbursement of amounts to the Government of Madhya Pradesh for the social and economic rehabilitation of the persons affected by the Bhopal gas leak disaster. (4) Separate accounts shall be maintained for receipt and disbursement of amounts in settlement of claims and for relief purposes. (1) The disbursement of any amounts under this Scheme shall be made by the Deputy Commissioner appointed to each claimant through credit in a bank or postal saving accounts or otherwise etc. Bhopal Gas Victims Monthly Unit Scheme 1992. of certain amounts. •Inserted by Notification No. G.S.R. 910 (E) dated 2nd Dec. 1992 Gazette of India extraordinary. Audit of Accounts. Function of the Commissioner & other officers etc. appointed under section 6 of the Act. (2) The Central Government may determine the total amount of compensation to be apportioned for each category of claims and the quantum of compensation payable, in general, in relation to each type of injury or loss. (3) The Deputy Commissioner shall determine the quantum of compensation payable to each claimant within a category specified in paragraph 5 in accordance with the provisions of sub-paragraph (4) subject to any Court order, settlement or award of damages in any specific case. (b) In determining the quantum of compensation payable to the claimants within different categories specified in paragraph 5, regard shall be had amongst other factors, to the following factors, namely (a) the probable life span of the person affected by the Bhopal gas leak disaster ;

(b) the actual or projected earning capacity of the person so affected ; (c) the likely expenditure on immediate and anticipated medical of the person so affected ; (d) mental anguish and physical injury suffered by a person in the Bhopal gas leak disaster; and (e) the type and severity of physical injury suffered by the persons so affected. (5) In the event of a dispute as to disbursement of the amounts received in satisfaction of claims, an appeal shall be against the order of the Deputy Commissioner to the Additional Commissioner, who may decide the matter and make such disbursement as he for reasons to be recorded in writing; think fit. (6) The provisions of sub-paragraph (6) and (7) of paragraph 5 of the Scheme shall apply to the appeal under sub-paragraph (5) as they apply to the appeal under sub-paragraph (5) of that paragraph



12. The Commissioner shall cause to be maintained all necessary books of accounts required for running the fund created and maintained under paragraphs 9 and 10 of this Scheme and the said books of accounts shall be audited by the auditors appointed by the Central Government.

13. (1) The Commissioner shall be in charge of supervising the work relating to receipt registration, processing and settlement of claims filed under this Scheme and all other matters connected with the administration of the said Scheme.

(2) Where an appeal has not been filed against the order of the Deputy Commissioner passed under sub-paragraph (3) or sub-paragraph (4) of paragraph 5, the Additional Commissioner may call for the record of any claim filed under paragraph 4. If the Additional Commissioner after re-examination of record considers it necessary or expedient so to do, he may revise, for reasons to be recorded in writing, the order passed by the Deputy Commissioner; *Substituted by the amendment Notification No. G. S. R. 394 (E) dated March 28, 1988. and inserted by the Notification No. C.S.R. 449 (E) dated 10th June 1993, by the Gazette of India Extraordinary. The order is to be prejudicial to the interest of the claimant, no such order shall be passed in revision unless the claimant has been given a reasonable opportunity of showing cause against the proposed order. The provisions of this shall also apply to the orders of the Deputy Commissioner passed under paragraph 11 of this Scheme for which appeal is contemplated in sub-paragraph (5) thereof.

(3) The Commissioner may, suo motu, call for the record of any claim filed under this Scheme and if he considers it necessary or expedient so to do, revise, for reasons to be recorded in writing, the order passed thereon; Provided that where the order in revision is likely to be prejudicial to the interest of the claimant, no such order shall be passed in revision unless the claimant has been given reasonable opportunity of showing cause against the proposed order.

(3) All appointed under section 6 of the Act shall work under the supervision of Commissioner and assist him in carrying out the day-to-day administration of the Scheme and the provisions of the Act. "

FORM No. 1 (See paragraph 4) In repee of penonø who in the Bhopal Gas Leak Disaster) Form No;- of Injured Penm : Name FaUer's Name Moblia1Street Plaæ (3) (4) (5) (6) (7) Age (in Years) Employmen t History : 1. Skilled, 2. Un-skilled, 3. Semi -Ski fled, 4. Self employed, 5, Un.employed. Income per -mm th (Ifi Rupees) Identi ficaion :— (A) Ratim Card No. (B) Any other Id, No. (C) Religion Injury (A) Eye (B) Respirat&' (Chest) (c) Mental Illness (D) GIT (E) Gynaecologi cal Other than above Treatment : (A) (D) Temporary and cured Still receiving treatrnt Hospit alised and cured.. Ho;pi talised but still being treated eye 'Yes/No •Yes/No 'YeslN0 •Yes/N0 YeslNo YeslNo Yes/N0 Yes/N0 Chest Menta lill I i i G. T. CODE 1 CODE i Gynace Other' (9) Treatment being taken for YeslNo 11 (10) Place of treatment being taken 1. i. Temporary 2 Permanen Treatment after Gas-Tragedy : (12) (13) (14) (15) 1. Date 3. Total day, Hospit alisation : 1. Date 2. Place 3. Total days 11 If pregnant at the time (Deli vered Ghi [d) Of Gas-leakage (B) (D) (E) Nor inal Child Abnormul Child Sti 11-birth Abor ted YelN0 Yes/No Yes/N0 Yes/N0 Yes/N0 Total expendi ture incurred because of Gas-Tragedy for : (A) Trea tmen t (In Rupees) (B) Displacement etc. (In Rupees) Date An y Relief from Government Yes/N0 If yes, amount received as ex-gratia payment : (In Rupees) (17-A) Tota Gompensati on claimed : (18) (19) (20) Any other informati on Fami ly Code No. of Soci o.Economic Survey Code No. of ICMR 13 (21) Gateory in which claim falls (see paragraph 5) . (22) Any other relevan t informati on. We/Insti tution have not made any other claim for compensation/have made other claims for compensation , the particular of whi ch are given below:— Sl. No. Form No. Date Compensation sought We/ Insti tution have notfiled a separate suit in a court of law for compensation/have filed suit as detailed below in court of law: Sl. No. Court where suit filed Wi tn ess : 1. Signature : 2. Name : 3. Address : *Strike out whichever is not applicable. suit NO. Compensati on sought Signature (with date) Name : Designation : (Seal if any) 1.. VERIFICATION do hereby declare that to thé best of my knowledge and belief what is stated above is correct, complete and is truly stated. Witn ss.' Si gna ture : Name : Address : Warning : Signature of the appli can t/respon den t Name : Desi gnation : (Seal if any) : Any person making any miSrepresen tation is liable to be prosecuted. 14 FORM NO. 2 (see paragrph 4) (for claims iQ respect of loss of livestock due to FORM No. 02 LIVE-STOCK 1. Name of owner : 2. 3. 4. 5. 6. 7. 8

9. Father's name .Age (in years) : Professi on : Address : House No. Mohalla/Street Locali ty Place :
 Purpose for which Live-stock was used: (Domesti c/ Business) (A) Number and kind of animals dead:
 Number (B) Date of death : (C) Proof of death : (i) Post Mortem (ii) Evidence of removal of dead body (D)
 Cause of death M3,rket value of li ve-stock dead: (in Rupees) No. and kind of Live-stock in capaci- ta ted
 b3casue of Gas-Leak Disaster and mavket value there of: Buff Number Rupees NO. and kind of Livestock
 with reduced emcien cy and market value th.ereof Number Cow Bhopa! Gas Leak Code Code Poultry
 Goat Disaste r) Ass Pig Horse 8 GI—4 I. 12, 13. 15 L ss of Total Income In Rupees (A) If Live-stock
 Insured: Yes/N0 (B) Name of Insukance Company . . . (C) Type of Coverage () Amount received from
 Company: In Rupees Any relief received from Governmen t: Yes/N0 If yes, amount received as ex-gratia
 pa.:yment : In Rupees Code Code 13-A Total Compensation claimed : 14) Category in which claim falls
 (See paragraph 5) (15) Any other relevant informat•on * /.We/Insti tution have not made any other claim
 for comper:sati or /h.ave made other claims for compen sa ti on , the parti culars of which are given below
 Sl. No.



Form No. Date Compensation sought

