

### 1.) What do you think is the most important thing we should take from Bhopali?

- That the Bhopal gas disaster is an ongoing disaster and it is growing over time
- Also that Bhopalis have fought for justice for the past 35 years and will continue to fight until we have justice

### 2.) Why don't the people move out of the affected communities?

- It is difficult for people to get up and move, especially since those affected are mostly from very poor communities, and having social networks are an important survival mechanism for poor communities.
  - o Moving out of these communities to new communities may mean losing that social/support network.
- Also, it doesn't solve the problem for gas survivors, who have health problems.
- People are staying in Bhopal and fighting.

### 3.) What did UCC do after the disaster?

- They made all efforts to evade responsibility for the disaster. They blamed a "disgruntled worker" for the gas leak, but no evidence of this has ever come out. It is a lie. The gas disaster happened because the plant used untested technology and cut corners on safety.
  - o In fact, workers fought for safer working conditions years before the gas disaster even happened, as they knew firsthand about the hazards of the plant.
- UCC wouldn't tell doctors how to treat MIC exposure. They said it was just as a tear gas, and that people will be fine. This is a lie. According to UCCs own records, MIC is toxic, volatile and flammable. It is more toxic than phosgene.
- UCC wouldn't disclose the contents of the gasses leaked, so researchers were unable to figure out the best way to treat exposure.
  - o Early autopsies found the presence of cyanide, but UCC denied this. UCCs lawyers were trying to evade responsibility by saying that gas-affected people were from the slums, and had TB and other illnesses. UCC wanted to say that illnesses were because of the unhygienic slum conditions, and not the gas. If they acknowledged that cyanide entered the body, it would show that it was the gas that was killing people.
- UCC (and it's owners, Dow Chemical) still will not disclose the contents of the gas today, saying that it is a trade secret. Because of this, survivors continue to get symptomatic treatment.

### 4.) What did the Indian government do after the disaster?

- The Indian government has supported UCC, and now the Dow Chemical company, at the expense of survivors.
  - o The Indian government is doing the same thing with other struggles where people are fighting against corporations, such as in Kudankulam where people are fighting against a Nuclear Power Plant.
  - o This is the same thing that many governments around the world are doing. In the U.S., the tar sands, fracking and other issues are a good example of this. Governments are putting corporate interests before the health of people and the environment. For this reason, it is important that we fight together.
- After the disaster, the Indian government acted on behalf of the gas affected population (without asking those who were gas affected) and settled the case with UCC. This led to a very small amount of compensation for the gas affected community (about \$500 per person for a lifetime of medical issues and loss of working ability, although many people did not even see this compensation)
- Since the disaster, Bhopalis have been fighting. Everything that the government has done has been because the people have fought and forced them to do it.

- Recently, the Supreme Court ordered the Madhya Pradesh government to construct pipelines for clean water in the communities facing water contamination.
- All this is because of the survivors' fight.

### 5.) Did people get any compensation?

- After the disaster, the Indian government acted on behalf of the gas affected population (without asking those who were gas affected) and settled the case with UCC.
  - 5,72,000 people were paid compensation for personal injuries. 94% of the claimants received only \$500. Most often this amount was only obtained after long delays, complicated procedures and payment of bribes.
- In June 2010, the Group of Ministers on Bhopal announced the payment of ex-gratia amounts totaling Rs 700 crore for 45,696 gas victims who were assigned permanent injury categories. 94% of the victims were considered to be either not injured at all or only temporarily injured and were denied ex-gratia amount. This is despite the fact that a Union Carbide document makes it clear that exposure to MIC causes residual injuries even after prompt treatment.
  - A survey of residents of JP Nagar (a community right across the Union Carbide factory) showed that 91% of the residents had been categorized as only temporarily injured and were denied ex-gratia amount.
- No compensation has been given to children of gas exposed parents many of who are born with congenital malformations and growth and development disorders.
- No compensation has ever been given to those who are sick from drinking water contaminated by Union Carbide's hazardous waste.
- In a Curative Petition filed before the Supreme Court of India on December 2, 2010 the Government of India has sought additional compensation of 1.2 billion USD from Dow Chemical / Union Carbide.

### 6.) Was there an economic rehabilitation plan?

- At least 70% of the victims belong to the working class, and depend on their stamina and strength for their livelihood.
  - At least 50,000 people are in need of alternative livelihoods, as their ailing health prevents them from engaging in physically demanding tasks.
- The government started an economic rehabilitation program after the disaster, which was mainly targeted at women. They built work sheds, where women would learn trades like stitching/embroidery and stationary making.
  - The government's plan suffered from extreme short-sightedness. Many of these work sheds shut down soon after they started, and the women lost their jobs. Today, only one of the work sheds is functioning.
- Between 1984 and 2010, the Government of Madhya Pradesh spent Rs. 27.06 crores for economic rehabilitation. That works up to Rs. 5400 per victim (assuming 50,000 needy victims) over 25 years, or a measly Rs. 216 per year per victim.

- More than 50 crore on building infrastructure
- 104 crore sanctioned in 2010
- 2153 got jobs out of 2500 who were in training
- 3000 more training
- 7 crore spent so far 32512/person

**7.) Was there any other kind of support for survivors?**

- Between 1984 and 2010, the Madhya Pradesh Government spent Rs. 49.71 crores in implementing social rehabilitation measures
  - The government had planned to provide 40,000 low-cost houses to gas victims, then changed it to 3000 houses. In the end, only 2486 houses for gas widows and orphans have been allotted. Only 1666 were occupied, because the houses are falling apart.
    - *I and my brother lived in a home in Widow's Colony. We had no running water or other facilities.*
- Orphans were only given "shows" of support in the early days.
  - When I was a child, the Ministers used to have an event every year to show that they are taking care of gas orphans. They used to buy us presents once a year and present it at a ceremony with media there. This is the only time we got to see them
- Many orphans are now in their 20s and 30s, and because the government did not take care of their schooling needs, many of these children remain illiterate and have had to fend for themselves with zero support from the Government.

**8.) What are the important legal updates that have happened in recent years?**

- In 2014, Dow Chemicals was summoned by the Indian courts to explain why they have not presented their subsidiary, Union Carbide in Indian courts. India has repeatedly sent summons to the US Department of Justice, through an international Mutual Legal Assistance Treaty.
  - The US Department of Justice, over 5 years, has not once served the summons to Dow, in violation of that treaty.
  - In November 2019, the court has summoned the Ministry of Home Affairs to explain why summons haven't been served to Dow.
- We have exhausted our last appeal in U.S. court regarding groundwater contamination issue.
  - Judge Keenan found that UCC is not responsible for soil/groundwater contamination in Bhopal, despite evidence of their dumping practices and the fact that they knew about the possibility of groundwater contamination as far back as 1982.

**9.) How is Dow Chemical responsible?**

- Dow purchased Union Carbide in 2001. When Dow purchased UCC, they inherited the legal liabilities of the company, which includes the Bhopal gas disaster. The Union Carbide Corporation is a wholly owned subsidiary of the Dow Chemical Company.
  - Dow settled UCCs outstanding liabilities in Texas, USA, but when it comes to India, they have said that they are not responsible (double standards)

## 10.) **How bad is the water contamination?**

- Groundwater and soil contamination in and around the factory had little to do with the gas disaster. In 1977, Union Carbide Corporation began dumping toxic effluents into football field-sized Solar Evaporation Ponds outside the factory.
  - o By 1989, Union Carbide had confirmation that its waste disposal practices had already caused significant contamination.
  - o Inside the factory, at least 21 percent of the area is estimated to be contaminated.
  - o More than 17 Governmental and non-governmental studies have confirmed the presence of toxic contaminants in soil and groundwater in the area.
- In 1996, the Madhya Pradesh Public Health Engineering Department found heavy chemical contamination in several tube wells and concluded that the “pollution is due to chemicals used in the Union Carbide factory.”
- A 1999 Greenpeace study found chloromethanes, chlorobenzenes and chloroethanes in excess of World Health Organization drinking standards at wells near the site.
- 
- Analysis of breast milk from mothers living in water contamination affected areas at IIT Kanpur's laboratory revealed the presence of high levels of hexachlorocyclohexane, chloroform, dichloromethane, chlorobenzenes and heavy metals such as mercury, lead and nickel.
- Until early 2009, nearly 30,000 people in 14 residential areas were drinking groundwater tainted with Union Carbide's poisons. A July 2009 study by the University of Exeter found high levels of carbon tetrachloride, chloroform and dibromofluoromethane in the drinking water from Atal Ayub Nagar.
- Several thousand tonnes of contaminated soil and machinery are lying inside the factory and outside in solar evaporation ponds.
  - o An un-estimated quantity of groundwater is also contaminated and needing clean-up. Of this, 386 tonnes was present above ground stored in drums and sacks inside closed sheds.
  - o Till date, 40 tonnes have been removed and buried in a landfill in Pithampur, near Indore.
- A public interest litigation was filed in the Madhya Pradesh High Court asking Union Carbide Corporation, Dow Chemical, Eveready Industries India Ltd, Union of India and Government of Madhya Pradesh to clean up the contaminated lands and water, and pay for compensation and medical rehabilitation of affected people.
  - o Union Carbide Corporation has not appeared in court, and Dow Chemical which is being represented by Mr. Abhishek Manu Singhvi, the Congress spokesperson, has appeared but stated that it is not subjecting itself to the jurisdiction of the Indian court.
- In 2005, the Government of India filed an application demanding Rs. 100 crores from Dow Chemical as an advance towards clean-up.
  - o Dow requested the court to delete its name from the proceedings.
- Between 2007 and 2008, the Madhya Pradesh High Court attempted to force an incinerator in Ankleshwar, Gujarat, to accept and burn the 346 tonnes of above-ground wastes stored onsite. However, the Gujarat Government refused, and obtained an order from the Supreme Court supporting its refusal.
- As of today, 22 communities are affected by contaminated groundwater.
  - In 2012, the Indian Supreme Court ordered the state government to construct pipelines with clean water. This is happening because of the survivors' struggle for clean water.

## 11.) **What is the U.S. government's role?**

- The U.S. government should ensure that Dow Chemical is held accountable for their human rights/environmental abuses overseas.
  - o The Department of Justice needs to serve the criminal summons to Dow.
  - o It is the same as when the U.S. government wanted to hold BP accountable. All human lives are equal and deserve justice.

12.) **What have the survivors' achieved over the years?**

It is because of the sustained struggle of survivors that they have been able to achieve a number of important victories, including:

- Clean water supply to more than 50,000 people and also free tap connections
- Pro rata compensation which was distributed to all 5,74,572 survivors when we moved the Supreme Court in 2003 and got the judgement in 2004
- A pension to 5000 gas affected widows
- Setting up of monitoring and advisory committee on health and research of gas victims
- Summoning Dow in court
- Stopping Dow from making any substantial investment in India. Their projects in Pune and Gujarat have been cancelled
- Dow Agro Science has been blacklisted for 5 years in India for bribing Indian officials
- Stopped an out of court settlement between Dow Chemical and Government of India by exposing lobbying information obtained through RTI
- Convincing the Government of India on the Polluter Pays Principle which has forced it to pursue Dow and Union Carbide liability in both gas claims and for environmental damages

13.) **What is the medical situation in Bhopal today?**

- Between 120,000 and 150,000 of those exposed remain chronically ill
- Over 25,000 people have succumbed to gas-related illnesses till date.
- Apart from chronic illnesses affecting respiratory, gynaecological, ophthalmic, musculoskeletal, and gastrointestinal systems, psychiatric and mental health problems remain prevalent.
- 
- New problems such as diabetes, hypertension and menstrual irregularities that are associated with endocrine disruption are also becoming discernible from data being collected by the Sambhavna Trust Clinic.
- In the early days of the disaster, the Indian Council of Medical Research was supposed to do long-term health research on the health impact of MIC exposure. They stopped this research in 1994, and many believe it is because they found conclusive evidence of a second generation impact. If this had come out, it would have increased UCC and the Indian's governments liability, so they hid it.
- A number of hospitals were built specifically for the gas-affected population. However, these hospitals have a number of problems:
  - o corruption amongst doctors/staff
  - o lack of interest in treating gas affected community
  - o class discrimination against the gas affected communities
  - o gender discrimination, so gas-affected women's gynecological and reproductive health is ignored
  - o They do not treat the second generation (except for BMHCR, under 18)
  - o More than 50,000 residents living in 18 communities affected by ground water contamination do not receive free medical care at these gas relief hospitals
  - o More than 80% of the posts of specialists, and 30% of posts of doctors and paramedics is lying vacant for many years.

- Surprise inspections carried out by Bhopal survivor organizations from April to August 2012 in six gas relief hospital revealed the following:
  - o The Pulmonary Medicine Centre does not have a single pulmonary specialist.
  - o There were not enough doctors with required qualification in any of the hospitals visited. ICU is left in charge of an Ophthalmologist at Kamla Nehru, the super specialty hospital.
  - o In none of the hospitals visited doctors and other staff come in time. Doctors were found to report for their duty as much as 2 hours late.
  - o None of the superintendents of the hospitals were found to be punctual.
  - o Many of the rooms meant for investigations and pathology labs remain closed well beyond their official opening time.
  - o Work of computerization is currently on-going only in Indira Gandhi Hospital and even in that hospital, data is not being entered for every patient, all important data is not being entered, and it is not possible to draw meaningful conclusions from the current database.
  - o Certain technical staff members are not qualified for the jobs that they are currently handling.
  - o Banned medicines and those produced by blacklisted companies are being distributed in the gas relief hospitals.
  - o In some of the hospitals medicines are unavailable and gas victims are forced to purchase medicines from the market.
  - o Many of the diagnostic equipment in the hospitals are either malfunctioning or under repair.
  - o Facilities such as toilets and drinking water are either absent or are of poor quality.
  - o There are serious and routine irregularities in the distribution of milk and bread to the patients in the IPD.
- Because of this, survivors are forced to spend their money on private clinics, which puts them deeper into poverty
- The amount spent by State Government on health since 1984-2009 is Rs. 366.15 crores. This is 71% of total expenditure incurred on rehabilitation of survivors. That works out to Rs. 6100 per victim over the last 25 years, or Rs. 244 per year per victim.
- In 2008 Madhya Pradesh had submitted an action plan to the government of India for Rs 33.55 Crore. Even though the action plan had many shortcomings and Group of Ministers on Bhopal was not keen on giving money to the state government, but after the verdict of June 7, 2010 the Group of Ministers on Bhopal sanctioned the action plan.
  - o The Group of Ministers sanctioned Rs33.55 for medical rehabilitation of the Bhopal gas victims.
  - o Breakdown: Rs 28.22 Crore on procuring new equipment and replacing obsolete equipment, Rs 1.90 Crore on construction and renovation of hospitals, and Rs 2.28 crore for medical research.
- Effects on children of gas affected parents were being detected by the Indian Council for Medical Research before the research was terminated abruptly in 1994. There is no specialized medical care of children who are being born with congenital birth defects.

14.)

**What does ICJB believe in?**

- **Polluter Pays Principle** – those who pollute should be the ones to clean up themes
- **Environmental Justice** – corporations should not target poor, racialized communities with their hazardous factories

- **Precautionary Principle** – When an activity raises threats of harm to human health or the environment, it must be avoided unless the proponent can prove that it is not harmful.
- **International Liability** – CEOs and Corporations should not be allowed to abscond from legal proceedings brought against them in other nations.
- **The Right to Know** - People should have easy access to information about potential or current threats to the quality of the environment and their lives.

15.) **What kind of support is there for the children who are born with deformities?**

- Survivors' groups have fought long and hard for justice for the next generation of Bhopal's survivors
- The government and the corporations do not recognize that these children are born with congenital deformities and growth disorders because of their parents' exposure.
  - o This is because they are trying to hide the extent of the disaster.
  - o The government does not support these children.
- A recent study found that the congenital malformations and growth deformities have reached the 3<sup>rd</sup> generation, and children in the affected communities are 7 time more likely to be born with congenital malformations.
- Two survivors (Rashida Bi and Champa Devi) won the Goldman Environmental Prize in 2004. A large part of their prize money was used have created a school/rehabilitation centre for these children, called Chingari Trust.

16.) **How can we prevent future Bhopals?**

- We must unite with other struggles, and collectively fight for environmental and social justice
- We must force our governments to work in our interests, rather than in the interests of corporations
- We must replace the government-corporate nexus with people-power
- We must educate ourselves and others on the impact of toxins on our health and the health of future generations
- We must uphold the polluter pays principle, the precautionary principle, environmental justice, the right to know and international liability. This should be legally enforced.

17.) **What can we do to help?**

- Join the solidarity campaign in North America.
- Educate others on the Bhopal gas disaster. Even telling just one other person about the struggle helps to spread the message.
  - o Tell them that it is still going on and that the people of Bhopal have continued to fight for almost 30 years, and they will keep fighting for the next 30 years
- Organize your own actions (outside Indian embassies, local Dow offices) to educate your community on the disaster in Bhopal.

18.) **What can we learn from Bhopal?**

- Bhopal is the world's worst industrial disaster, so it has a lot of lessons to offer other struggles for environmental and social justice
- Bhopal shows us what happens when corporations are allowed to do what they want, without worrying about human rights/environmental rights
- Bhopal is also a good example of how people can fight for justice for decades, despite deaths and illnesses all around them