

SUDIP MAZUMDAR
v.
STATE OF MADHYA PRADESH

JULY 15, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Constitution of India, 1950 : Article 21.

Human Rights—Right to life—Test firing range near Itarsi in Madhya Pradesh—Test firing practices—Tribals going to collect firewood etc.—Becoming victims of firing and several sustaining injuries—Writ petition for protection of lives of Tribals—Recommendations of high level Government Committee—Acceptance of—Directions by Supreme Court—Compliance with—Disposal of matter in view of report of full compliance of directions issued.

CRIMINAL ORIGINAL JURISDICTION : Writ Petition (CRL)
No. 1420A of 1982.

(Under Article 32 of the Constitution of India.)

K.T.S. Tulsi, Additional Solicitor General, (Rajeev Dhavan) for Intervenors, Ranjit Kumar, A. Subba Rao, Anil Katiyar, Uma Nath Singh, E.C. Vidya Sagar, Ms. A. Subhashini, L.R. Singh, Pramod Kumar and Ms. Vimla Sinha for the appearing parties.

The following Order of the Court was delivered :

The departed soul of Shri Govind Mukhoty would feel satisfied for the result as he had done yeomen's service to protect the precious lives of the tribals who used to go to collect firewood etc. but became victims of firing in the range. He devoted his life and was an ardent champion of human rights of underprivileged and one of the cases which he had left over unfinished, is this case which we are now disposing of partly. In this case, on account of test firing practices being organised at a test firing range near Itarasi in Madhya Pradesh, several of the tribals are becoming victims of the firing and some of them succumb to the injuries and several sustain grievous injuries. That resulted in filing this writ petition. This Court, by order dated March 13, 1994 by a Constitution Bench, had

A accepted the recommendations made by High-level Committee of the Government constituted pursuant to an order passed by this Court. The recommendations, as accepted by this Court, are as under :

B "(i) The substitute plans of erecting barbed wire fencing around the four target areas have been worked out and is as per sketch P., Q. and Q1.

(ii) DSC personnel will be deployed to patrol the target areas to prevent unauthorised entry by metal pickets into the target area and to protect the barbed wire.

C (iii) Watch towers will be constructed around the fencing to provide effective field of observations to the DSC guards to carry out duties at (b) above.

D (iv) Approach roads to the target areas will be constructed for easy access.

(v) Additional transport will be provided to CPE Itarsi to ferry DSC troops to and fro target areas and to convey food and other essential requirements to them while on duty."

E This Court gave the direction as under :

F "We direct the Government to accord sanction in terms of its own prayer in Criminal Misc. Petition No. 1360/94 immediately so as to allow the tender process to be completed and the work to commence within 3 months from today. The actual physical execution of the work for which 24 months' time is indicated in the aforesaid Note, shall be reduced to and completed in a period of 18 months."

G For compliance thereof, the matter was adjourned from time to time and ultimately time was extended by order dated January 12, 1996 to submit full compliance report. Today, an affidavit has been filed by Brigadier Kuppuswami Ramani who is in-charge of Central Proof Establishment, Itarasi. As per the report, full compliance of the directions issued by this Court has been made. We accept the report and close the matter on implementation part.

H

The writ petition is accordingly disposed of partly. The proceedings in this writ petition are accordingly closed. On maintainability, reference is awaiting the decision of the Constitution Bench. A

T.N.A.

Petition disposed of partly.