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

BHOPAL GAS LEAK DISASTER (REGISTRATION AND PROCESSING OF CLAIMS) SCHEME, 1985 THE BHOPAL GAS LEAK DISASTER (REGISTRATION AND PROCESSING OF CLAIMS) SCHEME, 1985B fn exercise of the powers conferred by Section 9 of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (21 of 1985), the Cen tral Govt. hereby frame the following scheme, namely : — Short tit.ie and I (l) This scheme may be called the Bhopal Gas Leak Disaster (Registration and Gommcncgmontå Processing of claims) Scheme, 1985. Defini ton (2) It Bhall come into force on the date of the publi cation in the Official Gazette. 2. rn this Scheme, unless the con text othervutise requires "Act" means the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (21 Of 1.985); * (aa) "Bhopal Gas V; ctims Mon thly Unit Scheme" means the "Bhopal Gas Vi ctims Mon thly Unit Scheme, 1992" Inade by the Board of the unit T cust of in cxerc;se of the powers conferred by the Section 21 Of the unit Ti•ust of India Act, 1963, (53 of 1963); 'GSection" means a Section of the Act • (c) words and expressi ons wed herein and not defined but defined in the Act, shall have the meanings respectively assigned. to them in the Act. Authoritica Cor 3, The Deputy Commissi oners appointcd under section 6 of the Act shall registral;ion Of the authorities for registration of claims (including the receipt 9 scrutiny and proper clai . wanner o ing claims, categorisation of such claims u.uder paragraphs 5 of the Scheme) arising Wi thin areas of their resp Ntivejuxisdi Cti ons and they shall be assisted by such other offcet'ß may be aPPOin ted by the Central Government under section 6 of the Act for ecrutitny and verification of the claims-and other related matters. 4. (I) An appl: cation for claim. shall be made to the Deputy Commissioner concerned in

Form No. I or, as the case may be, Form No. 2 or Form No. 3 or Form No. 4 or Eorm No. 5 appen ded to this Scheme within a period of3ixty days from th.e dat,o noiified by t.he Commi ssioner invi ting appli cal.'ions for claims : Provi ded that if the Deputy Commissioner is satisfied that the c aimant Was preven ted by suflim;ent cause from filing the application for the claims wi thin the siad fperiod of sixty days, he may entertain the application for the,,claim within a further period ofsixty days but not thereafter, (2) Not withstanding anything contained in sub-paragraph 11) an application for a claim arising in future on account of the Bhopal gas leak disaster may be made to the Deputy Commissioner Wi thin such further period, after the expiry of the period specified in the provision to the said sub-paragraph (l) as he may specify frorn time o time. (3) The claim may be made by any person afl.±cted by the Bhopal Gas Leak Disas- tcr or,as the case tnzy be, the spouse, chi Idren or other heirs of uch deceased person or by a represen tative duly authorised by such pergon in thig behalf or, in the case or a minor so affected, by his guardian. (4) A separate claim form in respect of each category of claim speci fied in paragrape 5 of the Scheme shall be filed by each person having a claim. Each person filing a claim shall be consideredto havea single cl.aim regardless of the number of categories of claim included therein, (5) The Deputy Commissioner shall provide the required forms for filing th appli cati ons free of cost. Tranßfer of I A. (I) Notwi thstanding anything contained in paragraph 4, all applications Applica,tion foi received for *OCIaims whether before or after the commencement of the Bhopal Gax Leak Di saster (Registration and Processing of Claims) Amendment Scheme, 1987, by the Drector of Claims or by any other officer speck fied in the order of the Governme.nt ofMadhya Pradesh No. 373/691/1-Four/Coord nation/85, dated 7th 1985, sha 11 stand transferred along w'; th relevant records, to the offce of Deputy Commissi oner concerned as if such a.ppli cations had been made to that Deputy Commi ssi oner under Paragraph 4 and such D±puty ssi oner may further process the said appli ca -N tions in accjt(huce •qr th the provisions of this Scheme. (2) The Cornm;ssi oner and .Deputy Commissi oner may summon any claiman t whose appi cation for claim has been transferred under sub-paragraph. (l), for veri fica- tion of particulars in the application and may also call for such additional informa— ti on as may be required by the Caom.m. or the Deputy Commissioner, a.fl the caze may be. 5. (l) O pt ofa chim under 4 of the Scheme, the Deputy Cornmi- on plonec shall subject. to the provisions of sub-paragraph (3) and sub-paragraph (4) cace th,.?; cl.iirrn the a oprooriate category under sub-paragra,ph (2) and thereafter the cla inn. (2) The claim' received for ceg•ighration shall bo placed unde! the following Categories, nam.ely ; (a) death ; (b) total disablement resulting in permqnent d;sability to earn livelihood. (c) permanenÉ partial digable.ment aaecting the overall capacity to earn his livelihood ; (d) temporary päi•tial disablement resulting in reduced capacity to earn liveli.hood injury of utmost severity; minory injury ; (e) temporary dislocation of means of livelihood; (f) claimg of the Government, authori ties under the control of the Government, loc.al authorities, and institutuions for expenses incurred in providing relief aid and. rehabi Iitatior! to the person affected by the Bhopal Gas Leak Disaster ; (g) administration expense; incurred by the Cen tral Government, Government of Madhya Pradesh or local a,uthori ties to cope up wi th the Bhopal Gas Leak disaster, including all local and adminixtrative expenses attributable or related the said disastcr ; (h) claims relating to loss of revenue to Government authori ties under the control of Govern- men t or local authori ties arising out of, or connected. wi tb. Bhopal Gas Leal' Disaster ; (i) claims on account of damage to the fauna including mi Ich and drought ani mals; (j) claims arising from damge to flora including destruction of agri cultural crops, vegetables, trees and orchards; (k) claims on account of damage to environment including pollution of soil, flora, fauna a.nd. water systcms•, claims relating tc loss and structic.r ty • claims relating to loss of business of cmploym€nt or both ; (n) claims in respect of injuries that are likely to be suffered on account of the Bh al GasZßßk Di saster ; (o) any other claim. or cla,ims which the Deputy Commissioner may d.et€rmine for reasons to be recorded. in wri ting as arising out of, or connectfd wi (h , ty 11 z. J kak disaster. (3) on the consid.erati on of aclaim made un der paraæapl). 4 of thc Scl rr.f , if u.e Der.uty Commi- sioner is of the opinion that the claim falls in a catergory different from the category mention(d by the claimant, he may decide the appropriate category after giving an oppourtuni ty to th.e claimant to be heard and also a fter taking in to consi dera ti on an y fa ctg made avai la ble to hi min thi s beha If by theGovern- men tin this behalf. (4) Where Che Deputy Commissioner is of the opini on that a claim made under paragraph 4 does ot fallin any of the caterfories speci ficdin sub-paragra.ph (2) he may refuse to register the claim; Provid.ed that before so refusin g, he shall gi ve a reasonable opportuni ty for a personal hearing to the clai man t. (5) Ifthe ciaimantisnotgatisfied with t.he order of the Deputy

Commissioner under sub-paragaph (3) or sub-paragraph (4) he may prefer an appeal against such order to the Addi tional Commissioner Vho shall decidc the same. (6) Every appea.l under sub-paragraph (5) shall be filed in such Form as may be specified by the- Commissi oner wi thin 60 days from the dateo.u which the order sought to be appcal€d againstis commu- nicated to the calimant prcf€rring th.e app€a.l. (7) The Add.i tional Commissioner shall give a reasonable opr ortur•ity to t}; ( ck.i.mar,t of being eard. before passing an order and a copy of every order passed under this shall be sent by the Addi ti onal Commissi oner to the Deputy Commissi o.ü(l and the cJain-.ar t. 7 (8) on categorisation and registration of the claim of aclaimant the Deputy Comm- issioner shall make available the information to the Commissi oner who may transmit the same to the Central Gover nment for enabling it to discharge its function under section 3 of the Act

**6. The Deputy Comm'ssioner, while categorising and registering rhe claims under N'fattersto be 5 of the Scheme shall :- teken in to con- sideration for (a) give due consideration and weightage to the data, collected and provided categorisationof by the Governmnt or the autho it;es authrised by the Governnrnt in elc.**ims. this behalf, relatmg to cases arising out of, or connected th the Bhopal Gas Leak Disaster ; (b) obtain copies of claims filed in di ßerent courts or before other authorities, whether Wi thin or outside India, to the extent feasi ble, for proper conside- ration of the claims made before him. (l) The Commissioner shall cause to be maintained a reg;sterfor regrstration Maintenance of of claims In serial order according to the receipt of applicati ons 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 recored or register as he may deem necessary for the purpose of carrying out the provisi- ons of thi s Scheme

**8. The Commissioner shall have the power to regulate his ovm procedure, and the Procedure.**procedure to be followed by t.he Deputy Comm' ssi oner and other offcers an d employees appo- inted under section 6, in all maters arising out of discharge of his or, as the case may be, their functi ons under this scheme, includillg the place or placcs where he shall hold his si ttings

**9. There shall be created and maintained by the Central Government a Fund to be Processing of called the Processing of Claims Accoun t Fund.**Claims of unt Fun d. (2) The Fund shall include the amount wich the Central Government may after due appropriation made by Parliament by lawin that behalf, credit to the said Fund and any other amounts which rnay be credi ted to such Fund. (3) The amoun t 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. IO. (l) There shall be created and maintained by the Central Governmenta Fund Claims and to be called the Claims and Relief Fund. Relief Fund. (2) The Fund shall include the amounts received in satisfaction of the claims and any other amounts made avaiable to the Commissioner as donation of relief purposes. (3) The amoun isin the said Fund shall be applied by the Commissioner for the Ilouting purposes, namely . (a) disbursal of amounts in settlement of claims registered with the Deputy Com- missioners • (b) disbursal of amounts as relief (including interim relief) to the persons affec- ted by the Bhopal gas leak disaster ; and (c) appotti onrnent of part of the fund for disbursal of amounts in settlement of claims arising in future or for disbursal of amounts to the Government of Madhya Pradesh for the social and economic rehabili tation of the persons affected by the Bhopal gas leak disaster. (4) Seperate accounts shall be main tained for receipt and disbursal of ammmts in settlement of claims and for relief purposes. (l) The disbursal of any amounts under this Scheme shall be made by the Deputy Disbursal appo- 11. Commi ssi oner to each claimant through credit in a bank or postal saving accounts rti onmen t. etc. Bhopal Gas Victims Monthly Unit Scheme 1992. of certain amoun ts. •Inserted by Notification No. G.S.R. 910 (E) dated 2nd Dec. 1992 Gazette of India extraordinary. Audit of Aocounts. Function of the Commissionei & other offcers etc. appointed under section 6 of the Act. 8 (2) The Central Governmentmay determine the total amountof compensation to be apporti oned for each category of claims and the quantum of compensation paya- ble, in general, In relation to each type of injury or loss. (3) The Deputy Commissi oner shall determine the quan tum of compensation payable to each claimant within a category specified in paragraph 5 in accordance with the provisi ons of sub-paragraph (4) subject to any Court order, settlement or award of damages in any speci fic case. b) In determining the quantum of compensation payable to the claimants Wi thin dTerent 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 capaci ty of the person so affected ; (c) the likely expendi ture on immediate and anticipated medi cal 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 severi ty of physi cal injury suffered by the persons so affected. (5) In the event ofa dispute as to disbursal of the amounts received in satidac- tion of claims, an appeal shall be against the order of the Deputy Commissi oner to the •Additi Onal Comm ssi oner, who may decide the matter and make such disbursal as he for reasons to be recorded in wri ting; think fj t. (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 s.**hall cause to be maintained all necessary books of accounts required for r *ting the fu ld3 created and mz;ntained under paragraphs 9 and IO of this Scheme and the said books of accounts shall be audited by the audi tors appoin ted by the Cen tral Government. 13. (l) T.he 3) n n:s; shall b3 acharge of sup±rvising 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 Commissi oner passed under sub-paragraph (3) or sub-paragraph (4) of paragraph 5, the Adæ tional Commissi oner may call for the record of any claim filed under paragraph 4. If the Addi ti onal Commi ssi oner after re-examination of record coas der i t •necessary or expedient so to do, he may revise, for reasons to be recorded in vri ting, the order passed by the Deputy Commissioner; *Substi tuted by the amendment Notification No. G. S. R. 394 (E) dated March 28, 1988. and inserted by the Notifica tion No. C.S.R. 449 (E) dated 10th June 1993, by the Gaette of India Extraordinary. th) o:doz is to orejud; c;al to the interest Of that the ciaünant•, ao such orde,• snail be passed In revision unless the ciaimani has been given a reasonable opportuüity of showing cause against the proposed order. The ptov:sions of this shall also apply to une orders of the Deputy Comrnissiöner passed under paragraph I I of this Scheme for which appeal is conen- plated 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 considersit necessary or expedient so to do, revise, for reasons to be recorded in wri ting, the order passed thereon ; Provided that where the orders in revision is likely to be prejudi Cial to the intere± of the claimant, no such order shall be passed m 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 Commissi oner and assist him in carrying out the day-toaday administration of the Scheme and the provisi or,s 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 ld, 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 treatrnent Hospi talised 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, Hospi talisation : 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 Abnornul 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 Iy Code No. of Soci o.Economic Survey Code No. of ICMR 13 (21) Gategory in which claim falls (see paragraph 5) . (22) Any other relevan t informati on. We/lnsti 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 : l. 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 paragrqph 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 t i on , the parti culars of which are given below Sl. No.