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### **NTUI condemns Bhopal Gas Verdict: an unpunished crime by industry**

Twenty six years have elapsed before the world's worst industrial disaster due to corporate criminal negligence has led to a verdict – a two-year imprisonment to seven Indian officers of Union Carbide, not one of whom will have to spend even a day in prison. The delay in pronouncing the verdict and the inadequacy of both compensation and punitive action constitute a travesty of justice.

The consequences of the Bhopal gas leak are yet to be ascertained in their entirety. While the death toll exceeds 15,000, the Supreme Court of India has admitted to 5.73 lac people being victims of the disaster. However, the long term genetic effects of methyl-iso-cyanide have still not been fully understood, the site continues to be heavily contaminated and the environmental damage resulting from the leak is yet to be assessed. Despite the magnitude of this disaster, the response of the Indian judiciary and polity has been tawdry and apathetic. In 1989, the government settled for a compensation package of Rs.705 crore in an out-of-court deal with the company sanctioned by the Supreme Court (a mere 18% of the original amount claimed) - this amounts to an average of Rs. 10,000 per victim for irreparable damage to health and capacity to earn a livelihood, a lifelong sentence of medical treatment, and the knowledge that adverse effects may be visited upon future generations. No corporate responsibility has been imposed for the toxic emissions from the factory leaching into the soil and poisoning groundwater.

The NTUI notes that while sentencing those accused, the trial court was handed down a severely restricted mandate by the Supreme Court, when the latter in 1996 diluted the charges from culpable homicide not amounting to murder (punishable with 10 years' imprisonment) to causing death due to negligence (with maximum imprisonment of 2 years), the provision used most commonly for traffic accidents. This, despite the prosecution presenting ample evidence that the Union Carbide management was operating a defective plant at Bhopal and was aware of lapses in maintenance and safety norms at the factory. While UC has repeatedly refused to take responsibility for such design flaws and operational laxity, it has been allowed to sell its business to Dow Chemicals which, against all tenets of corporate law, has refused to assume the liabilities of Union Carbide in India.

The Bhopal incident is reminder of the ominous trend of continuing relocation of hazardous industry to developing countries without the accompanying safeguards in design, operation and maintenance. This trend is accentuated by the tendency to exempt industry from criminal liability in case of a disaster and impose limited civil penalties. A case in point is the Indian government's determination to push through a nuclear liability bill that caps liability of nuclear companies to a paltry Rs.500 crore in case of a nuclear disaster. This, despite full knowledge that risks from a nuclear disaster would dwarf the Bhopal gas disaster. Today, when the Indian government is aggressively pursuing corporate investment, it is critical to ensure that any industrial venture, particularly hazardous industry is subjected to the highest standards of scrutiny in design and operation norms.

The NTUI demands:

- That the government takes up the Bhopal matter at all necessary levels to ensure corporate accountability.
- The enactment of a comprehensive law on industrial regulation for health and safety with strict punitive actions for violations.
- A review of the Supreme Court judgment diluting charges and if necessary a fresh probe into violation of operation norms at the UC plant.
- That the government immediately seeks the extradition of Warren Anderson.
- That the government pays the originally claimed amount of Rs. 3900 crore to the victims and continue litigation to recover it from the company.
- That the government and the company take immediate steps to decontaminate the site and ensure appropriate medical treatment for survivors.

The NTUI pledges to support the struggles of the Bhopal Gas victims in their heroic struggle of over twenty five years, for justice and fair compensation.

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