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July 8, 1996

John and Virginia Amato
604 Hector Avenue
Metairie, LA 70005

Dear Mr. and Mrs. Amato:

I am writing to update you on the most recent information we have available regarding the bus accident in India during the Spring 1996 Semester at Sea. The details we have been provided do not differ significantly from those which we have had and previously communicated to you. We do, however, wish to keep you closely advised, to let you know of some of the steps we are taking and to clear up some possible misinformation.

Status of Accident Investigation

We have, on an ongoing basis, been communicating with the U.S. State Department in New Delhi, as they have seemed to be able to access information more easily than we or other private entities. Unfortunately, gathering information in India is a very slow process, which is frustrating to those of us who are more used to dealing with information gathering in the United States. The consular section of the State Department in New Delhi has provided us with the following information.

The District Magistrate in the Mathura District (the District in which the accident occurred) has requested that the State Department provide the court with copies of all communications with the police so that the court can check on the progress of the legal proceedings concerning the accident.

On April 19, 1996, the bus driver appeared in court and provided his version of the accident. He apparently said that the high beam headlights from an oncoming truck blinded him and he could not see the curve in the road where the accident occurred. He said he was therefore unable to negotiate the curve, which resulted in the accident. He said that he was not driving too fast, had not been drinking and was not overly fatigued.

The driver has been released on bail of 10,000 rupees (approximately US \$300.00) and the case has been continued to some time in the future. The police in Mathura District have requested that the State Department provide them with the names of witnesses to the



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accident to present evidence in court. There were apparently no witnesses at the site, and thus the local police will request the State Department to provide the names and addresses of those on the bus. Once the police gather testimony, they will submit it to the Magistrate, who will then compare it with the testimony of the bus driver to decide if there is enough evidence to bring charges against the driver. The Indian legal process would ultimately require that witnesses appear in court in India to enable cross-examination. The State Department has given the opinion that since the driver was seriously injured and has a family, he is not a flight risk, which is why he has been released on bail. This legal process will most likely take years.

We have been provided no information which differs from, or adds to, the information provided by the State Department. We think the fact the ISE employees responded on site immediately after the accident has meant that the information we had at that time, from those on the bus, is the most accurate information available.

Frequently Asked Questions About the Accident

ISE has had communication, on an ongoing basis, with many parents of students who were on the bus at the time of the accident. I wish to summarize below the information we have given in response to frequently asked questions, and, hopefully, to clarify some misinformation which some of you may have had.

- a. The decision to change the itinerary to include the bus trip was made by the tour agent, with whom we work in India, because he learned that the airline had over-booked the flight that was to have taken the students from Varanasi to Agra. ISE has worked successfully and safely with this tour agent for many years, and had no reason not to rely on their judgement and arrangements.
- b. ISE follows closely a variety of sources of information dealing with safety around the world, including information from the U.S. Department. ISE had no prior information that indicated that the road on which the accident happened was not appropriate for bus travel as was arranged.
- c. It has been said that ISE thoughtlessly requested "\$3,000 in the middle of the night" from parents of the deceased to cover expenses to repatriate the bodies of the deceased. In fact, those calls were made by the State Department, unbeknownst to ISE, as part of State Department standard operating procedure. The State Department takes complete control over the remains and possessions of U.S. citizens who are killed abroad. If ISE had known the \$3000 was to be requested, ISE would, as a courtesy to those families and to spare them further anguish, have made such payments. ISE did, in an effort to demonstrate our concern and sympathy, reimburse those families for such amounts.
- d. This tragedy has deeply affected the lives of ISE staff. We live with this daily and, while we did not lose family members in the bus accident, the students who were lost and injured are of great concern to us. It has been reported that we have been either "complacent" or "arrogant" in our response. We can only assume that is because, as information has been difficult for us to get, we have sometimes had difficulty communicating it as quickly as some of you would have liked. I wish to reconfirm to all

of you our deep care and concern for each and every student that has participated or will participate in Semester at Sea. The program is our great love, and we take immense pride and joy in offering it. We would do nothing to compromise the safety of any one of the students who travel with us, and we feel deeply the loss and injury of those involved in the bus accident.

- e. It has been said that injured students were not accompanied by adults when they were brought to hospitals in India. This is not accurate. Three ISE staff members were on site assisting with the coordination of hospitalization, and transferring students to the best hospital available in the area. We immediately sent the shipboard physician and the Administrative Dean to the accident site. I personally traveled to India to help facilitate medical and support service to the injured students. In addition, the tour company and the U.S. Embassy had representatives providing assistance.

Indian Attorneys

We enclose, with this letter, a list of attorneys which has been provided to us by the U.S. Embassy and other sources of attorneys in India who should be competent to bring an action in the appropriate forum against the bus company, if you are interested in doing so. We have no personal knowledge of such attorneys of their competence. We are advised that any such claims must be filed individually, and that ISE cannot file a claim on your behalf.

We are advised that the statute of limitations in India provides that any action involving a motor vehicle must be filed with six (6) months of the date of the accident. Thus you should be sure, if you wish to file an action, that it be done within that time frame.

We have advised you in previous correspondence that the bus company is insured by the General Insurance Company of India. We are advised that the name of the company which owned the bus is Apollo Travels. We understand that the parent company may be Adarsh.

As any claim in India is unlikely to be resolved quickly, it is perhaps advisable that you look to your own accident and property loss insurance as your first avenue of reimbursement. That insurance company may then seek, as a matter of subrogation, recovery from the Indian bus company and its insurers.

There has not been a day since the accident that we at Semester at Sea have not thought of you. We are willing to answer any questions, for which we have answers, and to continue to be of assistance in whatever way possible. We continue to put safety first in our program and assure you that we will always take all necessary steps to ensure the safety of participants in Semester at Sea.

Very Sincerely Yours,



John P. Tymitz, Ph.D
Executive Director

CONSULAR SECTION AMERICAN EMBASSY NEW DELHI INDIA

Selected List of Attorneys in the
CONSULAR DISTRICT OF NEW DELHI

(As of July 1994)

The American Embassy at New Delhi assumes no responsibility for the professional ability or integrity of the persons whose names appear in the attached list. The order in which the names are listed is alphabetical and has no other significance.

All the lawyers listed are advocates of the Supreme Court located in New Delhi and are authorized to practice before the courts of the country.

The New Delhi Consular District includes the Union territories of Delhi and Chandigarh and the States of Haryana, Punjab, Himachal Pradesh, Rajasthan, Uttar Pradesh and that part of Jammu and Kashmir under the de facto rule of the Republic of India.

Credit reports can usually be obtained through banks or through commercial reporting agencies. The Citibank of New York and Bank of America have branches in Bombay, Calcutta, Madras and New Delhi. American Express have branches in New Delhi, Bombay and Calcutta and has representatives in all the main cities of India.

UNION TERRITORY OF DELHI
(CAPITAL: NEW DELHI)

(CIVIL MATTERS)

NEW DELHI
AGGARWALA, SATISH:

Off: Chambers: 226-227, Patiala House, New Delhi, Tel: 385818; Res: 82, North Avenue, New Delhi, Tel: 3014861.

LL.B. In practice for past 24 years. Handles all types of cases including criminal. Specialized in customs, criminal and passport act. Handles for U.S. Citizens: auto accidents, narcotics, copy-rights, immigration, theft/fraud/embezzlement. Provides certified translator, court reporter/stenographer or notary and accepts outstation cases.

ANAND AND ANAND ASSOCIATES

Addresses: 1 Jaipur Estate, Nizamuddin East, New Delhi 110013; Tel: 4619639 4615833

102 Lawyers' Chambers, Delhi High Court, Sher Shah Raod, New Delhi 110003. Telex: 31-65473 ACME-IN; FAX 011-4624243 & 011-3325045

specialises in industrial property matters. This firm is a sister concern of the ACME company established in 1923 as a firm of patents and trade mark, patent, copyright and design application before the Tribunals & Copyright Board while Anand and Anand handles litigations.

BHASIN AND COMPANY:

Bhasin & Co. is a law firm that undertakes work of both solicitors and advocates. The firm has a branch office in Bombay. In addition, we have a number of correspondents outside Delhi with whom we work in association. The firm also renders legal advice to its clients abroad and attends to their legal problems in India.

They are willing to handle the following cases for U.S. citizens: adoptions, civil damages, govt. relations, taxes, foriegn claims, insurance, labor relations, child custody, estates, marriage/divorce, corps., investments, marketing, patents, and immigration

The fields of specialisation are aviation and shipping law, corporate matters including joint ventures, general litigation. They will provide a translator.

NEW DELHI: 10 Hailey Road, 10th Floor, New Delhi Tel: 3322601; 3326968; 3329878 Telex: 031-66030 Law IN FAX No. 9111-3329273

BOMBAY OFFICE: 116 Mittal Court, "A" Wing, Nariman Point, Bombay 400021; Tel: 242050, 244493, 2042954; Telex: 011-5651 LAW IN., FAX: 9122-2874332

BHATIA, MEERA:

Office: Meera Bhatia and Co. 402 Lawyers' Chambers, Delhi High Court, Sher Shah Road, New Delhi-110003, Tel: 385824/388742, Telex: 031 72721 COTC IN. Res: Tel: 697957; FAX: 91-11-6885127.

B.A.(Hons.), LL.B. In practice for past 20 years. Handles criminal cases and specialized in commercial, criminal and family corporate. Handles for US Citizens: civil damages, banking/financial collections, foreign claims, auto accidents, narcotics, child custody, marriage/divorce, contracts, foreign investment, marketing agreements, patents/trademarks/copyrights, embezzlement. Provides services of a certified translator, court reporter/stenographer or notary and accepts outstation cases. Represents U.S. Law firms/companies.

CHOPRA, KISHAN LAL:

Address: 61-B, Rishi Nagar, Ballabgrah 121004 Dist. Faridabad (Haryana). Tel: 8842304.

B.Com., LL.B. In practice for 31 years; handles criminal cases. Specialised in civil, financial international law. Handles for US Citizens: civil damages, government relations, banking/financial collections, foreign claims, auto accidents, child custody, estates, marriage/divorce, aeronautical/maritime, contracts, corporations, foreign investment, marketing agreements, copyrights, immigration. Provides services of a certified translator, court reporter/stenographer or notary and accept outstation cases. Represents U.S. law firms/companies.

J. B. DADACHANJI RAVINDER NARAIN MATHUR & CO.:

Jeevan Vihar, 1st Floor, 3 Parliament Street, New Delhi 110001; Tel: 311013; 312628, 312573; 352641; 352663; Telex: 031-66519 JBD IN. FAX: 011-352505. Cable: JUSTICIA, New Delhi, India.

(a) Handles general litigation cases, including constitutional, anti-trust, labor and industrial laws, oil & mining, property & real estate law and litigation in the Supreme Court of India & the State High Courts, tribunals including central excise, customs duty and industrial tribunals, monopolies & restrictive trade practices commission, arbitration including international commercial arbitrations.

(b) General corporate practice, formation of joint ventures, collaboration & licensing agreements, international contract, formation of companies including joint venture companies, foreign investments, corporate law, taxation including taxation of foreign corporations & nationals, foreign exchange control laws and banking.

KALRA, PRAVEEN:

Off: Shop No:102, 94 Meghdoot Building, Nehru Place, New Delhi-110019; Tel: 6415638.

Off. cum Res: R-490 New Rajinder Nagar, New Delhi 110060. Tel: 5736813, 5784031.

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ES: S-23 Greater Kailash I, New Delhi 110048. Tel: 6411265.

Specialized in intellectual property, foreign investment & transfer of technology. Handles for U.S. Citizens: contracts, joint ventures, licensing, litigation, arbitration, foreign investment, corporations, marketing agreements, patents/- trademarks/copyrights and accepts outstation cases. Represents U.S. law firms/companies.

SAHARYA, SARDAR BAHADUR:

Off: M/s Sharya & Co., Lawyers' Chambers, No.18 Supreme Court Buildings, New Delhi 110001. Tel: 387551.

Res: 'SAVITA", A-22, Neeti Bagh, New Delhi 110049. Tel: 667968.

General practice, can handle all types of cases in Supreme Court. Fluent in English, Urdu and Hindi.

SETHI, SANTOSH:

Address: National Institute of Immunology, G-1, Shahid Jeet Singh Marg, New Delhi 110067. Tel: Res: 6863004, Ext. 273, FAX: (91-11)3782595; Off: 384150, Telex: 31-62571-SCI-IN.

B.A., M.A.in Arts, LL.B., LL.M. In practice for 12 years. Handles criminal cases and specialised in International & civil. Handles for U.S. Citizens: civil damages, auto accidents, foreign claims,

marriage/divorce, insurance, narcotics, adoptions, child custody, maritime/aeronautical contracts, copyrights, corporations, foreign investment, marketing agreements, immigration. Provides services of certified translator, court reporter/steno-grapher or notary & accepts outstation cases.

SINGLA, A.K.:

Address: Flat L. Sagar Apartments, 6 Tilak Marg, New Delhi 110001. Tel: 383737, 384954, 388193

Graduated in Sciences and Law thereafter from Delhi University.

In practice since 1971, handles all types of cases, constitutional commercial, company law, industrial law, arbitration. Specialization in trial court actions; drafting tripartite agreements, trade disputes, collection cases. Retained as advisor by various financial institutions, banks corporate bodies of repute.

ORR DIGNAM & COMPANY:

Add: National Insurance Building (Jeevan Tara), Ashok Road Entrance, Parliament Street, New Delhi 110001. Tel: 310021/310098; Telegrams: DIGNIOR NEW DELHI, Telex: ND-62079 ODCO IN.

Handles criminal case & specialised mainly in contracts, adoption, marriage/divorce,

arbitration. Handles following cases for U.S. Citizen: adoption, civil damages, auto accidents, marriage/divorce, contracts, corporations and immigration. Also provides services of certified translator, court reporter/stenographer or notary & accepts outstation cases.

SINGHANIA & COMPANY

Address: B-92, Himalaya House, 23 Kasturba Gandhi Marg, New Delhi 110001, India, Tel: 3318300/305

Cable Address: SINGANIACO; Telex: 31-61373 ALFA IN, 31-62662 DCS IN, FAX: 91-11-3314413

Specialised in Technology joint ventures, transfers, licensing agency, collaborations, franchise law, drafting and negotiating Government & Public Sector Company contracts, formation of companies, foreign investments, international tenders, takeovers and mergers, import & export, exchange control regulations, banking, private international law, national and international commercial arbitration, immigration law, taxation of foreign companies and nationals, intellectual property trade marks, patents, copyrights.

General law practice of Supreme Court and High Courts, Tribunal including Customs, Monopolies & Restrictive Trade Practices Excise, Industrial Labor, Commission, anti-trust, labor, mining, real estate & urban laws,

arbitration, administrative procedures, economic regulations, company law, conveyancing, service matters.

SEN, KAUL & ASSOCIATES:

Address: DBS Executive CenterWorld Trade Towers, 1st Floor, Barakhamba Lane, New Delhi 110001, India. Tel: 331-4668, 331-2840, 600168; FAX: 6873305; Telex: 031-62111 KTPL IN

Professional affiliations: State Bar of California, American Bar Association, Professional Engineer of California, Supreme Court Bar Association, Indo-American Chamber of Commerce, professorial lecturer of operations research, Indian Council of Arbitration.

SINGH, HERJINDER

Off: Chamber No: 105, Supreme Court, New Delhi. Res: C-58 Neeti Bagh, New Delhi 110049; Tel: 667020/662014.

M.A., LL.B. In practice for more than 30 years. Handles criminal cases and specialized in civil, revenue and criminal law. Handles for US Citizens: adoptions, civil damages, government relations, banking/financial collections, foreign claims, mining/petroleum, auto accidents, narcotics, child custody, marriage/divorce, contracts, corporations, foreign investment, copyrights,

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B.Sc., LL.B. In practice since 1976. Specializes in divorce, civil rights & adoptions. Handles for U.S. Citizens: adoptions, civil damages, collections, foreign claims, auto accidents, narcotics, child custody, estates, marriage/divorce, contracts, corporations, foreign investment, marketing agreements. Provides services of a certified translator, court reporter/stenographer or notary and accepts outstation cases.

KALRA, YOGESH:

Off: (1) Court Chamber 9, Western Wing, Tis Hazari Courts, Delhi.
Tel No: 2911924.

(2) 39 Basant Lok, Vasant Vihar, New Delhi 110057. Tel: 679019;
Telex: 676978. Res: 5587734

B.Com., LL.B. In practice for 15 years and legal specialized fields of recovery, custody & trade mark cases. Handles criminal cases. Handles for U.S. citizens: adoptions; civil damages; banking/financial collections, foreign claims, insurance; labor relations; mining/petroleum; auto accidents; narcotics; child custody; estates; marriage/divorce; aeronautical/maritime; contracts, corporations; foreign investment; marketing agreements; patents/trademarks/copyrights; immigration. Also provides services of certified translator, court reporter/stenographer or notary; accepts outstation cases and represents U.S. law firms.

KISHORE, JAGDEEP:

Off: K-40, Connaught Circus, New Delhi 110001. Tel: 332-9344;
Chambers: 331 Lawyers' Chambers, High Court of Delhi, Sher Shah Marg, New Delhi 110003. Tel: 385296. Res. Tel: 232549

B.Com (Hons), LL.B., LL.M. Practicing Law for the past 21 years. Handles criminal cases and specialized fields are Civil, criminal and constitutional. Handles following cases for U.S. citizens: adoptions, civil damages, banking/financial collections: foreign claims, insurance, auto accidents, Narcotics, Arbitration, child custody, marriage/divorce, Aeronautical/Maritime, contracts, corporations, theft/fraud/embezzlement. Also takes outstation cases.

LUTHRA, K. K.:

Off: 109 Lawyers' Chambers, Delhi High Court, New Delhi 110003.
Tel: 386545; 2523030

Res: C-2, Defence Colony, New Delhi. Tel: 4626268, 4635511, 698483.

LL.B., M.A. Pol. Science, Diploma in Journalism. In practice for 43 years. Handles criminal cases Specializing in contracts, matrimonial cases, customs and narcotics. Handles following for U.S. Citizens: adoptions, civil damages, taxes, banking/financial collections, foreign claims,

insurance, labor relations, auto accidents, narcotics, child custody, estates, marriage/divorce, contracts: corporations, foreign investment, investment in raw materials, marketing agreements, copyrights, immigration & theft/fraud/embezzlement. Provides services of certified translator, court reported/ stenographer or notary and accepts outstation cases.

LUTHRA, ANAND & ASSOCIATES:

Off:A-126, Neeti Bagh, New Delhi 110049. Tel:666356;
FAX:011-6862857

Chambers: 109, Lawyers Chambers, Delhi High Court 110003.Tel: 386545

30, Lawyers Chambers, Supreme Court of India, New Delhi 110001, Tel: 384494

Foreign collaboration and investments, international and national commercial arbitration, partnerships and joint ventures, property transactions including sales, purchases and leases of industrial and commercial premises, banking law, commercial law, trade mark, copyrights and patents, custody petitions, adoptions, matrimonial law.

PANJWANI, RAJ & VIJAY:

Off: 339 Lawyers' Chambers, Delhi High Court, New Delhi. Tel: 389635; RES:2251206/2253660.

M.A.(English Literature), LL. B. ^{RES.}
In practice for 14 years in all branches of law, including foreign exchange laws, gold control laws, customs, excise, criminal, bail, arbitration, contract & agreement, labor & constitutional laws, rent and landlord-tenant laws, motor accidents, air accidents, marriage-divorce and custody of children laws, foreigners act, trade marks, international trade disputes, private & public international law and environmental laws.

RATHEE, KARAM V.:

Off: Rathee, Rathee & Associates. 104 lawyers' Chambers, Supreme Court of India, New Delhi 110001. Tel: 382487; 225 Lawyers' Chambers, Delhi High Court, New Delhi.

Res: A9/32, Vasant Vihar, New Delhi 110057. Tel: 672261

In practice since 1969; handles cases relating to civil damages, banking-financial, foreign claims, insurance, marketing agreements, patents, trade marks, and immigration. Legal counsel to Crown Life Insurance Co. Toronto, Canada; accepts collection cases. Proficient in English and Hindi.

REMFRY AND SAGAR-ATTORNEYS-AT-LAW

Remfry House, 8, Nangal Raya Business Center, New Delhi 110046. TEL: 5598024, 5598072/74; Telex: 31-76076, 76278 LEXD IN, FAX-91-11 5594437/5598013.

AGGARWAL, PRADEEP:

908 Arunachal, 19 Barakhamba
Road, New Delhi. Tel: 3716954/
3351016; Res: 6872266/6884203.

B.Com, F.C.A. In practice for 13
years & specialized in finance,
contracts & investments. Handles
for US Citizens: taxes,
banking/financial collections:
foreign claims, Insurance,
contracts: corporations, foreign
investment.

DHAWAN, SURINDER MOHAN:

Address: M-62, Connaught Circus,
New Delhi. Tel. 3322513

M.A. in Political Science, LL.B.
Handles both civil & taxation
matters; specializes in
income/sales/gift tax & estate
duty, consultant to several
business houses, as well as to
individual foreign businessmen in
India.

NARANG, D. M.:

Address: D. M. Narang and Co.,
Chartered Accountants; E-6,
Connaught Place, New Delhi
110001. Tel: 3329753; Res:
586019/5751849.

B.A., F.C.A. In practice for 30
years & specialized in income
tax, company law, sale-tax,
audit. Handles taxes,
banking/financial collections,
labor relations, estates,
contracts, corporations, foreign
investment, marketing agreements.

Mr. Vijay Kumar Govil, Advocate

Lekhraj Nagar
Aligarh
Phone: 404022

immigration, theft/fraud/
embezzlement. Also provides
certified translator, court
reporter/stenographer or notary
and accepts outstation cases.

SINGH, S.P.:

Off: Chamber No:124, Patiala
House Court, New Delhi 110001,
Tel: 387001. Res: S-391 Greater
Kailash Part II, New Delhi
110048. Tel: 6411075/
6466645.

B.Com, LL.B. In practice for 9
years and handles criminal cases.
Specialized in Customs, F.E.R.A.,
Criminal & MACT. Handles for US
Citizens: adoptions, civil
damages, insurance, auto
accidents, narcotics, marriage/
divorce, contracts, marketing
agreements, copyrights,
immigration, theft/fraud/
embezzlement. Also provides
services of certified
translator, court reporter/
stenographer or notary & accepts
outstation cases.

GUPTA, RAMESH:

Off: 54 Patiala House Court, New
Delhi 110001; Tel:38140L. Res:
64 Munirka Enclave, New Delhi
110067; Tel: 669477.

B.A., LL.B. In practice for 18
years and handles criminal
cases. Specialized in Indian
Penal Code, Copyrights and
Narcotics. Handles for U.S.
Citizens: narcotics, patents/
trademarks/copyrights,

immigration, theft/fraud/
embezzlement. Also provides
notary services.

DR. SINGH & ASSOCIATES:

D-64 Amar Colony, Lajpat Nagar
IV, New Delhi-110024; Tel.
6434218 Fax 6420005

Dr. Surat Singh was admitted to
the Delhi bar in August 1982.
His firm handles criminal cases.
Their fields of specialisation
are Const. Law, Inter. Law,
Foreign Investments. They are
willing to handle the following
cases for U.S. citizens:
Adoptions, Civil damages, Govt.
relations, banking/financial
collections, foreign claims,
insurance, labor relations,
mining/petroleum, Auto accidents,
narcotics, child custody,
estates, marriage/divorce,
aeronautical, maritime contracts,
corps., foreign investments,
investments in raw materials,
marketing agreements, patents,
imigration/theft/fraud/
embezzlement. They provide the
services of a translator, court
reporter, stenographer or notary.

INCOME TAX CONSULTANTS

AGGARWAL P. & ASSOCIATES,
CHARTERED ACCOUNTANTS:

ADDRESS: A-1/150, Safdar Jang
Enclave, New Delhi 110029.
Tel: 605271; 908 Arunachal
Building, Barakhamba Road, New
Delhi 110001. Specialization in
taxation, tax planning, audits,
insurance & other financial
matters.