

# SUPREME COURT OF INDIA

Bhopal Gas Peedith Mahila U. Sangathan

Vs.

Union of India (Uoi)

(B.N. Kirpal, K.T. Thomas and D.P. Mohapatra JJ.)

25.01.2000

## ORDER

1. We have seen the fourth status report regarding medical rehabilitation filed by Shri D.S. Mathur, Principal Secretary in the Department of Health and Family Welfare, who was appointed as Commissioner by this Court.
2. Two hospitals were required to be constructed, namely, Kamla Nehru Hospital and Indira Gandhi Mahila Evam Bal Chikitsalaya. The civil work for both the hospitals has been completed. We are informed that a total sum of Rs. 258 crores is stated to have been spent for providing medical facilities to the victims of the Bhopal Gas tragedy. It is not necessary to go into the question as to the manner in which such a large amount has been spent which has still resulted in these two hospitals being incomplete and non-functional to its optimum capacity.
3. As always happens, the excuse given is lack of funds. It is indeed unfortunate that where public health is concerned the Government thinks of economising. Fifteen years have elapsed since the gas tragedy took place and the victims do not have the full medical facilities which were required to be made available to them with the construction of these two hospitals.
4. We are informed that in order to make Kamla Nehru Hospital fully operational a further sum of Rs. 6.25 crores (approx.) is required while in respect of Indira Gandhi Mahila Evam Bal Chikitsalaya Rs. 4 crores (approx.) is required.
5. We hereby issue a direction to the Chief Secretary, State of Madhya Pradesh to place at the disposal of Shri D.S. Mathur within six weeks from today a sum of Rs. 11 crores so as to enable the completion of the work and to have these two hospitals fully operational as expeditiously as possible and certainly within a period of four months from today. It is made clear that amount so placed at the disposal of Shri Mathur shall be used only for the purchase of equipment and making the hospitals operational and functional and no part of this money shall be used for incurring any expenses in the payment of salaries. All salaries to be continued to be borne by the State Government in addition to the said amount which it is required to place at the disposal of Shri Mathur, Principal Secretary, Department of Health. It is of no concern of this Court to decide as to whereof on this money is to come from, how much is to be shared by the State Government or by the Government of India. Those are the niceties which are to be worked out by the State Government and Union of India between themselves. As far as this Court is concerned, health is a state subject and it is primary duty of the State of Madhya Pradesh to provide adequate medical

facilities to the gas victims. It is for this reason we are compelled to pass these orders and issue necessary directions.

6. Status report will be filed by Shri D.S. Mathur by 8th May, 2000.

7. List this matter on 11th May, 2000 for further orders.

8. NOT TO BE TREATED AS PART-HEARD.