

Honourable Prime Minister,
Government of India,
North Block, Raisina Hill,
New Delhi 110011.

26 December 2018

Sub: Urgent Directions for Filing of Application by Ministry of Chemicals & Fertilizers for Amending Civil Curative Petition No 345-347/2010 before the Supreme Court of India on January 2, 2019 in matter related to the Union Carbide disaster in Bhopal.

Dear Sir,

On behalf of the survivors of the December 1984 Union Carbide gas disaster in Bhopal we wish to draw your urgent attention to the Curative Petition filed by the Government of India on December 3, 2010 for additional compensation from Union Carbide Corporation, USA and/or The Dow Chemical company, USA. The petition is scheduled to be heard on January 2, 2019.

In the following paragraphs we describe the specific circumstances that call for filing an application for making amendments to the original petition filed by the Government of India. We wish to remind you that 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.

The Curative Petition wrongly presents a figure of 5295 deaths attributable to the disaster. This figure is almost half of the figure of 9667 that has been reported by the scientific study carried out by the Indian Council of Medical Research from 1984 to 1993. The statistical projection of the ICMR figures of death beyond 1993 would yield a figure of over 23000 as the total number of deaths attributable to exposure. We would also like to bring to your attention that in the Criminal Curative petition before the Supreme Court of India by the Madhya Pradesh government in 2011 it is clearly mentioned that the number of deaths caused by the Bhopal disaster is 15,342.

Further, the Curative Petition by the Government of India that is to be heard on January 2, 2019 shows complete disregard towards scientific facts and official figures with regard to the extent of injuries caused by the disaster. According to Union Carbide's documents, Methyl Isocyanate, the gas which leaked and caused health damage to over half million Bhopalis, has a hazard rating of 4 and is known to cause "residual damage despite prompt treatment". However, 93% of the persons officially acknowledged to have been exposed to Union Carbide's toxic gas, have been wrongly presented as "temporarily injured" in the Curative Petition filed by the Government of India.

It is pertinent to mention that the conclusions of ICMR's decadal epidemiological study and official records of hospitals meant to provide health care to the gas affected population clearly indicate that categorisation of 93 % of the exposed people as "temporarily injured" is both unscientific and contrary to the factual situation as indicated in official records of hospitals that show an overwhelming majority of victims undergoing treatment for more than two to three decades.

We would like to point out that on November 14, 2014 the Minister of Chemicals & Fertilizers, which is the Nodal Ministry on all matters pertaining to the Bhopal disaster, was apprised of the facts described above and he had agreed to initiate corrective measures to ensure that the figures of deaths and extent of injuries caused by the Bhopal disaster in the Curative Petition for additional compensation from the American corporations are revised so that they are in accordance with scientific results and official figures. In line with his agreement the Ministry had sent letters to the DG, ICMR and the CS, GoMP to obtain scientific data and hospital records for amendments to the Curative Petition.

Through this letter we urge you to issue directions to concerned officials in the Ministry of Chemical & Fertilizers for filing an application before the Supreme Court for amendment of the Curative Petition on January 2, 2019 to ensure that figures of death and extent of injuries caused by the Bhopal disaster are in accordance with scientific facts and officials figures and the apex court is not misled in to relying on the absurdly low figures of deaths and extent of injuries presented in the current version of the Curative Petition. Unless this is done you will be causing a great deal of injustice to the people of Bhopal victimized by the World's worst industrial disaster. We would also 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,

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