

## PREFACE

The Bhopal litigation, documented in *Mass Disasters and Multinational Liability*, has entered a crucial phase with Judge Keenan's decision on May 12, 1986, conditionally denying American forum for doing justice to the victims of the Bhopal catastrophe. We publish in this volume the Keenan judgment, and most major decisions on *forum non conveniens* doctrine available to us. Since the Attorney General of India Shri K. Parasaran was kind enough to notice that we did not have access to the Dadachanji and Holman affidavits in our first publication, he has promptly made these available to us and we bring them to our readers in Appendix A of this anthology. Ms. Rani Jethmalani kindly made the affidavit of Rob Hagar available. Dr. Clarence Dias, the President of the International Centre for Law in Development, New York, made available the subsequent orders of Judge Keenan.

I place this sequel to the earlier collection with a hope that a more informed basis of evaluation of the Indian legal recourse strategies and the American judicial response will be made possible by a study of this volume and its predecessor. The Introduction to this work offers a rather elaborate analysis of the Keenan decision; at points it may seem wearisome in its details. But, in my view, impatience with details would weaken our resources in struggle against that jurisprudence of catastrophe which legitimates for the powerful a natural right to create catastrophes with a corresponding natural duty in others to bear it. The Bhopal litigation is itself an act of struggle against such a legitimation of brute power.

I have taken no pains to disguise my concerns and commitments. To do so would be unfair to myself, to the readers and above all to the victims of Bhopal. Whatever else we may do or not do, relentless integrity is at least something we should bring to bear to the memory and service of the Bhopal victims. Any shortfall of integrity by anyone of us would be an act of desecration.

Delhi  
16 July 1986

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