

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 2802 of 2004

(ALOK PRATAP SINGH (DECEASED) IN REM vs THE UNION OF INDIA AND OTHERS)

WP No. 1993 of 2004

Dated : 11-09-2024

*Shri K.N. Fakhruddin- Advocate and Shri Himanshu Mishra-Advocate
for the petitioner.*

*Shri Pushpendra Yadav, Deputy Solicitor General and Shri Sandeep
Shukla-Advocate for the respondent No.1/ Union of India.*

Shri Vikram Johri-Advocate for the respondent M.P. Pollution Board.

*Shri Ravindra Shrivastava-Senior Advocate and Shri Kishore
Shrivastava Senior Advocate with Ms. Shiraz Patodia, Shri Ashish Singh,
Ms. Divya Sharma, Ms. Juhi chawla, Shri Kunal Thakre, Ms. Aditi
Shrivastava and Shri Y.M. Tiwari, Advocate for the respondent No.4.*

*Shri Ajay Gupta-Senior Counsel with Shri Rajeev Mishra, Shri S.K.
Verma and Ms. Shakshi Pawar-Advocate for the respondent No.7.*

*Shri Shreyas Dharmadhikari-Advocate for intervenor International
Campaign for justice Sambhavana Trust, Bhopal.*

*Shri N.D. Jayprakash- Advocate for Intervenor/Bhopal Gas Peedith
Sangharsh Sahyog Samiti*

*and Shri Avininder Singh-Advocate and Shri Teerthesh Bhariilya-
Advocate for intervenor/B.G.I.A.*

The petitioner has filed the present Writ Petition in the nature of Public Litigation Interest bringing to the notice about the inaction of the Central Government as well as State Government in taking effective steps to

clean up the area around the Union Carbide Factory wherein thousands of tons of toxic waste and chemicals still lying dumped.

2. The Writ Petition came up for hearing on 30.03.2005 and after considering the seriousness of the matter, a Task Force for implementation of Toxic Waste removal/destruction was constituted comprising the following;-

(i). Secretary, Department of Chemicals and Petrochemicals, Government of India.

(ii). Principal Secretary, Bhopal Gas Tragedy Relief and Rehabilitation, Bhopal.

(iii). Chairman, M.P. Pollution Control Board, Bhopal.

(iv). Expert to be nominated by the National Environmental Engineering Research Institute, Nagpur.

(v). Expert to be nominated by the Indian Institute of Chemical Technology, Hyderabad.

(vi). Technical Member nominated by Central Pollution Control Board, New Delhi.

3. Thereafter, an application filed by the Central Government seeking a direction to respondents 4 to 6 to deposit of Rs.100 crores for environmental remediation was considered. Vide order dated 13.05.2005, the Task Force constituted 30.03.2005 was reconstituted by adding Shri N.K. Niyati, Head of Environmental Management Division, Confederation of Indian, Industries, New Delhi. The Central Government and State Government were directed to bear the expenditure equally (subject to

fixation of liability). In order to avoid the delay, Chairman, M.P. Pollution Control Board, Bhopal alongwith Principal Secretary, Bhopal Gas Tragedy, Relief and Rehabilitation and an Officer to be nominated by Accountant General, Madhya Pradesh were directed to negotiate with the three identified agencies and entrust the First Phase work. Thereafter, this Petition came up for hearing time to time and effective interim orders were passed by this Court.

4. On 26.10.2010, an application for review filed by the Union of India was considered and the name of 'Oversight Committee' was changed to 'Task Force Committee'. On 24.01.2024, the Deputy Solicitor General appearing for the Central Government informed to this Court that pursuant to the order dated 29.11.2023, the proposal of the Ministry of Environment for release of the amount of Rs.126,08,50,365/- has been approved by the Ministry of Finance and the supplementary demands for grant of cleaning up the waste for the financial year 2023-2024 has been accepted. The compliance report bearing No.4695/2024 filed by the respondent No.3 was taken up for consideration on 02.05.2024. Alongwith the said report, tentative work order was submitted which was to be issued for incineration of toxic waste within a minimum 185 days and maximum of 377 days.

5. Counsel appearing for the State accepted the fact of receiving the amount of Rs.126,08,50,365/- from Central Government. This Court directed the "Task Force Committee" to monitor the execution of the work by the Contractor and submit report once every three weeks before this Court.

6. Counsel for the parties jointly submits that till date the work has not

been commenced by the Contractor. The work has to be conducted under the supervision of M.P. Pollution Control Board. More than four months have been passed and till date no progress report has been shown in this matter. It would be very difficult for all the members of Tax Force to assemble and submit a report in every three months before this Court, therefore, we direct the Chairman, of M.P. Pollution Control Board to personally look into the matter and submit report about the progress of work on the next date of hearing. The Superior Officer authorized by the Chairman, M.P. Pollution Control Board shall remain present before this Court on the next date of hearing to explain as to why there is delay in commencing the work, when the fund has been made available by the Central Government.

List on 24.10.2024.

(VIVEK RUSIA)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

Praveen