

05 **21.09.
2022**

Ct. No. 04

Ab

**CPAN 703 of 2021
in
WPA 8033 of 2017
With
IA No. CAN 1 of 2018 (Old No. CAN 3763 of 2018)
IA No. CAN 2 of 2021.**

**Shanti Ganatantra Sanghati Mancha
Vs.
Shri Narayan Swaroop Nigam and another.**

**Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Saloni Bhattacharya,
Ms. Gulsanwara Parvin,
Ms. Ambiya Khatun,
Mr. Arka Ranjan Bhattacharya,
Mr. Nepesh Majhi.**

... for the applicant.

**Mr. S. N. Mookherjee, Ld. AG.
Mr. Md. T.M. Siddiqui,
Mr. N. Chatterjee.**

... for the alleged contemnors.

**Mr. Dipanjan Datta,
Mr. Atanu Basu,
Ms. Reshmi Chatterjee.**

... for the ROHC (E)

Mr. Vipul Kundalia.

... for the NHRC.

Re: CPAN 703 of 2021.

Amidst the pendency of the Public Interest Litigation the instant contempt application has been filed alleging willful and deliberate violation of the interlocutory order passed on 3rd October 2018 in the following extent:

“In view of the above, we direct the State Government to prepare Silicosis Rehabilitation Policy for treatment, compensation and rehabilitation as a welfare scheme as also to

make necessary arrangements for regular check up, diagnosis and treatment regularly to 'Silicosis Victims' residing in all those villages, the names of which are made available to the learned Advocate-on-record in compliance of the order dated July 20, 2018 passed in these matters and to submit a report in respect of the aforesaid two aspects before this Court on the next date of hearing."

The Public Interest Litigation was taken out inviting the attention of the State Government to combat and tackle the silicosis disease spreading rapidly in some villages and a regular treatment, rehabilitation or compensation by way of a welfare scheme is required to be adopted by the State Government.

The above quoted order would reveal that the direction was passed upon the State Government to prepare a Silicosis Rehabilitation Policy for treatment, compensation and rehabilitation and also to make necessary arrangement for regular check up and treatment of such victims and to submit a report in respect of the aforesaid two aspects before the Court on the next date of hearing.

The present contempt application was taken out alleging that despite the direction for preparation of the welfare scheme, no steps were taken by the State Government.

Learned Advocate General appearing on behalf of the alleged contemnors candidly submits that the said scheme has been framed, though belatedly and all requisite and appropriate steps required either for tracking of such victims or treatment thereof till the Covid engulfed the entire globe were holding in slow pace. After the recession in the active Covid cases in the country, the same shall be restored and adequate steps are being taken by the State Government in those

areas. Several reports in terms of the said order were prepared periodically and filed before the Bench taking up the Public Interest Litigation and regular monitoring shall be ensured henceforth.

It further transpires in course of hearing that the Regional Occupational Health Centre, Eastern Zone under the Indian Council of Medical Research was set up to study and research the genesis of such disease and recommend and suggest the corrective as well as medicinal treatment for the benefit of such disease.

Learned Advocate appearing on behalf of the Regional Occupational Health Centre submits that the report had been submitted in the form of suggestion and recommendation and the State Government has obligated the said organization by framing the policy.

Since the primary grievance raised in the instant contempt application has been duly complied with, though belatedly, but we do not find that there was any unjust and unreasonable reasons for such delay.

Since the scheme has been framed, we have a profound hope and trust that the same would be placed in action and the victim of such disease would be benefited by such scheme.

Since there is no justification, we find, in proceeding with the instant contempt application after noticing the aforesaid facts discerned in course of hearing, the contempt proceeding is dropped.

The contempt application is hereby dismissed.

(Harish Tandon, J.)

(Shampa Sarkar, J.)

