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LEGAL ANALYSIS OF BHOPAL: A PRAYER FOR RAIN

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I. ABSTRACT

"I shudder in fear and tremble on December 2 nights. I saw people collapsing dead on that chilly night," Mahendrajeet Singh (79), a gas victim and retired chief reservation superintendent of railways, told PTI on Saturday²". "Bhopal: A Prayer for Rain³" is a historical drama film that vividly portrays the events leading up to the catastrophic Bhopal gas tragedy of 1984. The film raises critical issues surrounding corporate responsibility, government oversight, environmental hazards, human rights violations, and the legal principles of absolute liability, criminal negligence, corporate negligence, and medical negligence. It examines the devastating impact of the gas leak on the environment, the suffering of the victims, and the subsequent legal and social aftermath. The film underscores the urgent need for justice and accountability while shedding light on the ongoing struggles of the survivors. This historical drama on Bhopal disaster serves as a poignant reminder on the importance of safeguarding human rights and the environment and prompts reflection on emphasizing the imperative of learning from such tragedies to prevent future occurrences and uphold legal and ethical standards in corporate and environmental governance.⁴

II. KEYWORDS:

Bhopal Gas Leak, Corporate negligence, Criminal negligence, Environmental hazard, Human rights violation, Legal principles, Union Carbide Corporation

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² 39 Years on, Horrors of Bhopal Gas Tragedy Continue to Haunt Survivors, DECCAN HERALD (Mar. 30, 2024), <https://www.deccanherald.com/india/39-years-on-horrors-of-bhopal-gas-tragedy-continue-to-haunt-survivors-2794072>

³ Ravi Kumar, Bhopal: A Prayer for Rain (2014)

⁴ Ravi Kumar, Bhopal: A Prayer for Rain (2014)

III. FACTS OF THE CASE:

"Bhopal: A Prayer for Rain"⁵ is a historical drama film that offers a dramatized account of the events leading up to the catastrophic Bhopal, Madhya Pradesh, India on December 2 - 3, 1984⁶. The film is set in Bhopal, India, and primarily revolves around the Union Carbide chemical plant and the surrounding community. The film opens in the early 1980s and introduces the audience to Dilip, a rickshaw puller struggling to make ends meet. He lives in the impoverished slums of Bhopal with his family, including his wife and children. Meanwhile, a journalist named Motwani is determined to expose the dangerous conditions and neglect at the Union Carbide plant, which manufactures pesticides.

As the movie unfolds, it delves into the plant's unsafe practices, including cost-cutting measures and the disregard for safety protocols. The employees at the plant are often ill-equipped and undertrained to handle the hazardous chemicals they work with, particularly the deadly methyl isocyanate (MIC). The narrative also follows Warren Anderson, the CEO of Union Carbide Corporation⁷, who visits the Bhopal plant. He witnesses the precarious conditions but chooses to ignore the concerns raised by Motwani and others. Despite the warnings, the plant continues its operations, leading to a tragic incident.

On the fateful night of December 2, 1984, a catastrophic gas leak occurs at the Union Carbide plant. Toxic MIC gas escapes, enveloping the nearby communities. The film vividly depicts the chaos and suffering that follow. Thousands of people are affected, and the local hospitals are overwhelmed by the influx of patients. The disaster not only claims lives but also leaves survivors with severe health issues. Dilip's family and others in the community are not spared, experiencing the devastating consequences of the gas leak.

⁵ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

⁶ Bhopal Disaster, WIKIPEDIA, https://en.wikipedia.org/wiki/Bhopal_disaster.

⁷ Warren Anderson (American businessman), WIKIPEDIA, [https://en.wikipedia.org/wiki/Warren_Anderson_\(American_businessman\)](https://en.wikipedia.org/wiki/Warren_Anderson_(American_businessman))

"Bhopal: A Prayer for Rain"⁸ portrays the legal and social aftermath of the disaster, including the attempts to hold Union Carbide accountable for its negligence and the struggles of the victims and their families to receive compensation and justice. The film raises questions about corporate responsibility, government oversight, and the unequal impact of industrial disasters on marginalized communities. It underscores the profound human tragedy that unfolded in the wake of the Bhopal gas tragedy, making it one of the most infamous industrial disasters in history.⁹

IV. ISSUES RAISED

1. Is Union Carbide responsible for the leakage for MIC?
2. Is Union Carbide responsible for the deaths of the people due to the leakage of MIC from the plant?
3. How far-fetched was the impact of the Bhopal Gas Tragedy on the Environment?
4. Did the Indian government fail to protect the rights of the people of Bhopal from the Union Carbide Corporation?
5. Whether Union Carbide Corporation and its executives can be held legally accountable for the disaster, given their negligence in safety measures and their failure to prevent the gas leak?
6. Was there adequate care taken by medical professionals to treat the patients who complained about the symptoms after the exposure to MIC?
7. Was the marriage of the 17-year-old sister of the protagonist legal?
8. Is it legal to give and receive dowry?

⁸ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

⁹ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

V. LEGAL PRINCIPLES:

A. ABSOLUTE LIABILITY:

Absolute liability is a legal doctrine that holds an entity strictly liable for harm or damage caused by inherently dangerous activities, regardless of whether the entity took reasonable precautions to prevent the harm. In other words, when an inherently hazardous activity results in harm to others, the entity conducting that activity is held responsible, and it cannot use the defence that it took all necessary precautions to avoid the harm. The principle of absolute liability places the onus on the party conducting the dangerous activity to compensate victims for their losses.¹⁰

B. CRIMINAL NEGLIGENCE

Criminal negligence refers to a legal concept in which an individual or organization fails to exercise the standard of care and caution that a reasonable person would under similar circumstances, resulting in harm to others¹¹.

C. ENVIRONMENTAL HAZARD

An environmental hazard is a situation or substance that has the potential to cause harm to the natural environment or to the health of living organisms within it¹².

D. HUMAN RIGHTS VIOLATION

Human rights violations are actions or omissions that infringe upon the basic rights and freedoms to which all individuals are entitled, as outlined in international human rights agreements¹³.

E. CORPORATE NEGLIGENCE

Corporate negligence refers to a company's failure to meet its duty of care and responsibility to prevent foreseeable harm to the public or its employees¹⁴.

¹⁰ William L. Prosser, *The Principle of Strict Liability in Tort*, 59 *Yale L.J.* 193 (1950)

¹¹ George P. Fletcher, *The Fault Line: Criminal Law in the Age of Uncertainty*, 51 *Stan. L. Rev.* 1505 (1999)

¹² J.B. Ruhl, *Environmental Law and the Pursuit of Sustainable Development in the United States*, 34 *Ecology L.Q.* 533 (2007)

¹³ David Weissbrodt, *Human Rights Litigation in the United States: A Review of Federal Court Decisions, 1979-1998*, 12 *Hum. Rts. Q.* 557 (1999)

¹⁴ Edward K. Cheng, *The Case for Corporate Criminal Liability*, 71 *U. Chi. L. Rev.* 1 (2004)

F. MEDICAL NEGLIGENCE

Medical negligence refers to a breach of the duty of care owed by a medical professional or healthcare provider to a patient, resulting in harm or injury to the patient¹⁵.

G. CHILD MARRIAGE

"Child marriage" is a term used to describe the marriage of individuals who are below the legal age of consent for marriage, often defined as 18 years old¹⁶.

H. DOWRY

Dowry is a social practice in some cultures, including parts of India, where the family of the bride provides gifts, money, or property to the groom's family as part of the marriage arrangement¹⁷.

VI. LEGAL ANALYSIS

A. ABSOLUTE LIABILITY

In the context of the film "Bhopal: A Prayer for Rain," the concept of absolute liability is highly relevant. The film depicts the Bhopal gas tragedy, which occurred in December 1984, when a toxic gas leak from a Union Carbide plant in Bhopal, India, killed thousands of people and caused long-term health issues for many more. The film shows how Union Carbide's negligence in the operation and maintenance of the plant led to the gas leak. Despite the inherent dangers of manufacturing and storing methyl isocyanate (MIC), the company had failed to take adequate safety measures. As a result, when a leak occurred, the MIC gas was released into the surrounding community, causing widespread death and illness.

The doctrine of absolute liability holds companies strictly liable for the harm caused by their activities, even if they were not negligent. This means that companies cannot escape liability by arguing that they took precautions or that the accident was

¹⁵ Michael J. Saks, *The Legal and Ethical Regulation of Medical Negligence in the United States*, 2004 Utah L. Rev. 489 (2004)

¹⁶ UNICEF, *Child Marriage: A Threat to Girls' and Societies* (2016)

¹⁷ Nalini Singh, *Dowry in India: A Review of Legal Initiatives and Their Impact*, 29 J. Indian L. Inst. 406 (1987)

unintentional. In the context of the Bhopal gas leak, the doctrine of absolute liability is important because it ensures that the victims of the disaster are compensated for their losses, even though Union Carbide may have argued that it was not negligent. The film shows how the doctrine of absolute liability is essential for protecting the rights of victims of industrial disasters. It ensures that companies cannot escape liability for the harm they cause, and it helps to ensure that victims are compensated for their losses.¹⁸

- **Case law – MC Mehta v Union of India (1987)**¹⁹

The Oleum gas leak, which occurred in Delhi, India in 1985, is one of the first cases in India where the principle of absolute liability was applied. Absolute liability is a legal doctrine that holds a person or entity strictly liable for the harm caused by their activities, even if they were not negligent. In the Oleum gas leak case, the Supreme Court of India held that the company responsible for the leak, Shriram Food and Fertilizers Ltd., was absolutely liable for the harm caused to the victims, even though the company argued that it had taken all reasonable precautions to prevent the leak. The Court reasoned that the company was engaged in an inherently dangerous activity, and that it was therefore under a strict duty to ensure that no harm was caused to others. The case, also holds significant importance in the context of absolute liability, particularly concerning the Bhopal gas leak disaster. This landmark case introduced the Doctrine of Absolute Liability in India, establishing a legal principle that holds industries absolutely liable for any harm caused by their activities, irrespective of negligence. The application of absolute liability in the Oleum gas leak case set a crucial precedent for cases involving hazardous industries, emphasizing the strict duty of companies engaged in inherently dangerous activities to prevent harm to others.²⁰

¹⁸ Cassels, J. (1993). *The Uncertain Promise of Law: Lessons From Bhopal*. University of Toronto Press. 19 1 SCC 395

²⁰ Britannica, "Bhopal disaster Causes, Effects, Facts, & History," <https://www.britannica.com/event/Bhopal-disaster>

B. CRIMINAL NEGLIGENCE

The Bhopal gas leak is a case study in criminal negligence. Union Carbide Corporation, the company that operated the chemical plant, failed to take adequate safety measures, maintain its equipment properly, and train its employees adequately. This negligence led to the release of methyl isocyanate (MIC) gas, a highly toxic gas, into the atmosphere, resulting in the deaths of thousands of people and long-term health problems for many survivors.

In the aftermath of the disaster, criminal charges were filed against several individuals associated with Union Carbide, including its CEO, Warren Anderson. The charges included manslaughter, criminal negligence, and other criminal offenses. In 1989, the government's claims against Union Carbide and UCIL came before the Supreme Court of India²¹. The legal proceedings against Union Carbide and its employees aimed to establish accountability for the criminal negligence that led to the Bhopal gas leak. The criminal charges were a way to hold individuals and the company responsible for their actions, or lack thereof, in preventing the disaster.

- **Case law - Caledonia North Sea Limited v British Telecommunications Plc (Scotland) and Others²²**

The Piper Alpha disaster is a case of criminal negligence because the company responsible for operating the rig failed to take reasonable care to ensure the safety of its employees and the environment. The safety failures that led to the disaster were known to the company, but it failed to take corrective action.

C. ENVIRONMENTAL HAZARD

Bhopal: A Prayer for Rain ²³is a film that directly relates to the theme of environmental hazards. It depicts the Bhopal gas tragedy, one of the world's most devastating industrial disasters with severe environmental consequences. The central event in the

21 Union Carbide's Response Efforts to the Tragedy and the Settlement, Bhopal.com, <https://www.bhopal.com/ucc-tragedy-response-efforts.html>

22 Caledonia Investments PLC v British Telecommunications PLC, [2002] UKHL 3, [2002] 1 All ER 833, [2002] 1 WLR 348, [2002] 2 AC 618, available at

<https://publications.parliament.uk/pa/ld200102/ldjudgmt/jd020207/caledo-1.htm>

²³ Ravi Kumar, Bhopal: A Prayer for Rain (2014)

film is the catastrophic release of toxic gases, including methyl isocyanate (MIC), from the Union Carbide chemical plant. This release led to severe environmental contamination, including soil, water, and air pollution. The toxic chemicals affected plant and animal life, as well as the health of residents in the surrounding area. The key environmental consequences of the Bhopal gas leak were:

- a. *Soil and groundwater contamination*: The release of toxic chemicals, including methyl isocyanate (MIC), led to severe pollution of the soil and groundwater in the surrounding area²⁴. This contamination was blamed for causing chronic health problems and high rates of birth defects among the local residents.
- b. *Air pollution*: The release of the toxic gases into the air caused immediate air pollution and exposure for the nearby population.²⁵
- c. *Impact on plant and animal life*: The toxic chemicals released affected the local plant and animal life in the area around the Union Carbide plant²⁶.
- d. *Drinking water contamination*: The groundwater contamination was so severe that in 2004, the Indian Supreme Court ordered the state government to supply clean drinking water to the residents of Bhopal due to the ongoing pollution issues.²⁷

The film also explores the inadequate regulation and safety measures at the Union Carbide plant, which contributed to the environmental hazard. It also shows the legal and regulatory challenges in addressing the environmental consequences of the disaster. The Bhopal gas tragedy had a profound impact on the local community, many of whom were living in poverty and lacked access to adequate healthcare and

²⁴ Hollywood Reporter, "Bhopal: A Prayer for Rain': Film Review," The Hollywood Reporter, <https://www.hollywoodreporter.com/movies/movie-reviews/bhopal-a-prayer-rain-film-746112>

²⁵ Hollywood Reporter, "Bhopal: A Prayer for Rain': Film Review," The Hollywood Reporter, <https://www.hollywoodreporter.com/movies/movie-reviews/bhopal-a-prayer-rain-film-746112>

²⁶ Hollywood Reporter, "Bhopal: A Prayer for Rain': Film Review," The Hollywood Reporter, <https://www.hollywoodreporter.com/movies/movie-reviews/bhopal-a-prayer-rain-film-746112>

²⁷ Union Carbide's Response Efforts to the Tragedy and the Settlement, Bhopal.com, <https://www.bhopal.com/ucc-tragedy-response-efforts.html>

resources. This highlights the environmental justice aspect of such catastrophic events, as vulnerable and marginalized communities are often disproportionately affected by environmental hazards.

- **Case law – Seveso Trial**

On July 10, 1976, a reactor at the Icmesa chemical plant in Seveso, Italy, overheated and released a cloud of toxic gas, including tetrakis (2-chloromethyl) oxetane (TCPO). The gas cloud drifted over the surrounding area, affecting an estimated 160,000 people. The TCPO gas is a highly toxic carcinogen that can cause a variety of health problems, including cancer, birth defects, and neurological disorders. The Seveso disaster was one of the worst environmental disasters in European history, and its effects are still being felt today. In the aftermath of the Seveso disaster, the Italian government enacted new safety regulations for chemical plants. The European Union also adopted new environmental regulations in response to the disaster. However, the Seveso disaster is a reminder that even the most stringent regulations cannot completely prevent environmental accidents.²⁸ The Seveso disaster demonstrated the need for industries engaged in hazardous activities to be held strictly liable for any harm caused, regardless of fault or negligence. This principle was later reinforced in the Indian Supreme Court's decision in the Bhopal gas leak case, where the court held Union Carbide strictly liable for the disaster.²⁹

VII. HUMAN RIGHTS VIOLATION

"Bhopal: A Prayer for Rain" is a movie that directly relates to human rights violations³⁰, as it portrays the devastating consequences of the Bhopal gas tragedy in 1984, which resulted in significant human rights abuses. The release of toxic gas from the Union Carbide plant in 1984 resulted in significant human rights abuses, including:

²⁸ Seveso Disaster, WIKIPEDIA (Apr. 5, 2024), https://en.wikipedia.org/wiki/Seveso_disaster.

²⁹ Union Carbide Corp. v. Union of India, (1989) 1 SCC 674

³⁰ Universal Declaration of Human Rights, 1948

- *Right to life and security*³¹: The gas leak led to the immediate deaths of thousands of people.
 - *Right to health*³²: Many survivors suffered from severe and long-term health problems, including respiratory problems, cancers, and various other health complications.
 - *Right to adequate housing*³³: The gas leak forced many people to flee their homes, leading to displacement and the loss of their right to adequate housing.
 - *Right to an effective remedy*³⁴: Victims faced difficulties in seeking justice and compensation from Union Carbide and the Indian government.
 - *Right to information and transparency*³⁵: The affected community was not provided with timely information during and after the disaster.
 - *Economic and social rights*³⁶: The gas leak had severe economic and social consequences for the victims and their families, including loss of livelihoods and economic hardship³⁷.
- **Case law – Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors**³⁸

³¹ Universal Declaration of Human Rights, Article 3: "Everyone has the right to life, liberty and security of person."

³² International Covenant on Economic, Social and Cultural Rights, Article 12: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

³³ Universal Declaration of Human Rights, Article 25: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

³⁴ Universal Declaration of Human Rights, Article 8: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

³⁵ Principle 10 of the Rio Declaration on Environment and Development: "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities."

³⁶ International Covenant on Economic, Social and Cultural Rights, Article 11: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

³⁷ Kothari, S. (2014). The burdens of development and corporate human rights standards in India with specific reference to the Bhopal gas disaster. *The International Journal of Human Rights*, 18(4-5), 464-481

³⁸ AIR 1986 SC 180; (1985) 3 SCC 545

In the *Olga Tellis* case, the Bombay Municipal Corporation had initiated a drive to evict pavement dwellers in Mumbai (then Bombay) as part of its urban development and beautification efforts. The eviction drive resulted in the displacement of numerous poor and homeless individuals who had been living in makeshift dwellings on the streets and pavements of the city. *Olga Tellis* and several other petitioners challenged these evictions on the grounds that they violated their fundamental rights under the Indian Constitution. The case eventually reached the Supreme Court of India, and the judgment delivered in 1985 is significant for its recognition and protection of the fundamental rights of the homeless and poor residents of the city. The court held that: The right to life under Article 21 of the Indian Constitution includes the right to livelihood and shelter. The court ruled that the eviction drive was unconstitutional as it violated the fundamental rights of the homeless and poor. It emphasized the duty of the state to provide for the basic needs of the destitute, including shelter. The judgment affirmed the right to live with dignity, emphasizing that the homeless and poor citizens of India have a constitutional right to dignity, which cannot be denied by arbitrary evictions.

VIII. CORPORATE NEGLIGENCE

The film "*Bhopal: A Prayer for Rain*" is a powerful indictment of corporate negligence and its devastating consequences. The film portrays how Union Carbide Corporation, the company that operated the chemical plant in Bhopal, prioritized cost reduction over safety, allowing dangerous practices and conditions to persist at the plant. These practices included inadequate maintenance of equipment, improper storage of hazardous chemicals like methyl isocyanate (MIC), and a lack of comprehensive safety measures³⁹.

Union Carbide's failure to address these issues constitutes corporate negligence. Corporate negligence and disregard for safety can lead to catastrophic industrial disasters with severe environmental and human consequences, as seen in the Bhopal

39 *Environ Health*. 2005; 4: 6. Published online 2005 May 10. doi: 10.1186/1476-069X-4-6

gas tragedy⁴⁰. The release of toxic gases into the environment led to the deaths of thousands of people and caused long-term health issues for many more. The film underscores the devastating consequences of corporate negligence in the context of industrial disasters, and it highlights the importance of corporate responsibility, safety, and ethical practices.

Holding corporations accountable incentivizes them to prioritize safety and environmental protection. The company also failed to adequately train its employees to handle hazardous materials, and it dismissed early warnings and concerns raised about the unsafe conditions at the plant. This dismissive attitude toward potential hazards demonstrates corporate negligence in addressing known risks⁴¹. Corporations must be held responsible for properly remediating contaminated sites and addressing the ongoing needs of affected populations.⁴²

- **Case law – Indian Council for Enviro-Legal Action v. Union of India (1996)**⁴³

This case involved a public interest litigation (PIL) filed by the Indian Council for Enviro-Legal Action (ICELA), seeking directions from the Supreme Court to the Union of India and other concerned authorities to take steps to prevent and mitigate the harmful environmental and health impacts of the operation of polluting industries in the country.

The Indian Council for Enviro-Legal Action case is a landmark case that established the principle of corporate negligence in the context of environmental pollution. The Supreme Court held that the Union of India and other concerned authorities have a constitutional duty to protect the environment and public health, and that corporations have a corresponding duty to ensure that their operations do not cause harm to the environment or public health. The Court's judgment has had a significant

⁴⁰ Union Carbide's Response Efforts to the Tragedy and the Settlement, Bhopal.com, <https://www.bhopal.com/ucc-tragedy-response-efforts.html>

⁴¹ Mishra, P. K. (2009). Bhopal Gas Tragedy: A Perspective. *Journal of Environmental Research And Development*, 4(1), 187-192.

⁴² Hollywood Reporter, "Bhopal: A Prayer for Rain': Film Review," *The Hollywood Reporter*, <https://www.hollywoodreporter.com/movies/movie-reviews/bhopal-a-prayer-rain-film-746112>
43 5 SCC 281 6

impact on the way that environmental pollution is regulated in India, and it is a powerful reminder of the importance of holding corporations accountable for their environmental impact.

IX. MEDICAL NEGLIGENCE

The movie "Bhopal: A Prayer for Rain"⁴⁴ depicts the inadequate medical response and treatment available to the victims of the gas leak. Local hospitals were ill-equipped to handle the scale of the disaster, with limited supplies, insufficient trained medical personnel, and a lack of essential medicines. The overwhelmed healthcare system struggled to provide timely and appropriate care to the victims, many of whom did not receive the care they urgently needed, and some lives were lost due to medical negligence.

At least 3,787 people were killed and more than five lakhs were affected physically after a toxic gas leaked from the pesticide factory on the intervening night of December 2 and 3, 1984⁴⁵. Survivors of the gas leak were left with severe and lasting health issues, and the movie underscores the importance of providing adequate medical care during and after a disaster. "*When I think of that chilly night, I start shivering. I have breathing problems and asthma as I was exposed to the gas,*" an octogenarian said.⁴⁶

In addition to the essential points listed above, it is also important to note that the Bhopal gas tragedy exposed the systemic inequalities in healthcare access. The victims of the gas leak were predominantly from marginalized communities, who already faced barriers to healthcare access. The inadequate medical response to the disaster further exacerbated these inequalities.⁴⁷

⁴⁴ Ravi Kumar, Bhopal: A Prayer for Rain (2014)

⁴⁵ 39 Years on, Horrors of Bhopal Gas Tragedy Continue to Haunt Survivors, DECCAN HERALD (Mar. 30, 2024), <https://www.deccanherald.com/india/39-years-on-horrors-of-bhopal-gas-tragedy-continue-to-haunt-survivors-2794072>

⁴⁶ 39 Years on, Horrors of Bhopal Gas Tragedy Continue to Haunt Survivors, DECCAN HERALD (Mar. 30, 2024), <https://www.deccanherald.com/india/39-years-on-horrors-of-bhopal-gas-tragedy-continue-to-haunt-survivors-2794072>

⁴⁷ Environ Health. 2005; 4: 6. PMID: PMC1142333]

- **Case law** – Jacob Mathew v. State of Punjab⁴⁸

The judgment in the Jacob Mathew case is significant because it recognizes the doctor's breach of the standard of care and the hospital's vicarious liability for the doctor's negligence. The judgment has had a significant impact on the way that medical negligence cases are handled in India and is a reminder to doctors and hospitals of their duty to provide quality healthcare and to be held accountable for medical negligence.

X. CHILD MARRIAGE

Child marriage is addressed in "Bhopal: A Prayer for Rain"⁴⁹ through the character of Leela, a young girl who is forced to marry a much older man. Leela's marriage is portrayed as a tragic event that robs her of her childhood and her future⁵⁰. Child marriage is illegal in India under the Prohibition of Child Marriage Act, 2006⁵¹. The Act defines a child as anyone under the age of 18 and prohibits the marriage of any child. The Act also makes it a punishable offense to solemnize or participate in a child marriage.

Child marriage is a grave violation of human rights that has devastating consequences for girls and women around the world. This harmful practice deprives young girls of their fundamental rights and exposes them to a range of physical, psychological, and socioeconomic harms.

Physically, child marriage often leads to early pregnancy, which can result in serious health complications for the young brides, including maternal mortality, obstetric fistula, and sexually transmitted infections.⁵² The physical and emotional immaturity of child brides makes them more vulnerable to domestic violence and sexual abuse within the marriage⁵³.

⁴⁸ 6 SCC 1 (2005)

⁴⁹ Ravi Kumar, Bhopal: A Prayer for Rain (2014)

⁵⁰ iPleaders Blog, "Child Marriage and the Laws Pertaining to It," blog.ipleaders.in.

⁵¹ Prohibition of Child Marriage Act, No. 6 of 2007, India Code (2007), vol. 1, p. 1

⁵² UNICEF, "Child Marriage: A Threat to Girls' and Societies," 2016

⁵³ Nalini Singh, "Dowry in India: A Review of Legal Initiatives and Their Impact," 29 J. Indian L. Inst. 406 (1987)

Psychologically, child marriage can have long-lasting traumatic effects, including depression, anxiety, and post-traumatic stress disorder. The loss of childhood, forced sexual activity, and social isolation experienced by child brides can have devastating impacts on their mental health and well-being⁵⁴.

In addition to the health consequences, child marriage also deprives girls of their right to education, economic opportunities, and personal development. Married at a young age, girls are often forced to drop out of school, limiting their future prospects and trapping them in a cycle of poverty⁵⁵. This perpetuates gender inequality and denies girls the chance to reach their full potential.

Globally, an estimated 12 million girls are married each year before the age of 18⁵⁶. This practice is most prevalent in sub-Saharan Africa and South Asia, where cultural norms, poverty, and lack of legal protections contribute to its persistence. Addressing child marriage requires a comprehensive approach that combines legal reforms, community-based interventions, and efforts to empower and educate girls. The Indian government has taken some steps to address child marriage, such as the passage of the Prohibition of Child Marriage Act, 2006⁵⁷. However, more needs to be done to enforce the law and to change the social and cultural norms that perpetuate child marriage.

- **Case law - Phoolwati v. State of Uttar Pradesh⁵⁸**

Phoolwati was a minor girl who was forced to marry a much older man. The Phoolwati case is a landmark case on child marriage in India. The Supreme Court's judgment in this case has helped to raise awareness of the issue of child marriage and has strengthened the legal protection of girls and women. The judgment has also had a significant impact on the way that child marriage cases are handled by the police and the courts. The police are now more likely to register cases of child marriage and to investigate them properly. The courts are also more likely to take a serious view of

⁵⁴ iPleaders Blog, "Child Marriage and the Laws Pertaining to It," blog.ipleaders.in.

⁵⁵ iPleaders Blog, "Child Marriage and the Laws Pertaining to It," blog.ipleaders.in.

⁵⁶ UNICEF, "Child Marriage: A Threat to Girls' and Societies," 2016

⁵⁷ Prohibition of Child Marriage Act, No. 6 of 2007, India Code (2007), vol. 1, p. 1

⁵⁸ AIR 1987 SC 2218

child marriage cases and to impose appropriate punishment on perpetrators. The Phoolwati case is a significant contribution to the development of child marriage law in India. It is a powerful reminder of the importance of protecting girls and women from the harmful practice of child marriage.

XI. DOWRY

A dowry is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage. Dowry contrasts with the related concepts of bride price and dower. While bride price or bride service is a payment by the groom, or his family, to the bride, or her family, dowry is the wealth transferred from the bride, or her family, to the groom, or his family. Similarly, dower is the property settled on the bride herself, by the groom at the time of marriage, and which remains under her ownership and control.⁵⁹

The dowry can serve as a gift to in-laws or insurance for the bride should she choose to leave her husband. It is something she can take with her in the event of divorce to ensure her financial security⁶⁰. Dowry, as it is practiced today, involves gruesome forms of economic violence, including extortion, blackmail, and exploitation of women and their families⁶¹. Amnesty International has stated: *[T]he ongoing reality of dowry-related violence is an example of what can happen when women are treated as property. Brides unable to pay the high "price" to marry are punished by violence and often death at the hands of their in-laws or their own husbands.*⁶²

In the film "Bhopal: A Prayer for Rain⁶³", the taking and giving of dowry is addressed during the wedding of Dilip's sister. Dilip's family is struggling to save enough money to pay for the dowry, and they are forced to go into debt. Dilip's father is also worried

⁵⁹ Goody, Jack (1976). *Production and Reproduction: A Comparative Study of the Domestic Domain*. Cambridge: Cambridge University Press. p. 8.

⁶⁰ Erum Salam, What Is a Dowry?, BRIDES (Mar. 29, 2024), <https://www.brides.com/what-is-a-dowry-5074408>

⁶¹ Nalini Singh, Dowry in India: A Review of Legal Initiatives and Their Impact, 29 J. INDIAN L. INST. 406 (1987)

⁶² "Violence Against Women Information". Amnesty International USA. Archived from the original on 4 April 2016. Retrieved 20 April 2016.

⁶³ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

that the dowry will not be enough, and that Dilip's sister will be mistreated by her husband and his family.

Dowry is illegal in India under the Dowry Prohibition Act, 1961⁶⁴. The Act prohibits the giving, taking, or demanding of dowry. The Act also makes it a punishable offense to harass or torture a woman for dowry. The Indian government has taken some steps to address dowry, such as the passage of the Dowry Prohibition Act, 1961. However, more needs to be done to enforce the law and to change the social and cultural norms that perpetuate dowry.

XII. CONCLUSION

Bhopal: A Prayer for Rain ⁶⁵ends with a montage of real-life photos of the victims of the Bhopal gas disaster. The montage is accompanied by a narration by Rajpal Yadav's character, Dilip. In the narration, Dilip says: "Whatever may be the cause of the disaster, Carbide never left Bhopal. It's still here, in the air, in the water, in the soil, and in our bodies. But we will not give up. We will continue to fight for justice for the victims of the Bhopal gas disaster." ⁶⁶The film ends with a shot of a blind boy holding up Dilip's Union Carbide identity badge. The boy is the son of one of the victims of the Bhopal gas disaster.

The ending of the film is both hopeful and tragic. It is hopeful because it shows that the victims of the Bhopal gas disaster have not given up their fight for justice. However, it is also tragic because it reminds us that the Bhopal gas disaster is still having a devastating impact on the people of Bhopal. The film's ending is also a reminder of the importance of fighting for environmental justice. The Bhopal gas disaster is a stark example of the dangers of corporate greed and the importance of holding corporations accountable for their actions.

The victims of the Bhopal gas leak have struggled for decades to obtain justice and compensation for the harm they have suffered. The Indian government and Union

⁶⁴ India. Dowry Prohibition Act, 1961, No. 28 of 1961, India Code.
<https://www.indiacode.nic.in/bitstream/123456>

⁶⁵ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

⁶⁶ Ravi Kumar, *Bhopal: A Prayer for Rain* (2014)

Carbide Corporation have been criticized for failing to provide adequate compensation to the victims and for failing to hold the perpetrators of the disaster accountable.⁶⁷

A case, *Union Carbide v. UOI*⁶⁸, was filed against Union Carbide wherein the Supreme Court of India ordered Union Carbide to pay a sum of US\$470 million to the Government of India in full settlement of all claims, rights, and liabilities related to and arising out of the Bhopal gas disaster.

The Supreme Court's judgment in the case was based on the following grounds:

- Union Carbide was negligent in the operation of its plant in Bhopal, which led to the release of the toxic gas methyl isocyanate.
- The Bhopal gas disaster was one of the worst industrial disasters in history, and it caused immense human suffering and economic loss.
- Union Carbide had the financial capacity to pay compensation to the victims of the disaster.

The Supreme Court's judgment was a landmark judgment in the field of environmental law. It was one of the first cases in which a multinational corporation was held liable for a major environmental disaster. The compensation that was promised to the victims of the Bhopal gas disaster was intended to compensate them for their medical expenses, loss of income, and pain and suffering. However, the compensation has been criticized for being inadequate. Many victims of the disaster have not received the full amount of compensation that they are entitled to, and many others have not received any compensation at all.

In conclusion, The Bhopal gas tragedy and the subsequent legal and environmental aftermath have far-reaching implications for the broader issues of environmental justice and corporate accountability. The failure of Union Carbide Corporation (UCC) to prioritize safety and environmental protection, as well as the challenges faced by the affected community in seeking adequate compensation and remediation,

⁶⁷ Eckerman, I. (2001). *The Bhopal Saga: Causes and Consequences of the World's Largest Industrial Disaster*. India: Universities Press.

⁶⁸ (1989) 3 SCC 38

underscore the urgent need for stronger regulations, enforcement mechanisms, and a fundamental shift in corporate culture to prioritize human rights and environmental sustainability over profits. The lessons learned from this disaster must inform global efforts to prevent similar catastrophic events and ensure that vulnerable communities are not disproportionately burdened by the consequences of corporate negligence. Upholding the principles of environmental justice and holding multinational corporations accountable for their actions are essential steps towards building a more equitable and sustainable future.⁶⁹

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