

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE : UNION CARBIDE
CORPORATION GAS LEAK
DISASTER AT BHOPAL,
INDIA IN DECEMBER 1984**

**MDL Docket No. 626
Misc. No. 21—38 (JFK)
ALL CASES
ORDER**

John F. KEENAN, United States District Judge :

**PROCEDURE FOR PAYMENT AND ADMINISTRATION
OF THE INTERIM RELIEF FUNDS**

Union Carbide Corporation has agreed to pay five million dollars to aid the victims of the gas plant disaster which occurred in December, 1984 in Bhopal, India. The Court had hoped that the Plaintiffs' Executive Committee and Union Carbide Corporation would agree on the procedure for payment and administration of the interim relief funds. The Court intended to honor the express request of the Executive Committee and Union Carbide Corporation to present the interim relief funds to the Relief Fund of the Prime Minister of India, which would have been responsible for distribution of the funds to the victims in Bhopal. Under the distribution plan first considered by the Court, quarterly reports identifying each person to whom relief was provided, and the nature of the relief, were to have been submitted to the Court by the Executive Committee, Liaison Counsel and Union Carbide Corporation. In addition, the Court had planned to request that the Executive Committee furnish it with comprehensive, up-to-date information on the present health status of each person known to have been injured in the disaster.

Counsel for the Union of India has informed the Court that the Union of India considers these reporting requirements so onerous as to compel the Union of India to decline the five million dollars in interim relief offered. Accordingly, the Court directs that Liaison Counsel and Messrs. Bailey and Chesley of the Executive Committee contact the American Red Cross Society to arrange for discussions with the Indian Red Cross Society, in order to formulate a plan for distribution of the five million dollars to the victims of the gas plant disaster.

PLAN FOR USE OF THE INTERIM RELIEF FUNDS

1. The Court requests that the Red Cross prepare a detailed plan for distributing emergency medical relief to the victims in Bhopal. The plan is to be submitted to the Court within thirty (30) days of issuance of this

Order. In planning for the use of, and in distributing the funds, the Red Cross may work in conjunction with other appropriate relief agencies or groups, provided the Court has approved such participation in advance. Union Carbide Corporation shall retain the funds until such time as the Court has approved the plan for their expenditure.

2. Quarterly reports providing a detailed accounting of expenditure of the funds and the interim relief provided shall be submitted to the Court, the Executive Committee, Liaison Counsel and Union Carbide Corporation. The reports shall, to the extent possible, identify each person to whom relief was provided and the nature of the relief.

3. The full Executive Committee and Union Carbide Corporation may suggest purposes for which the funds may be used as specific needs are identified. To that end, the Court requests the Executive Committee to furnish the Court, to the extent possible, with comprehensive up-to-date information on the present health status of each person known to have been injured in the disaster.

Neither the promulgation, implementation nor anything contained herein shall be asserted or used in any manner against the interests of Union Carbide Corporation. This provision of interim relief by Union Carbide Corporation shall be credited against the amount of any final judgment or settlement of the claims against Union Carbide Corporation arising out of the Bhopal gas leak of December, 1984.

SO ORDERED.

Dated : New York, New York
June 7, 1985

Sd/-
JOHN F. KEENAN
U.S.D.J.