

**GOVERNMENT OF INDIA
CHEMICALS AND FERTILIZERS
LOK SABHA**

STARRED QUESTION NO:104
ANSWERED ON:26.11.2002
BHOPAL GAS TRAGEDY
PRIYA RANJAN DASMUNSI;V. SAROJA

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

- (a) whether C.B.I. had filed charge sheet initially against the former Chairman of Union Carbide Corporation and others under section 304(II) as there had been substantial evidence to suggest that Mr. Warren M. Anderson was aware that poor safety measures at U.C.C.'s plant in Bhopal could cause disaster;
- (b) if so, the details thereof and the progress made so far in the case;
- (c) the action taken by the Government for extradition of Mr. Anderson to India;
- (d) whether the C.B.I. ever visited U.C.C.'s Headquarter in U.S. to compare the safety standards practised in their plant in Bhopal and the U.S. so as to establish the complicity of accused foreigner in the gas leakage tragedy; and
- (e) if so, whether the C.B.I. would now take care that all the evidentiary material linking Mr. Anderson and this case are put together before filing the extradition proceedings so that extradition is successful?

Answer

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI SUKHDEV SINGH DHINDSA)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (a) TO (e) OF THE LOK SABHA STARRED QUESTION NO.104 TO B ANSWERED ON 26.11.2002.

(a) & (b) : According to information received from the CBI, a chargesheet under sections 304, 324, 326 & 429 IPC read with section 35 IPC was filed on 1.12.1987 in the Court of Chief Judicial Magistrate against Warren M. Anderson, the then Chairman, UCC, USA; Keshav Mahindra, the then Chairman; Vijay Gokhale, the then Managing Director; Kishore Kamdar, the then Vice President; J. Mukund, the then Works Manager; Dr. R.B. Roy Chaudhary, the then Asstt. Works Manager and K.B. Shetty, the then Plant Supdt. and also against the Union Carbide Corporation, USA: Union Carbide (Eastern Inc.), Hong Kong and Union Carbide India Limited, Calcutta. Since 3 accused viz. Mr. Anderson the then Chairman; Union Carbide Corporation, USA & Union Carbide (Eastern Inc.), Hong Kong did not appear in the court, the trial was bifurcated and charges were framed against the remaining 9 accused persons on 8.4.1993 under sections 304 (II), 324, 326, 429 IPC read with section 35 IPC. On appeal High Court of Jabalpur upheld the charges. However, in its order-dated 13.9.96, the Supreme Court amended the charges from sections 304, 324, 326 & 429 IPC to sections 304A, 336, 337 & 338 IPC. So far, 89 witnesses have been examined in the case.

(c) & (e) : As Mr. Anderson and the two companies viz. UCC, USA and UCE Hong Kong did not appear in the court, the Chief Judicial Magistrate, Bhopal issued a non-bailable warrant against him on 10.4.1992. Accordingly, CBI moved Ministry of External Affairs in August 1993 to initiate extradition against him. After protracted correspondence, the Ministry of External Affairs requested CBI for strengthening the evidentiary links for extradition purposes. In between, based on legal opinion on the merits of the case, the Court of Chief Judicial Magistrate was requested by CBI on 24.5.2002 for issuance of a fresh warrant of arrest under Section 304A IPC against Mr. Anderson, which was dismissed by the court on 28.8.2002. According to information received from the CBI, the revised request on extradition of Mr. Anderson is in the final stages of preparation.

(d): The CBI team headed by Shri K. Madhvan, the then DIG, CBI visited USA in November, 1988 as per Letter Rogatory dated 6.7.1988 and held several meetings with the officers of the Justice Department of USA and clarified various matters of facts and laws.