



Research Foundation for Governance: in India

Summary of the public debate

BHOPAL TRAGEDY: WHAT WENT WRONG

July 6, 2010 at Ahmedabad Management Association, 5.30 PM to 7.00 PM

Tuesday, 6th July, saw the Research Foundation for Governance in India's (RFGI) seventh public debate. The debate held at the Ahmedabad Management Association (AMA) was titled '*Bhopal Tragedy: What went wrong?*' It attracted old and young alike; the former were there to share their experiences of having lived through this tragedy and the young to voice their new takes and perspectives. The debate was organized in light of the final verdict given 26 years post the incident, convicting 8 former Union Carbide employees of 2 years imprisonment.

After an introduction of by core member Vimmi Surti and a brief on the topic by intern Anushka Shah from the London School of Economics, head and founder of RFGI Kanan Dhru inaugurated the debate with a short clip on the leak and its aftermath. She outlined the three aspects of days debate to be i) the extent of government responsibility ii) the decisions of the judiciary and iii) the role of civil society in such an event.

The debate began on a strong note with severe criticism of the Madhya Pradesh government in allowing the production of MIC in the first place as it was banned everywhere else and did not receive the approval of CSIR, IIT, etc. The government was accused as allowing "a chemical experiment in our homeland." Mr. Jawahar Mehta, MIT graduate and ex-employee of Union Carbide responded saying that production was in fact never banned and large amounts were being produced by Union Carbide in West Virginia.

Mr. Datt Dhru, former Chief Inspector of Factories in Gujarat aptly pointed out that the gravity of the situation was perhaps more casually perceived by the government as the 25,000 people affected were all of extremely poor status. He went on to say that the company was facing a financially difficult phase at the



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time and to cut costs temperatures in the factory were drastically reduced. The discussion went on for a while on technical grounds, offering new and interesting evidence to all in the room. Another elderly gentleman made an extremely valid point to the youth in the room that it was important to remember that the India of today was not the India that existed back then. Factory rules and regulations were lax and their smooth functioning depended largely on God's will.

As the discussion moved on towards the legal aspect of the tragedy, a third year law student from GNLU decided to play devil's advocate and justify the decisions taken by Justice Ahmadi as absolutely correct. Justice Ahmadi is widely termed 'the man who sold India', but the law student claimed that the concept of vicarious liability for criminal negligence did not exist in India and Justice Ahmadi was but bound to follow the written law. He claimed that there was indeed a need for legal reforms, but this did not translate to criticizing the judge's decision. Such a stance he said was moreover supported by Nani Palkhiwala and Fali Nariman, two of the greatest and most respected authorities on Indian law.

A media representative present in the room highlighted an astute point while analysing the government's decision of letting Warren Anderson leave the country. She said that at the time India under Rajiv Gandhi had a rather closed economy. We needed foreign investment desperately and perhaps that is the reason the ruling party could not afford to nail Warren Anderson down hard as this would dissuade prospective investors.

District Judge Shri Saiyyad criticized the former Indian policy of non-alignment. He said India had for too long convened far too much with the Russians and Americans at the cost of not standing up for their own. He said that the law was not infallible and that it came with its own limitations. Criticising the defence of Justice Ahmadi, he suggested that if law is looked at as fountain of justice, then no law can limit the scope of punishment in a trial such as the Bhopal tragedy. "Is there any law that gives people the right to question the law? No! By law we are never to question it. Yet we do, and we must!"



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Moderator Kanan Dhru took this opportunity to bring the debate to the role of civil society and that it was up to each citizen to uphold the law. She questioned what it was that we could all do in such a situation. Awareness, social activism, and such debates that brought issues out into the open were some of the answers.

In spirit of the final note of the debate, we hope that more and more people attend such events and seek to spread social awareness. RFGI is open to suggestions for topics and will continue to organize monthly debates at the Ahmedabad Management Association.