CHAPTER 3

Bhopal Lives On: The Many Faces of the Continuing Disaster

Completing the integration of Union Carbide and other acquisitions…we achieved cost synergies of $1.2 billion, significantly improving the profit margins of Carbide businesses and making them globally competitive.


The gas leak from the Carbide factory has left scars on my family and me that will never heal. I hold Union Carbide and now Dow Chemical fully responsible for this disaster. I want Dow Chemical to assume responsibility for Bhopal.

—Rubina, three years old on the night of the disaster.

While we (Dow Chemicals) have seen conflicting reports currently being made by various groups and media…we believe it is important for the State of Madhya Pradesh to restart and complete the remediation of the plant site.


The event of December 3 transformed industrial risk, which had remained more or less a possibility and therefore a mere hypothesis, into the grim reality of a disaster. Described as the Hiroshima of industrial disasters, it left in its trail the official figures of 3,828 dead, 30,000 injured, and 2,544 livestock dead. But statistics belie the true nature of the disaster. This chapter focuses on the events and issues linked to the two decades following the disaster. In this way it draws attention to the many faces of the disaster in the changing national and global context. As pointed out earlier, Bhopal outlived the immediate crisis and continued to plague both the government and the company. It brought to the forefront the brutal reality that corporations in collusion with the state can
cause irreparable harm to the most vulnerable section of society. Industrial risk has always been viewed as an inevitable part of enterprise and progress, so that it needs to be contained rather than addressed. The settlement was fallout of the collusion. Profit before people was the ideological impetus that paved way for the disaster to happen in the way that it did. The settlement had a more insidious long-term repercussion. It quashed criminal proceedings against all those who had been accused in the First Information Report (FIR), recorded by the Station House Officer at Hanuman Ganj police station on that night. The FIR was filed against Union Carbide Corporation (UCC), Union Carbide India Ltd (UCIL), and its executives and employees. It is interesting to observe that the settlement order stated that UCC and UCIL were to pay $470 million in compensation to the “Union of India as claimant and for the benefit of all the victims . . . and not as fines, penalties or punitive damages.” Clearly the settlement gave sweeping civil and criminal immunity to the corporation, eliminating their legal liability.

The widespread protest that followed forced the government to review the settlement. Although it upheld the validity of the Claims Act by applying the doctrine of parens patriae and declined to reopen the settlement, the October 1991 order revived criminal proceedings against Warren Anderson and the Indian accused. The Claims Act was the ultimate red herring used by the state and the corporation to hide its need to “settle” matters with each other while claiming to act on behalf of the people. It forced the victims to accept the government as their advocate, while in reality a Supreme Court settlement went against their interests. To underplay its own complicity in causing the disaster, the state officially aligned itself with the victims. It affirmed the regulatory role of the state and sought an executive action to overcome judicial complexity. At the same time, it made policies and the decision-making power of regulatory bodies beyond scrutiny. Under the blanket umbrella cover of protection, the survivors had to lock horns with the various regulatory bodies that kept multiplying with the passage of time. Ironically, these official bodies were brought in to protect the victims, and they were meant to work toward rehabilitation and compensation. The notion of justice was conspicuously missing, so was the idea of restoring rights and any long-term planning to get the people back into the national mainstream. Instead, the survivors were pitched in opposition to larger development plans, so that restitution was part of short-term, emergency action that was not meant to derail the unimpeded growth and prosperity of the nation.

But the legacy of Bhopal created ripples across nations. It raised questions that needed answering. The spread and reach of transnational chemical industries, the impunity with which corporations were being shielded, and the imperatives of privatization, liberalization, and globalization in the post-nineties leading to the twenty-first century, were the many collective issues that helped to keep Bhopal in the limelight. How different stakeholders responded to the continuing nature of the crisis is a primary focus of this chapter. In the process, attention is