

ITEM NO.8

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.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, directions, exemption from filing O.T. and office report]
[For final disposal]
[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 victims sent by Dr. (Smt.) S. Bisaria Gupta, Member Convener]
[With fourth report of Monitoring Committee on Rehabilitation of Bhopal Gas victims 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 on "Advisory Committee on MIC patients sent by the Director General of Indian Council of Medical Research, New Delhi]
[With Draft Minutes of IIIrd meeting of the Advisory Committee]
[Report of Action to be taken on the minutes of the IIIrd Meeting of Advisory Committee]

Date: 17/07/2007 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 DALVEER BHANDARI

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

Petitioner No.2 Ms. Shomona Khanna, Adv.

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Mr. Anupam Lal Das, Adv.

For Respondent(s)

Mr. T.S. Doabia, Sr.Adv.
Mr. Manpreet Singh Doabia, Adv.
Ms. Rekha Pandey, Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Sunita Sharma, Adv.
Mr. D.S. Mahra, Adv.
Ms. Sushma Suri, Adv.

Mrs Anil Katiyar, Adv.

Ms. Madhu Sikri, Adv.

W.P.(C)No.50/98 (Contd.)

Mr. B. Krishna Prasad, Adv.

Mr. S. Chandra Shekhar, Adv.

Mr. C.D. Singh, Adv.
Mr. Merusagar Samantaray, Adv.
Mr. Sunny Chowdhary, Adv.
Mr. Vairagya Vardhan, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the petitioners and learned counsel for the State of Madhya Pradesh. The fifth report of the Monitoring Committee has already been filed and the sixth report is ripe. Counsel for the petitioners alleged that though the hospital was started exclusively for the victims of the gas tragedy, the hospital facilities are being used even by persons who are not victims of gas tragedy. Counsel for the State submitted that only 17% of the patients are persons who are not victims of gas tragedy and that too poor persons who are being treated in the hospital in a separate wing.

Be that as it may, in view of the above allegation/submission, we do not deem it fit to issue any direction at this stage. However, in the facts and circumstances of the case, we deem it fit to direct the Monitoring Committee to examine whether the treatment facilities afforded to the persons who are not victims of gas tragedy really affect the treatment being given to the victims of the gas tragedy. Further decision may be taken on the basis of the report of the Monitoring Committee.

Counsel for the petitioners also wanted to have a continued research regarding toxic effect of the gas on the human beings and requested that the Indian Council of Medical Research (ICMR) may be directed to conduct such research work. Counsel for the ICMR submitted that the research work is already in progress. Counsel for the ICMR may file a report regarding the research work which has been carried out so that an effective order could be passed by this Court.

This Court feels that the records of the hospital should be computerised. In order to computerise the records of the hospital, the State shall take necessary steps so that the details of the patients and/or their ailments are made permanent record.

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Awaiting the next report of the Monitoring Committee, the matter is adjourned and may be listed after the report is filed.

(Subhash Chander)
Court Master

(Veera Verma)
Court Master