

A Detailed Case Study of Human Rights Violation in Chennai Region with Reference of Union Carbide Corporation Vs Union of India

H.M Pranav

BA LLB(Hons), Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), saipranavbrv@gmail.com

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ABSTRACT:

Human rights include the expression of the need for people to be treated in a fair, decent and humane manner regardless of their ethnic, religious or racial profile. Violation of human rights involves denying human beings their basic moral rights. These violations have been part of human history, and only in the last century has a general consensus emerged that they are absolutely wrong. Perpetrators of human rights abuses range from governments, corporations and organized crime rings to communities and individuals. There are many underlying causes that lead people to violate human rights. There is a temptation to view human rights violations in a one-dimensional construct involving a very simplistic spectrum of evil versus good. The first part of this article examines the view that "human rights violators are not necessarily just evil, but may also be themselves forced into ways of behaving by external circumstances". Violations of human rights are a result of the innate evil nature of the perpetrators, who argue that there are other environmental and biological factors that drive people to commit such crimes. The second part of the paper examines the extent to which fear of the "other" drives the desire to commit war crimes against a perceived rival group. The study is based on a systematic content analysis of official documents, press releases, newspapers, articles and interviews. I quantitatively collected all available information and also identified the most frequently recurring terminology and key words, which were graphically represented whenever possible. It also consists of articles and sections as well as various steps taken as a whole or generally or individually with developments and human rights issues from time to time that help in the violation and protection of people around the world. You will find here a discussion of the issue of Kashmir, humanitarian crises during and after the conflict in Gaza between Israeli forces and Hamas in 2008-2009, the UN's view of human rights violations, the crises caused by the 2006 Lebanon war, the humanitarian disaster in the Darfur province of Sudan (2003- 2010); and finally the political, social and economic crisis in Zimbabwe (2001–2010). The case studies analyzed in this research report reveal a number of similar trends as well as some notable differences. As such, they restrict civil liberties to prevent the emergence and mobilization of dissent in society. Moreover, human rights are at the heart of the European integration process (which was built on the ashes of civil war and genocide) and its long-term aspirations. The fundamental recognition of human rights is therefore always reflected in the EU's foreign policy and external relations.

1. Introduction

To protect human rights, it is necessary to ensure that people receive some degree of decent, humane treatment. On the other hand, violating the most basic human rights means denying individuals their basic moral rights. In a sense, it is treating them as if they are less than human and do not deserve respect and dignity. Examples are acts typically considered "crimes against humanity", including genocide, torture, slavery, rape, forced sterilization or medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unlimited power of the state is an important part of international law. Laws that prohibit various "crimes against humanity" are based on the principle of non-discrimination and the notion that certain fundamental rights apply universally. The number of combat-related deaths and collateral damage caused by warfare is only a small part of the vast amount of suffering and devastation caused by conflict. In the course of protracted conflict, attacks on political rights and the basic right to life are usually widespread. Some of the most serious violations of the right to life are massacres, starvation of entire populations, and genocide. Genocide is commonly understood as the deliberate extermination of an ethnic, racial or religious group. Killing group members, inflicting serious physical or mental harm on them, imposing birth control measures, or forcibly relocating children are all ways to achieve group destruction. The term "war crime" refers to the violation of jus in bello (justice in war) by any individual, whether military or civilian. The laws of armed conflict prohibit attacks on civilians and the use of weapons that cause unnecessary suffering or long-term environmental damage. Other war crimes include hostage-taking, shooting at undefended and non-military locations such as hospitals or schools, inhumane treatment of prisoners, including biological

experiments, and looting or wanton destruction of property. Although clearly outlawed by international law, such war crimes are common. According to Kofi Annan, Secretary-General of the United Nations, it is increasingly true that "the main objective...[of conflicts]...is not the destruction of armies, but of civilians and entire ethnic groups." Women and girls are often raped by soldiers or forced into prostitution. The international community has long failed to address the problem of sexual violence during armed conflict. However, sexual assaults, often involving sexual mutilation, sexual humiliation and forced pregnancy, are quite common. Such crimes are motivated in part by the long-held view that women are "spoils" of war, to which soldiers are entitled. Trafficking in women is a form of sexual slavery in which women are transported across national borders and sold into prostitution. These so-called "comfort women" are another example of institutionalized sexual violence against women during war. Sexual violence is sometimes seen as a way to destroy male and community pride or humiliate men who cannot "protect" their women. It is also used to silence women who are politically active, or simply to terrorize the general population. Mass rape can also form part of a genocidal strategy that aims to establish conditions that lead to the destruction of an entire group of people. For example, during the 1990s, the media reported that "rape and other sexual atrocities were a deliberate and systematic part of the Bosnian Serb campaign to win the war" in the former Yugoslavia. Rather than simply killing entire populations, government forces may conduct torture programs. Torture can be physical or psychological and is aimed at "humiliating or destroying the dignity of a person." Physical torture may include mutilation, beatings, and electric shocks to the lips, gums, and genitals. In psychological torture, detainees are sometimes deprived of food and water for long periods of time, held upright for hours on end, deprived of sleep, or subjected to loud noises. Torture is used in some cases as a method of conducting interrogations and obtaining confessions or information. Today, it is increasingly used as a means to suppress political and ideological dissent or to punish political opponents who do not share the ideology of the ruling group. In addition to torture, tens of thousands of people detained in connection with conflicts "disappear" every year, usually killed and buried in secret. Government forces "detain people, hold them in secret, and then refuse to accept responsibility for their whereabouts or fate." The purpose of this kidnapping is usually to secure information and spread terror. In most cases, interrogations involve threats and torture, and those who are arrested are subsequently killed.

Overview of Human Rights Violations in Industrial Disasters

Industrial disasters, often marked by large-scale environmental degradation and health crises, have consistently led to significant human rights violations. These disasters typically stem from negligence, lack of regulatory enforcement, and unsafe industrial practices. A glaring example is the Bhopal gas tragedy of 1984, caused by the release of toxic methyl isocyanate gas from the Union Carbide plant in India. The disaster resulted in the deaths of thousands and long-term health complications for many more, underlining the vulnerability of marginalized communities in industrial regions.

Human rights violations in such events are multifaceted. Firstly, the right to life is severely compromised, as seen in countless lives lost and severe health impacts. Survivors of industrial disasters often suffer long-term consequences, including chronic illnesses, birth defects, and psychological trauma, violating their right to health and dignity. These violations are exacerbated when industries fail to provide adequate compensation or rehabilitation to affected populations. This often reflects the state's failure to ensure corporate accountability, infringing on the victims' right to justice.

Environmental degradation, as a by-product of industrial negligence, also leads to the violation of the right to a healthy environment. Polluted air, contaminated water, and damaged ecosystems destroy livelihoods, especially in agrarian communities, further entrenching poverty and inequality. In many instances, marginalized groups, such as lower-income or indigenous populations, bear the brunt of these violations due to their proximity to industrial operations and limited access to legal recourse.

2. OBJECTIVES OF THE STUDY

1. To analyse the extent of human rights violations in the Chennai region, with a specific focus on the legal, social, and environmental impacts resulting from the Union Carbide Corporation vs Union of India case.
2. To examine the role of corporate accountability and state responsibility in addressing the grievances of affected communities, including access to justice, compensation, and rehabilitation efforts.

3. To evaluate the broader implications of this case on industrial safety regulations, human rights frameworks, and policy reforms aimed at preventing future violations in industrial disaster contexts.

3. STATEMENT OF THE PROBLEM

Human rights violations arising from industrial disasters remain a pressing concern, particularly in cases where corporate negligence and inadequate regulatory oversight lead to severe consequences for local communities. The Union Carbide Corporation vs Union of India case, most notably associated with the Bhopal gas tragedy, exemplifies the challenges in ensuring corporate accountability, fair compensation, and justice for victims. While much attention has been given to the Bhopal incident, similar concerns persist in other regions, including Chennai, where industrial activities pose significant risks to human health, safety, and the environment.

This study seeks to investigate the extent of human rights violations in the Chennai region in the context of this landmark legal case. The problem lies in understanding how industrial negligence can lead to long-lasting harm for vulnerable populations, including loss of life, health complications, environmental degradation, and socio-economic disruption. Furthermore, it addresses the inadequacies in legal frameworks, corporate responsibility, and state mechanisms in preventing and mitigating such disasters. The failure to protect basic human rights, provide adequate redress to affected communities, and implement stronger preventive measures remains at the heart of this study's focus. Through this case study, the research aims to highlight the systemic failures and propose avenues for improved protection and justice.

4. REVIEW OF LITERATURE

Ibamba Samuel Ibaba (2011): This article examines the interdependence between corruption, human rights abuses and conflict in the Niger Delta. Corruption-induced violations are said to have triggered conflicts that have become cyclical. The article sets out the theoretical context in which to examine the interface between corruption, human rights abuses and conflict in the Delta and calls for the integration of anti-corruption into the process of peace building in the Niger Delta.

Farazad Mahomed (2016): Despite numerous advances in disability discourse, the experiences of people with psychosocial disabilities have been shown to be characterized by marginalization, victimization and violations of multiple human rights. In this thesis, I examine the issue of stigma based on psychosocial disability as a central underlying factor that contributes to numerous forms of neglect and undervaluation. Using recent theoretical frameworks, I begin by examining how stigma is conceptualized at individual and societal levels. I further consider the way in which stigma which is clearly a violation of the right to dignity and equality – also contributes to the violation of a number of related rights, including the right to health; right to education; the right to liberty and security of person; right to vote; and the right to work.

Samih Eloubeidi (2022): Palestinian refugees in Lebanon face many human rights violations, including severe restrictions on the right to employment. While the harmful consequences of Palestinian refugees' lack of access to employment have been well documented in policy reports and scholarship, few have assessed Palestinian refugees' perspectives on the issue. Our study offers insight into how Palestinian refugees perceive limited access to employment, particularly in terms of their standard of living, emotional and mental well-being, interpretation of the right to work, and integration into Lebanese society. Using a mixed-methods study design with a strong qualitative component, we assess Palestinian perceptions and examine the consequences of labour restrictions on the situation of Palestinians in Lebanon. Our results suggest that Palestinian refugees' limited access to employment negatively affects their daily lives, with some nuances regarding work inside and outside refugee camps.

Chika Anyanwu (2018): At its first session, the United Nations General Assembly adopted Resolution 59(I), which states that “freedom of information is a fundamental human right and ... the touchstone of all freedoms to which the United Nations is committed. privy”. In 1948, it announced the Universal Declaration of Human Rights in Paris. Article 19 of this declaration states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. When these basic human rights are set against the current global terrorist threats and the subsequent restrictive counter-terrorism laws to combat them, the question arises as to whether Article 19 is still relevant in the context of today's changed

security situation. The aim of this paper is to explore the ways in which anti-terrorism laws can balance national security and the protection of freedom of information.

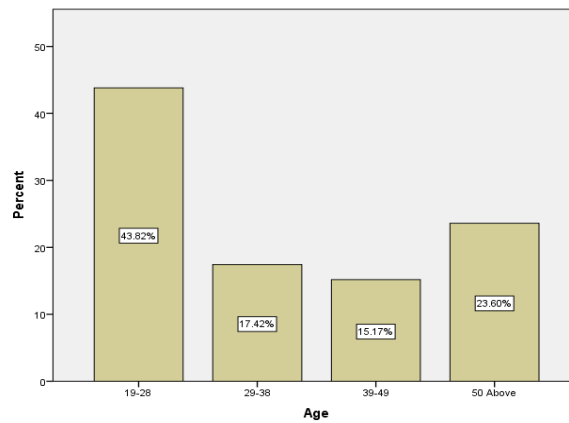
5. METHODOLOGY

The research method followed here is descriptive research. It was collected by all the people through sampling method. The sample frame taken here is public area in Chennai, Tamil Nadu and the sample size is 232. The independent variable includes gender, age, educational qualifications, occupation, monthly income and marital status. The dependant variable include time lag for available data, lack of long term followed up data, future possibilities for combining data across studies. SPSS was used to analyse the collected data.

ANALYSIS OF DATA

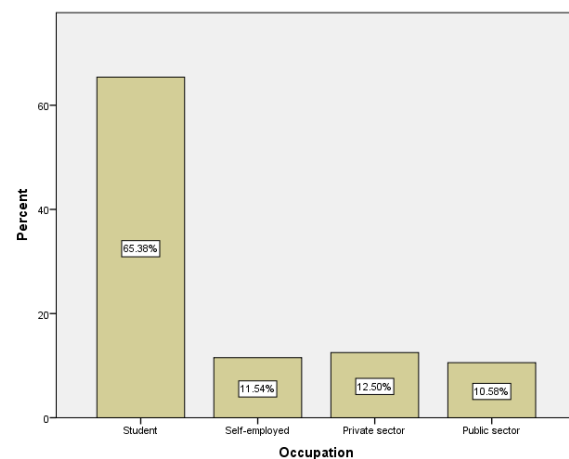
The research design for this case study on human rights violations in the Chennai region, with reference to the Union Carbide Corporation vs Union of India case, adopts a qualitative and exploratory approach. The study aims to analyse the impact of industrial negligence on human rights, focusing on corporate accountability and legal frameworks. A case study methodology is employed to provide an in-depth exploration of the human rights violations in industrial disaster contexts, using the Union Carbide case as a reference point.

FIGURE 1:



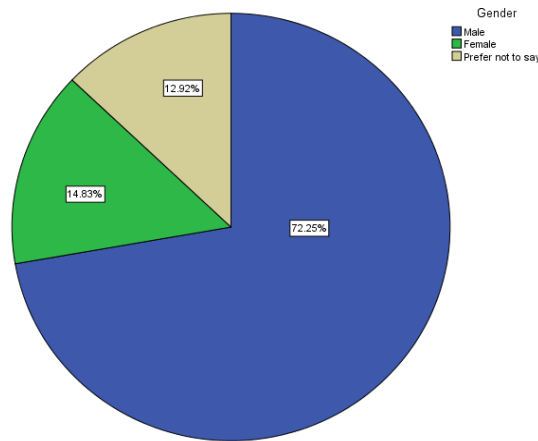
LEGEND: Figure 1 represents the respondents view on human rights violation on comparing with age.

FIGURE 2:



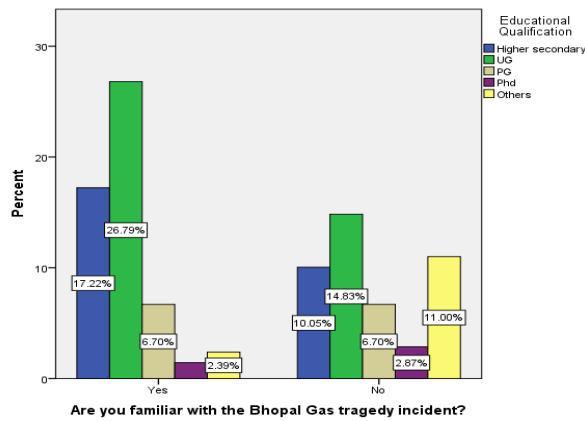
LEGEND: Figure 2 represents the respondents view on human rights violation comparing with occupation.

FIGURE 3:



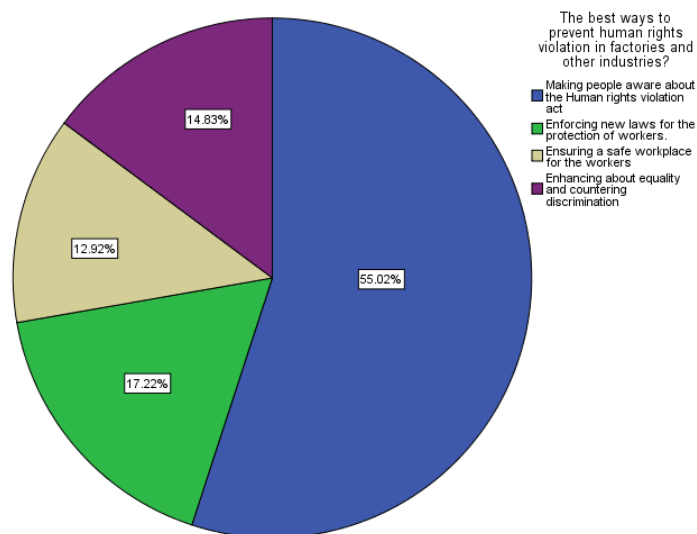
LEGEND: Figure 3 represents the respondents view on human rights violation on comparing with gender.

FIGURE 4:



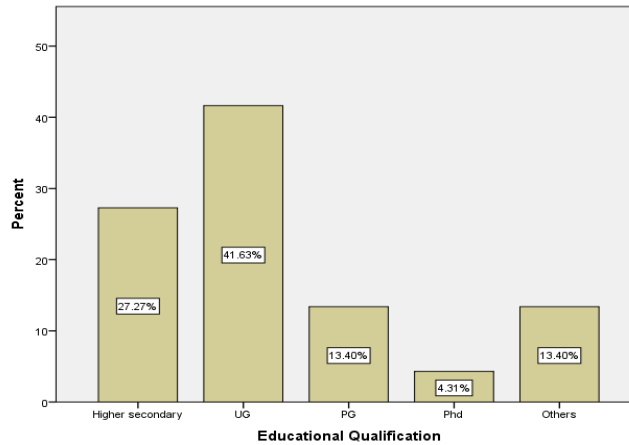
LEGEND: Figure 4 represents the respondents view on Bhopal gas tragedy on comparing with Educational Qualification.

FIGURE 5:



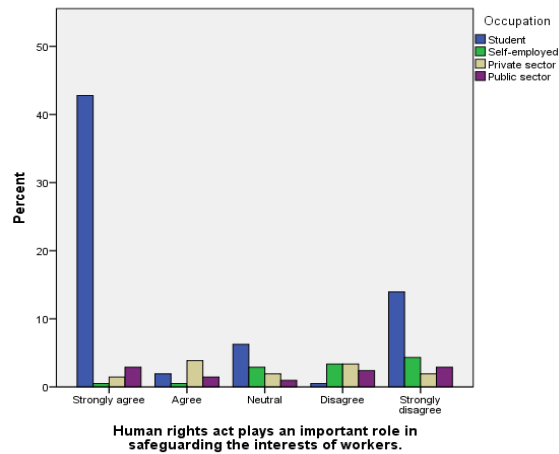
LEGEND: Figure 5 represents the respondents view on the best way to prevent human rights violation.

FIGURE 6



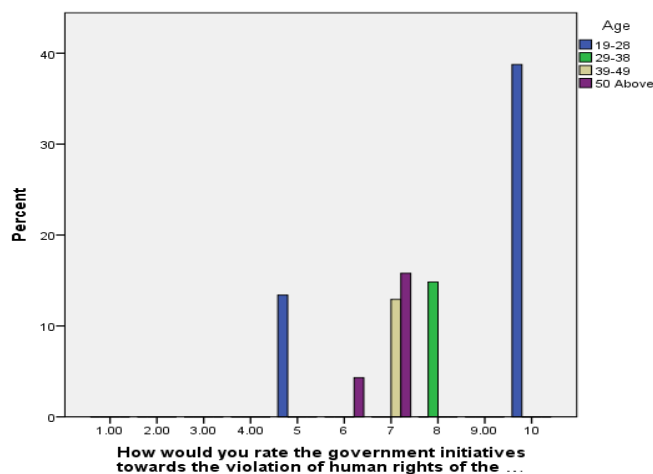
LEGEND: Figure 6 represents the respondents view on human rights violation on comparing with educational qualification.

FIGURE 7:



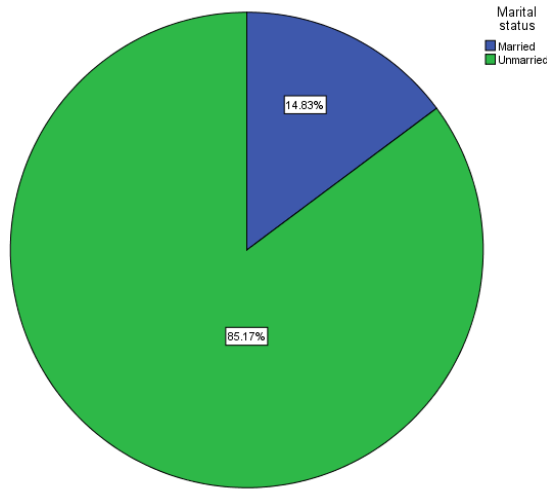
LEGEND: Figure 7 represents the respondents view on how human rights acts play an important role in safeguarding the interest of workers on comparing with occupation.

FIGURE 8:



LEGEND: Figure 8 represents the respondents view on the government initiatives to prevent human rights violation on comparing with age.

FIGURE 9:



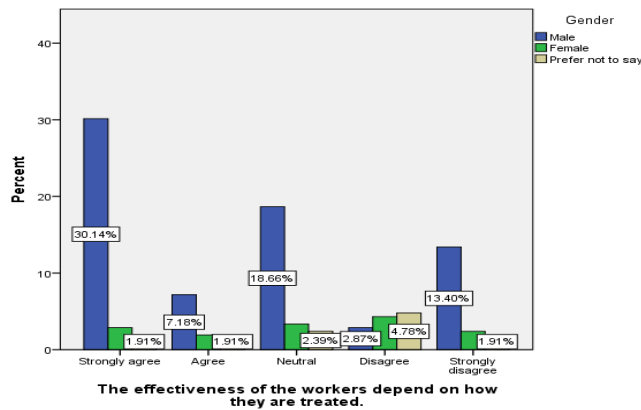
LEGEND: Figure 9 represents the respondents view on human rights violation on comparing with marital status.

FIGURE 10:



LEGEND: Figure 10 represents the respondents view on whether human rights violation still exist in public and private sectors on comparing with marital status.

FIGURE 11:



LEGEND: Figure 11 represents the respondents view on whether the effectiveness of the workers depends on how they are treated on comparing with gender.

6. RESULTS

Figure 1 represents the respondents view on human rights violation on comparing with age and 43.82% of people are at the age group of 19-28. The analysis of human rights violations in the Chennai region, in reference to the Union Carbide Corporation vs Union of India case, reveals several critical findings. First, the case demonstrates how corporate negligence and weak regulatory enforcement lead to long-term adverse effects on local communities. Figure 2 represents the respondents view on human rights violation comparing with occupation and 35.10% are pursuing their UG. Figure 3 represents the respondents view on human rights violation on comparing with gender and 72.25% people are male. In industrial areas of Chennai, similar to Bhopal, marginalized populations face disproportionate exposure to hazardous conditions, leading to violations of their right to life, health, and livelihood. Figure 4 represents the respondents view on Bhopal gas tragedy on comparing with Educational Qualification and around 50% of people are aware of Bhopal Gas tragedy.

Figure 5 represents the respondents view on the best way to prevent human rights violation and 55.02% of the respondents think that making people aware about human rights violation is the best way to prevent it. Figure 6 represents the respondents view on human rights violation on comparing with educational qualification and 41.63 are pursuing UG. Figure 7 represents the respondents view on how human rights acts play an important role in safeguarding the interest of workers on comparing with occupation and most people strongly agree on the statement. Environmental degradation from unchecked industrial operations has resulted in polluted water sources, poor air quality, and diminished agricultural productivity, directly affecting the health and economic stability of vulnerable groups. Figure 8 represents the respondents view on the government initiatives to prevent human rights violation on comparing with age and most of them have rated 9.75. The slow judicial process and limited access to legal resources hinder victims' pursuit of justice, reflecting a broader failure in addressing industrial disasters at both corporate and governmental levels. Figure 9 represents the respondents view on human rights violation on comparing with marital status and 85.17% of people are unmarried. The case underscores the need for stronger regulatory reforms and enforcement mechanisms to safeguard human rights, particularly in industrial zones. Figure 10 represents the respondents view on whether human rights violation still exists in public and private sectors on comparing with marital status and many have strongly agreed to the statement. Figure 11 represents the respondents view on whether the effectiveness of the workers depends on how they are treated on comparing with gender and 30.14% of the people have agreed on the statement. The study also highlights significant gaps in corporate accountability and state oversight. Despite legal provisions, compensation and rehabilitation efforts for affected individuals remain inadequate.

7. DISCUSSION

Many peacekeeping and conflict-prevention initiatives have failed both to protect human rights and help the parties towards conflict resolution. It can be inferred by the graph that about 52% of people are aware of the Bhopal gas tragedy. About 45% people also agree with most of the statements mentioned above. We can also infer that most of the weaker sections of the society who work in factories are more vulnerable to human rights violation.

8. LIMITATIONS

One of the major limitations of the study is the sample frame. There is a major constraint in the sample frame as it is limited to the smaller area. Thus, it proves to be difficult to extrapolate it to a larger population. Another limitation is the sample size of 33 which cannot be used to assume the thinking of the entire population in a particular country, state, or city. The physical factors have a larger impact, thus, limiting the study.

9. CONCLUSION

The development of state institutions to promote and protect human rights is an essential guarantee to ensure that people can achieve redress and redress in the face of injustice. A dynamic and autonomous human rights commission can play a role in this process. For this reason, it is important that existing human rights commissions are encouraged to play an active and central role in the promotion of human rights. In some cases, where the political will is present, this task requires only training and funding opportunities. In other cases, more pressure is required on the government to allow the formal and real independence of its human rights commission. Human Rights Commissioners must also be supported and pushed by the international community to push the envelope of their boundaries and withstand the inevitable backlash from other

government agencies. This is a process that can only be achieved with sustained national and international attention over a period of time.

References:

- [1] Ibabba Samuel Ibaba, Corruption, human rights violation, and the interface with violence in the Niger Delta, 2011, Volume 21, 2011-Issue 2
- [2] Farazad Mahomed Stigma on the basis of psychosocial disability: a structural , Human rights violation (2016) Vol 32 , Issue-3
- [3] Samih Eloubeidi Restricting access to employment as a human rights violation (2022)
- [4] Chika Ananyu Fear of communicating fear versus fear of terrorism: A human rights violation or a sign of our time?, Volume 20, 2018-Issue-1
- [5] Bronwen E Low Towards a pedagogy of listening: teaching and learning from life stories of Human rights violation Human rights violation, Volume 45, 2013 Issue-6
- [6] James Whitehorn. "Procedural Due Process in Human Rights Fact-Finding by International Agencies." *The American Journal of International Law* 74, no. 2 (1980): 308-345.
- [7] Ibrahim Danjuma *The Handbook of Human Rights Investigation*. Human Rights Press, 2000.
- [8] David L. Banks. *A Flame in Barbed Wire: The Story of Amnesty International*. New York: F. Mueller, 1978.
- [9] Hanna Nel. "Establishing Accountability for State Violence." In *Human Rights in the Twenty-First Century: A Global Challenge*, edited by Kathleen Mahoney. Martinus Nijhoff, 1993
- [10] Peru- The unchecked rise of the dealers in death, Volume 19, 1990-Issue 5.
- [11] Baxi, Upendra. *Inconvenient Forum and Convenient Catastrophe: The Bhopal Case*. Oxford University Press, 1986.
- [12] Jasanoff, Sheila. *Learning from Disaster: Risk Management after Bhopal*. University of Pennsylvania Press, 1994.
- [13] Cassels, Jamie. *The Uncertain Promise of Law: Lessons from Bhopal*. University of Toronto Press, 1993.
- [14] Ganguly, Meenakshi. *Human Rights Watch Report: India's Human Rights Record*. Human Rights Watch, 2004.