

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 87 of 2022**

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SUO MOTU & ORS.

Versus

STATE OF GUJARAT, CHIEF SECRETARY, & ORS.

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Appearance:

MR KR KOSHTI(1092) for the Applicant(s) No. 2

MR RAHUL SHARMA with MR UTKARSH J DAVE(10620) for the
Applicant(s) No. 3

MR VARUN K PATEL with MS SHIKHA PANCHAL , AMICU CURIAES, SUO
MOTU for the Applicant(s) No. 1

MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR VINAY BAIRAGRA,
ASST. GOVERNMENT PLEADER for the Opponent(s) No. 1,2,3

MR MANAV A MEHTA(3246) for the Opponent(s) No. 7

MR TUSHAR L SHETH(3920) for the Opponent(s) No. 4

MR. KM ANTANI(6547) for the Opponent(s) No. 5

NOTICE SERVED for the Opponent(s) No. 6

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 05/09/2024

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The report of an independent Court Commissioner appointed by this Court vide order dated 23.07.2024, filed in two volumes (in spiral binding) (Volume No.1 and Volume No.2) dated 05.09.2024 is taken on record. Apart from the report, two sealed envelopes containing the attendance sheet of the family members present during the course of interaction by the independent Court Commissioner (in original) and the representations submitted by the families of the victims (in original) have also been placed on record.

2. It is pointed out by Ms. Aishvarya Gupta, the learned Court Commissioner that while forming different categories of victims as beneficiaries entitling them for the benefits granted by this Court, such as monthly allowance of Rs.12000/- for their daily expenses/ needs, few widows have been left out who had lost the lone earning member of their family, in the incident of Morbi bridge collapse. It was submitted from the table extracted in Schedule as Schedule-IV to the report in Volume 2 that few victims were already widows and they have lost their earning young son or daughter and are left with minor children to feed them on their own.
3. Similarly, there are physically disabled persons, who have lost their well paid jobs on account of the disability they face as a result of grievous injury suffered in the incident. One of the victims who is suffering from locomotive disability has been told by the respondent Company that there is no suitable job available for him in the Company. The other one is facing severe spine injury and the resultant mental illness. No proper support has been given to them.
4. Many of the victims are not aware of the benefits to which they are entitled to under various orders passed by this Court. Many of them are not aware of the compensation amount deposited in fixed deposit by the District Legal Services Authority, Morbi (in short as 'DLSA, Morbi') under the order dated 22.02.2023 passed by this Court.
5. It is also pointed out that all the victims are not aware of

the arrangements made by this Court for “orphan children” and “children with single parent” that they are entitled to the educational expenses till they complete college education, which may include the expenses of a professional course. Though under the directions of this Court, the educational expenses of children in their schools are being transmitted directly, but their parents are not aware of the said arrangement.

6. It was also pointed out that the corpus of Rs.15 lakhs created of with the Trust seems to be a meager amount and there is a need to secure future exigency as there is consistent environment of distrust amongst the victims and their families about the future payments towards the benefits accorded by this Court. There is also a need, thus, to execute instruments in writing outlining the benefits with the individual beneficiaries or their guardian in the case of minor beneficiaries along with the Company and the Collector being signatories.
7. It is also pointed out that out of 21 victim children, eight are young girls, who are being provided expenses for their education. Taking note of the same, the Court feels that for eight young girl victims, the company shall also be required to bear their marriage expenses, which must be included in the benefits to be provided by the Trust, namely, Sahaj Seva Parivar, Morbi registered under the directions of this Court, as and when the exigency arises.

- i. Taking note of the above, we provide that an arrangement be made for execution of an instrument in writing with the individual beneficiaries outlining the benefits to which they are entitled to. In case of minor, the signatory shall be either the natural guardian of the minor or an authorised guardian, in case of absence of natural guardian.
- ii. Apart from the medical and educational expenses for the victims for the young girl victims, who are eight in number, a provision shall also be made in the list of benefits that the company shall bear their marriage expenses as well, and the payment towards the same shall be made by the Trust, namely Sahaj Seva Parivar, Morbi as and when the exigencies arise.
- iii. The educational benefits for minor children which are extended upto college level would also mean to include expenses for professional education, if any undertaken by such children.
- iv. Ms. Aishvarya Gupta, the independent Court Commissioner and Mr. Varun K. Patel along with Ms. Shikha Panchal, amicus curiae are appointed as Court Observers to ensure that all victim beneficiaries are made aware of the benefits extended to them by the Court and the process of execution of the instruments in writing is completed.
- v. The list of beneficiaries must include those victims who were already widow and have lost lone earning member of their family. The physically disabled victims shall be accommodated in a well paid job by the Company

commensurate to their capability and suitability. The Company shall make arrangement for one of the victims suffering from locomotive disability as pointed out in the report of the learned Court Commissioner.

- vi. Another victim, who is facing severe spine injury and resultantly mental illness shall be provided with all necessary and proper support, to overcome his illness and recover fully.
- vii. Consequently, DLSA, Morbi shall ensure that all compensation deposited in the name of Chairman, DLSA, Morbi under order dated 22.02.2023 shall be updated and processed for identification. The list of individual beneficiaries of the said amount shall be included by identification of the beneficiaries with the help of the Collector and complete the paper work. After completion of the process of verification and identification of the beneficiaries, each beneficiary shall be provided the copy of the order of this Court along with the copy of the FDR (in cumulative deposit) in the name of the Chairman, DLSA, Morbi. The money deposited in the Fixed Deposit shall be renewed from time to time as per the bank norms and the payment thereof shall be subject to the decision of this Court in the present petition.
- viii. As regards the corpus created by the respondent company with the Trust, namely Sahaj Seva Parivar, Morbi registered under the directions of this Court, it is provided that the corpus of Rs. 15 lakhs is meager to meet any exigencies and there is a need to enhance the corpus. We, therefore,

provide that 10 lakhs more be deposited in the corpus for creating it to Rs. 25 lakhs within the period of one month from today. Additional corpus of Rs. 25 lakhs shall be created by the Company with the Trust within a further period of two months. The management of the corpus with the Trust shall be the responsibility of the Trustees which shall be kept in a fixed deposit of a Nationalized Bank so that the interest be accumulated for the same and the money out of the corpus shall be utilized as and when exigencies arise and also the directions issued by this Court, if any.

8. Lastly, we may note that the learned advocate appearing for the victims inviting attention of the Court to the order passed by the Apex Court permitting them to be impleaded in the present proceedings would submit that nothing has been done on the Special Investigation Team (in short as 'SIT') report. The trial proceedings in the criminal case have not proceeded further and moreover no proper action has been taken against the guilty officials of the Nagarpalika, Morbi, whose responsibility has been fixed in the SIT report. To deliberate on the said issue, we post the matter on 17.10.2024.
9. In the meantime, the process for compliance of the above directions shall be completed by the competent authority under the supervision and guidance of learned Amicus Curiaes Mr. Varun K. Patel along with Ms. Shikha Panchal and the independent Court Commissioner Ms. Aishvarya Gupta would submit that she could not interact with few

victims, who are living outside district Morbi.

10. She is permitted to travel to the places where victims are residing and submit her report. Her expenses for travel and stay etc. shall be borne by the Company. On the next date the Court will also decide on remuneration to the learned Amicus Curiaes and learned Court Commissioner for the services extended by them.
11. Put up this matter on 17.10.2024.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR