

India: Bhopal verdict provokes public outrage

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15 June 2010

The sentences handed down by an Indian court last week against eight Union Carbide executives for criminal negligence in the 1984 Bhopal disaster have provoked widespread public anger and disgust. The judgment again demonstrates the contempt of the Indian establishment toward the thousands of victims and its commitment to defending the interests of big business and foreign investors.

The world's worst industrial accident took place on the night of December 3-4, 1984. More than 40 tonnes of deadly methyl isocyanate gas and other unknown poisons leaked from a chemical plant owned by the US multinational Union Carbide in Bhopal, the capital of the central Indian state of Madhya Pradesh.

The toxic cloud claimed 8,000 lives immediately. The total number of deaths is now estimated at between 16,000 and 30,000. Many of the victims were immigrant workers from other parts of India, making an accurate death toll difficult. More than half a million people were affected by the gas, which particularly attacked eyes and lungs, and many continue to suffer a range of debilitating conditions.

A quarter century after the disaster, a district court handed down the first convictions. Eight executives of Union Carbide of India were each sentenced to two years jail and a fine of 100,000 rupees (\$US2,100). The company was fined just the paltry amount of 500,000 rupees (\$10,600). On the same day, the seven convicted—one had died in the interim—were released on bail of 25,000 rupees, or \$500, pending an appeal.

Given the likelihood of further lengthy legal delays, it is quite possible that none of the seven will serve any time in jail. Those convicted include Keshub Mahindra, who was Union Carbide chairman at the time and is

currently chairman of the major auto corporation, Mahindra and Mahindra. Warren Anderson, the American CEO of Union Carbide, the US parent company, was not among those tried—he was arrested when he visited Bhopal, but was released on bail and fled the country.

Bhopal victims and activists demonstrating outside the court were enraged by the decision. Lawyer Satinath Sarangi said the judgment had “reduced the world's worst industrial disaster to a traffic accident”. She added: “The message is that peoples' lives don't matter; what matters is foreign direct investment. You can kill people, maim them for life and get away almost scot-free.”

Survivor Champa Devi Shukla told the media: “I felt like an idiot holding a placard outside the court while the accused left in big cars.” Hameeda Bi, whose granddaughter died 20 days after the gas leak, demanded life sentences: “They killed thousands of people, and we fought for justice for 25 years.” Abdul Jabbar, who survived the gas leak, said: “This judgment will not have any deterring impact on big companies... In fact, it will tell them that you can get out of it so easily.”

Facing a wave of popular revulsion, the Indian government and media made various criticisms of the decision. An article in the *Times of India* declared: “No country sells its people so cheap. No country sells its poor so cheap. No country sells its dead so cheap.... Today, India proved that it doesn't really care for its people, particularly if they have been slaughtered by powerful people from the most powerful nation in the world.”

M.V. Moily, who is the law minister in the current

Congress-led national government, told the media that the case could be reopened. “I would say that the time has now come to revisit the whole process of the judiciary, the whole process of investigation, the whole process of laws ... culprits should be punished and victims should be compensated properly.”

Environment Minister Jairam Ramesh described the judgment as “very unsatisfactory”. He promised that his ministry would strictly implement the country’s 1986 Environment Protection Act. However, in the same breadth, he admitted that 325 tonnes of toxic waste was still at the Bhopal site and only 45 tonnes had been removed.

The reality is that once the current outrage over the verdict dies down the government is unlikely make more than cosmetic gestures. Over the past 25 years, successive governments, including those led by Congress, have bent over backwards to scuttle legal action against the corporation and the individuals responsible for the tragedy.

Warren Anderson was allowed to flee by the Congress state government in Madhya Pradesh. Moti Singh, who was the state’s chief administrative officer, recently said: “The Chief Secretary [of the state government] at that time called me to the room and told me to arrange for the departure of Warren Anderson.” It took 19 years for an Indian government to demand Anderson’s extradition, which was turned down by a US court.

Last December, on the 25th anniversary of the tragedy, the Madhya Pradesh High Court rejected a petition filed on behalf of the Bhopal victims calling for the reopening of the compensation settlement reached by the Indian government with the company in 1989. The government had sued the corporation for \$3.3 billion in 1985, but reduced the sum to just \$470 million or 7 billion rupees without bothering to consult the victims.

One billion rupees were distributed to people who lost their property and livestock. The remaining 6 billion rupees was allocated to 570,000 victims, including the families of those who lost their lives—an

average of just 12,000 rupees or about \$500 each. In exchange, the Indian government agreed to drop all pending civil and criminal charges against the company—making further claims by the victims far more difficult.

In a 1996 ruling, the Indian Supreme Court watered down the charges in the case just concluded from culpable homicide to criminal negligence. As the result, the maximum jail term dropped from 10 years to 2 years—the sentence imposed last week.

While the Indian government made token criticisms of the judgment, the US administration dismissed any suggestion of further action. Assistant State Secretary for South and Central Asia Robert Blake told the media that he did not “expect this verdict to reopen any new inquiries or anything like that. On the contrary we hope that this is going to help to bring closure.”

The Obama administration’s response to the Bhopal tragedy is summed up in the liability legislation that it is pressing the Indian government to pass as part of the 2008 nuclear agreement between the two countries. Under the agreement, the US agreed to allow India access to technology and fuel for civilian power reactors without signing the Nuclear Non-proliferation Treaty or dismantling its nuclear weapons. On behalf of US corporations, Washington is insisting that the legal liability of foreign supplies in the event of a nuclear accident be capped at \$450 million.



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