

S U P R E M E C O U R T O F I N D I A

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 and exemption from filing O.T. and impleading party and directions and

stay/direction and exemption from filing O.T. and office report)

[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]

(FOR FINAL DISPOSAL)

W I T H

I.A. No. 48-51, 54-55 & 56-57 in C.A. 3187-88/1988 (Section IV)

(for directions and releasing the payment and office report)

Date: 28/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. S. Muralidhar, Adv.

Mr. Amit Sharma, Adv.

For Applicant(s) M/s. J.B. Dadachanji & Co. (N.P.)

For Applicant(s)/

Respondent(s)/

Appearing parties Ms. Indira Jaising, Sr. Adv.

Mr. Naveen R. Nath ,Adv

Ms. Lalit Mohini Bhat, Adv.

Mr. S.B. Upadhyay, Adv.

Mr. P.P. Malhotra, ASG

Mr. T.S. Doabia, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Ms. V.B. Guglani, Adv.

Mr. V.K. Verma, Adv.

Mrs. Anil Katiyar, Adv.

Mr. T.S. Doabia, Sr. Adv.

Ms. Sunita Sharma, Adv.

Mrs. Rekha Pandey, Adv.

Ms. Sushma Suri, Adv.

Mr. B. Krishna Prasad ,Adv

for State of MP Mr. R.K. Jain, Sr. Adv.

Mr. C.D. Singh ,Adv

Mr. Drupad Kashyap Das, Adv.

Ms. Kiran Suvarna, Adv.

Mr. Prashant Bhushan, Adv.

For RBI Mr. H.S. Parihar, Adv.

Mr. Kuldeep Parihar, Adv.

Ms. Madhu Sikri ,Adv

Mr. Arun K. Sinha, Adv.

Mr. A. Mariarputham, Adv.

Mr. K.J. John, Adv.

Ms. Indu Goswamy, Adv.

Mr. S. Muralidhar, Adv.

Ms. Mridula Ray Bharadwaj, Adv.

Mr. D.S. Mahra, Adv.

Ms. Vibha Datta Makhija, Adv.

Mr. Harish Uppal, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Heard Mr. S. Muralidhar, the learned counsel appearing for the petitioners, with

regard to the response of the State Government to the points raised by the Monitoring

Committee with regard to its working and the expedition of medical attendance and

treatment to the gas victims.

After having heard the learned counsel, we are of the view that the Monitoring

Committee should, through its Chairman, file an affidavit requiring time bound action to be

taken on the part of the State Government on specific points. Once this is done, this Court

will be able to give time bound directions to the State Government and ensure that the

behemoth moves, at least, at a reasonable speed. A copy of this

order be sent to the

Chairman of the Monitoring Committee.

Adjourned by two weeks.

IA No. 8/2005 in Writ Petition (C.) No. 50/1998

An interim order was passed on 25/02/2005 by which the State Government was

restrained from implementing its proposal of merging the Bhopal Gas Tragedy Relief and

Rehabilitation Department with its Public Health and Family Welfare Department and

granting time to the State Government to file an affidavit to oppose this application, if so

desired.

No affidavit has been filed in opposition till today. On the other hand, the learned

counsel appearing for the State Government informs us that the State Government has no

objection to the prayers made in the application being granted.

Consequently, we allow this application and restrain the Government of Madhya

Pradesh from merging the Bhopal Gas Tragedy Relief & Rehabilitation Department with the

Public Health & Family Welfare Department pursuant to the order of the Bhopal Gas Relief

& Rehabilitation Department of the Government of Madhya Pradesh dated 02.02.2005.

This application is disposed of accordingly with no order as to costs.

I.A. No. 48-49 in C.A. 3187-88/1988

Liberty to the applicant to file a compilation of all relevant previous

orders/judgments which would be necessary to be perused for deciding these applications.

Liberty to both the sides to file written submissions.

These applications be placed for hearing on 21st March, 2006, first on board,

subject to overnight part heard.

I.A. No. 50-51 in C.A. 3187-88/1988

These applications are filed by Bhopal Memorial Hospital Trust seeking a direction from this Court that certain amount, which, according to the applicant, has been earmarked for the hospital, and which has remained unutilised, must be transferred to the Hospital.

These applications are opposed by the Bhopal Gas Peedith Mahila Udyog Sanghathan and other organisations representing the interests of the Bhopal gas victims. On behalf of such organisations, Ms. Indira Jaising, the learned senior counsel, has opposed to the prayer made in these applications and claimed that the Trust accounts are not in order as the Trust has failed to file audited accounts for the period after 31st December, 1996 in this Court.

Mr. R.K. Jain, the learned senior counsel representing the the Trust, submits that , as directed by this Court, the Annual Audited Balance Sheets and Profit and Loss Accounts have been filed in this Court under a sealed cover for the period from 1998 ending on 31st March, 2005. He also submits that copies of these audited accounts cannot be made available nor should access to the information contained therein be given to the opponents of these

applications as no prima facie case has been made out of any misappropriation or flitting away of funds.

Mr. Jain shall file a compilation of all the previous orders passed by this Court to show the sources of the funds, the manner of its disbursement and the right by which the

Trust claims that the money should be handed over to it.

List these applications on 21st March, 2006. After hearing the counsel of both sides,

appropriate orders will be passed with regard to the inspection of the accounts by the

respondents and release of funds, if deemed necessary by the Court.

I.A. No. 54-55 in C.A. 3187-88/1988

List these applications on 21st March, 2006.

I.A. No. 56-57 in C.A. 3187-88/1988

The applicant of these applications shall serve a copy of the applications on the

other side.

List these applications on 21st March, 2006.

(Rajesh Dham)

(Radha R. Bhati)

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Court Master

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