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India

Bhopal's Fight for Memory

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On the night of December 2, 1984, unknown poisonous gases (released by the runaway reaction of water with methyl isocyanate, or MIC) burst out from a Union Carbide pesticide plant located in a densely populated, working poor vicinity of the city of Bhopal in central India. The plant, scheduled for possible closure, was understaffed, not maintained adequately, and had already seen prior deaths from exposure to leaks.

Over 5000 persons from the area immediately adjacent to the factory died in the 72 hours following the gas “leak,” and over 20,000 persons died subsequently as a result of severe health complications from the toxic air.

To this day, 30 years later, toxic materials (wastes, by-products, solvents, polluted water) dumped by the plant have not been assessed or cleaned up and there are few warning signs in the adjacent areas. The waste has entered the water supply of the city.

More than 600,000 persons continue to suffer severe health problems and physical deformities now present in the third generation of survivors of the catastrophe. Dow Chemical, which subsequently acquired Union Carbide Company, denies liability for damages.

Survivors and activists rally in Bhopal every year on the anniversary in their battle to have Dow Chemical and the governments of India and Madhya Pradesh face their culpability, clean the site, provide free health care, undertake epidemiological and environmental research, as well as regulate chemical plants across the country.

Sara Abraham, advisory editor of *Against the Current*, spoke in December 2014 to Nityanand Jayaraman, an environmental activist from Chennai, and member of the Bhopal Memorial Trust, who travelled to Bhopal for the 30th anniversary meetings and protests.

Against the Current: What is the ongoing importance of the struggle for justice in Bhopal?

Nityanand Jayaraman: The struggle in Bhopal, firstly, underscores the importance of memory as a weapon or tool to get justice and to hold corporations and the government accountable.

The one thing that the government wants is for Bhopal to be forgotten, and the one thing that the Bhopalis know is that they need to fight for memory of Bhopal. It is that classic fight of memory against forgetfulness, as stated by Milan Kundera.

The fight is to keep the memory alive, not only through holding the anniversary but by having significant victories and defeats and ongoing struggles as the subject of each anniversary. It is a stock-taking effort, and also an invitation for people to come to Bhopal to witness the rehabilitation work and the struggle, to see the strengths and the fatigue, and to see firsthand the extent of damage that has been caused by one corporation’s pursuit of profit.

There have been struggles against corporations in India and abroad — powerful pitched battles against employers. In those cases, there was no attempt to extinguish the life of the corporation or to damage its business.

Bhopal brought in the realization that corporations are not merely about jobs, welfare and the creation of wealth, and

that the damages caused in the pursuit of a corporate agenda are not just small externalities but can be disasters and can resemble a small war. This was something that was not firmly in people's minds.

It is more than 50 years since Rachel Carson's *Silent Spring*, which talked about the toxic chemicals that corporations produce that harm the foundation of life. In Bhopal we see that in an incident of a few hours the city witnessed a death count of several thousand and 30 years later the city is bursting at its seams with evidence of ongoing damage.

The Chingari Trust (rehabilitation center) has about 200 children who are affected by a variety of congenital disorders, a large number having cerebral palsy, compromised motor skills, compromised mental development, others with physical deformities, and this is in the third generation.

The harm to the people of Bhopal did not really hurt Union Carbide. It managed to pretty much save itself, barring the marginal nosedive that the share prices had during the disaster. The 1989 settlement was rewarded with an upsurge in the stock prices of Union Carbide.

Bhopal also makes it very clear on whose side the state stands and how the language and procedure of law is stacked against victims of industrial disasters and the poor. That the Indian Supreme Court endorsed a shameful settlement, about one-seventh the original demand, and authorized the quashing of criminal charges against the accused indicates a compromised nature of the judiciary. The fact that they reviewed the judgment and reinstated the criminal charges two years later only underlines how the Indian Supreme Court can screw up on such important matters.

The other ironic upshot of the Bhopal disaster was that the Union Carbide crime was a bonanza for other multinational corporations (MNCs) that are equally polluting and carry equally dangerous chemicals. The pharmaceutical industry in particular is one of the biggest beneficiaries of the widespread morbidity in Bhopal administration of symptomatic interventions (drug treatments) only improves the health of the companies, not the patients.

Over the years we often heard people who came and suggested that perhaps the survivors ought to try this trick or that. Well-meaning people, solidarity workers have come offering suggestions like a new legal forum, approaching shareholders at the annual general meeting, or a direct action like dumping toxic waste on Union Carbide or Dow headquarters.

Many of these suggestions have been taken up and executed, to a point now that very few new ones coming in; a large number of options have been tried, some with success and many without.

The package of survivors' demands has remained largely unchanged over the last three decades. And the breadth of the demands indicate the breadth of interventions that have been necessary to give survivors a fighting chance to return to a life of dignity.

The demands have revolved around economic rehabilitation, medical rehabilitation, social rehabilitation including support for the disabled and the aged, criminal punishment, environmental rehabilitation and financial compensation.

One other lesson that can be drawn from the Bhopal struggle is the importance of pursuing the government to set up medical infrastructure, and equally the importance of communities to monitor these. Through a series of public citizen-led audits of medical infrastructure and medical practices, the Bhopalis have underscored the importance of

eternal vigilance.

No Justice in Court

ATC: Can you tell us about the shifts and twists in the legal cases against Union Carbide and Dow Chemical?

NJ: Bhopal survivors' organizations have to be credited for predicting very early on that the government stands resolutely on the opposite side. That is the reason why they had the wisdom to insinuate themselves in the ongoing criminal case as interveners.

Left to itself, the criminal case would have died in 1989 when the Indian Supreme Court rubber stamped a settlement that included a condition that all criminal charges against all accused would be dropped. A subsequent review petition filed by alert survivors' organizations resulted in the reinstatement of the criminal case in 1991.

Subsequently the criminal case was split into one where the Indian accused were tried, and another to pursue the charges against the foreign accused all of whom were declared absconders in 1992. Once again the perfidy of the Supreme Court came to light when Chief Justice Ahmadi allowed the petition by the Indian defendants to reduce charges to one that drew a maximum prison sentence of two years.

The case against the foreign accused was the one of utmost concern for the government, and an agenda item in the bilateral discussions between the governments of India and the United States.

In the early 2000s the then National Democratic Alliance (right-wing) government went so far as to propose that charges against Warren Anderson, CEO of Union Carbide, be reduced from "culpable homicide not amounting to murder" to "rash and negligent act," a charge normally aimed at people guilty of causing traffic accidents.

The fact that this was proposed by then home minister L.K. Advani, without any public request by the accused, again goes to demonstrate the preoccupation of the government with the welfare of U.S. corporations and their agents.

The manner in which Bhopalis have checked the bad moves of the government, and prompted and pressured it to make the right moves through their acts of civil disobedience, demonstrates a sophisticated understanding of the interaction between public and legal fora.

Bhopal's history very clearly demonstrates that a case is never fought only in the courts. Street battles are as important if not more to ensure that courts and the government do the right thing.

Bhopalis have also never left their guard down and have been always been on the lookout for new opportunities to hold the corporation liable.

In February 2001 Union Carbide attempted to put Bhopal behind it through its merger with Dow Chemical. Bhopalis saw this almost immediately as an opportunity to enforce Union Carbide's appearance in the criminal case.

After several years of denial by Dow Chemical that it would assume any of Union Carbide's liabilities in Bhopal, Dow

Chemical is now faced with a situation where it has to appear before the magistrates' court in Bhopal to explain why it should not be charged with abetting the fugitive Union Carbide Corporation in its attempts to evade criminal charges.

They did this as UCC continued to do business in India through a series of front companies including Dow Chemical's subsidiaries in India and abroad.

Unlike Union Carbide, which has no assets to be attached to enforce its appearance in India, Dow Chemical has millions of dollars worth of assets and can potentially be forced to make an appearance.

This fact puts a lie to the cocky assertions of the company in past shareholder meetings that Union Carbide's liabilities will have no bearing on the material well-being of the company. [1]

(After Dow failed to appear for a court hearing on November 12, survivors' organizations have demanded that prime minister Modi compel it to comply [2])

Thirteen years after its acquisition of Union Carbide, Dow finds itself in a position where its plans for pumping a billion dollars into India within a decade and to use India as a manufacturing hub (Dow is in the automotives market and India is going through a domestic automobile boom) and springboard to Asian markets has been a non-starter, solely because of its association with the Bhopal disaster.

Medical Neglect and Health Crisis

ATC: Can you tell us about struggles on the health front?

NJ: In the immediate aftermath of the disaster, medical authorities in Bhopal were totally in the dark regarding the nature of the chemical that caused the health effects that they were observing. As a result they did not know how to treat the problems of the thousands of patients who were pouring into the hospital.

Only symptomatic treatment was given. If people had burning sensation in their eyes they were asked to wash their eyes or were given eye drops; oxygen respirators were used for people with breathing distress; etc. Even in the days that followed, Union Carbide refused to reveal the exact nature of the toxic chemicals that had escaped that night, or the nature and extent of damage it could cause to human tissue.

It took a large number of post-mortems and educated surmises for medical professionals to conclude that a cyanide-based chemical was the main agent of poisoning. When it became known that it was MIC and cyanide chemicals, Union Carbide's doctors downplayed the extent of damage that these chemicals could cause.

The most criminal act in all this was that of the Madhya Pradesh state government. Within a month of the disaster a German doctor recommended an injection of sodium thiosulphate to effectively chillate cyanide-based compounds circulating in the blood stream. If the poisons had been chillated with the help of this drug the likelihood and the intensity of longterm effects among the exposed population would have decreased dramatically.

However, the success of sodium thiosulphate would have also effectively proven that the poisons had entered the bloodstream and reached virtually every nook and corner of the body. This in turn would be contrary to Union Carbide's claims that the poisons would have a localized and temporary effect on eyes and lungs. This in turn would

mean a very heavy compensation bill.

Acting at the behest of Union Carbide, the state government banned the administration of sodium thiosulphate, calling it an unproven remedy. Not only that, they busted a health clinic set up by activists that was administering the drug despite the ban, confiscated the supplies, ransacked the clinic and arrested and jailed the activists and doctors for 18 days.

In 1996, the setting up of the Sambhavna Trust Clinic (Bhopal People's Health and Documentation Clinic) with entirely private funding set a new benchmark for modern medical treatment of survivors. There have been other previous instances of such medical facilities in India, such as the Shaheed hospital and the Jan Swastya Sahyog set up by mineworkers in Chattisgarh.

Sambhavna offers free medical treatment incorporating an integrated treatment protocol that draws from Ayurveda, yoga, panch karma, and allopathy. The clinic stresses the importance of data collection, research and community-based work with volunteers drawn from the community.

As with Shaheed hospital, this too has a robust community outreach and preventive medicine program. A team of community workers visit different parts of the affected areas daily at their camps. The clinic also has its own medicinal garden spread over an acre of land, where 150 different species of plants are grown.

Sixty percent of the garden's produce is formulated locally and administered to the patients. The remaining 40% is handed in raw form to patients with instructions on formulating powders or decoctions (purified liquids) for their use.

Sambhavna has an extensive outreach program to popularize the cultivation and use of medicinal herbs by affected communities. Fifteen medicinal plants have been identified as part of a package based on three criteria – ease of cultivation, ease of formulation and effectiveness of commonly reported ailments. Five community gardens have been set up which are cared for by local volunteers.

The medical interventions by Sambhavna are interesting for a number of reasons. For instance, cultivating community gardens poses community health care as a community issue as opposed to a private problem.

Second, through encouraging cultivation of herbal medicines by patients themselves, people retain some control over their own well-being.

Thirdly, the introduction of systems of medicine that are historically associated with the Hindu community such as yoga and Ayurveda were introduced tentatively among the survivors, who included a large number of Muslims. These were eventually adopted quite wholeheartedly after their successes, especially the exercises such as pranayama (breathing control) for treating respiratory disorders.

That clinic, however, cannot begin to and did not intend to treat all the survivors, who number over 600,000. It was set up as a model for the government to adopt. Thus far the government has begun to computerize patient records, introduced pulmonary physiotherapy, and agreed to adopt antibiotic treatment protocols. It has done little else, but it can no longer say, as it used to, that nothing can be done.

Creativity in Struggle

ATC: What have been some of the campaigns launched by the Bhopali survivors over the past 30 years?

JN: Starting from the time when a consumer boycott of Everready batteries, a popular Union Carbide brand name, was launched in 1985, Bhopal survivors and their supporters around the world have engaged in a variety of direct action that have drawn from principles of civil disobedience, satire, theater, legal actions and also daredevil acts.

There have been more than 100 hunger strikes, including several indefinite hunger strikes. In 2002 an indefinite hunger strike that had to be terminated due to the ill health of one of the fasting survivors was revived when a solidarity activist " Diane Wilson " decided to fast unto death on behalf of the survivors from her hometown in Seadrift, Texas. [3]

Working closely with the Bhopalis' vast network of international volunteers, the prematurely terminated hunger strike was converted into a global relay hunger strike where more than 4000 people from various parts of the world signed up to fast along with Diane for a day or longer in a show of solidarity. This was the earliest use of social media by the Bhopal campaign, where a separate webpage was set up where people could do more than just sign a petition.

Another action in 2002 that was proposed by and largely executed by women survivors and their women supporters from around the world was the jhadu maro Dow ko ("Sweep Dow Chemicals") campaign. Bhopali women had a bumper harvest of more than 5000 used brooms, donated by irate families, which were collectively handed over to Dow.

A third campaign was prompted by revelations of an investigation by survivors into Dow's attempts to win the support of the government of India to rid itself of Union Carbide's liabilities.

An explosive collection of documents retrieved by the Right to Information Act exposed the long list of people who were acting on behalf of Dow Chemical. This list included then vice chairman of the planning commission, Montek Singh Aluwahlia, Indian Ambassador to the U.S. Ronen Sen, then Commerce Minister Kamal Nath, BJP Spokesperson Arun Jaiteley, Congress spokesperson Abishekh Manu Singhvi, Tata Sons chairperson Ratan Tata, and Mukesh Ambani of Reliance Industries.

All these luminaries had written urging the Prime Minister to exonerate Dow and facilitate its business in India. The papers also revealed that the PM had set up a high level U.S.-India Business Council involving industrial leaders from the United States and India. One of the 13 agenda points of this committee was the resolution of legacy issues such as Bhopal with the intent of assuring untrammelled trade between the two countries.

Bhopalis reacted by organizing the 2007 Mir Zafar award ceremony. Mir Zafar was the infamous traitor who betrayed Siraj-ud-daulah in the Battle of Plassey (1757), paving the way for the East India Company to consolidate its hold over India. The satirical award ceremony pilloried the above luminaries for their collusion with Dow.

Bhopal has also inspired several documentaries, one novel and at least two full length feature films, the latest being Bhopal: a Prayer for Rain [released on November 7, 2014 in the United States and December 5, 2014 in India, starring Rajpal Yadav and Martin Sheen].

Bhopal Express was the first Bollywood film. All these productions have been substantially influenced by the survivors and their supporters. In some instances survivors had to prevail quite forcefully on the film producers to ensure their voices were not distorted. [4]

Shaping Activism

ATC: How has Bhopal shaped the work you do as an environmental activist?

JN: I went to Bhopal in 1995 to write a story on water contamination. By that time, the campaign had already coined and popularized long lasting slogans such as “No More Bhopals,” “Remember Bhopal” and “A Thousand Bhopals.”

After several years of intimacy with the campaign, I could not help seeing a Bhopal-like situation unfold in every corner I turned. The situations involved rampant industrial pollution, a helpless affected community, a collusive state and a corporation that went ahead with impunity.

In my home state of Tamil Nadu, in 2001 we uncovered a toxic mercury dump by Anglo Dutch multinational Unilever, which operated a mercury thermometer film in Kodaikanal. As with Bhopal, this MNC had run a sub-standard facility that polluted the environment and hurt the workers and families. [5]

It is now 13 years since the factory has closed and our efforts and the efforts of the workers to get Unilever to clean up the site and compensate affected workers and their families are still ongoing.

Our experiences with the courts has been dismal. A case filed by workers in the Madras High Court has inched ahead to nowhere in the last seven years, in the course of which at least 25 workers have died. We are not approaching the courts for environmental remediation, as we have learnt from the Bhopal case that the courts lack the sensitivity and understanding of complexity of remediating contaminated sites.

We are working with communities in similar toxic hot spots in Thoothukudi, Cuddalore, Mettur – all places where local and foreign industries have already caused significant damage to the environment and people. In all these places, public campaigns and awareness material have invoked Bhopal in one way or the other.

You can say that Bhopal is no longer a place alone, but a symbol for corporate greed and impunity, government collusion, toxic pollution, and peoples’ struggles against all of these.

[Against the Current](#)

[1] In the United States, barely a year after completing the acquisition, Dow settled an asbestos-related lawsuit that had been filed against Union Carbide in Texas.

[2] <http://articles.economictimes.india...> ed.

[3] I am a commercial fisherwoman from Texas and Union Carbide (now Dow) has existed outside my fishing village of Seadrift since I was born. I am 65. That’s a lot of years. I never knew about Bhopal until the day Union Carbide blew up near my hometown. The year was 1990.” extracted from “[US Environmental Justice Activist Diane Wilson Remembers her time in Bhopal.](#)”

[4] For a chronology of actions by survivors undertaken to secure justice over the past 30 years, see <http://www.bhopal.net/about-icjb/ic...>

[5] See documentary film, Mercury in the Mist, Dir: Amuthan R.P., available on youtube.