

Bhopal : Endless Wait For Justice!

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The lessons of Bhopal do not lie in our past but in our future. By refusing to meet the people of Bhopal who have suffered for decades after the Union Carbide/Dow Chemicals gas leak Prime Minister Manmohan Singh, who is at the forefront of the Corporalisation of India's Economic Policies, is sending out a clear message to the Corporate World : In India you are free to poison, rob and kill our people. The Government will protect you. You will never be brought to book.

—Arundhati Roy

Bhopali Children Beaten Up by Cops—Prime Minister Sir, What are you doing?

Whether India's main opposition party—Bharatiya Janata Party (BJP) which is yearning to come back to power at the centre has accepted a donation of \$ 2,500 from a controversial company—Dow Chemicals remains a mystery. The information revealed by the Election Commission of India after a freedom of information request on the funding of political parties and donations received by them between 2005 and 2007 makes the situation clear. It is a different matter that BJP spokes-person has yet to acknowledge it formally. ((BJP in row over party donations, By Panini Anand, BBC Hindi Service. Page last updated at 16:49 GMT, Wednesday 11 June 2008 17:49 UK)

After all why Dow Chemicals, the US multinational company is today a 'bad word' in Indian polity. And why people are uniting at various levels to protest its entry in the Indian market. The hostile reaction the name evoked was evident when Dow Chemicals attempted to construct a Rs 300 crore R&D facility in Chakan, Pune. The villagers dug up approach roads to the construction site and forced the Government to rethink the permission given for Dow's proposal. (January 2008). Dow's attempts to forge alliances with the Indian Institutes of Technology have also run into rough weather. Citing Dow's mishandling of the Bhopal legacy issues as reason, students and teachers at six prestigious engineering institutes around the country have joined hands to bar the company from any truck with IIT.

It is wellknown how Dow Chemicals, purchased the 'Killer' Union Carbide company way back in 2001 and is now renegeing on committments to the gas victims and their families. Dow claims that its 100 percent subsidiary, Union Carbide, is a separate legal entity with its own system of liability management, and that Dow has inherited only assets and not Carbide's liabilities. In 2005, Dow began intense lobbying for legal immunity against Carbide's liabilities prompted by a May 2005 application by the Ministry of Chemicals in a case relating to toxic waste clean-up in the Madhya Pradesh High Court. The application sought Rs 100 crores (\$25 million) from Dow towards clean-up costs.

It has been more than 23 years (2-3 December 1984) that leak of tonnes of methyl isocyanate from the pesticide plant in Bhopal owned by Union Carbide—now a subsidiary of Dow Chemicals—had resulted in world's worst environmental disaster. According to concerned citizens who have been engaged in bringing succour to victims of the deadly poisonous gas, more than 23,000 people have died painful death in last 23 years and today there are more than one lakh survivors who continue to suffer from chronic illnesses.

It is a tragedy of epochal proportions that despite 23 years of the disaster, more than 25,000 people living next to the abandoned factory are condemned to drink the same contaminated water dirtied by thousands of tonnes of toxic wastes from the factory. Health activists have noted rise of cancers in the exposed populations and horrific birth defects among thousands of children born to gas exposed parents.

While Union Carbide has managed to abscond from the criminal case on the death and injury caused by the disaster, its present owner Dow Chemicals has neither produced its subsidiary Union Carbide in the court in Bhopal nor it has paid for the clean up of the abandoned factory which is still storing thousands of tonnes of toxic wastes.

Even a layperson can vouch that without the connivance of the ruling parties in India—may it be the Congress or the BJP or their different allies- it would have been impossible for Union Carbide/Dow Chemicals to escape from the liabilities in the corporate crime they have committed or are still continuing with it. A joint appeal issued by the Bhopal survivors (namely, Bhopal Gas Peedit Mahila Stationery Kartnachari Sangh, Bhopal Gas Peedit Mahila Purush Sangharsh Morcha and Bhopal Group for Information and Action) on the eve of the historic padyatra they undertook from Bhopal rightly claims that "There is abundant documentary evidence that indicts the Indian government as an accomplice in the corporate crime in Bhopal... The collusion between the American multinationals and the Indian government is the main reason why the Bhopal victims have been denied justice in the last 23 years." (www.bhopal.net)

It is worth noting that senior leaders of BJP have been accusing Congress party about its lack of seriousness in taking action against those responsible for the gas leak, but they have no qualms about taking donation from the same company which has shown scant regard towards welfare of people affected by gas..

Of course, the Congress Party which has ruled at the state level and central level during this interregnum for a considerable period has definitely not covered itself with glory with its inaction and apathy towards the victims of the biggest industrial disaster. The latest in series is the role of the Commerce and Industries minister Kamal Nath who is being charged with helping Dow Chemicals and Union Carbide escape their liabilities in Bhopal. In a press conference (3 June 2008) the activists associated with organisations of Bhopal survivors have said that the said "[M]inister approved the sale of Union Carbide's Unipol technology to Reliance Industries in 2006 knowing fully well that it was approving the sale of intellectual property of an absconding criminal. They pointed out that in March 1992 the Bhopal District Court directed the government to confiscate all property belonging to Union Carbide in India." (www.bhopal.net).

It is no less shocking that the government has so far ignored the Supreme Court's recognition of Bhopal victim's right to proper health care as a constitutional right. Neither it has followed Supreme Court's directions that the Indian government pays for the medical insurance of at least 1 lakh children born to exposed parents nor it has followed directions of the criminal court to the CBI to bring the absconding Union Carbide to book.

As of now Bhopal survivors have undertaken a fast unto death in Delhi to press for their demand for special commission on Bhopal and criminal action against Dow Chemicals/Union Carbide. But nobody seems to be listening.

On 9 June, 2008, 14 Bhopali children, along with 22 adults, were arrested for staging a peaceful protest outside Prime Minister's office in South Block. Arresting the women and children is not the worst of it. Beginning 7 pm, plainclothes police-men and some uniformed police belonging to the Parliament Street Police Station began roughing up the Bhopalis. 19-year-old Imran was belted by policemen so badly that he hurt his eye. 11-year-old Yasmeen Khan, 6-year-old Nagma and 27-year-old Meera More were slapped and punched by male police, even while senior women gas victims were dragged against their will into police lock up.

One can easily gauge the pressure which is being exerted by the corporate lobby where despite Prime Minister's Office underlining 'legal liability' for the Dow Chemicals, things are not moving forward. An internal document dated 7.2.2008 from the PMO which talks about "Irrespective of the manner in which [Union Carbide Corporation] has merged or has been acquired by Dow Chemicals, if there is any legal liability, it would have to be borne by Dow Chemicals," attributes this opinion to the Ministry of Law. This document contradicts Dow's stated position to its shareholders, and clearly outlines the risks faced by Dow Chemicals' investments in India. The document was unearthed on 8 May, 2008, through Right to Information from the Prime Minister's Office by survivors organisations of 1984 Union Carbide disaster in Bhopal.

A case involving bribes paid by Dow officials to Indian agriculture ministry staff to register three toxic pesticides is also under investigation. Last year Dow Chemicals was charged with violations under the Foreign Corrupt Practices Act (FCPA) by the US Securities and Exchange Commission (SEC). As per the Indian Penal Code "bribe" is a criminal offence punishable by up to one year of rigorous imprisonment. As part of its investigation into this crime the Central Bureau of Investigation has recently sent a Letter Rogatory seeking judicial assistance from the US Justice Department.

Eleven-year-old Yasmeen, who was born to gas exposed parents, is a living example of the continuing tragedy in Bhopal. She herself suffers from hormonal disorders and skin and gastrointestinal problems. This little girl participated in the *Padyatra* from Bhopal to Delhi yearning for a day when she would get clean water in her colony Shiv Nagar, which is an area with contaminated ground water behind the Union Carbide factory. Poor girl, she is still waiting for a call from the Prime Minister's office to meet all the kids from Bhopal who have travelled all the way walking to Delhi. Perhaps she does not know that the big iron gates at Prime Minister's Office can genuflect before corporaie criminals but can never let people like Yasmeen get in. □□□