

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) _____ OF 2026
[Diary No(s). 39365/2025]

IN

WRIT PETITION (C) NO. 50 OF 1998

BHOPAL GAS PEEDITH MAHILA
UDYOG SANGHATHAN & ANR.

Petitioner(s)

VERSUS

PUNYA SALILA SRIVASTAVA & ORS.

Respondent(s)

O R D E R

1. This Court, by its Judgment in Bhopal Gas Peedith Mahila Udyog Sangathan & Ors. Vs. Union of India & Ors. reported in (2012) 8 SCC 326, has considered the matter relating to Bhopal Gas Tragedy and issued detailed directions as a follow up action. Paragraph 37 is important to note and it is extracted herein for ready reference :-

“35. Having noticed in detail the factual aspect of this case, the suggestions made by various applicants, recommendations of the expert bodies and keeping in mind the very object for which the present Public Interest Litigation was instituted, we are of the considered view that issuance of certain specific directions are inevitably called for. These orders would be to ensure proper progress and implementation of the ‘Relief and Rehabilitation programme’ for the penurious gas victims as well as to

ensure that the research work is result-oriented and continued with exactitude. We make it clear that these directions shall be in aid of the various orders passed by this Court from time to time in the present petition and not in derogation thereto. In other words, all orders passed by this Court with specific reference to the orders mentioned above, shall be read mutatis mutandis to these directions and shall remain in force. The orders-cum-directions are :

1) This Public Interest Litigation (Writ Petition (Civil) No.50 of 1998) shall stand transferred to the jurisdictional Bench of Madhya Pradesh High Court for better and effective control in this case. All applications filed henceforth shall be dealt with and disposed of by the concerned Bench of the High Court, in line with the various orders passed by this Court, so as to ensure proper functioning of the 'Relief and Rehabilitation Programme', working of the expert bodies and utmost medical care and treatment to the gas victims.

2) We request the Chief Justice of the Madhya Pradesh High Court to ensure that the case is dealt with by a Bench presided over by the Chief Justice himself or a Bench presided over by the senior most Judge of that Court or any other appropriate Bench in accordance with the High Court Rules of that Court or any special legislation governing the

subject in that behalf.

3) Since the space already provided appears to be insufficient, the State of Madhya Pradesh is hereby directed to ensure provision of proper and adequate office space for the Monitoring Committee and the Advisory Committee, to perform their functions effectively. The space so provided should be accessible to public so that the gas victims can conveniently approach the Monitoring Committee for redressal of their grievances and difficulties.

4) We also direct the State Government to provide proper infrastructure to the Committees in the independent office space provided to it. The members would also be entitled to receive Rs.1,000/- honorarium for each effective meeting. However, no honorarium shall be payable on a day when the meeting is adjourned or no effective business is performed in the meeting of the Committee.

5) The Monitoring Committee has already been authorised and it is hereby clarified that it would hear the complaints and, if necessary, can even call for the records from the concerned hospital or department, record the statements of Government servants or employees of the hospital and make its recommendations to the Government for taking appropriate steps. If no action is taken by the State Government even upon a reminder thereof, the Committee would be

well within its jurisdiction to approach the High Court for appropriate directions. We make it clear that the Empowered Monitoring Committee shall have no penal jurisdiction. It shall discharge its functions strictly within the framework of the powers vested and functions awarded to it under the orders of this Court. Such suggestions of the Monitoring Committee shall be primarily recommendatory and reformatory in their nature and content.

6) The Empowered Monitoring Committee shall have complete jurisdiction to oversee the proper functioning of the hospital, i.e., BMHRC as well as other Government hospitals dealing with the gas victims. This jurisdiction shall be limited to the problems relateable to the gas victims and/or the problems arising directly from the incident or even the problems allied thereto. We make it clear that the Empowered Monitoring Committee shall have no jurisdiction over the private hospitals, nursing homes and clinics in Bhopal. However, it does not absolve the State of Madhya Pradesh and the Medical Council of India from discharging its responsibilities towards the gas victims who are being treated in private hospitals, nursing homes or clinics. We do expect these authorities to hear the grievances of the complainants as well as to ensure maintenance of due standards of treatment

in these hospitals, nursing homes or clinics.

7) We direct the ICMR as well as NIREH to ensure that the research work is carried on with exactitude and expeditiousness and further to ensure disbursement of its complete benefit to the gas victims. We do not permit the research work to be carried out by any private/nongovernmental institution, except the ICMR and NIREH.

8) The Government of India has already resolved to establish the NIREH and carry on the research work, for which it has been provided due infrastructure. Thus, we see no reason why the research work should not progress at the requisite pace in all fields while providing benefits for proper care and treatment of patients in the various hospitals in Bhopal. We further issue a clear direction to the Union of India and the State of Madhya Pradesh to render all assistance, financial or otherwise, to ensure that there is no impediment in the carrying on of the research work by the specialized institutions.

9) The Monitoring Committee must operationalize medical surveillance, computerization of medical information, publication of 'health booklets' etc. The Monitoring Committee shall also ensure that the 'health booklets' and 'smart cards' are provided to each gas victim irrespective of where such victim is

being treated. This direction shall apply to all the hospitals run by the Government or otherwise, in Bhopal. We direct the State Government to provide assistance in all respects to the Empowered Monitoring Committee and take appropriate action against the erring officer/officials in the event of default. We also direct complete computerization of the medical information in the Government as well as non-government hospital/clinics, which should be completed within a period of three months from today.

10) We are informed that there are large number of vacancies of doctors and supporting staff in the hospitals and allied departments. In the BGTRRD, 80 per cent posts of specialists and 30 per cent of doctors are lying vacant. Some posts are also lying vacant in the Fourth Grade staff. Thus, we direct the concerned authorities to take appropriate steps in all respects not only to fill up these vacancies but also to provide such infrastructure and facilities that the doctors are not compelled to or prefer to resign from BMHRC employment and its various departments, due to inadequate facilities.

11) The Union of India, the State Government and the ICMR should even consider the proposal for providing autonomy to BMHRC and even make it a teaching institution so as to provide

attractive terms, studies and job satisfaction therein. This will not only help in providing better opportunities of employment but would better serve the purpose of providing care and treatment of high quality to the gas victims.

12) It is indisputable that huge toxic materials/waste is still lying in and around the factory of Union Carbide Corp. (I) Ltd. in Bhopal. Its very existence is hazardous to health. It needs to be disposed of at the earliest and in a scientific manner. Thus, we direct the Union of India and the State of Madhya Pradesh to take immediate steps for disposal of this toxic waste lying in and around the Union Carbide factory, Bhopal, on the recommendations of the Empowered Monitoring Committee, Advisory Committee and the NIREH within six months from today. The disposal should be strictly in a scientific manner which may cause no further damage to human health and environment in Bhopal. We direct a collective meeting of these organizations to be held along with the Secretary to the Government of India and the Chief Secretary of the State of Madhya Pradesh within one month from today to finalize the entire scheme of disposal of the toxic wastes. The above direction is without prejudice to the appropriate orders or directions being issued by the court of competent jurisdiction.

13) The Advisory Committee, the

Monitoring and the NIREH shall continue to file their respective quarterly reports before the High Court of Madhya Pradesh. These reports shall be dealt with and appropriate directions be passed by the High Court in accordance with law.

14) We have already noticed that the management of BMHT has already been vested in the Ministry of Health and Family Welfare, Government of India and the working of BMHT has come to an end. We, thus, direct that the Union of India and the State of Madhya Pradesh shall take appropriate steps to ensure the dissolution of the Trust in accordance with law. The BMHT was initially formed for a period of eight years and then was constituted for an indefinite period under the orders of this Court. In the facts and circumstances of the case and the subsequent events, we direct that BMHT shall stand dissolved. All concerned to take steps in accordance with law, under which it was created and/or registered.

15) The corpus of BMHT has already been ordered to be transferred to the Government of India and would remain under the control of the Ministry of Health and Family Welfare. If any other steps are required to be taken, they shall immediately be taken by the concerned Ministry. We further issue a clear direction that all the Fixed Deposit Receipts, RBI Bonds, Short Term

Deposits and the bank balance of the BMHT, Bhopal, shall stand transferred and be under the control of the said Ministry. If any steps even in this regard are required to be taken, we direct all concerned to take appropriate steps.

16) Accounts of BMHRC and the allied departments, as far as they are subject matter of the present writ petition, shall be audited by the Principal Accountant General (Audit), Madhya Pradesh. It shall also examine the accounts and the audit report dated 15th July, 2011 submitted by M/s. V.K. Verma and Company within three months from today.

17) We also direct the State Government and the Monitoring Committee to evolve a methodology of common referral system amongst the various medical units under the erstwhile BMHRC and BGTRRD to ensure that the gas victims are referred to appropriate centres for proper diagnosis and treatment in terms of the nature and degree of injury suffered by each one of them.

18) We also direct that the Monitoring Committee, with the aid of the Advisory Committee, NIREH and the specialized doctors of BMHRC, issues a standardised protocol for treating each category of ailment that the gas victims may be suffering from. This shall be done expeditiously. It will be highly

appreciated if the Committee also prescribes scientific categorization of patients and injuries.

19) Lastly, we direct all concerned in the Union of India, State of Madhya Pradesh, Empowered Monitoring Committee, Advisory Committee, ICMR, NIREH, BMHRC and all other Government or non-government departments/ agencies involved in the implementation of Relief and Rehabilitation Programme and research activity, to carry out the above directions expeditiously and without demur and default. We grant liberty to the applicants and/or the petitioners or any other affected person to move the High Court of Madhya Pradesh, Bench at Jabalpur, in the event of violation, non-compliance or default of any of the above directions or any other orders passed by this Court.

36. Before we part with this matter, we consider it our duty to place on record our appreciation for the able assistance rendered by the learned counsel appearing for the respective parties and the functions performed by the various Chairpersons and Committees constituted under the orders of the Court, including the Bhopal Memorial Hospital Trust.

37. This writ petition is transferred to the High Court of Madhya Pradesh in the above terms. All applications are

disposed of accordingly.

38. Keeping in view the provisions and scheme of the National Green Tribunal Act, 2010 (for short the 'NGT Act') particularly Sections 14, 29, 30 and 38(5), it can safely be concluded that the environmental issues and matters covered under the NGT Act, Schedule 1 should be instituted and litigated before the National Green Tribunal (for short 'NGT'). Such approach may be necessary to avoid likelihood of conflict of orders between the High Courts and the NGT. Thus, in unambiguous terms, we direct that all the matters instituted after coming into force of the NGT Act and which are covered under the provisions of the NGT Act and/or in Schedule I to the NGT Act shall stand transferred and can be instituted only before the NGT. This will help in rendering expeditious and specialized justice in the field of environment to all concerned.

39. We find it imperative to place on record a caution for consideration of the courts of competent jurisdiction that the cases filed and pending prior to coming into force of the NGT Act, involving questions of environmental laws and/or relating to any of the seven statutes specified in Schedule I of the NGT Act, should also be dealt with by the specialized tribunal, that is the NGT, created under the provisions of the NGT

Act. The Courts may be well advised to direct transfer of such cases to the NGT in its discretion, as it will be in the fitness of administration of justice.

40. Normally, we would have even transferred this case to NGT. However, as it does not involve any complex or other environmental issues and primarily requires administrative supervision for proper execution of the orders of the Courts, we have considered it appropriate to transfer this case to the High Court of Madhya Pradesh. We may notice that the supervisory work concerns itself with regard to the proper functioning of the various Committees, which were constituted under the orders of the Court, to ensure proper running of the hospital established by the government and health care facilities available to the Bhopal Gas victims. Thus, the matter should be heard and supervisory jurisdiction be exercised by the High Court to better serve the ends of justice."

2. The petitioner-Sangathan filed the present Contempt Petition for non-compliance of the abovementioned order.

3. Notice was issued to the alleged contemnors on 26.09.2025 and this Court directed the respondents to file short affidavit as also a statement indicating

the grievances as regards non-compliances.

4. Counter affidavits in the contempt petition have been filed by Respondent Nos. 1 & 2 (jointly) and Respondent Nos. 3 and 4 separately.

5. On the basis of the counter affidavits, Mr. Sanjay Parikh, learned senior counsel appearing for the petitioners, has also made a statement indicating the crucial directions given by this Court in its order dated 09.08.2012 and also indicated the responses of the respondents as against these compliances.

6. Having heard Mr. Sanjay Parikh, learned senior counsel appearing for the petitioners and Mr. Vikramjeet Banerjee and Mr. Anil Kaushik, learned Additional Solicitor Generals appearing for the respondents as well as Mr. Avi Singh learned senior counsel appearing for the intervenor, we dispose of this contempt petition with the following directions :-

(a) Counter affidavits filed by Respondent Nos. 1 & 2 and Respondent Nos. 3 and 4 be transmitted to the High Court, to be taken on record by the High Court along with Writ Petition No. 15658 of 2012.

(b) The High Court will take into account the statement indicating "Status of compliance of the Order dated 09.08.2012 passed by this Court in W.P.

(c) No. 50 of 1998". This status report has a Tabulated Form indicating compliances as also the

reply of the respondents.

The above documents will make it easy for the High Court to examine various non-compliances and the extent to which the respondents have indicated the compliances.

7. In view of the fact that the directions were issued by this Court wayback in the year 2012, it is necessary for the High Court to designate a Bench as indicated in our Judgment and ensure that the case is taken up at least once in every month.

8. The concerned Bench of the High Court shall hear all the parties and shall permit the Union of India as well as the State Government to file any additional affidavits and also examine the Report of the Monitoring Committee.

9. With these observations, the Contempt Petition is disposed of.

10. Pending interlocutory application(s), including intervention/impleadment application, is/are disposed of.

..... J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
AUGUST 20, 2026.

ITEM NO.34

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (CIVIL) Diary No(s). 39365/2025 in W.P.(C) No. 50/1998

BHOPAL GAS PEEDITH MAHILA UDYOG SANGHATHAN & ANR. Petitioner(s)

VERSUS

PUNYA SALILA SRIVASTAVA & ORS.

Respondent(s)

IA No. 119459/2026 - EXEMPTION FROM FILING O.T.

IA No. 16695/2026 - INTERVENTION/IMPLEADMENT

Date : 20-08-2026 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE**

**For Petitioner(s) : Mr. Sanjay Parikh, Sr. Adv.
Mr. Anuj Kapoor, AOR
Mr. Nandeesh Nanda, Adv.
Ms. Kritika, Adv.
Mr. Satwik Parikh, Adv.**

**For Respondent(s) : Mr. Anil Kaushik, ASG
Ms. Madhulika Upadhyay, AOR
Mr. Pranjal Singh, Adv.
Ms. Disha Thakkar, Adv.
Mr. Aman Jha, Adv.
Mr. Aayush Anand, Adv.
Mr. Ishaan Sharma, Adv.**

**Mr. Avi Singh, Sr. Adv.
Mr. Prasanna S., AOR
Ms. Bhavya Chhikara,, Adv.
Ms. Injila Muslim Zaidi, Adv.
Mr. Maamidi Ashish Reddy, Adv.
Mr. Prasanna B, Adv.
Ms. Ishita Tulsyan, Adv.**

**Mr. Anil Kaushik, A.S.G.
Mr. Amit Sharma, A.A.G.
Mr. Rudraditya Khare, Adv.
Mr. Harmeet Singh Ruprah, AOR
Mr. Surjeet Singh Ga, Adv.
Mr. Kanishk Sharma, Adv.**

Mr. Sarad Kumar Singhania, AOR

Mr. Vikramjeet Banerjee, A.S.G.

Mr. Saket Sikri, Adv.

Mr. Arun Sanwal, Adv.

Mr. Kartik Dey, Adv.

Ms. Madhu Sikri, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The contempt petition is disposed of in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)