

ITEM NO.1

COURT NO.2

SECTION IVA

S U P R E M E

C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SIA 2/2012 in Petition(s) for Special Leave to Appeal (Civil)
No(s).9874/2012(From the judgement and order dated 05/03/2012 in WP No.2802/2004
of The HIGH COURT OF M.P AT JABALPUR)

UNION OF INDIA

Petitioner(s)

VERSUS

ALOK PRATAP SINGH & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and office report)

Date: 28/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
[VACATION BENCH]For Petitioner(s) Mr. Gourab Banerji, ASG
(UOI) Mr. Sahil Tagotra, Adv.
Mr. T.M. Singh, Adv.
Mr. B. Krishna Prasad, Adv.For Ministry of Mr. R.P. Bhatt, Sr. Adv.
Chemicals Mr. S.W.A. Qadri, Adv.
Mr. Aditya Sharma, Adv.For Respondent(s) Mr. Ravi Shankar Prasad, Sr. Adv.
(applicant-State of Mr. C.D. Singh, Adv.
M.P.) Mr. Sunny Choudhary, Adv.For Bhopal Group for Ms. Karuna Nandy, Adv.
Information and Mr. Avi Singh, Adv.
Action and othersUPON hearing counsel the Court made the following
O R D E RWe have heard Shri Gourab Banerji, learned
Additional Solicitor General, Shri Ravi Shankar Prasad,
learned senior counsel for the applicant-State of Madhya
2Pradesh and Ms. Karuna Nandy, learned counsel for Bhopal
Group for Information and Action and others and perused
affidavit dated 23.05.2012 of Shri Rajiv Gauba, Joint
Secretary, Ministry of Environment and Forests, Government
of India which is accompanied by a copy of the Minutes of
the meeting of Group of Ministers held on 21.05.2012. The
relevant portion of the Minutes are extracted below:

"A meeting of the Group of Ministers (GoM), which has been constituted to examine all issues relating to the Bhopal Gas Leak Disaster, including remediation measures, was held on 21 May 2012 under the Chairmanship of Shri P. Chidambaram, Minister of Home Affairs. The meeting was attended by Shri Kapil Sibal, Union Minister of Human Resource Development and Minister of Communications and Information Technology, Shri Kamal Nath, Minister of Urban Development, Shri Samlam Khurshid, Minister of Law & Justice and Minister of Minority Affairs, Kumari Selja, Minister of Housing and Urban Poverty Alleviation and Minister of Culture, Smt. Jayanthi Natrajan, Minister of State (Independent Charge) for Ministry of Environment & Forests. Shri Babu Lal Gaur, Minister In-Charge of the Department of Bhopal Gas Tragedy Relief & Rehabilitation (BGTR&R), Government of Madhya Pradesh (GoMP) attended the meeting as permanent invitee.

2. A list of the officers of the Govt. of India (GOI) and Govt. of Madhya Pradesh present in the meeting is at Annexure 1.

3. The Chairman welcomed all present and invited their attention to the developments that had been brought out in the Agenda Note already circulated. He stated that the present GoM had been convened solely to discuss the proposal received by the Madhya Pradesh Govt. from the German agency GIZ IS. GIZ, Germany by letter dated 18.05.2012 addressed to Shri K.K. Dubey, Deputy Secretary, Bhopal Gas Tragedy and Rehabilitation Department, Government of Madhya Pradesh referred to the earlier correspondence

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regarding "Indo German Technical Cooperation for environmentally safe disposal of the Hazardous Waster (HW) from Union Carbide site at Bhopal in the incineration facility at Germany" and offered to, inter alia:

"Provide technical experts who shall prepare the detailed proposal. They shall collect all the technical details, site inspection, air lifting possibilities from Bhopal airport (capacities of the new airport in handling the cargo plane both landing and loading etc), safe packaging services, handling local logistics and other parameters required to prepare a detailed proposal.....Once we receive the clear mandate, it will take two weeks time to submit the detailed proposal including cost estimates, time frame and scope of services."

4. The offer was discussed at the meeting of the GOM today. It was decided that the offer may be accepted and the Bhopal Gas Tragedy and Rehabilitation Department, Government of Madhya Pradesh shall request GIZ, Germany to submit a detailed proposal as early as possible and, in

any event, not later than two weeks from today. Once the proposal is received, Government of Madhya Pradesh may forward the same, with their comments and recommendations, to the GoM by 5.6.2012.

5. Government of Madhya Pradesh, if it so desires, may request representatives of State Pollution Control Board, Central Pollution Control Board, Department of Chemicals & Petrochemicals, Government of India and Ministry of Environment & Forests, Government of India to be present while discussing the matter with GIZ and while examining the detailed proposal that will be submitted by GIZ."

Shri Ravi Shankar Prasad submitted that the Government of Madhya Pradesh has vide its letter dated 21.05.2012 asked GIZ, which is a German company to submit a detailed proposal with technical requirements as also the time for various activities to be undertaken for disposal

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of the toxic waste.

According to Shri Ravi Shankar Prasad GIZ will submit its proposal by 1st or 2nd June, 2012 and make presentation before the representatives of the Central Pollution Control Board, Madhya Pradesh State Pollution Control Board, Ministry of Environment and Forest and Ministry of Chemicals and Petro-Chemicals, Government of India. Learned senior counsel gave out that after receiving the proposal from GIZ, the State Government will send its recommendations to the Group of Ministers latest by 6.6.2012.

Shri Banerji gave out that the recommendation of the Government of Madhya Pradesh will be considered by the Group of Ministers in its next meeting which is scheduled for 8.6.2012.

In view of the above development, we indicated our willingness to again sit during vacation but learned counsel expressed that due to some personal reasons they will not be able to assist the Court during vacation. We, therefore, direct that the case be listed on 02.07.2012.

To be taken up as the first case.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master