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## **Bhopal: Durable Catastrophe and Resistance**

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### **Part 1: Roles in a Disaster**

#### **a) 1973**

In 1973, as the Union Carbide Corporation (UCC) was laying plans for their new *Sevin* pesticide production facility in the central city of Bhopal, the Republic of India was a young democracy, struggling between the desire to industrialize and attract foreign investments, and the desire to manifest independence and autonomy. The American multi-national viewed India as the next big market for *Sevin*, and so they decided to site their new *Sevin* production facility in the capital of Madhya Pradesh (MP), centrally located, and one of the largest and most fertile states in the country. The spot they chose was on poor land at the edge of the old city.

That same year, 1973, the Indian parliament passed the Foreign Exchange Regulation Act (FERA), which decreased the amount of equity that a foreign corporation could provide to any given project, and strongly encouraged the transfer of proprietary production technology rather than just the formulation and sale of products (Sharma, in Hanna et.al. p.20). The goal of FERA was to reduce the percentage ownership of these projects (for example, the process for the production of *Sevin*) by their foreign sponsors and then to eventually nationalize the imported technologies. But UCC wanted to retain control of both the project and the technologies they had invented. Therefore, in order to retain their 50.9% stake in the undertaking, UCC cut the cost of construction from \$28 to \$20 million dollars and transferred inferior and “unproven” (Sharma in Hanna et.al.) technology that was both cheaper, and less of a loss if nationalized. While *Sevin* was considered “safe,” some of its component parts were extraordinarily hazardous and unstable, making conscientious and predictable construction and operation of the plant a dire necessity.

The economic rationale for the construction of this factory was the demand for pesticides engineered by the “green revolution,” a massive, internationally sponsored shift in agricultural practices that was introduced into India (and other developing nations) by an alliance of government, multi-national corporations, and world development and trade agencies during the 1960’s and 70’s. Under the banner of the eradication of food shortages, the “green revolution” purposefully disrupted the small-scale, manual, multi-crop, organic agriculture that had developed in India over thousands of years in favor of large-scale, mono-crop, chemical and mechanical agriculture. Unfortunately, the “green revolution” did not succeed in eliminating hunger, and by the late 70’s many became disillusioned with its promises as the economic, political and health toll of these often-unsustainable initiatives became apparent. Most of these costs were borne by peasant

farmers who were displaced from their small plots of land when mechanized agriculture began to demand huge landholdings. This population migrated to cities like Bhopal, settling densely on the outskirts on what land was available – in this case the same land claimed by UCC. These squatters' colonies (*bastis*) were illegal, and though usually tolerated by the government were not entitled to state services like sewage, piped water or roads. Additionally, most of those who lived there did not possess the documents of citizenship, like birth, marriage or death certificates, or voter registration cards. The middle classes viewed these expanding slums as dangerous and unsanitary, and they remain subject to demolition at the whim of local politicians. By 1980, when construction on UCC's factory was finally completed, the slums had expanded to meet the walls of the new factory.

## **b) 1984**

At midnight on December 3<sup>rd</sup>, 1984, while most of the city was sleeping, a 40-ton tank of Sevin's most dangerous component, methyl isocyanate (MIC), ruptured. All six of the plant's safety systems, including the refrigeration for the highly reactive MIC (which must be kept at 0 degrees Celsius), were not functioning or had been turned off to save money (\$30 per day the case of the refrigeration system). Therefore, the lethal gas, which breaks down under pressure to substances like hydrogen cyanide, phosgene and carbon monoxide, began spreading – heavier than air and low to the ground – over 600,000 of Carbide's sleeping neighbors. Most of those in Old Bhopal were affected, most of those in New Bhopal, protected by the lake and the altitude, were not. The number of people who died that night, like the number of chronically ill and genetically damaged, continues to be a contested and highly politicized issue. Very few of the victims were likely carrying identifying documents, and many were summarily buried in mass graves or cremated immediately, however the government has legitimized only the documented and registered individual deaths. The official death toll is therefore less than 3,000. However, estimates based on the number of burial shrouds and wood for cremation purchased in the aftermath brings the estimate to at least 15,000, and a UNICEF official at the scene estimated up to 25,000 had perished from the gas.

## **c) Incompetent Justice**

In the immediate aftermath, American personal injury lawyers flocked to Bhopal, signing up victims by the thousands. They uniformly promised gigantic rewards, often took with them the victims' only documents, and sometimes hired local goons to “recruit” clients. In part to stem these unscrupulous practices, and in part to expedite the legal process (UCC was promising to bring every single claimant to the stand, an undertaking that could have taken decades), India passed the *Bhopal Gas Processing and Claims Act* of 1984, which appointed the government sole representative of and negotiator for all 600,000 (or however many the government decided qualified) gas victims in *parens patriae*. Legally this labeled the victims “juridically incompetent,” a status usually reserved for the very young or the insane.<sup>1</sup>

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<sup>1</sup> Veena Das notes that despite the insanely dangerous nature of the both the industry and its thoughtless location, “the people to be declared incompetent were neither the

The Indian government then took their case against Carbide to the Second District Court of New York, arguing, poignantly, that “the interests of justice required the case to be tried in the United States on the grounds that [India’s] own legal system was backward and procedurally outmoded, lacking any class action device or other provision for representative suits, burdened with the legacy of colonialism, and subject to massive delays caused by endemic docket backlogs”(Sharma in Hanna et.al. 2005). At a moment when American legal justice seemed applicable to Bhopali survivors, the Indian government strategically confessed to the inability of its own infrastructure – legal, and as it would turn out later, medical, scientific, bureaucratic, social or economic – to grasp or adequately address the ramifications of this catastrophe. The presiding Judge Keenan, however, summarily dismissed this argument, acutely aware of the precedent it would set for other communities around the world victimized by American corporations. As Rajan Sharma (a legal expert on Bhopal and a litigator in a current Alien Tort on behalf of several Bhopal survivors) has written, Keenan’s “decision rested, in part, on the notion that trying the case in the US courts would amount to ‘yet another instance of imperialism’ imposing foreign legal standards upon a developing country with ‘vastly different values,’ different levels of ‘population’ and ‘standards of living.’” (Sharma, in Hanna et. al. p. 71) The message from Keenan’s court was unambiguous: American courts are for American citizens. The criminal acts committed by Americans abroad did not and would not function to bestow American-style rights on their victims.

#### **d) Civil settlement**

In 1989, the government and UCC, without accepting any survivor representation or testimony, settled the civil case against UCC in the Indian Supreme court for a one-time sum of \$470 million dollars (approx. \$500 per person for lifelong injury or disability) with no stipulations for treatment, research or long-term rehabilitation. As a bonus, the court additionally quashed the criminal charges of culpable homicide against UCC and its former CEO Warren Anderson. Then in 1991 – largely as a result of activist pressure and local and international public outrage – the supreme court revisited the settlement issue. Rather than increasing the amount payable by the corporation, the government instead stipulated that were the amount to be deemed insufficient in the future, the government of India would make up the difference. Explicitly, for the first time, and under the guise of a generous revision, the government established a structural motivation to shortchange the survivors. And although the supreme court reinstated the criminal charges against UCC and Anderson in the same decision, crucially reactivating the possibility of justice for the corporation and its executive, the government has shown little energy since for pursuing these warrants.<sup>2</sup>

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government nor the multinational, but ironically the sufferers themselves.” (Das, in Hanna et.al eds. p. 56)

<sup>2</sup> In 2002 India finally delivered the arrest warrant for Warren Anderson to the United States Justice Department. Six month later, despite the joint extradition treaty between India and the USA, the Justice Department declined to extradite Anderson.

Sadly, India's characterization of their own legal system was proven accurate by their handling of the settlement. The government's subsequent policy has been to work to constrain the parameters of the disaster by presuming the competence of the same systems they previously critiqued, attempting to neutralize or discredit any claims that exceeded them. Generally aligning their interests with those of the corporation, the government has labored to turn Bhopal into a one-time event effectively resolvable within India, by India, and in a way specifically unthreatening to local and international corporations that might invest there in the future. Through this attempt to cover for the corporation and to grapple with a problem more complex than they want it to be, the Indian government incidentally implicated themselves in an unprecedented social welfare and rehabilitation project that they remain loathe, and poorly prepared, to do well.

## **Awakening activism**

### **a) Claiming rights**

The way that the government has attempted to provide for the gas survivors has evolved a typical pattern. They begin by introducing a service or positive entitlement, but usually do a poor or unfair job distributing it and/or tolerate its inadequacy or failure. The full goals of the project are often never realized, or it is prematurely terminated. For example, there are blocks of four-story apartments on the edge of town for gas widows, many of whom suffer from severe breathlessness. Other housing lies unfinished. The government built a hospital infrastructure to treat gas exposure free of charge, but tolerates high levels of corruption and discrimination within these hospitals, and has not supported the research necessary to understand the unique etiology of gas exposure. Often, therefore, the treatment they provide is either harmful, useless or both.<sup>3</sup> The supreme court declared in 2002 that the 20,000 people currently drinking water contaminated by UCC's factory should have clean water delivered to them by the state, but as of today, nearly all are still drinking the same water. While this dynamic is to some degree reflective of the incompetence of the Indian government, its consistency is due to particular systemic ideas about poverty and the role of government in the lives of the poor. Most of the in India, live in unhealthy conditions, and so in the eyes of the Indian government while the category of gas victim could plausibly claim compensation, they did not have a claim to a healthy standard of living. To treat or pay off those they made sick might be their responsibility; to cure their poverty was not. However, in Bhopal the struggle of poverty endlessly impedes the healing process of the exposed making these two goals fundamentally inseparable. The clear and unflinching exposure of this basic fact has been the crucial accomplishment of the Bhopal survivor's movement.

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<sup>3</sup> The government has also ignored the recommendations of several medical reports, such as the 1994 International Medical Commission on Bhopal, and M. Verweij's *Health Infrastructure for the Bhopal Gas Victims*, which concluded that a community health based, rather than hospital based, model of care is most likely to succeed in Bhopal, as most illness is chronic rather than acute.

Survivors' movements did not form spontaneously in the immediate aftermath of the gas disaster, but rather over time through a process of politicization framed and stimulated by precisely this insincere attitude towards rehabilitation. In 1985 the MP government created 38 income generation projects to employ gas affected women, many of whom were now sole wage earners and/or too weak to accomplish heavy manual labor. Men were not offered employment by the government, ostensibly because many of them had been driven to alcoholism by their loss, or sudden inability to provide for their families. The workshops trained women to do printing, production of leaf cups and plates, leatherwork, sewing and crafts. In 1986 the government closed the factories, claiming they were no longer necessary. Six hundred women in one facility organized and protested successfully to reopen the workshops, obtaining jobs for 2300 women. (Fortun, p.218) The organization they formed, Bhopal Gas Peedit Mahila Udhoyog Sangathan (BGPMUS) or the Bhopal Gas Affected Working Women's Union, would become the largest organization of gas survivors in Bhopal with memberships in the tens of thousands of women. (Sarangi, in Hanna, et.al. 2005)

Around the same time Champa Devi Shukla, a Hindu, and her Muslim co-worker, Rashida Bee, began to agitate for better wages and conditions at their workshop of one hundred women. This agitation led to the creation of the Bhopal Gas Peedit Mahila Stationery Karmachari Sangh – Bhopal Gas-Affected Women Stationary Employees Union (BGPMUS).<sup>4</sup> BGPMUS and BGPMSKS, both women's movements (though in the case of BGPMUS, not female led<sup>5</sup>) would grow to become the core of the Bhopal the survivors' movements. Women, chosen for the governmental employment schemes on the basis of their traditional roles – i.e. the cultural taboo against women drinking alcohol – took a small step out of these roles when they began working at the factories, and an even bigger step when they began to claim their rights as workers. “Like many of India's poor” wrote Kim Fortun in her book on Bhopal advocacy “most Union women never expected to be provided for by the state in a positive sense. Nor, however, did they expect a relationship with the state by way of the negative. Insufficiency could be lived quietly. Asphyxiation could not.” (Fortun, p. 255)

The income generation projects were intended as a palliative gesture rather than a transformative one, but their effect on the political sensibilities of the participants was irrevocable. In the years since, the demands of the unions expanded from labor to rehabilitation, justice, compensation, and medical care – and finally to global corporate accountability. Their tactics range: on anniversaries they burn the corporation or government in effigy; on Saturdays BGPMUS meets in a park to retell their stories and sharpen their politics; survivors have repeatedly staged effective hunger strikes; representatives have traveled to meet with UCC/Dow CEO's and trustees and deliver *jhadoos* (the simple brooms women use to sweep with, telling these men to “clean up Bhopal”). The survivors' target is usually some level of the Indian government (the point

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<sup>4</sup> Other organizations include Nirashrit Pension Bhogi Sangharsh Morcha, Bhopal ki Awaaz (Voice of Bhopal), an organization of children orphaned by the disaster.

<sup>5</sup> Although, problematizing the characterization of this group as a “women's movement” BGPMUS has a male, non-gas affected leader, a man named Abdul Jabbar.

of contact), but occasionally it is the liable corporation and its former CEO. After the settlement, union women boarded trains spontaneously and summarily entered and trashed Union Carbide's New Delhi offices.<sup>6</sup> While it took time to formulate responses to the initial disaster, these groups subsequently became the driving force behind the movement to clean up the water and ground contamination in Bhopal since the early 1990's. As they began to organize, Bhopal's victims purposely relabeled themselves. They were now *survivors*.

## **b) Translating the disaster**

In 1984, the organized left had few strong bases in Bhopal. This fact, combined with the extreme poverty and low levels of education in the areas worst hit by the gas created a situation in the immediate aftermath in which most initiatives for justice and rehabilitation were spearheaded by middle-class, mostly leftist Indian activists from outside Bhopal. Generally, these activists had more in common with the government functionaries or corporate officers they were fighting against than they did with the poor and working class victims they were fighting for, which meant that miscommunication with, stereotyping of and discrimination against the victims also occasionally occurred on the side of the activists. However, these activists were fluent in the many idioms of this truly international disaster. They were capable of engaging the many levels at which Bhopal was fought - in at least two countries, with many types of expertise, against corporate, governmental and media targets, and in the languages of English, science, technology, and law.

Out of the contradictions inherent in having outsiders speak *for* the survivors, the Bhopal Group for Information and Action (BGIA) emerged. BGIA was created in 1986, as the survivor groups were forming as a volunteer organization of activists that could interpret (both literally and figuratively) between Bhopal and the rest of the world. Also, critically, BGIA labored to produce the evidence and documentation necessary to support the claims of the survivors in technical fora. In sum, BGIA has acted – though by definition, ever inadequately – to level the playing field between the survivors and their targets: the GOI, the USA, and most importantly, Dow/Carbide.

BGIA became the contact and entry point for the international activist involvement in Bhopal. International involvement dates back to the disaster: around the world people were shocked, not only by the suffering in Bhopal but also by the potential parallels to it in their own backyards. Foreign actors offered connections to a wider network, access to communication technologies, and sometimes access to audiences that have the power to effect change (i.e. pressure on Indian embassies abroad has often proved more effective than pressure on the government in India). They have worked to create alternatives to the national and international infrastructures that chronically failed to reflect the needs or realities of the Bhopal survivors. The Permanent People's Tribunal's on Industrial and

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<sup>6</sup> However, when they protested in front of Dow's Mumbai offices in 2002, they were slapped with a \$10,000 dollar lawsuit for disrupting business.

Environmental Hazards and Human Rights (PPT), for example, convened in Bhopal in 1992 in an attempt to address the inadequacy of the legal response to Bhopal by calling survivors (among others) to the stands. An offshoot of the PPT, the International Medical Commission on Bhopal – a group of independent doctors who attempted to assess the scope of the damage ten years later – reflected the inattention of groups like the World Health Organization to the world's worst industrial disaster.<sup>7</sup> Finally, in response to the categorically unscientific, unsympathetic and palliative pharmaceutical treatment that survivors receive in the government hospitals, Satinath Sarangi, a BGIA activist, started the Sambhavna<sup>8</sup> Clinic in 1996. Sambhavna, presents alternative vision of rehabilitation – one that can provide long-term, and often chemical-free treatment (Sambhavna provides allopathy along with traditional ayurveda and yoga/pranayama -- yogic breathing – which has shown measurable effects for many symptoms of gas exposure). Also, in contrast to the professionalized, secretive work of the hospitals, Sambhavna's initiatives are fully transparent and imbedded in the community health work, research, and documentation necessary to counter the attempted erasure of the sick.

The clinic, however, despite the tangible (and eminently fundable) rehabilitative nature of its services, refuses to take money from the government, corporations, or any corporate foundations. Sambhavna is supported entirely by donations from individuals, primarily in the UK through a fundraising campaign that connects individuals donors to survivors, furthering the endless work of translation of the survivors' stories to the outside world, and simultaneously allowing the clinic to function free from the influence from the government or the particular agendas of development agencies and foundations. As Sambhavna treats more and more patients however, this raises the question of whether privately provided treatment may only replace rather than stimulate excellence in the government infrastructure. Thus far, however, Sambhavna, through their innovative care and scrupulous documentation, has begun to develop an international reputation that has begun to allow it to shine a bright and critical light on the existing care infrastructure.

The International Campaign for Justice in Bhopal (ICJB), a coalition of survivor, local and international activists, emerged in the 90's. In a refreshing inversion of the earlier history of the movement, ICJB has a survivor-led structure, in which groups and individuals abroad coordinate with four survivor groups in Bhopal (with BGPMSKS as convener). ICJB campaigns on both local – contaminated water, police brutality, court battles – and global issues. A recent and very effective ICJB campaign, “Neend Udao” (Drive Sleep Away) involved women from the communities banging on pots and pans

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<sup>7</sup> The IMCB issued their report in 1995, noting, among other things, “Bhopal's current, hospital-based delivery of health care is inappropriate for the chronic nature of the disease... It is recommended that the Indian health authorities adopt Bhopal as a priority for the implementation of their stated policy of community health-based approaches.” (Reader 139) The difficulties posed by all these tasks has primarily served as a reminder that while non-governmental actors, in this case, can set models for research and treatment, they cannot, in scope, replace the role of the government, or the resources that the corporation could have used to rehabilitate Bhopal.

<sup>8</sup> Sambhavna translates to “hope” or “possibility.”

outside the homes of uncooperative local officials, while international allies in other time zones awoke them with phone calls. ICJB maintains an unbending anti-corporate stance in accordance with the wishes of the survivor groups.

Finally, making “international connections” has meant different things. It has meant making connections to other grassroots and labor groups – as when several survivors toured Japan, Holland, Ireland and the USA on a “toxic tour” meeting with other affected communities – but it has also, particularly more recently, meant forging alliances with some very high profile advocacy groups, such as Greenpeace and Amnesty International. While entry into their networks has powerful and positively impacted the ability of the Bhopal campaign to reach different audiences, it has also in some cases reframed the issue differently than how the survivors frame it. Greenpeace, for example, concentrates on issues of contamination (where their work has been crucial), rather than health, justice or economic rehabilitation, to fit their “environmental” target. Similarly, Amnesty interprets Bhopal as a “human rights” issue, sometimes to the exclusion of other pressing problems. As in the case of the outside Indian activists, inherent inequalities have complicated the Bhopali’s relationship to international activism. The local standard for behavior set by UCC and the personal injury lawyers who followed them to Bhopal made foreigners singularly unpopular, and for a long time it was politically impossible to accept funding from abroad, because it would be assumed that it had some connection to the corporation.

### **c) Refiguring disaster**

The gas affected have staked claims to a set of rights that are not afforded to most Indians. In writing about the attitudes of the non-gas affected Bhopalis the Delhi University professor Suroopa Mukherjee notes “I am repeatedly told ‘Slums in any part of India are no different from the gas-affected *bastis*. Who drinks clean water in India? Are not most women in India anemic... if you say there are more cancers in Bhopal, maybe Bhopalis smoke more.’” (Mukherjee, in Hanna et.al eds. p.120) The second part of the governmental and corporate strategy has been to give credence to these attitudes by inhibiting research and documentation about the effects of the disaster. The corporation, for example, has refused to release their medical studies on MIC exposure, while the government prematurely wound up all twenty-four Indian Council of Medical Research (ICMR) long-term research studies on the effects of the disaster in 1994, likely as evidence of second-generation damage was emerging (despite the pleas for continuation by its primary investigator).

This sabotage of effective research and documentation by the government and the corporation in Bhopal has been paralleled internationally by a corporate PR campaign to convince the world that Bhopal is over. Over the years UCC put huge amounts of money and resources into this effort,<sup>9</sup> and then in 2001, became a fully owned subsidiary of the

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<sup>9</sup> Which is why, for example, while resources on the Bhopal disaster are generally scarce, a copy of the UCC propaganda film *Unraveling the Tragedy*, which blames the disaster on an errant worker, can be found at almost every public library in the United States.

Dow Chemical Company, the largest chemical company in the world. However, this did not erase UCC and Bhopal from the face of the chemical industry; rather, this merger strengthened the Bhopal movement by uniting it with a vast network of other groups victimized by Dow. Bhopalis now stood in solidarity with the Agent Orange victims of Vietnam (and US veterans), with Nemagon victims from Nicaragua or with dioxin affected communities at Dow's headquarters in Midland, Michigan, just to name a few. This has opened new frontiers for Bhopal. Lawyers, for example, have challenged Dow over Bhopal through filings at the Securities and Exchange Council, alleging that Dow misrepresented UCC's liabilities when it purchased UCC, and shareholders have introduced resolutions at the Dow annual general meeting, calling for it to resolve the Bhopal liabilities (the resolution got 6% of the vote in 2004). Activists have delivered "Bhopal water" to the homes of trustees. Finally, in two major recent victories, the Bhopal court issued a summons to Dow (who does business in India), asking why it could not present the absconder, UCC to the court. In a tangible recent victory, activist pressure motivated the Indian Oil Company (a state owned industry) to cancel a multi-million dollar technology purchase contract with Dow in the summer of 2005, on the grounds that Dow had misled them: the proprietary technology in question had not been developed by Dow, but rather by the absconder UCC. And on the 20<sup>th</sup> anniversary, the media activist duo the Yes-Men impersonated Dow on the BBC international, taking full responsibility for Bhopal, causing temporary panic and lasting anxiety among shareholders and corporate officials.

This position precisely opposes the position of the survivors and activists, whose work has centered around re-framing Bhopal as an inherently continuing disaster that challenges established truisms about poverty, health, justice and the tolerated parameters of corporate behavior. Effective campaigns aside however, Bhopal remains in crisis. Initiatives like Sambhavna and the PPT can only function as examples and possibilities, they cannot replace functioning international and national structures. Obtaining justice and putting an end to the ongoing medical and economic disaster in Bhopal require major paradigm shifts that are not accomplished overnight, as the slow crescendo of Bhopal activism over nearly twenty-one years indicates. The Indian government will need to recognize the disaster as continuing and complex, and put pressure on both Dow/Carbide and the US government to provide the support and expertise necessary to begin the long process of genuine rehabilitation.

## **Conclusion**

Bhopal is exemplary, exceptional and sadly reflected (on differing scales) in the experiences of millions of others, particularly the poor, worldwide. It is therefore crucial to understand the problems that have become explicit in the varied responses to the Bhopal gas disaster, because a sophisticated balancing of these tensions remains necessary to the conception of permanent solutions. Firstly, the inadequacy of response helped stimulate a now globalized discourse of rights within (particularly female) survivor groups, transforming their own sense of entitlements, and refocusing their resilience, savvy and rage onto global targets that embody injustice and impunity. Secondly, in attempting to surmount, under great duress, the extremity of the structural

inequalities that constituted (and it could be argued, partially caused) the disaster, survivors and activists have found themselves alternately caught within these structural frameworks, and singularly liberated by opportunities to change and subvert them. The problems and rewards of translation between cultures and classes, or towards and in subversion of legal and scientific bodies, has marked Bhopal as a locus for global innovation in communication and activism. Finally, Bhopal has refigured and blurred the borders of engagement on both chemical and corporate issues, forcibly and constantly refuting efforts to compact the continuing catastrophe into a discrete “event” and effectively strengthening and rearticulating demands against Dow and UCC precisely at the moments of attempted dissolution. Whether the activism around Bhopal, the tenacity of the survivors, or the outrage of their supporters can bring about a sea change in international justice, environmental policy or corporate accountability remains an open question. However, the fact that they will keep fighting for it seems certain.

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