

To,  
**The Chief Secretary,**  
Government of Madhya Pradesh,  
Mantralaya, Vallabh Bhawan,  
Bhopal, M.P.

January 22, 2019

**Sub: Urgent filing of Application for Amendment of Civil Curative Petition No 345-347/2010 filed by Government of Madhya Pradesh before the Supreme Court of India in matter related to Additional Compensation for the Union Carbide disaster in Bhopal.**

Dear Sir,

On behalf of the four organisations working for the welfare of the survivors of the December 1984 Union Carbide gas disaster in Bhopal, we would like to draw your urgent attention to the Civil Curative Petition filed by the Government of Madhya Pradesh before the Supreme Court of India in March 2011 for additional compensation from Union Carbide Corporation, USA and/or The Dow Chemical company, USA. Significantly, the Government of India has filed an application before the Supreme court on November 20, 2018 for urgent hearing of the Curative Petition.

In the following paragraphs we describe the specific circumstances that call for immediate filing of an application by the Government of Madhya Pradesh for making amendments to the original Curative Petition filed in March 2011. In the interest of justice and for protection of the legal rights of the victims of the disaster, specific amendments with regard to the number of deaths and extent of injuries caused by the disaster require to be made at the earliest.

1. At a very important meeting of the Group of Ministers on Bhopal (composed of ministers from both the state and central governments) it was agreed that the legal rights to adequate compensation of the victims of the Union Carbide disaster had been violated due mostly to the incorrect figures of deaths and injuries attributable to the disaster. The Group of Ministers decided on presenting a Curative Petition before the Supreme Court to obtain additional compensation from the Union Carbide and/or The Dow Chemical Company with revised figures of death and extent of injuries as well as other facts and figures. In line with this decision, the Government of India filed Civil Curative Petition No. 345/2010 before the apex court on December 3, 2010. The Government of Madhya Pradesh through its Department of Bhopal Gas Tragedy Relief & Rehabilitation, is a co-petitioner in this matter. It would not be out of place to add that the present Chief Minister was a member of the Group of Ministers on Bhopal that recommended the filing of the Curative Petition.
2. We wish to draw your attention to the fact that the Government of Madhya Pradesh and the Department of Bhopal Gas Tragedy Relief & Rehabilitation, that has a special responsibility to ensure that the figures of deaths and extent of injuries consequent to the Bhopal disaster are correct, have failed in their constitutional and legal duties. We present below several instances where significantly different figures of deaths and extent of injuries relating to the Union Carbide disaster have been presented by the Government of Madhya Pradesh, while the Supreme Court of India continues to be misled by the incorrect facts presented by the Government of India.

3. In its 2008 Memorandum of Plan of Actions the BGTRRD has mentioned a figure of 5000 as the number of women who have been widowed by the disaster. It does not require an expert in Demography to assert that if the real figures of all single males, single or married females and children who died due to the disaster were added to this figure, the total number of deaths caused by Union Carbide in Bhopal would exceed 20, 000.
4. In 2010, Government of Madhya through Department Home Affairs intervened in the criminal curative petition No 39-42 of 2010. This petition in Para G states that as per the survey of Department of Bhopal Gas Tragedy Relief & Rehabilitation 15,248 people have died and thousands of people are temporarily & permanently disabled as a result of gas leak.
5. In 2010, Department of Bhopal Gas Tragedy Relief & Rehabilitation sought a corpus fund of Rs. 500 Crores from the Government of India to strengthen and augment its medical facilities for gas victims. As per this proposal the number of survivors with exposure induced chronic respiratory disorders alone is 100, 000. As per the same document "25 to 30 % of the survivors have neurological and mental illnesses as a consequence of the disaster". Further the same document mentions that 23 years after the disaster incidence of Lung, Eye, GIT and general morbidities was 4 to 5 times higher than a matched unexposed population.
6. On December 3, 2011 the Chief Minister of Madhya Pradesh gave a written assurance to our representatives that figures of death and extent of injuries caused by the Bhopal disaster would be revised so that the legal rights of victims of Union Carbide to adequate compensation could be protected.
7. On January 8, 2012 the Chief Minister of Madhya Pradesh wrote to the Prime Minister that as per records of the Government of Madhya Pradesh, 15,342 people have died as a result of the gas disaster and 5,21,332 people exposed to the toxic gas suffer from permanent not temporary injury, as presented in the Curative Petition. The Chief Minister also urged the Prime Minister that the issue of adequate compensation to victims of the Bhopal disaster should be viewed in a positive manner.
8. In Annual Reports of the Department of Bhopal Gas Tragedy Relief & Rehabilitation, Government of Madhya Pradesh from 1985 to 2010 the numbers of chronic patients visiting the state government run hospitals have ranged between 403458 and 367019. This is clear proof that the figure of 93 % of victims being temporarily injured, as stated in the Curative Petition is incorrect and can be seen as an attempt at misleading the Supreme Court regarding the true extent of injuries caused by the Bhopal disaster.

The facts described in the paras above make it clear that the Government of Madhya Pradesh has deliberately withheld the true figures of deaths and extent of injuries caused by the Union Carbide disaster in the Curative Petition No.345-347/2010 .

Through this letter we request you to refrain from misleading the Supreme Court on the true extent of damage caused by Union Carbide and issue directions to the BGTRRD, GoMP to revise the figures of deaths and extent of injuries in the said Curative Petition on the basis of available official records.

We would like you to know that we have all the necessary documentary evidence to substantiate each of the points mentioned above and we will be more than happy to share them with you if you so desire.

Thanking you.  
Yours sincerely,

**Rashida Bi,**

**Nawab Khan,**

**Rachna Dhingra,  
Satinath Sarangi**

**Nousheen Khan**

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