

(2000) 04 SC CK 0130
In the Supreme Court Of India
Case No : Writ Petition (C) No. 657/95

Research Foundn. For Science

APPELLANT

Vs

U.O.I. and Another

RESPONDENT

Date of Decision : 20-04-2000

Acts Referred:

Citation : (2001) 8 SCALE 474 : (2000) 4 SCALE 172 : (2000) 9 SCC 311

Hon'ble Judges : V.N. Khare, J;S. Rajendra Babu, J;B. N. Kirpal, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Between the Ministry of Labour and the Ministry of Environment, order passed by this Court on 7th February, 2000, which in fact required compliance with this Court's earlier order of 10th December, 1999, has not been complied with. As is usually the case with the Union of India, an extension of time by two months to enable the Ministry of Labour to file the affidavit is prayed for. In the application (IA 13), the blame is sought to be put on the Ministry of Environment for not supplying the necessary particulars. Be that as it may, it is quite evident that between these two Ministries except for exchange of correspondence nothing else has happened and the orders of this Court remain uncompleted with. In the interest of justice, we grant two months' time from today to enable the Ministry of Labour to file the affidavit subject to the condition that the Ministry of Environment as well as the Ministry of Labour will each pay Rs. 10,000/- as costs. In the first instance, costs will be deposited by the Ministries concerned which will be at liberty to recover the same from such officers who are responsible for non-compliance of this Court's orders. LA. No. 13 stands disposed of.

2. With regard to ship-breaking at Alang, affidavit of Shri Lalit Kapur on behalf of the Central Pollution Control Board has been filed. In response to that, the petitioner has filed an affidavit on 15th April, 2000 supporting the stand taken by C.P.C.B. The contention is that steps should be taken to ensure that ships which

came to India for shop-breaking should be properly decontaminated before they are exported to India. This aspect is being considered by the High Power Committee. As such, the Union of India should forward to the High Power Committee the said affidavit of Shri Lalit Kapur as well as the said comments of the petitioner filed by way of an affidavit of Ms. Shalini Bhutani for consideration and report by the High Power Committee. Needful be done by the Union of India within four weeks from today.

3. The directions sought for by the affidavit of Dr. Mrs. Indrani Chandrasekharan dated 29th March, 2000 will be taken up for consideration after the compliance of the earlier orders requiring the filing of better affidavit. We expect the list of importers to be filed by the next date of hearing as had been directed by this Court.

4. The time which had been granted to the High Power Committee to submit its report is extended till 30th September, 2000.

5. List for further orders after two months.

6. LA. No. 3 in C.A. No. 7660/1997: It is the contention of Mr. Chidambaram, learned senior counsel for the applicant(s) that the material which has been imported is not hazardous. The Union of India will get the said material examined and file a report by the next date of hearing. Test be carried out within six weeks. Copy of this IA be also given to Mr. Sanjay Parikh who will be at liberty to file his response to this LA. List after two months.