

ITEM NO.1

COURT NO.1

SECTION PIL

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)

Date: 15/11/2007 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) Ms. Indira Jai Singh, Sr. Adv.
Mr. Naveen R. Nath ,Adv

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

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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

UPON hearing counsel the Court made the following
ORDER

By Order of this Court dated 17.8.2004, a Monitoring Committee for overseeing the functions of the Hospitals and clinics run by the Madhya Pradesh Government catering to the health care needs of Bhopal Gas Victims, was constituted. By an Order of this Court dated 17.7.2007, this Court had directed the Monitoring Committee to furnish a Report after examining whether the treatment facilities to persons other than gas victims (by using spare capacity) would affect the treatment of gas victims. The Monitoring Committee by its interim report dated 7.8.2007 has opined that if clarifications/answers are given by the Madhya Pradesh Government, on the following questions, a proper decision can be taken in the matter:-

1. Whether the Gas Relief Hospitals were established only for gas affected patients or for the general patients also.
 2. What is the policy of the Government in respect of providing free treatment to the non-gas affected patients (general patients)?
 3. Those gas affected people who have gone out of Bhopal to other cities within the State, do they enjoy the facilities of free treatment in other Government Hospitals?
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4. Whether patients suffering from those ailments for which, the facility is not yet available in the Gas Relief Hospitals, are provided free treatment in other Government Hospitals. What is the policy of the Government in this behalf?
 5. How is a person who was born after the gas tragedy, treated? Whether he receives free treatment in the Gas Relief Hospitals and whether any conditions such as the following are attached for providing free treatment:-
 - a) Person should be born in a family of gas affected persons
 - b) Person's family should be residing in one of those wards that have been declared as gas affected.
 - c) Whether those persons that are now residing in the wards declared as gas affected but were not so residing are also receiving free treatment, with a condition of a person being BPL or non-BPL. This needs clarification.

The learned counsel for the State Government sought four weeks time to respond to the queries and explain its stand on the issue. The State Government may also indicate in its next report as to what steps have been taken for computerization of the details of the patients, their ailments and treatment given to them to provide a permanent record. Four weeks time is granted for the State Government's response.

This Court had also directed the Indian Council of Medical Research to submit a report about the need for continued research regarding toxic effects of the gas

on the human beings and about the research work that is already in progress. ICMR has not filed the Report. The ICMR is directed to file its Report at the earliest. A copy of this order be sent to the ICMR for doing the needful.

(R.K.DHAWAN)
COURT MASTER

(VEERA VERMA)
COURT MASTER