

# Time to act against the white collar criminals

The judgment of CJM Bhopal in the carbide case was meant to close a 25 year old but it has opened so many wounds. It has generated new controversies which the media has described as “Fanciful Finger Pointing”. The central government has set up Group of ministers while the state Government has set up a committee of legal Experts. Both these measures would yield no new information as the facts are too well known.

L.S Herdenia has brought out some of them in his articles published in HT on June 10. Committees and Commission are always set up to buy time. Eradi Commission on river water Disputes has taken 15 years while Liberhan Commission took 17 long years. In the case of Bhopal Gas Tragedy, it is the time to act now and bring to book all those who while watering down the case hugely benefited from the deals.

A spokesman of a nation party has said from Delhi that everything concerned the state of M.P. and that the Central Government was not connected. Taking on further from this, the state Government should immediately order an investigation by the Economic Offences Wing to trace the culprits who made conscious and calculated attempts to kill the case at all stages. Since it is a crime committed by high and mighty, EOW would be the best agency to bring them to book.

After all, merely punishing the plant superintendent and his bosses is not enough to heal the wounds of affected lakhs as also to address the sentiments of civil society activists.

## Some of important points that EOW should look into are:

- Why did UCC Chairman come rushing if U.S. Company had no control or responsibility for this factory?
- Who ordered the arrest of Anderson? Was it the decision of the Investigating Officer? Did he have enough material on record to do so?
- Who decided to detain Anderson and Indians in his team at the UCC guest house rather than the lock up of P.S. Hanmanganj?
- Why were the arrested persons not produced in a court?

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- Was Anderson arrested for bailable offence to facilitate his immediate bail?  
What was the need to send him by State plane? After all, he had come on his Own to identify the causes of failure of safety devices. If he was no longer required to assist investigation, he should have been allowed to return at a time of his choice after seeing the plant and meeting his employees.
- Why was his passport not impounded?
- The then D.M. has explained that he saw off VVIP Anderson after arranging his Bail on the orders of chief Secretary. why did he not seek written orders as Provided for in the Conduct Rules? (duly amended on the recommendation of Shah Commission)
- If he was in a hurry to personally see off the VVIP why did he not seek confirmation on the next morning, as required in the GAD circulars?
- If D.M. and S.P. were spineless, what sort of supervision superior officers, Commissioner, Dy. Inspector General of police and inspector General were exercising? Was it not a serious enough case to merit supervision and guidance by them?
- Who in the state government of M.P. and the Central Government agreed to an Out of court settlement for a paltry amount, I believe only 15% of the original Claim?
- Who was the Officer-In-Charge of the case, from the state Government, In the Supreme Court at the time of settlement and later when criminal charges were Watered down by justice Ahmadi?
- Under which provision of law and at what level the State Government agreed to Closure of criminal cases as part of settlement?
- Were the Advocates of the State Government in supreme Court at different stages ? Were they engaged by UCC or DOW. Chemicals at some stage or the other?
- What advice was given by the Principal Secretary of the Gas Relief Department, Since we had created a fully fledged department at the stage level?
- How many of the officers connected with the case became “experts” without Any additional qualifications, getting assignments, consultancies and reappointments from the central Government and international agencies?

It is time to identify and book the officers who have willfully failed in their duties and have brought shame to my generation of public servants.

Though it may not be directly relevant, but bears a mention that PMO Has a system of rewarding officers.

Three years back an IPS officer of Chhattisgarh cadre was Rewarded five years extra, in uniform, by suddenly changing his date of birth on eve of his retirement. Did someone in PMO know his date of birth better than his parents and that too after more than fifty years of birth.

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**(The author is retired civil servant and these are his personal views)**