

BHOPAL GAS PEEDITH SANGARSH SAHYOG SAMITI

4, Bhagwan Das Road, New Delhi-110001, Phone : 385270 4624874

Dated..... 20/2/92

PRESS RELEASE

Bhopal Gas Peedit Sangharsh Sahyog Samiti (BGPSSS), Delhi and Bhopal Group for Information and Action (BGIA), Bhopal strongly condemn the willful neglect of the government in the crucial matter of compensation disbursement among the victims of the December '84 Bhopal gas disaster. The proceedings for distribution of compensation have begun in Bhopal since February 3rd, '92 in accordance with the October 3rd, 1991 judgement of the Supreme Court. However, only five Claim Courts have started functioning and the government is yet to put forward any criteria for identification of victims and allocation of compensation sums to individual victims. Furthermore, the scheme adopted by the government so far is liable to cause delay and encourage large scale corruption.

A survey carried out in November, 1991 by BGIA in three bastis of Bhopal has highlighted the gross injustice that will be done to the Bhopal victims if the government continues with its negligent attitude. Responses received from over 2600 residents of Shaktinagar, Tajmahal and New Gandhi Nagar make it clear that the government has no clarity on the two crucial questions viz. who is a gas victim? and what is the amount she/he is entitled to? The survey has found that more than one-fifth of the current resident population in the three bastis are children born after the disaster to gas exposed women. While studies conducted by the Indian Council for Medical Research (ICMR) have documented the gas related ailments of such children, the Directorate of Claims, Madhya Pradesh Government has refused to register their claims for personal damages. This amounts to wrongful denial of compensation to over 100,000, post disaster gas affected children. The survey has also indicated that a large majority of the gas-exposed population has not been covered by the surveys and claim registration procedures initiated by the government. In the three bastis studied, an average 21.3% of the population has not been covered by the Tata Institute of Social Sciences (TISS) survey and an alarmingly high 42.2% of the population has not been able to register their claims for compensation. In the absence of a complete registry of gas victims, well over 200,000 people are likely to be denied compensation

BHOPAL GAS PEEDITH SANGARSH SAHYOG SAMITI

4, Bhagwan Das Road, New Delhi-110001, Phone : ~~385270~~ 4624874

2

Dated.....

due to the governments utter failure in the matter of identification of gas affected persons.

The survey report also indicates the distinct possibility of close to 90% of the gas affected population being denied their rights to adequate compensation. An average 52.9% of the residents of the three bastis studied have not been medically examined and thus there is no criteria for evaluation of compensation sums for these people. Even among the people who have been medically examined, essential tests like 'Pulmonary Function Test and Ophthalmic tests, have not been administered on over 80% of the population. The incomplete administration of tests coupled with unscientific procedures of injury assessment has resulted in government figures of categorization showing that over 90% of the population has either no or only temporary injuries. Such figures are sharply contradicted by epidemiological surveys conducted by ICMR and studies carried out by non-government bodies in India and abroad including U.S.A. and U.K.

It has also been pointed out in the survey report that under the present scheme of adjudication through Claim Courts if an individual victim is allowed one hour for presentation of her/his case, it will take 10 years before compensation disbursement is completed. Furthermore, the subjective nature of adjudication of claims and the circuitous procedures of compensation disbursement make the present scheme vulnerable to large scale corruption by government officials and fraudulent claimants.

The BGIA survey report outlines specific steps that need to be taken by the government so that the injustice being done to the Bhopal victims is minimized. These include payment of a fixed sum to all residents of the 36 wards (declared to be gas affected) after conduction of an effective screening exercise. Such a course will minimize wrongful denial, delay, harassment and corruption and will obviate the necessity of all the victims to present themselves before the Claim Courts. It is suggested that the Claim Courts should only be approached by gas victims claiming additional sums and by those who are not residents of the 36 municipal wards.

BHOPAL GAS PEEDITH SANGARSH SAHYOG SAMITI

4, Bhagwan Das Road, New Delhi-110001, Phone : ~~385270~~ 4624874

Dated.....

3

The Central Government has appointed a committee under the chairmanship of Dr. Manmohan Singh, Minister of Finance on 9th January, '92 to lay down the directives on modalities for compensation disbursement. However, as can be seen from the Bhopal situation the committee is yet to evolve a criteria for identification of gas victims and allocation of compensation sums. It is time that Dr. Manmohan Singh who seeks to perform miracles through the encouragement of high-tech. hazardous industries and multinational investment concerned himself to the cause of justice for the victims of the greatest industrial disaster of the century.

We would like to reiterate that we have consistently voiced our opposition to the \$470 million settlement. We are of the firm opinion that the October 1991 Supreme Court judgement violates all legal and moral principles by denying the gas victims a fairness hearing. The same judgement further ordered the Government of India to make up any shortfall in the compensation amount which in effect meant that the people of India would shoulder the burden of the crimes committed by Union Carbide Corporation. The Government of India and the Government of Madhya Pradesh in turn are attempting to deny the gas victims their right to adequate compensation.

J. JOHN / N.D. JAYAPRAKASH
BGPSSS

SATINATH SARANGI
BGIA