

COMMENT

The Bhopal Judgement

THE HORRIBLE INCIDENT OF Bhopal of 2-3 December, 1984, following the deliberate neglect by the management of Union Carbide of safety considerations, was tragic. It is possibly the worst industrial disaster in history in terms of human cost. But possibly no less tragic is the judicial process employed to handle the case of victims. All chains of the long history of the case were not alive in public memory but some graphic newspaper reports published on the occasion of the extraordinarily belated judgement by a Bhopal Court have laid bare the real intention of the Government as well as the judiciary.

First of all, the possibility of the accident—it left 25000 dead and inflicted permanent injury on many more—had been pointed out earlier. The name of a journalist, Raj Kumar Keshwani, has come out prominently in this regard. This shows that the offence was one of culpable homicide falling just short of murder. But the Supreme Court, in response to the plea of the accused ruled, in 1996, that they were to be treated under section 304A of the Indian Penal Code, which is used to deal with motor accidents. So, eight accused of the case got only two years of imprisonment each, and were released immediately on bail. The government had however sought to withdraw all criminal and civil charges much earlier, i.e. in 1989, following the payment of a compensation of \$370 millions, which meant Rs 12,000 per affected person, the dead and the diseased included. Meanwhile, Mr Warren Anderson, the Chairman of Union Carbide, went into hiding in the USA and although he is very much visible in public, neither the successive US governments nor the Central Governments of India ever showed any serious interest in his extradition. The latest statement by a CBI officer, who was in charge of the investigation of the case in 1994-95 is amply revealing. When Narashima Rao was the prime minister, the foreign ministry asked the CBI not to pursue the matter of extradition of Anderson. The CBI officer's statement is not incredible, given that the government appears at the court five years ago, but nothing has been done to implement the order as yet. The reason is clear. The Government of India was reluctant to do anything that might displease US corporate giants who wish to invest in India for the sake of profit making. Fellow countrymen are dispensable, but not multinationals, particularly US multinationals. Hence they should be allowed to do anything on Indian soil and get away with impunity. Probably this is the crux of Manmohan Singh's understanding of the 'welfare' and 'security' of the country. The Indian legal system has, however, no specific provisions for dealing with such disasters and crimes. Hence it was easy for the culprits to persuade the Supreme Court to dilute the case, and to reduce it to the level of a road accident.

There is a silverlining however. The victims and their near and dear ones have not accepted this mockery of trial meekly. They have demonstrated before the

court, and the spontaneous anger of the masses has shaken the conscience of journalists. The character of the Government and the judicial system stands ruthlessly exposed, which will definitely enhance the level of consciousness of the people. Of course the present Central Government will try, by way of appeasing the American bosses, to shield the guilty and try to put an end to the case. Whether it will be able to do so is the million-dollar question.

Meanwhile Congress Party is in total disarray over the Anderson issue as top leaders are speaking in multiple voices, sometimes at cross purposes. Arjun Singh, the then Madhya Pradesh Chief Minister, is being targeted as the main player in allowing Anderson to flee the country. But this blaming game won't make the misery of the victims less painful because of the himalayan apathy shown by the judiciary and administration. □□□