

## TOO LITTLE, TOO LATE

THE SUPREME COURT'S order, directing the Centre to disburse to survivors of the Bhopal gas disaster Rs. 1,505.46 crores that is part of the settlement reached with the Union Carbide Corporation (UCC), comes not a day too soon. The tragedy occurred 20 years ago, on December 2/3, 1984 when a cloud of poisonous gas released accidentally from the Union Carbide factory covered most of Bhopal, leaving several thousand dead and many more severely affected. Yet two decades later, over five lakh victims have yet to receive a paisa. This is almost as deplorable as the final settlement that the Central Government arrived at with the Union Carbide in 1989 — for a mere \$470 million. At the time of the settlement, both held that only 3,000 people had died and some 10,000 others had been affected. Today, when the full extent of the tragedy is known, with over 17,000 deaths and 5,66,786 people whose claim for compensation has been affirmed, the settlement amount appears a travesty, a pitiful underestimation of the value of human lives.

The organisations fighting for the rights of the Bhopal victims have rightly concentrated on fixing liability for the disaster on Union Carbide and Dow Chemicals, which acquired the former in 2001. They have pushed for these companies to accept their responsibility for what happened in 1984 and also for cleaning up the mess they left behind. Last month, the Centre and the Madhya Pradesh Government sent a letter to an American court — after being goaded to do so by survivors of the disaster — stating that they had no objection to the court directing Dow Chemicals to clean up the poisons left behind in the abandoned Union Carbide plant that have percolated into the surrounding soil and water. But although holding these corporations liable is important, the Centre and the State Government cannot be absolved of all blame. The Madhya Pradesh Government, for instance, has a great deal to explain why it did not monitor a plant using dangerous chemicals in the manufacture of insecticides when it was located next to a large human settlement.

As for the Centre, its handling of the claims of the gas affected victims has been far from exemplary. The Bhopal disaster victims expected justice because their own government had decided to represent their interests through the enactment of the Bhopal Gas Leak Disaster (Process of Claims) Act, 1985 instead of leaving them to fend for themselves. They had hoped the government would push for a larger amount as compensation as its original claim was for \$3 billion, an amount that conformed to settlements for similar cases in the United States. Why and how it settled for \$470 million is not known but it was then suggested that the government's desire to ensure that foreign investors were not turned away from India took precedence over the interests of the victims. Even if this cannot be proved, there was no justification for the delay in settling the claims and disbursing the funds. Today, the amount the victims will finally get is likely to be little more than Rs. 25,000 per person. This works out to a little over a thousand rupees for every year that they suffered and for the loss of earning. Given that most of the affected lived on subsistence wages doing manual work, and that they were unable to continue such work because of their impaired health, this can in no way be considered a just and fair compensation. One hopes that at least now the government will ensure that there is

no further delay and that even these meagre amounts do reach the people who have waited too long to be compensated.