

ITEM NO.1

COURT NO.12

SECTION PIL

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 S

I.A. Nos.23, 40, 42, 43, 55, 56, 57, 63-70 in Writ Petition(s)
(Civil) No(s).657/1995

RESEARCH FOUNDN. FOR SCIENCE

Petitioner(s)

VERSUS

U O I & ORS.

Respondent(s)

(For clarification of Court's order and directions and exemption from filing O.T. and impleadment and placing addl.documents on record and office report)

WITH

C.A. No.7660/1997

(With Office Report)

SLP(C) No.16175/1997

CONMT.PET.(C) No.155/2005 In W.P.(C) No. 657/1995

(With Office Report)

Date : 24/03/2015 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Ms.Mamta Saxena, Adv.
Mr.A.N.Singh, Adv.
Mr.Ritwik Parikh, Adv.

For Intervenor Mr.Avi Singh, Adv.
Ms. Aparna Bhat, Adv.

Mr. B. Krishna Prasad, Adv.

Ms. B. Vijayalakshmi Menon, Adv.

For Respondent(s) Mr.R.S.Suri, Sr.Adv.
Ms.Kiran Bhardwaj, Adv.
Mr.Chandra Prakash, Adv.
Mr.Shailender Sharma, Adv.

Mr.K.Radhakrishna, Sr.Adv.
Mr.Arijit Prasad, Adv.
Mr.T.A.Khan, Adv.

Mr.Vikash Singh, Sr.Adv.
Mr. Ajay Sharma, Adv.
Mr.Rajeev Sharma, Adv.
Ms.Neelam Sharma, Adv.

Mr.S.S.Shamshery, AAG
Mr.Amit Sharma, Adv.
Mr.Sandeep Singh, Adv.

Mr.Suryanarayana Singh, AAG
Ms.Pragati Neekhara, Adv.

Mr.Pragyan Sharma, Adv.
Mr.Heshu Kayina, Adv.
Mr.P.V.Yogeswaran, Adv.

Mr.C.D.Singh, Adv.
Ms.Sakshi Kakkar, Adv.

Mr.V.G.Pragasam, Adv.
Mr.S.J.Aristotle, Adv.
Mr.Prabu Ramasubramanian, Adv.

Mr. Abhishek Chaudhary, Adv.

Mr.C.Mukund, Adv.
Mr.Ashok K.Jain, Adv.
Mr.Pankaj Jain, Adv.
Mr.S.M.Vivek Anandh, Adv.
Mr.B.K.Jain, Adv.

Mrs.K.Enatoli Sema, Adv.
Mr.Amit Kumar Singh, Adv.
Mr.Balaji Srinivasan, Adv.

Mr.Vijay Panjwani, Adv.
Ms.Mahur Panjwani, Adv.

Ms.Aruna Mathur, Adv.
Mr.Yusuf Khan, Adv.
Mr.K.Vijay Kumar, Adv.

Mr.Balaji, Adv.
Mr.Rakesh Sharma, Adv.
Ms.R.Shase, Adv.

Mr.Sapam Biswajit Meitei, Adv.
Mr.Z.H.Issac Haiding, Adv.
Mr.Ashok Kumar Singh, Adv.

Mr. Amit Kumar, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. A. Raghunath, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. Ashok Mathur, Adv.

Mr. Ashwani Bhardwaj, Adv.

Mr. Atishi Dipankar, Adv.

Mr. Bijoy Kumar Jain, Adv.

Mr. D. N. Goburdhan, Adv.

Mr. E. C. Agrawala, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. Gopal Singh, Adv.
Ms. Shubhra Rai, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Rashmi Srivastava, Adv.

Mr. Jay Savla, Adv.

Mr. Kamendra Mishra, Adv.

Mr. K. B. Rohtagi, Adv.
Mr. Mahesh Kasana, Adv.
Ms. Aparna Rohatgi Jain, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. Shankar Chillarge, Adv.
Mr. A. P. Mayee, Adv.

Mr. Kunal Verma, Adv.
Mr. Prasanna Mohan, Adv.

Mr. Manish K. Bishnoi, Adv.

Mr. Mohanprasad Meharia, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Praveen Swarup, Adv.
Mr. R. K. Singh, Adv.
Ms. Sushma Verma, Adv.
Mr. Suvesh Kumar, Adv.

Mr. P. S. Sudheer, Adv.

Mr. P. V. Yogeswaran, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. R. Sathish, Adv.

Mr. Rutwik Panda, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Sibbo Sankar Mishra, Adv.

Mrs Manik Karanjawala, Adv.

Mr. Sudarsh Menon, Adv.

Mrs. Urmila Sirur, Adv.

Mr. V. N. Raghupathy, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Yash Pal Dhingra, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Binu Tamta, Adv.

M/s Corporate Law Group, Adv.

Ms. Hemantika Wahi, Adv.

M/s. J. S. Wad & Co., Adv.

Ms. Minakshi Vij, Adv.

M/s Sinha & Das,Adv.

Ms. S. Janani,Adv.

Ms. Sumita Hazarika,Adv.

Mr. K. K. Gupta,Adv.

Upon hearing the counsel the Court made the following
O R D E R

The Registry is directed to serve a copy of the Report filed before this Court on 25.09.2014 in compliance of the order dated 04.03.2014 to all the counsel concerned who make a request for the same.

I.A.No.43 of 2014 In WP(C)No.657 of 1995

In the order dated 26.08.2014, this Court directed the State of Madhya Pradesh and the officers/officials concerned to ensure that effective steps are taken for providing clean drinking water on regular basis without fail.

The submission that the required steps would be taken, of the learned counsel appearing for the State of Madhya Pradesh in response to the report of the Monitoring Committee headed by the Executive Chairman of the Madhya Pradesh State Legal Services Authority dated 01.07.2014 was recorded.

In compliance of the order, the Project Manager, JNNURM (Water Distribution Project), Bhopal Municipal Corporation, Bhopal has submitted a Report which is marked along with the affidavit filed on 08.10.2014. It seems from the Report that appropriate action has been taken to provide service connections and to repair the water pipelines. However, in the Nawab Colony, Blue Moon

Colony, Sundar Nagar Lal Tank, Shiv Shakti Nagar, Preet Nagar, Chandbadi, Kainchi Chhola, Navjeevan Colony, Prem Nagar, Shiv Nagar and Kalyan Nagar only a project report was prepared for drainage system. Learned counsel appearing for the Bhopal Group of Information submits that in case prompt action is not taken for providing the required drainage as well as sewerage system in the colonies referred to above, there is likelihood of serious problems emerging during the ensuing monsoon. In fact, this Court on 06.11.2012 had directed that in case of likelihood of contamination, the Municipality should take steps to see that in such cases the pipe lines are removed, if required, so that they are no longer close to such sewerage and drainage lines, in order to maintain the purity of the water to be supplied for drinking purposes to the inhabitants of the areas. It is disturbing that even after two years, the situation is only at the stage of preparation of project report. We accordingly direct the Project Manager, JNNURM (Water Distribution Project), Bhopal Municipal Corporation, Bhopal and the Secretary concerned to the State of Madhya Pradesh to file separate affidavits as to the action taken with regard to the provision for drainage and sewerage in the colonies referred to above. The Report shall contain the details of the action so far taken in that regard and shall also explain the costs for implementation of the required projects and the delay in implementing the same. The Report shall be filed on or before 13.04.2015.

Post on 21.04.2015.

Mr.Sanjay Parikh, learned counsel appearing for the petitioner has highlighted the following surviving issues to be dealt with in I.A.No.63 of 2012, pursuant to our order dated 08.07.2014 :

"1. Dumping and incineration of waste oil/used oil.

I. Waste oil in 133 containers has been incinerated pursuant to order reported in (2005) 13 SCC 183. There are two surviving issues:

a. payment of cost of laboratory testing amounting to Rs.6.35 lakhs to be paid by importers of waste oil to the UOI.

b. payment of incineration charges by M/s Shivpriya Overseas Pvt.Ltd. in I.A.No.23. M/s Shivpriya is a defaulter in Contempt Petition (C) No.155/2005.

II. Regarding 209 containers:

Subject matter of orders dated 04.03.2014 and 08.07.2014 final report awaited; actions to be taken as per the said orders.

III. Consideration of Report, pursuant to the order dated 23.10.2007, submitted by Mr.Gopal Subramaniam, Ex-ASG, on dumping of waste/used oil and the steps to be taken for its prevention, along with the note submitted by the counsel for the petitioner.

IV. Directions required for safe disposal of used oil which is exchanged on ships under the Marpol convention on the Report of Mr.Subramnium, along with the note submitted by counsel for the petitioner.

2. Clearance and remediation of hazardous waste dump sites:

MoEF affidavit dated 06.11.2011 pointed out the gravity of dumping of chromium, arsenic, cyanide, and mercury waste throughout the country. In the year 2003 vide order reported in 2005 (10) SCC 510 directions were given for removal of HW dumps and restoration of ecology. Till date not complied with.

3. Setting up of laboratory at the dock/ports.

12 months time was given by this Hon'ble Court in the

Order dated 14.10.2003 - 2005 (10) SCC 510; laboratories still not set up.

4. Construction of TSDF/land fills and their continuous monitoring.

Reports of the Monitoring Committee, in particular, of Claude Alvares and Dr. Boralkar, to be considered. Not all states/Uts have complied with the recommendations of the Monitoring Committee.

5. Regarding workers health involved in hazardous waste activities.

This issue was left open in order dated 14.10.2003 - 2005 (10) SCC 510 at 522. Ministry of Labour has submitted a report which is required to be considered.

6. Preparation of national inventory of hazardous waste and complete identification and registration of hazardous waste generating units in the country.

Directions of this Hon'ble Court in order dated 14.10.2003 to be complied with.

7. Institutional reforms in MoEF, CPCB, SPCB, PCC.

8. National policy documents on hazardous waste as well as cleaner technology.

9. Monitoring of directions given by this Hon'ble Court in the order dated 14.10.2003 reported in 2005 (10) SCC 510 and other orders of this Hon'ble Court."

Learned counsel for the Union of India and the other respondents seek some time to get ready for the final arguments.

Post on 21.04.2015 as Item No.1.

Learned counsel for the respondents shall get specific instruction as to the present stage, regarding Item Nos.1, 2, 3 and 4 referred above.

(SATISH KUMAR YADAV)
COURT MASTER

(RENU DIWAN)
COURT MASTER