

Supreme Court of India

Dr Shiv Rao Shanta Rao Wangla And ... vs Union Of India (Uoi) And Ors. on 20 January, 1988

Equivalent citations: JT 1988 (1) SC 144, (1988) 1 SCC 452

Bench: A Sen, E Venkataramiah, L Sharma

ORDER

1. After hearing Ms. Indira Jaisingh, learned Counsel for the petitioners, Shri Atul Setalvad, learned Counsel for respondent No. 2, National Dairy Development Board and Shri Kuldip Singh, learned Additional Solicitor General at quite some length and having given the matter our anxious consideration, we think it desirable to pass the following order in the national interest, namely;

1. The Court appoints an expert committee to give its opinion to the court on the question referred to it arising in these proceedings, viz. Whether milk and dairy products and other food products containing manmade radionuclides within permissible levels by the Atomic Energy Regulatory Board on 27th August, 1987, are safe and/or, harmless for human consumption.

2. The expert committee to consist of the following:

(1) Prof. M.G.K. Menon Member, Planning Commission, Scientific Advisor to the Prime Minister 1, Motilal Nehru Marg, New Delhi.

(2) Shri G.V.K. Rao Vice-Chairman Economic & Planning Council Govt. of Karnataka, 252, 15th Main Road Rajmahal Vilas Extension Bangalore-80.

(3) Dr. P.K. Iyengar Director Bhabha Atomic Research center Bombay-400 085.

3. The parties, viz., the petitioners and respondents will be at liberty to file in the Registry on or before 28th January, 1988 any additional documents that they want the committee to consider. Each party who files any such document will furnish copies to all the other parties.

4. The Registry will prepare three sealed packets for the members of the committee containing a copy of this order, the paper book and any additional documents that the parties may have filed and deliver these to the advocate of the N.D.D.B. on or before 31st January, 1988 who will undertake to ensure delivery of the packets to the members of the committee on or before 2nd February, 1988.

5. The Committee will be at liberty to seek the assistance of. the experts or specialists in any particular field.

6. The committee will give its opinion to the court on the said question after a consideration of the paper book and documents. It is clarified that the committee will not be required to hear the parties or any of them or take any evidence.

7. As the distribution of 3000 metric tons of butter urgently required in the country is being held up pending these proceedings, the committee is requested to furnish its opinion to the court as

expeditiously as possible but not later than 24th February, 1988.

8. As soon as the opinion is filed the Registry to make copies available to the advocates of the parties.

9. Matter to be listed for orders on Tuesday 8th March, 1988.

10. Liberty to the parties to apply for an earlier date if the opinion is filed earlier than 24th February, 1988.

11. The expenses of this enquiry, including the remuneration payable to the experts, shall be settled by the Secretary to the Government of India, Ministry of Agriculture and the amounts so settled shall be paid to the experts by the National Dairy Development Board.