भारत का प्रधान कौंसल
न्यू यार्क

CONSUL GENERAL OF INDIA
NEW YORK

No. NYCG/161/1/2004   June 28ᵗʰ, 2004

VIA HAND DELIVERY
United States District Judge John F. Keenan
United States District Court
Southern District of New York
500 Pearl Street,
New York, New York 10007-1312

Re: **Bano et al. v. Union Carbide, 99 Civ. 11329 (JFK).**

TO THE UNITED STATES DISTRICT COURT:

On behalf of the Union of India and as its duly authorized consular
representative in the United States of America, we submit this letter in the
above-referenced matter to present the official position of the sovereign
government of India with regard to environmental remediation of the land
and premises formerly occupied by the Union Carbide plant in Bhopal,
India.

The Union of India submits that neither the Madhya Pradesh State
government or its instrumentalities nor the Union of India has any objection
to any such relief for environmental remediation of the former Union
Carbide plant premises in Bhopal being ordered or directed by a competent
court or tribunal of the United States. Further, the Union of India and the
Madhya Pradesh State government and their respective instrumentalities will
cooperate with any such relief as and when issued by the United States
District Court. The Union of India will monitor and supervise such
environmental remediation including decommissioning of plant and
machinery, remediation/disposal of contaminated soil and appropriate
disposal of toxic chemicals and wastes on the plant site by Union Carbide in

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order to ensure that it is undertaken in compliance with the norms and parameters laid down by a specific organization of the Government of India, the Central Pollution Control Board, for that purpose.

Union Carbide will also be held responsible for any loss/damages caused to life or property in the process of remediation and disposal. Pursuant to the "polluter pays" principle recognized by both the United States and India, Union Carbide should bear all of the financial burden and cost for the purpose of environmental clean-up and remediation. The Union of India and the State Government of Madhya Pradesh shall not bear any financial burden for this purpose.

Notwithstanding the foregoing, nothing in this official statement on behalf of the Union of India may be construed or read, by implication or otherwise, as an intention to submit either the Union of India or the Madhya Pradesh government to the jurisdiction of the United States District Court as parties to this litigation. The Union of India and the State Government of Madhya Pradesh are entitled to sovereign immunity under international law and do not waive those immunities by this submission.

In addition, nothing in this submission should be construed, by implication or otherwise, to convey any authority to plaintiffs in the above matter to assert or pursue claims on behalf of the Union of India or State Government of Madhya Pradesh. Nor shall the plaintiffs in the above-referenced matter be entitled, by virtue of this submission, to assert or pursue any claims against either the Union of India or the Madhya Pradesh Government in this litigation or before the U.S. District Courts.

Finally, it is the official position of the Union of India that the previous settlement of claims concerning the 1984 Bhopal Gas Disaster between Union Carbide and Union of India has no legal bearing on or relation whatsoever to the environmental contamination issues raised in the

case at bar. Nothing in this submission should be construed, by implication or otherwise, as an intention to reopen or question the validity of that previous settlement.

Accordingly, the Union of India hereby formally urges the U.S. District Court to order such relief, as required by the U.S. Court of Appeals for the Second Circuit in this matter.

Respectfully submitted,

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