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# Bhopal court sentences 7 in gas leak

By [TRIPTI LAHIRI](#)

NEW DELHI—A district court in Bhopal found seven former Union Carbide India Ltd. officials guilty of "causing death by negligence" in the gas leak there 25 years ago, sentencing them to two years in prison and fining them 100,000 rupees (\$2,130).

The defendants were found guilty of having failed to prevent a gas leak at a pesticide plant that killed thousands, India Central Bureau of Investigation said. The former UCIL was fined 500,000 rupees.

The verdict was the first in the case and will likely be appealed.

All seven defendants are free on bail. Indian industrialist Keshub Mahindra, now chairman of Mahindra & Mahindra Ltd., India's top utility vehicle and tractor maker, was the most prominent among those convicted and sentenced Monday. At the time of the leak he served as nonexecutive chairman of UCIL. A spokeswoman for Mr. Mahindra declined to comment.

An eighth defendant died during the legal proceedings, according to the CBI, the Indian equivalent of the Federal Bureau of Investigation.

Victims' representatives say the gas leak, India's worst industrial disaster, killed between 8,000 and 10,000 people in the days following the accident, and the toll has reached as many as 25,000.

Union Carbide Corp., which owned a majority stake in UCIL at the time of incident, puts the death toll at 3,800, citing figures from the government of Madhya Pradesh, the central Indian state where Bhopal is situated

Activists and health workers say a further 100,000 people who were exposed to the gas continue to suffer today.

Union Carbide has maintained that the gas leak was the result of sabotage.

The prosecution argued that plant officials were careless about safety. "There were a number of design defects and other criminally negligent operational practices which resulted in the leakage of [methyl isocyanate] and these were in the knowledge of the management and were deliberately ignored for commercial reasons," said the CBI in a statement Monday.

India's Supreme Court in 1996 ruled the accused couldn't be tried for culpable homicide but only for negligence, which carries a shorter sentence.

The Bhopal district court sentenced the defendants to the maximum possible under the charges brought against them. The officials were charged under a provision that is most often used in connection with hit-and-run traffic accidents and other lesser charges, said a Bhopal activist.

Victims were angry at the lateness of the judgment and the short prison terms, saying that the Supreme Court had wrongly reduced the charges against the officials years earlier. "Two years is nothing," said Rachna Dhingra of the Bhopal Group for Information and Action, an activist group on behalf of survivors and victims. "How can this be a deterrent?"

The criminal case has taken many twists and turns, stalling for a time in the wake of a \$470 million settlement between India and Union Carbide in 1989.

After petitions from victims' families, the litigation eventually continued. In the meantime, Union Carbide divested itself of its stock in UCIL, and was itself subsequently acquired by [Dow Chemical Co.](#)

The prosecution wasn't successful in getting Union Carbide officials, such as former chairman Warren Anderson, to appear in India to face trial.

Union Carbide has said its officials weren't involved in the day-to-day running of the plant and therefore weren't subject to the jurisdiction of the Indian court.

"Union Carbide's responsibility—along with the rest of the chemical industry—is to work hard every day to prevent a tragedy like this from ever happening again," the company said in a statement after the verdict. "After 25 years, what are needed most now in Bhopal are prompt and effective government attention to claims that victims and their families are still suffering and a clean up of the Bhopal site by the Madhya Pradesh State Government, which controls the site."

Some questioned the deterrent value of convictions of officers who had served in a nonexecutive capacity and said the time for sending a message was at the settlement stage not long after the fact.

"If this unfortunate accident had happened in America, the victims would have been at least well-compensated," said Rajiv K. Luthra, founder and managing partner of the law firm Luthra & Luthra in New Delhi. "The way it was handled in India was very unfortunate and not an adequate deterrent."

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