

# Dow and the Bhopal Tragedy

The 1984 gas release from the plant in Bhopal, India was a terrible tragedy. It is important to note that The Dow Chemical Company (TDCC) never owned or operated the Bhopal plant. When Union Carbide Corporation (UCC) became a subsidiary of TDCC in 2001, TDCC did not assume UCC's liabilities. Despite these facts, there are those who continue to assert that TDCC has liability for the Bhopal tragedy.

Further information on Union Carbide (UCC) and the Bhopal tragedy can be found here [www.unioncarbide.com/bhopal](http://www.unioncarbide.com/bhopal) (<http://www.bhopal.com/>).

Relationship between Dow & UCC	+
Government of India Curative Petition (CP)	+
Bhopal Site Remediation	+
Criminal Proceedings	-
<p><b>What does it mean for The Dow Chemical Company (TDCC) that the Bhopal court has issued the company a notice to show cause in the criminal case?</b></p> <p>The Court's notice to TDCC is a procedural step – merely a request for TDCC to appear to show cause why an NGO application should not be granted. It is not a determination that TDCC is liable or responsible for the gas tragedy. The application seeks to force TDCC to produce UCC for a criminal trial. It was filed by NGOs and not the prosecutorial authority, which is the government. It is not a summons nor does it make TDCC a party to the proceeding. To date, TDCC has not been served with the notice in the manner required under Indian law.</p> <p>Any efforts to directly involve TDCC in legal proceedings in India concerning the 1984 Bhopal tragedy are without merit. The Indian criminal court has no jurisdiction over TDCC, and therefore cannot compel TDCC to take any action. Moreover, TDCC and UCC are separate companies. TDCC has no liability for Bhopal and any attempts to attach the company to the criminal matter are highly inappropriate, as criminal liability cannot be transferred from one entity to another. In addition, UCC is not subject to the jurisdiction of the criminal court in India.</p> <p><b>What does the Bhopal issue and related litigation mean for Dow businesses in the region and does this change our position regarding growth in the region?</b></p> <p>Dow does not conduct business directly in India. The Dow presence in the country involves separate affiliated companies.</p>	

**Why does The Dow Chemical Company (TDCC) claim that the Indian courts do not have jurisdiction over the company?**

The lack of jurisdiction over TDCC in India means that the Indian courts cannot compel TDCC to appear in court, take any action or pay any judgment. TDCC's corporate relationship to UCC does not give the Indian courts jurisdiction over TDCC in Bhopal-related matters. Moreover, UCC did not become a TDCC subsidiary until some 16 years after the Bhopal gas leak. UCC remains a separate corporation with its own assets and liabilities. TDCC itself does not conduct business in India; separate affiliated companies do. The fact that other TDCC indirect subsidiaries may conduct business in India does not give rise to jurisdiction over TDCC itself.

## Contact a Representative

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