

**COURT OF DISTRICT JUDGE, BHOPAL**

**REG. CIVIL SUIT NO. 1113 OF 1986**

**UNION OF INDIA**

**(Plaintiff)**

**Versus**

**UNION CARBIDE CORPORATION**

**(Defendant)**

**APPLICATION UNDER SECTION 94 READ WITH ORDER  
39 RULE 10 AND SECTION 151 C.P.C.**

The interveners/applicants humbly submit as under:

- (i) That the above suit has been filed on behalf of gas victim of Bhopal against the defendant Union Carbide Corporation claiming damages for the deaths of thousands of people, grievous and permanent damage to the person and health of several thousands persons, bodily injury and damage to several lakhs of persons and widespread damage to the environment and to living cattle caused by the escape of lethal gases from the Bhopal plant of the defendant.
- (ii) That the gas leakage disaster occurred in December 1984 and a period of about 2 years has elapsed thereafter. The plaintiff preferred a claim in the U.S. Court, which has since been rejected on the ground of jurisdiction and thereafter the parties have subjected themselves to the jurisdiction of this hon'ble Court. However, during this period of about 2 years, the defendant has not been ordered to pay any amount by way of interim relief of the victims of its wrongs. It is the plaintiff which has so far provided the minimal, urgent and most inadequate interim relief to the victims from its own resources diverting the funds from other developmental activities. This has put the plaintiff under constraint and has further deteriorated the condition of the victims.
- (iii) That it is common knowledge that the defendant admitting its moral and legal liability for the disaster offered to compensate the victims although with a very meagre amount as compared to the enormity of the disaster in the past. The defendant now has no right to deny or escape the liability.
- (iv) That already a period of about 2 years has elapsed since the disaster and the trial and final adjudication of the present claim will also take its own time. The condition of the victims has deteriorated and is deteriorating day by day for lack of proper relief by way of medical care, food and alternative employment. Thousands of victims are already dead, vital organs of several

thousands persons stand damaged irreparably and several others may die or suffer irreparable damage to their person and health in absence of proper medical care, food and employment waiting for compensation for the wrong done by the defendant upon a finish of the legal battle being fought by the defendant over the corpses of the victims of its heinous crime. Instead of compensating the victims, the defendant is occupied with disposing off and reducing its assets by adopting all possible unscrupulous means to deprive the victims of the fruits of a contemplated decree for damages.

- (v) That it would only be just and proper with a view to do minimum justice to the gas victims by way of providing their necessary medical care, food and alternative employment according to their reduced work capacity, to direct the defendant to immediately deposit cash amount, out of its total liability, necessary for providing the aforesaid immediate relief to the victims. The plaintiff be directed to ascertain such amount, and upon deposit in court by the defendant, to spend the amount for providing such necessary reliefs to the victims under the direction of the Court.

It is, therefore, prayed accordingly.

Bhopal

Dated : 26.11.1986

1. Zahreeli Gas Kand Sangharsha Morcha
  2. Jana Swasthya Kendra
- Interveners/Applicants