

Bhopal and Our Governance: The Sins of Omission

Since the pronouncement of the judgement a couple of weeks back, if only after 26 long years, the Indian people and media are righteously indignant about the way the whole Bhopal tragedy has been handled and angry about the way Warren Anderson was allowed to go back to the U.S. While the anger is understandable, surely there are many other lessons to be learnt from the case.

Once the tragedy occurred and Mr. Anderson flew into Bhopal, the first action was to arrest him. Should that have been the priority? If there is a fire, surely the first priority should be to extinguish it and then only consider whether anybody's negligence and/or actions led to the fire. In the Bhopal case, surely the first action should have been to deploy teams of doctors and nurses to treat those affected, and *simultaneously to control and assess the damage, and destroy any stocks of the dangerous chemical*. Who was in the best position to do the latter part? Surely, the company itself as it knew the chemicals and the plant far better than anybody else. As it happens, 350 tonnes of the dangerous poison still remain on the ground and have damaged untold lives in the past 26 years!

As the scale of the tragedy became better known over the coming days, the next priority should have been to assess the damage to life and property with a view to compensate those who have suffered. Again, the extremely poor way in which the whole case was handled is evident – even now, we do not seem to have an exact number of the people who died as part of the accident and through subsequent infection of the poison. As soon as the damage control was over, which, as I argue above, would have been fastest with the co-operation of the company, hundreds of assessors, experienced in estimating property damages, should have been drafted. General insurance companies have on their approved list a large number of assessors who do the work professionally and it would not have been difficult to get them to provide the needed number of professionals to do the work. The same goes for the compensation for lives lost. There are no limits on third party claims for

lives lost in vehicle accidents. There are thousands of records available of how the “value” of a lost life is estimated, and well established procedures therefor. There does not seem to be any indication that such efforts were made to collect the data in a professional fashion with involvement of the insurance companies, in order to make a proper damages case.

Perhaps it was only thereafter that the question of accountability, of guilt by negligence, criminal or otherwise, should have been considered. And, let us accept that these are technical issues which only chemical experts and investigators would have been able to come to a judgement after a detailed examination of the company's records, papers, documents: these could have been sealed pending an expert inquiry. A detailed technical report by experts was submitted in the year after the tragedy, but seems to have been gathering dust somewhere.

Instead of arresting Mr. Anderson as the first step, surely the Chief Minister could have called him to his chamber after he had landed and seen the damage, given him a dressing down, read the “riot act” to him and got him to commit the resources of the company he headed, technical and financial, towards achieving the objectives of damage control and assessment, if necessary threatening him with criminal prosecution in India, and civil damages claims by ambulance chasing lawyers in U.S. courts. Considering the scale of the damage, it is difficult to believe that any chief executive of a company would have refused co-operation on these issues, all the more so when it is a public company in which he has little personal interest, and the global public relation disaster non-cooperation would have led to.

Obviously, none of this was done. A troubling question is: WHY? Is it because of the still highly feudal political culture we live in, where initiatives have to come from the all powerful High Command of the Party? A culture which encourages behaviour which is politically safe than what is obviously right and needed on the ground? A culture where you get power as Minister or Chief Minister, or whatever, bestowed from the top and not because of your achievements on the ground? But why criticise the politicians or the High Command? It is we the feudal people of India that have been giving them the power; it is we who indulge in “honour killings” of our daughters and sisters marrying outside our caste, and no politician or

community leader dares openly to take a stand on the issue, some even justifying the killings!

But to come back to Bhopal, the post-accident mishandling of the disaster has perhaps led to more deaths and health damages than the original accident. Will anybody, politician or bureaucrat, ever be held accountable for this?

A.V.Rajwade

Email: avrajwade@gmail.com