

Bhopal Gas Peedit Mahila Udyog Sangathan and Another

Vs

Union of India and Another

Dr. Nishit Vohra and Others

Vs

State of Madhya Pradesh and Others

Writ Petitions (Civil) Nos. 843 of 1988 And 11708 of 1985

(CJI R. S. Pathak, Rangath Misra, M. H. Kania, E. S. Vankataramiah JJ)

03.03.1989

ORDER

1. On the previous occasion when the matter came up before the court for consideration of the prayer of the petitioners for administration of interim relief measures, pending consideration of the main prayers made in the writ petitions. Shri S. Satyam, Principal Secretary, Gas Relief Department, Government of Madhya Pradesh, was present and submitted before us the details of the interim relief measures that would immediately be undertaken by the Government of Madhya Pradesh for the benefit of the victims of the Bhopal Gas Tragedy. Smt. Indira Jaisingh, learned counsel for the petitioners in one of the writ petitions submitted that the relief measures that had been commenced in the year 1985, under which distribution of milk, bread, sugar and edible oil was being made had subsequently been discontinued and the victims had come to be neglected.

2. After hearing learned counsel on both sides and considering the submissions of Shri Satyam in regard to the interim relief measures which are already being administered and proposed to be supplemented, we had directed the said Principal Secretary, Gas Relief Department, Government of Madhya Pradesh, to undertake implementation of the scheme as detailed by him.

3. The main features of the interim relief scheme placed before us and directed to be implemented by the Government of Madhya Pradesh are as under :

(a) 200 additional employees be engaged to speed up verification etc., and preparation of list of eligible claimants. However, no fresh survey shall be undertaken. Only the available data shall be analysed so that time was not lost unnecessarily in the implementation of the interim relief measures. No advertisement shall also be issued inviting applications. The data already available shall be analysed to prepare the list of eligible beneficiaries.

(b) Field visits for identification of eligible beneficiaries shall not be necessary to be conducted. Likewise, there shall be no verification of income so that delays are not caused on that account in the matter of commencement of relief measures. The income indicated in the claim form will be accepted at the face value.

(c) The heads of the families will be identified so that all members dependent on them could be covered. The family will be defined as nucleus (sic nuclear) family i.e. father, mother, and minor children. Major children shall be treated as independent members and subjected to separate scrutiny.

(d) The existing infrastructure will be used for administration of relief so that time is not lost in setting up a new infrastructure. However, special cards will be issued to identify the beneficiaries under the scheme. Specific days in a week will be reserved for free distribution of foodgrains so that beneficiaries need not waste their time in waiting in long queues.

(e) The commencement of the relief shall not wait till the verification of all the beneficiaries. There shall be fortnightly progressive addition of eligible families, 5000-6000 families being brought into the scheme progressively each fortnight.

(f) For the purpose of easy identification and speedy implementation of the relief measures, the beneficiaries shall be considered in five groups :

(i) 71,000 children and mothers who are already receiving milk and bread;

(ii) 547 widows and about 6500 destitutes. Widows will be subjected to the income criterion. Destitutes will be subjected only to the criterion relating to claimant-status. This verification to be completed by October 25, 1988, when distribution of foodgrains will start.

(iii) 26,000 patients have been identified as receiving repetitive treatment from ICMR, Red Cross, Bhopal Eye Hospital, Hamidia Hospital and Dispensaries under CMO (GR). In their cases, the heads of families, if other eligible, would also be afforded free foodgrains.

This exercise is to be completed by middle of December 1988. But the bulk of the work would have to be completed by the end of November 1988.

(iv) The list of 78,645 earlier prepared for ex-gratia cash assistance will be taken up for attention on priority. Subject to satisfaction of the criteria now accepted, the families concerned will be given free foodgrains. This exercise will be completed in all its aspects by April 1989. But the bulk of the work to be completed by the end of January 1989. Here again, there will be progressive addition of beneficiaries at the rate of about 5000 to 6000 families fortnight.

(v) The list of 5,60,000 claimants, it is said, is being computer-analysed to identify heads of families and major children. These cases shall be eligible for the interim relief upon verification with reference to the prescribed criteria. In these cases also, there will be progressive addition of beneficiaries every fortnight to the list of eligible families.

(g) 12 kg wheat per adult unit (and half of that for each minor unit) shall be provided every month. This shall be in addition to and not in substitution of the relief provided to children and mothers in the form of milk and bread to the extent they are included in families qualifying for free foodgrains.

4. This scheme shall be in force until further orders. A report shall be submitted of the implementation of the scheme before the end of March 1989. Further directions, as may be necessary in regard to the administration of the relief, would be considered thereafter.

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