

ANNEXURE

Part C

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No. 843 of 1988

BHOPAL GAS PEEDIT MAHILA UDYOG SANGATHAN AND ANOTHER
(Petitioners)

Versus

UNION OF INDIA AND ANOTHER
(Respondents)

WITH

Writ Petition No. 11708 of 1985

DR. NISHITH VOHRA AND OTHERS
(Petitioners)

Versus

STATE OF MADHYA PRADESH AND OTHERS
(Respondents)

ORDER

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 petition 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 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 dates in a week will be reserved for free distribution of food grains 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 25th October, 1988, when distribution of food-grains 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 otherwise eligible, would also be afforded free food-grains.

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 78645 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 food-grains. This exercise will be completed in all its aspects by April, 1989. But the bulk of the work 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 per fortnight.

- (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 food-grains.

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.

..... CJI
(R.S. Pathak)

..... J
(E.S. Venkataramiah)

..... J
(Ranganath Misra)

..... J
(M.H. Kania)

New Delhi
3rd March, 1989

..... J
(M.N. Venkatachaliah)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Writ Petition No. 257 of 1989

BHARATIYA NAV CHETNA MANCH

(Petitioner)

Versus

UNION OF INDIA AND ANOTHER

(Respondents)

AND

Civil Miscellaneous Petition No. 9102 of 1989

(In Writ Petition No. 843 of 1988)

BHOPAL GAS PEEDIT MAHILA UDYOG

(Applicant)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

AND

Civil Miscellaneous Petition No. 7942-43 of 1989

(In C.A. Nos. 3187-88 of 1988)

UNION CARBIDE CORPORATION

(Applicant)

Versus

UNION OF INDIA

(Respondent)

AND

Civil Miscellaneous Petition No. 9071 of 1989

(In Writ Petition No. 8970-73 of 1985)

SAJIDA AND OTHERS

(Applicants)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

AND

Writ Petition No. 11708 of 1985

NISHITH VOHRA

(Petitioner)

Versus

UNION OF INDIA

(Respondent)

AND

Writ Petition No. 326 of 1989

MAMAN

(Petitioner)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

ORDER

Counsel for Union of India and State of Madhya Pradesh make a statement that the total number of identified dead in the Bhopal Gas Tragedy is 3110. We direct the State Government to ensure the opening of postal savings account in the name of the eldest member of each family or such other member, in lieu of the eldest member, as the State Government in its discretion may determine in the post office nearest to the residence of such person and the State Government shall credit to such account every month a sum of Rs. 750/-by way of interim relief. The payments shall begin from 1st of May, 1989 and the first payment shall be by 10.5.1989. The payment into such account shall be by 7th for every succeeding month. The State Government of Madhya Pradesh shall be entitled to reimbursement of the amounts spent for compliance of this direction from the Union of India. Learned counsel for the State of Madhya Pradesh has made a statement in this court that of the total number of 3110 persons who died about 2000 are adult members.

These matters shall be listed on 28th April, 1989, at 2.00 p.m. for further hearing.

..... J
(Sabyasachi Mukharji)

..... J
(Ranganath Misra)

New Delhi
April 21, 1989

..... J
(M.N. Venkatachaliah)

ORDER

After hearing learned counsel for the parties the court modified its order dated April 21, 1989 and issued further directions in the matter. Instead of "Postal Savings A/c", the accounts will be opened with the branches of the State Bank of India nearest to the residence of the victims or the representatives of the victims or the persons entitled to the benefits. The words "on account" will be added at the end of the words "Rs. 750/- by way of interim relief".

We have been informed that 3,26,429 victims have been identified pursuant to the notice. The government is directed to file an affidavit by August 16, 1989, indicating the category of the victims, basis for their categorisation and the results of the categorisation.

The government is further directed to submit to this Court ICMR report and the copies of the documents which were handed over today in the court, by May 3, 1989. Copies of all these documents will also be supplied to the parties appearing herein.

It is directed that until further orders, the four victims who have been classified as totally and permanently disabled should be paid Rs. 500/- per month as medical aid. And as and when any other victim is classified as totally and permanently disabled such person shall, until further orders, also be paid Rs. 500/- per month as medical aid.

All the payments will be paid on account.

It is further directed that 527 persons who are said to have suffered injury of the nature of temporary disablement, 83 persons who have suffered injury of permanent disablement and 163 persons who have suffered partial disablement injury should also be paid on account of medical aid a lump sum amount of Rs. 3000/-. These persons have been stated to have been identified and should be paid by the State Government within four weeks from this date. The Union of India shall reimburse the payments made by the State Government.

Writ Petition No. 326 of 1989

In the meantime, the respondents will file their counter-affidavits within four weeks. Rejoinder shall be filed thereafter but before the next date of hearing.

In the meantime, without prejudice to the rights and contentions of the parties, the petitioner will be paid Rs. 500/- per month on account.

Mr. Prasant Bhushan states that the Registry is not accepting certain letters from the victims as writ petitions. The Registry will accept these after scrutinizing these and if satisfied about these. These will be treated as writ petitions.

The Government will also state in its affidavit to be filed hereafter the names and addresses of the persons to whom the payments have been made.

List the matters on 25.8.89.

..... J
(Sabyasachi Mukharji)

..... J
(Ranganath Misra)

..... J
(M.N. Venkatachaliah)

New Delhi
April 28, 1989

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Misc. Petition No. 9102 of 1989

AND

I.A. No. 1 of 1989 (In WP 843/88)

BHOPAL GAS PEEDIT MAHILA UDYOG

BHOPAL GAS PEEDIT MAHILA UDYOG SANGATHAN

(Applicants)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

ORDER

We have heard counsel appearing for the parties. We direct that those who suffered temporary as also permanent injury as per details given in paragraph 14 of the categorisation of claims in the affidavit filed in this Court should be informed personally about their categorisation within a period of eight weeks from today by the State Government of Madhya Pradesh. Copy of the list of persons so categorised shall be filed in the Registry of this Court within a period of nine weeks from now. The State Government shall file an affidavit in the Registry stating the fact of communication of intimation to the persons in categories (ii) and (iii) in paragraph 14 of the affidavit. Each of the persons in categories (ii) and (iii) in paragraph 14 of the affidavit shall be entitled to photo copy of his Medical Folder within a reasonable time on payment of 50 paise per page. It is stated that categorisation has been done on the basis of the guidelines appended to the said affidavit and the annexures thereto and there are no other guidelines.

Counsel appearing for the State of Madhya Pradesh makes a statement that out of 3,41,000 persons medically evaluated so far, categorisation has been completed in respect of 1,49,000 persons. He has stated that categorisation in regard to the rest out of 3,41,000 shall be completed within a period of four months from today. We direct that this be done within the time stated by him peremptorily.

We further direct that 56 Deputy Commissioners as contemplated in the scheme be appointed by the Government of India within eight weeks to help the Madhya Pradesh Government to give effect to the interim directions which are being made from time to time by this Court, including interim maintenance.

Though paragraph 14 of the affidavit mentions a smaller number, counsel states that upto date 7,687 persons have been found to have suffered permanent injury

not amounting to permanent or temporary disablement. It is stated that in many cases the nature of such injuries is trivial enough though of permanent character. By way of interim relief we direct that each one of them shall be paid a sum of Rs. 1,000/- by Bank Draft. In the communication to be sent as already directed, these 7, 687 persons shall be informed that under orders of this court they are entitled to be paid a sum of Rs. 1,000/- as interim relief and they can collect the payment from the Directorate of Claims. This order shall be without prejudice to the rights and contentions of parties in the adjudication proceedings under the scheme of the Act.

As and when further categorisation is made, parties shall be at liberty to obtain further directions from this Court. In order to facilitate implementation of the directions already made, now made and to be made, the Union of India shall pay a sum of Rs. 1 crore on account to the State Government of Madhya Pradesh within a period of one month.

Rejoinder affidavit, if any, objecting to the guidelines shall be filed within a period of four weeks. These matters shall be listed for further directions on the 29th September, 1989 at 2 p.m.

..... J
(Sabyasachi Mukharji)

..... J
(Ranganath Misra)

New Delhi
August 25, 1989

..... J
(M.N. Venkatachaliah)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**Civil Miscellaneous Petition No. 9102/89 & I.A. No. 1/89 (In WP Nos. 843/88
& 11708/85) I.A. No. 1 (In WP. No. 420/89) with CMP Nos. 9071/89—
In WP. Nos. 897/73/85, & 420/89) CMP No. 17930/89**

**IN THE MATTER OF
UNION CARBIDE CORPORATION**

(Petitioner)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

**AFFIDAVIT ON BEHALF OF THE UNION OF INDIA WITH REGARD
TO THE GRANT OF INTERIM RELIEF TO VICTIMS OF THE BHOPAL
GAS LEAK DISASTER**

I, Satish Swarup Gupta son of Shri Jyoti Swarup Gupta aged 55 years working as Under Secretary, Deptt. of Chemicals & PetroChemicals do hereby solemnly affirm and state as under :

1. I say that I am dealing with the case in my official capacity that I am conversant with the records and that I am competent and authorised to swear this affidavit.
2. I say that the Central Government has been deeply concerned about the continuing miseries of lakhs of people of Bhopal who were affected by the gas leak disaster which took place on December 3, 1984 and has been conscious of the fact that no meaningful financial assistance has been given to the victims of this biggest chemical disaster of the world even 5 years after the event. The Government of India are also conscious of and alive to their constitutional obligations and duties towards the victims under Articles 38, 39, 39A, 41 and 47 inter alia of the constitution and seek to effectuate the same.
3. Accordingly the Government of India have decided to give pro tempore financial assistance to the victims in the form of interim relief. Before finalising the amount and mode of disbursement of interim relief, the Government held a meeting on 3rd February, 1990 with representatives of the following social action groups which have been representing the victims of the gas leak disaster :

- i) Bhopal Gas Peedit Mahila Udyog Sangathan
- ii) Zahreeli Gas Kand Sangharsh Morcha

- iii) Bhopal Gas Peedit Sangharsh Sahyog Samiti
 - iv) Jana Swasth Kendra, Bhopal
 - v) Bhopal Group for Information and Action
 - vi) Gas Peedit Sangharsh Morcha
 - vii) Gas Rahat Evam Punarawas Front
4. The Government of India have decided to give interim relief to all the residents of the 36 severely affected wards of Bhopal who were there on the night of the disaster. This decision to cover all the residents has been taken because there is a likelihood of long term health damage to all persons who were exposed to the MIC and other toxic gases.
5. Government of India have now decided to pay an amount of Rs. 200/- per month per person for a period of three years as interim relief. This would cover all the residents of the 36 severely affected municipal wards, as stated hereinabove, and will be paid to minors and adults at the same rate. Based on estimated population figures, it would appear that there were about 5 lakh people in the area on the night of the disaster and all these people need to be assisted through the scheme of interim relief. Regular monthly payments will be made to the victims through the scheduled nationalised/cooperative banks which have branches in these wards. Through this scheme of interim relief it would be ensured that the victims would continue to get regular assistance over a period of time, and this would help them to meet their medical expenses and earn their basic livelihood on a continuous basis. The disbursement will be implemented through the administrative machinery of the Government of Madhya Pradesh. For the purpose of providing such interim relief, the Government of India have sanctioned the disbursement of an amount of Rs. 360 crores. The amount is being released shortly and payments through the Banks will start at the earliest.
6. It is also necessary to state that the social action groups which have been consulted by the Government of India have expressed their satisfaction with the above arrangement. The Government of India have also decided with the concurrence of the said groups that the amounts so paid by way of interim relief will be adjusted against the final compensation available to the victims through the judicial process.

DEPONENT

VERIFICATION

I, the Deponent abovenamed, do hereby solemnly verify and state that the facts stated in paragraph 1 of the above affidavit are true to my personal knowledge, while those stated in paragraphs 2 to 6 are true to my knowledge derived from my official dealings with and records of the case and I believe the same to be true. No part of the affidavit is false and nothing material has been concealed therefrom.

Verified at New Delhi this 12th day of March, 1990.

DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. Nos. 1-3 of 1989 (In C.A. Nos. 3187-88 of 1988)

UNION CARBIDE CORPORATION

(Petitioner)

Versus

UNION OF INDIA AND ANOTHER

(Respondents)

AND

I.A. No. 1 (In R.P. No. 229 of 1989) (In C.A. Nos. 3187-88/1988)

UNION CARBIDE CORPORATION

(Petitioner)

Versus

UNION OF INDIA AND ANOTHER

(Respondents)

AND

C.M.P. No. 9102/1989 (In W.P. No. 843/1988)

BHOPAL GAS PEEDIT MAHILA UDYOG

(Petitioner)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

AND

C.M.P. No. 9071/1989 (In W.P. Nos. 8970-73/1985)

SAJIDA & OTHERS

(Petitioners)

Versus

UNION OF INDIA AND OTHERS

(Respondents)

AND**I.A. No. 1 (In W.P. No. 11708/1985)****NISHITH VOHRA****(Petitioner)****Versus****UNION OF INDIA****(Respondent)****AND****C.M.P. No. 17930/1989 & I.A. No. 1/89 (In W.P. No. 920/1989)****ZAHREELI GAS KAND SANGHARSH MORCHA & OTHERS****(Petitioners)****Versus****UNION OF INDIA AND OTHERS****(Respondents)****AND****I.A. No. 1 (In W.P. No. 281/1989)****RAJ KUMAR KESHWANI****(Petitioner)****Versus****UNION OF INDIA & OTHERS****(Respondents)****ORDER**

Having heard the learned Attorney-General of India, and in view of the affidavit of Satish Swarup Gupta verified on 12th March, 1990 it is directed to be recorded as follows :

1. The payment of Rs. 750/- per month directed to be paid pursuant to the order dated 21.4.1989 of this court will be continued to be paid until the commencement of the payment of a sum of Rs. 200/- per month, per person in accordance with the decision of the Government in the matter of interim relief. In case the amount ordered by the order dated 21.4.1989 is larger than the amount stipulated by Government decision as aforesaid in respect of any family, the payment will continue to be made in accordance with the earlier order dated 21.4.1989.

2. The sum of Rs. 500/- per month, directed to be paid pursuant to the order dated 28.4.1989 will be continued to be paid and will not be altered on account of the Government's decision to pay interim relief to pay Rs. 200/- per month, per person and will continue to be paid at the same rate. This payment will continue to be made for three years or until further orders of this Court.

The payments made will be adjusted only against payments made to those persons who are ultimately found to be entitled and have actually received the same.

The sum of Rs. 500/- per month, pursuant to the order dated 28.4.1989 will be continued to be paid over and above the maintenance of Rs. 200/- as interim relief as contemplated in clause (1) of the aforesaid.

3. Persons who have been paid Rs. 3,000/- lump sum pursuant to the order dated 28.4.1989 will also be covered by the Government's decision to grant interim relief. No recovery or adjustment will be made in respect of Rs. 3,000/- lump sum already paid to these persons. Further categorisation for the payment of instalment of Rs. 3,000/- lump sum will now be discontinued in view of the aforesaid Government decision. No further categorisation for the purpose of interim relief only granted by this order need be done.

4. Persons who have been paid Rs. 1,000/- lump sum, pursuant to the order dated 25.8.1989 of this court will also be covered by the Government's decision to grant interim relief. No recovery or adjustment will be made in respect of Rs. 1,000/- lump sum already paid to these persons. Further categorisation for the payment of the instalment of Rs. 1,000/- lump sum will now also be discontinued in view of the aforesaid decision.

Other categorisation as directed by our order dated 25.8.1989 will, however, continue subject to further order of this Court.

..... CJI
(Sabyasachi Mukharji)

..... J
(Ranganath Misra)

..... J
(K.N. Singh)

..... J
(M.N. Venkatachaliah)

New Delhi
March 13, 1990

..... J
(N.D. Ojha)