

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 50 OF 1998

BHOPAL GAS PEEDITH MAHILA U.SANGAT.&ORS

Petitioner(s)

VERSUS

U.O.I. & ORS

Respondent(s)

(With appln(s) for directions,exemption from filing O.T.,impleading party and office report )  
(For final disposal)  
(with second report of the Monitoring Committee on Rehabilitation of Bhopal Gas Victims sent by Dr.G.C.Baijal, Member Convener on 17.06.2005)  
(With Third report of Monitoring Committee on Rehabilitation of Bhopal Gas victim sent by Dr.(Smt.)S.Bisaria Gupta, Member Convener)  
(With Fourth report of Monitoring Committee on Rehabilitation of Bhopal Gas victim sent by Dr.(Smt.)S.Bisaria Gupta)  
(With Fifth report of the Monitoring Committee on Rehabilitation of Bhopal Gas victims sent by Member Convener, Monitoring Committee)  
(Minutes of Advisory Committee sent by the Convener, Advisory Committee, CMO, Gas Relief, Bhopal  
Reply to the remarks of "Advisory Committee on MIC patients sent by the Director General of Indian Council of Medical Research, New Delhi.  
(With Sixth report of Monitoring Committee on Rehabilitation on Bopal Gas victims, sent by Member Convener, Monitoring Committee report relating to the 6th Report of the Monitoring Committee sent by Chairman, Monitoring Committee for Medical Rehabilitation of Bhopal Gas victims)

Date: 17/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Naveen R. Nath ,Adv

For Respondent(s) Mr. T.S. Doabia, Sr. Adv.

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Ms. Rekha Pandey, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. J. Ahmed Khan, Adv.  
Mr. D.S. Mehra, Adv.

Mrs Anil Katiyar,Adv.  
Mr. B. Krishna Prasad ,Adv

Mr. Vijay Hansaria, Sr. Adv.  
Mr. C.D. Singh ,Adv  
Mr. Merusagar Samantaray, Ad.  
Mr. Sunny Chowdhary, Adv.

Ms. Madhu Sikri ,Adv

Mr. S. Chandra Shekhar ,Adv

Mr. P.S. Narasimha, Adv.  
Ms. Shomona Khanna, Adv.  
Mr. Anupam Lal Das ,Adv  
Mr.Satinath Sarangi(in person)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the petitioners and also other learned counsel including counsel for the State of Madhya Pradesh. Learned counsel for the Gas victims submitted that the six hospitals which have been exclusively established for the purpose of treating the gas victims are being utilised for the purpose of treating others and that causes great inconvenience to the victims and affects their treatment. We had therefore, directed the State of Madhya Pradesh to give certain clarifications by our order dated 15.11.2007.

The State of Madhya Pradesh through its Chief Medical & Health Officer of gas victims, has

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furnished the details/clarifications on 11.1.2008.

The Supreme Court Monitoring Committee

will look into the clarification

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furnished by the State of Madhya Pradesh and furnish its views as to whether the six hospitals for gas victims should continue to exclusively cater to the needs of the gas victims and

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whether the gas victim patients are put to any inconvenience by giving treatment to other patients in these hospitals. It may also suggest measures to use any excess capacity in these hospitals to treat other poor patients.

Learned counsel for gas victims, next pointed out that the children of gas victims who are above the age of 18 years are not being given treatment free of cost in these specialised hospitals and it causes a serious inconvenience to them. He submitted that even children of gas victims are gas victims as they are genetically affected. On the other hand, the State submitted that children conceived and born after the gas tragedy, are not entitled to free treatment after attaining 18 years. The Monitoring Committee may also consider this aspect and give a report as to whether the adult children of gas victims should also continue to get free treatment in these gas victim hospitals. Until a decision is taken i  
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the matter, we direct that the children of gas victims also be given treatment as was done before free of cost.

ICMR is given two more months' time to give its interim report on the toxic effect of gas and its research work as directed by this Court by its order dated 15.11.2007.

List in the 1st week of April, 2008.

(G.V.Ramana)  
Court Master

(Veera Verma)  
Court Master