

COURT OF DISTRICT JUDGE, BHOPAL

GAS CLAIM CASE NO. 1113/86

UNION OF INDIA

(Plaintiff)

Versus

UNION CARBIDE CORPORATION

(Defendant)

**REPLY TO RESPONSE OF DEFENDANT TO THE PROPOSAL OF
THE COURT DATED 2.4.1987**

(1) The order of this hon'ble Court dated November 27, 1987, is nothing more than an opportunity to the parties to address arguments on the question of the power of the Court to grant interim relief to the gas victims of the December 2-3, 1984 disaster at Bhopal.

(2) To characterise it as an issue, and to say that there is no such issue is only an attempt by the defendant UCC, to make allegations with ulterior motives.

(3) It is also with such ulterior motives that the defendant has insinuated that the Court would be doffing its judicial mantle and donning counsel's robe if it decides this question and that it would be prejudging the issues in the case.

(4) It is respectfully submitted that this hon'ble Court has ample power, even if the parties do not apply, to grant interim relief in all appropriate cases, including the present case. The court can pass such an order if it is prima facie satisfied that such an order is necessary to the ends of justice. It is not necessary that the victims should be identified before interim relief can be granted to them. Reference to the Act and Scheme is besides the point.

(5) The statement in the defendant UCC's submissions that is was stated in Parliament that the State Government of Madhya Pradesh has processed so far only 7000 cases of victims and that it would take 4 more years to process the rest, is incorrect. The correct figures as stated in Parliament will be placed before this hon'ble Court after obtaining a certified copy of the statement from the Lok Sabha. However, the figure is in the neighbourhood of 60,000 and the time expected to process the remaining claims is about a year or so.

Bhopal
Dated : 8.12.1987

Submitted by
(R.C. Agarwal)
Counsel for Plaintiff