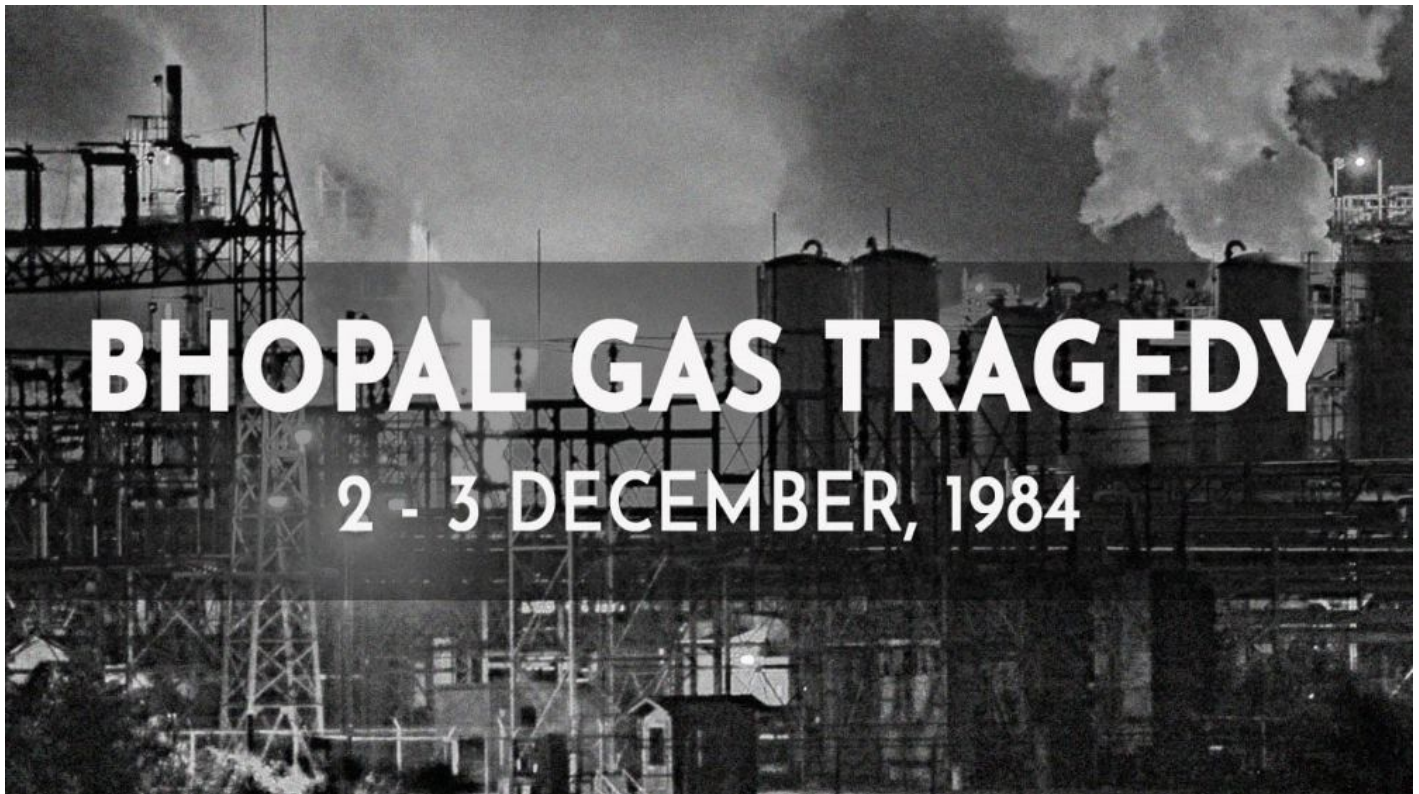


What does the Centre want in Bhopal gas case?

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Why in News?

- The Union of India calls the Bhopal gas leak tragedy (1984) the world's largest industrial disaster.
- The Government, in 2010, had filed a petition to seek additional compensation of Rs 7,844 crore from the successors of the Union Carbide Corporation for the victims of the industrial accident.

- A Constitution Bench of the Supreme Court has reserved its judgment w.r.t. the petition filed by the Government.

What is the Context?

- Union Carbide (India) Ltd. (UCIL) was a subsidiary of the Union Carbide Corporation, a US corporation.
- A UCIL pesticide manufacturing factory was located on the outskirts of **Bhopal, Madhya Pradesh**.
- On December 2, 1984, highly toxic **methyl isocyanate (MIC)** gas started leaking from the plant.
- People living in nearby areas reported a burning sensation in their eyes and difficulties in breathing, with many also losing consciousness.
- An estimated **3,000 people died** within the first few days.
- Its effects were such that apart from killing thousands of people in a short span of time, it **led to disease and other long-term problems for many who inhaled the gas**.
- To date, the reproductive health of many of Bhopal's women has been affected.
- Children born to those exposed to the gas have faced congenital health problems.

What was the Aftermath of the Accident?

- A 2019 report by the UN's International Labour Organization (ILO) said at least 30 tonnes of the poisonous gas affected more than 600,000 workers and nearby inhabitants.
- It added that the disaster was among the world's "major industrial accidents after 1919".
- Multiple analyses have alleged that the **leak was a result of general laxity in safety rules**, and in the training of the workers, most of whom were unaware of the MIC's dangers.
- **Legislative Measures taken after the accident -**
 - Major laws passed since 1984 include the **Environment (Protection) Act, 1986**, which authorised the central government to take relevant measures and regulate industrial activity for environmental and public safety.
 - The **Public Liability Insurance Act of 1991** was passed.
- It provides public liability insurance for providing immediate relief to the persons affected by an accident occurring while handling any hazardous substance.

Compensation for Affected People

- After the disaster, the **Bhopal Gas Leak Disaster (Processing of Claims) Act** was passed in 1985, giving certain powers to the Indian government for settling claims.
- It said the Central Government would have the "exclusive right" to represent, and act in place of every person connected with the claims.

- In February 1989, the Indian government and Union Carbide struck an out-of-court deal and **compensation of \$470 million was given by UC.**
- The Supreme Court also upheld it in a judgement. Over the years, the government gradually released the money, but the delay led to frequent protests by those affected.

Why did the Government file a Curative Petition in 2010?

- In 2010, the Central government filed a curative petition in the Supreme Court.
- As per the government, the basis of the \$470 million settlement reached on May 4, 1989 was that there were only around 3,000 death cases in the gas leak incident.
- However, as per the government, the **actual figure is 5,295 deaths.**
- The government's chart in the apex court shows that the total number of cases of deaths, disability, injuries, loss of property and livestock have **increased to 5,74,376 from the 2,05,000 "assumed" in May, 1989.**

News Summary

- A Constitution Bench of the Supreme Court led by **Justice S. K. Kaul** has reserved its judgment on a curative petition filed by the Centre in November 2010.
- The government has sought an additional amount of over Rs 7,000 crore in compensation from the pesticide company. The UCC has refused to pay a "farthing more".
- The Supreme Court bench, however, said that it could not hear the Centre's curative petition like a suit and reopen the case.
 - Litigants can file curative petitions only if they could prove that the principles of natural justice were violated.
 - A suit, on the other hand, is a civil dispute in which a litigant can seek to hold another person liable for wrongful harm.
- The SC bench said that **if the government felt that the victims of the gas tragedy were entitled to more compensation, it should pay the amount.**
- The court also said that re-examining a settlement reached in 1989 would lead to questions about the sanctity of agreements made with the government.

What is a Curative Petition?

- The Supreme Court evolved the idea of curative petitions in the **landmark judgment of Rupa Ashok Hurra vs. Ashok Hurra.**
- In this case, SC observed that Article 142 of the Constitution empowers the Supreme Court to act in whatever manner they may deem fit to establish complete justice.

- Therefore, to protect the substantive rights of the litigant, the Constitution Bench came up with the theory of a curative petition.
 - **Grounds that allow entertainment of curative petition**
 - Curative petition will be entertained on strong grounds only e.g.
 - Violation of principles of natural justice;
 - Where the judge has a bias
 - It has to be **certified by a senior advocate**. If the bench finds that the petition is vexatious and without any merit **it may impose exemplary costs on the petition**.
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Q1) What is a Constitution Bench?

Article 145(3) deals with the setting up of a Constitution Bench of the Supreme Court comprising at least five judges “for the purpose of deciding any case involving a substantial question of law as to the interpretation” of the Constitution.

Q2) Is Curative Petition mentioned in the Constitution?

A curative petition is supported by Article 137 of the Constitution of India. As per the article, in matters of law and regulations made under Article 145, the Supreme Court has the power to review any judgements or orders made by it.

Source: [Explained | What does the Centre want in Bhopal gas case?](#) | [Indian Express](#)

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