

Bhopal Gas Peedith Mahila Udyog Sangathan & Others

v.

Union of India & Others

(Shivaraj V. Patil and B.N. Srikrishna, JJ.,)

(Supreme Court Of India)

Writ Petition (Civil) No. 50 Of 1998 With Interlocutory Application No. 6 In W.P.(C).
No. 50 Of 1998 | 17-09-2004

1. The terms and conditions for the Monitoring Committee and the Advisory Committee shall be as under:

“I. Functioning and terms of reference of the Monitoring Committee

A. Procedural matters

1. The Monitoring Committee will have a minimum quorum of three other than the convenor.

2. The Monitoring Committee will meet at least once every month and more frequently if so decided by the Monitoring Committee.

3. The Monitoring Committee will keep a record of all its deliberations and submit a report on its activities through its Chairman once in every three months to the Hon’ble Supreme Court and a copy of the same will be sent to the Government of Madhya Pradesh, Department of Medical Education.

4. The Monitoring Committee will determine its own rules of procedure in regard to the receipt, hearing and disposal of complaints and grievances by the Bhopal Gas Victims in particular and the public in general. It will be open to the petitioners and their representatives to make suggestions/submissions before the Monitoring Committee.

5. The Government of Madhya Pradesh, Medical Education Department will provide the space as well as logistic support (secretarial assistance, conveyance, etc.) to the Monitoring Committee in order to ensure its smooth and effective functioning.

6. The Chairman and members of the Monitoring Committee will function on an honorary basis.

7. The Government of Madhya Pradesh will take all necessary steps to implement the suggestions of the Monitoring Committee.

8. It will be open to the Monitoring Committee, any of the petitioners or the State Government to apply to the Hon'ble Court in regard to the functioning of as well as the implementation of the suggestions of the Monitoring Committee.

B. Terms of reference of the Monitoring Committee

The Monitoring Committee shall oversee the functioning of the hospitals and clinics run by the Government of Madhya Pradesh for catering to the health care needs of Bhopal Gas Victims. It shall be a constant endeavour of the Monitoring Committee to ensure that timely, efficient and effective health care is made available to the gas victims. Without prejudice to the aforesaid the Monitoring Committee shall particularly monitor the following:

1. Quality, adequacy and availability of medicines and other clinical disposables for the hospitals and clinics. The Monitoring Committee shall not in any way be concerned with the purchase of medicines, medical equipments and other clinical disposables which shall remain the responsibility of the State Government, through the appropriate department.

2. Suitability, availability and maintenance of medical equipment.

3. The deployment of adequate, competent medical personnel and staff and their availability.

(The Committee shall in addition also monitor the functioning of the hospital run by the Bhopal Hospital Trust, in this regard.)

4. Complaints and grievances of the victims of Bhopal Gas Disaster in particular and the public in general in relation to:

(a) The treatment offered at and the functioning of hospitals/clinics run by the Government for the Bhopal Gas Victims.

(b) Purchase of medicines including emergency/local purchase and undergoing clinical tests in hospitals/clinics run by the Government or at the instance of doctors or staff in such hospitals.

(c) Purchase and maintenance of equipment for hospitals/clinics run by the Government for the Bhopal Gas Victims.

(d) Behaviour of doctors or staff towards patients or their attendants in the hospitals run by the Government for the Bhopal Gas Victims.

(e) Admission and discharge of patients in the hospitals run by the Government for the Bhopal Gas Victims.

5. The effectiveness of the functioning of emergency medical services for the Bhopal Gas Victims.

6. The effectiveness of the system of registration in monitoring therapeutic response of patients and issuing of health book/health card.

7. System of regulation of prescription of drugs with potential toxicity including antibiotics, steroids and psychotropic drugs.

8. Ambulance facilities for people too weak or sick to travel to the hospital and facilities for dignified transport of the dead to their homes.

9. Safe disposal of medical wastes generated at the hospitals and clinics run by the Government for the Bhopal Gas Victims.

10. Registration of patients and issuing of health book/health card.
11. Computerisation of medical data.
12. Food and services available for indoor patients in different hospitals.
13. Treatment of cancer.
14. Registration and treatment of persons resident in Bhopal affected by contamination of water and subsoil as a result of the Union Carbide Plant in Bhopal.
15. Treatment of TB including multi-drug resistant TB.
16. Provision of supplemental support medical services through hospitals and clinics based on Ayurveda, Unani and homeopathy.

II. Functioning and terms of reference of the Advisory Committee

A. Procedural matters

1. The Advisory Committee will have a minimum quorum of four.
2. The Advisory Committee will meet at least twice every year and more frequently if so decided by the Advisory Committee.
3. The Advisory Committee will keep a record of all its deliberations and submit a report on its activities through its Chairman once in every six months to the Hon'ble Court. It shall simultaneously send one copy of the report to the Government of Madhya Pradesh.

4. The Advisory Committee will determine its own rules of procedure. It will be open to the petitioners and their representatives to make suggestions/submissions before the Advisory Committee.

5. The Government of Madhya Pradesh, Medical Education Department will provide the space as well as logistic support (secretarial assistance, conveyance etc.) to the Advisory Committee in order to ensure its smooth and effective functioning. The Government of Madhya Pradesh will arrange for the travel and stay of such members of the Advisory Committee who are located outside Bhopal.

6. The Chairman and Members of the Advisory Committee will function on an honorary basis.

7. The Government of Madhya Pradesh will take all necessary steps to implement the suggestions of the Advisory Committee

8. It will be open to the Advisory Committee, any of the petitioners or the State Government to apply to the Hon'ble Court in regard to the functioning of as well as the implementation of the suggestions of the Advisory Committee.

B. Terms of reference of the Advisory Committee

1. To examine the treatment practices currently followed by medical personnel in the hospitals/clinics run by the Government for the Bhopal Gas Victims for the various ailments suffered by them.

2. To recommend/advise on the appropriate line of treatment to be offered for the Bhopal Gas Victims.

3. To recommend/advise on the structure and content of the research to be undertaken in order to improve the quality of the treatment being offered to the Bhopal Gas Victims.

4. To recommend/advise on the structure and content of the research to be undertaken in order to document long-term health consequences of toxic exposure including effect on children born to exposed parents after the disaster. The Advisory Committee shall from

time to time and as found necessary consult the Indian Council of Medical Research in this regard.

5. To recommend community health initiatives in health education and community participation in prevention and care.

6. To advise on what kinds of medical equipment and medicines need to be required to improve the quality of the treatment being offered to the Bhopal Gas Victims.

7. To look into any other issue incidental to the matters at 1 to 6 above.”

2. List the petition after four months.

I.A.No.6 in W.P.(C).No.50 of 1998

3. At request, six weeks' time is granted to the Union of India to file reply to the interlocutory application.