

THE BHOPAL GAS TRAGEDY-TWENTY SIX YEARS DOWN THE LINE

• By Dr. M. N. Buch

More than a quarter century after the event the Court of the Chief Judicial Magistrate, Bhopal convicted Mr. Keshub Mahindra, the then non-executive Chairman of Union Carbide India Limited (UCIL) and seven others under section 304-A Indian Penal Code, awarding them the maximum permissible penalty of two years rigorous imprisonment. This, instead applying closure to the case, unleashed a veritable storm of protest, agonising political allegations and counter allegations and breast beating. The non production of Mr. Warren Anderson, the then Chairman of Union Carbide Corporation, the mother company, his arrest at Bhopal during his visit on 7/12/1984 and release the same day, his having flown to Delhi formed the gravamen of charges, mainly aimed at Mr. Arjun Singh, the then Chief Minister of M.P.

There was an unfortunate and unforeseen sequel to the outcry. Swaraj Puri, an outstanding I.P.S. officer who rose to the post of D. G. Narcotics Bureau, Government of India and D. G. Police of Madhya Pradesh, was the S. P. of Bhopal at the time of the tragedy. It is a well documented fact that of the then district administration he was the only senior officer who not only remained at his post, but who went to the aid of the victims and organised relief, police protection and medical aid, regardless of his own safety. He himself fell victim to the MIC vapour and has developed deep-rooted medical problems.

His services were publicly acknowledged and he was awarded the President's Police Medal for gallantry, the highest police award. Swaraj is politically neutral as befits a civil servant and has served with distinction under both Congress and BJP led governments. The present government appointed him as member of the quasi-judicial Grievances Redressal Authority of the Narmada Valley Projects. Suddenly, without warning or notice soon after the C. J. M.'s judgment, Swaraj Puri was unceremoniously from his post. Legally this could be done only on the advice of the Chairman of the Authority, but government did away with this legal nicety in Swaraj's Case.

Why did this happen? It was reported in the press that when Warren Anderson was flown out of Bhopal on the late afternoon of 7/12/1984, he was taken to the airport in the car of the District Magistrate of Bhopal, driven by S. P. himself. There is doubt about the photograph published in this behalf because it could be one of Anderson's arrest rather than release. Be that as that may, when the Government of India is said to have assure immunity to Anderson, when the state Aircraft was deputed to fly him to Delhi, how is the S. P. to blame in any way for Anderson's release? He carried out the order of government, but did not act as Anderson's employee. He cannot be vicariously blamed more than quarter of a century later and that, too, in violation of the set legal requirements and procedures. In this case government has acted like a man assaulted by the neighbourhood bully who goes home and beats his wife. Who will make amends to Swaraj Puri for the hurt caused to him?
