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CHIEF JUDICIAL MAGISTRATE, BHOPAL'S ORDER OF JANUARY 6, 2005, REQUIRING DOW CHEMICAL COMPANY, USA TO STATE WHY IT SHOULD NOT BE ASKED TO PRESENT ABSCONDING ACCUSED UNION CARBIDE CORPORATION IN THE ONGOING CRIMINAL CASE ON THE DECEMBER '84 DISASTER IN BHOPAL

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[Unofficial translation from original in Hindi]
Chief Judicial Magistrate, Bhopal
January 6, 2005
Criminal Case No. (MJC) No. 91 of 1992

State Versus Warren Anderson & others

Bhopal Group for Information and Action, Bhopal, Bhopal Gas Peedit Mahila Udyog Sangathan, Bhopal, and Bhopal Gas Peedit Sangharsh Sahayog Samiti, New Delhi [Assisting the Prosecution]

State
Through Not Present

Bhopal Group for Information and Action
Through
Kishore Joshi, Advocate Present

Bhopal Gas Peedit Mahila Udyog Sangathan
Through
Abdul Jabbar Present

Dow Chemical International Private Limited
Through
Sandeep Gutpa, Advocate Present

Bhopal Gas Peedit Sangharsh Sahyog Samiti
Through
Jai Prakash Present

Through this order a decision is being given on the application presented by Bhopal Group for Information and Action on 26.02.04. On 15.06.04 this court had passed an order on the application, that it would not be proper to pass an order on affixing criminal and civil liability on Dow International Private Limited without listening to the opposite party, and that before passing an order on the application, it would be necessary to hear Dow Chemical International. Keeping these facts in view, this court had issued notice to Dow International, Corporate Park, VN Purab Marg, Mumbai, along with a copy of the application to show cause why the application of the applicants should not be granted.

In response to the summons, Advocate Mr. Sandeep Gupta representing Dow India System Private Limited, which merged with Dow Chemical International Limited according to the certificate, appeared before the court, and Dow India Systems Limited and Dow Chemical International Limited, were stated to be the subsidiary company of Dow Chemical International Limited, Singapore. Whereas, the application presented before this court on 26.02.04 mentions

that Union Carbide Corporation is a subsidiary company of Dow Chemical Company, Midland, Michigan, USA and it is their application that this company be made a party in the criminal case.

In the light of the above facts and consequent to the order of 15.06.04 a notice be issued through the appropriate legal procedure to Dow Chemical Corporation, Midland, Michigan, USA along with a copy of this application.

Case is fixed for 15.02.05 for reply to the application.

Signed
Anil Kumar Gupta
Chief Judicial Magistrate
Bhopal