



Three Poems by Amlanjyoti Goswami

I

Final Settlement

Facts:

470 million dollars was all it took
For Methyl Isocyanate to vanish into thin air.
On an average, this translated into Rs 1 lakh each for death &
Rs 25,000/- for personal injury.
This meant 15 cents a day for each lifetime injury and only
15% of what the government asked.
Small change in 1989 for Union Carbide Corporation (UCC),
later known as Dow Chemicals.
Rafa'-dafa', so common in Hindi, is Arabic in origin – 'to
remove, dispose of, settle' things.
This 'settlement' between the government and UCC was
approved by the highest court in 1991.
It took 19 more years for the government to realise the amount
was a song.
For the dead and injured numbered far more, the data then was
all wrong.

Procedural Facts:

A 'curative' petition was filed in 2010, since all 'review'
options in law were by then 'exhausted'.
The word curative comes from the Latin 'cūrāt' which means
'to cure for, attend to'.
It took another 13 years for this petition to be 'heard'.
The lawyer for Dow said Dow wouldn't pay a *farthing* more.
'Farthing', the newspapers reported, not paisa-rupaiya-penny-
pence-dollar-or-sikka.
'Farthing' is literally '1/4th of a penny' and the coin was
discontinued in UK by 1961.
The lawyer said 'farthing' in open court, for intended effect.

The court knew its hands were tied.
There's only so much that can be done in a curative.
And even the best patients die.
This was a postscript to a case that shut ages back.

Verdict:

The settlement amount stayed the same, 34 years later.

Ratio decidendi (Latin: 'rationale for the decision'):

The settlement was 'consensual' and no liability could be pinned on Dow now.
This was only a curative and there was no fraud in the settlement.

Obiter dicta (Latin: 'that which is said in passing'):

Mere sympathy for the sufferers does not enable us to devise a panacea.
If evidence were to be led for each claimant, this would mean reopening a Pandora's box.

The actual summary:

This is law & not poetry.
Human life is priceless but ask any insurance guy if this is indeed true.

'Extraneous' aspects (irrelevant to the case):

Bhopal is now a city with a beautiful lake, a destination for weekend getaways.
Equidistant from Delhi and Mumbai, from power and capital.
You can visit tigers in Ratnapani, stay in the jungles, skirt the toxic waste.
But on certain nights, you can still hear them coughing, those sirens blaring
Those retching, unable to breathe another word.

Ethics, the very reason for law to exist:

Someone will read this and wonder if we couldn't do a little better.
If we hid behind the pillars of law, and called it justice.
If there are other grounds for appeal, to a still higher power.
If the accounts balance, for everyone in the same manner.
If ethics is the same as procedure.

II

Where did Nana Saheb disappear?

When he turned the corner
Was he on horseback or on foot?

What disguise was he wearing?
Were his eyes kohl lined or empty?

Where did he stop for tea?
Who else was with him, or did he go alone?

How did he cast a spell on them?
What did he eat on the road?

Did he climb those forbidden mountains on his own?
Was he dressed like them, in disguise, so they couldn't tell?

Nana Saheb, rebel, legend, myth, disappeared into thin air
And no one could find him.

They ransacked the palace and found nothing.
No passenger pigeon gave him away.

No one whispered, even those walls pockmarked with
bullets
With big ears, long enough to reach the Viceroy.

Did he find the peace he wanted, the calm that eluded him

While breathing a dragon's mist in the blue hills?

Did he shelter in an ancient fort far from the bloodied
plains?
How did he reach there?

No one could smell the trail, sniff all the way
To the fortress where he found rest from battle.

They say he tasted butter tea made by the hill people
And enjoyed a smile, they would give their lives to save
him.

While the battle was lost and war carried on elsewhere
And they were blasted as cannon fodder.

He knew one day, as the crow flies, someone would ask –
Where did Nana Saheb disappear?

How could no one find him?
No one knew the secret, even the hills where wispy dreams
curl into mist

And disappear into the void of time.
A different time, inside dongs, prayer wheels, praying
monks.

Outside the realm of the scepter, outside dream
They said he took up lodgings, in an ancient fort, protected
from everything

And not even God could enter those parts
Carrying blessings, where the spirits dwelled dead and
living.

If you know, tell me.
He was one of us, and he fought for us.

He could not be caught even if the Queen willed it.

This is why the search for him continues to this day.

They say he turned commoner, far from royal soldier.
They found the mother goddess, a statue of
Mahishasuramardini

In the ancient fortress of Trongsa Dzong.
They say the feeling came to him one morning

When the hill sighed and the air let him in
And told him: *no worries now*.

Though he was in exile, defeated but not lost
No place to hide, and yet he could move in plain sight

Without the red suits wondering.
The sleight of disguise, perhaps the wonder of the land

When Nana Saheb took one more step in the morning light
He saw the hills so close, and slowly learnt the sonorous
tongue

The lamas who knew their scriptures without speaking
And the prayer wheel hummed defeating all battle

Telling him of a lasting peace
That would come one day, when all this was over.

III

Michael Madhusudan Dutt

Michael Madhusudan Dutt came to me last night.
His name, but not his face, not his poems
Not his image, not his spirit.

Just his name.
I drank a glass of water.
It was past midnight.

Michael Madhusudan Dutt was passing by.
The spirits of the place, like royal courtiers,
Proclaimed his name – to barking and sleeping dogs.

To stars and chowkidars.
To those awake and dreaming.
To beeping smart phones and artificially intelligent
machines.

To poets writing copiously
On yellow notepads and compliant laptops.
To lovers sleeping after making love.

To winter dew watching from treetops
To the ghosts of childhood.
To a cold breeze blowing.

To lightning striking suddenly, without reason.
And the name stayed on our tongues
In the chowkidar's footsteps, drowsy with mist.

Michael Madhusudan Dutt, the original enfant terrible, my
salaam.
May you be happy, may your spirit roam free.
May you find the lines you are looking for –

Inside the arms of this page
Near these letters that fly on a whim
Even two hundred years later.