

ITEM NO.47

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).79-81/2019

INTERGLOBE AVIATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE SECRETARY & ORS.

Respondent(s)

(WITH IA No. 180514/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 179156/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 179158/2018 - STAY APPLICATION)

Date : 29-11-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s)

Mr. Mrinal Ojha, Adv.
Mr. Ishaan Chhaya, Adv.
Ms. Rashi Goswami, Adv.
Mr. Jasmeet Singh, AOR

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Ms. Sonia Mathur, Sr. Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Sushil Dubey, Adv.
Ms. Divya A. Nair, Adv.
Mr. Anuj Aggarwal, Adv.
Mr. Puneet Pathak, Adv.
Mr. S.S. Rebello, Adv.
Neeleshwai Pavani, Adv.
Ms. Anzu Paul, Adv.
Ms. Riya Soni, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. B. V. Balaram Das, AOR

Mr. Kiran Kumar Patra, AOR

Mr. U.A. Rana, Adv.
Mr. Himanshu Mehta, Adv.
For M/S. Gagrat And Co

Mr. Amrendra Kumar Mehta, AOR
Mr. Sanjay Pal, Adv.

Mr. Sanjay Kumar Dubey, AOR
Ms. Shuchi Singh, Adv.
Mr. Krishna Kant Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In pursuance of the order of this Court on 16 July 2019, the Union of India in the Ministry of Health and Family Welfare constituted an expert High Powered Committee. The Committee submitted its report. Thereafter, when the proceedings were listed before this Court on 22 November 2019, we had indicated to Mr A N S Nadkarni, learned Additional Solicitor General that it would be appropriate if the Union of India has a fresh exercise conducted by a committee drawn from experts having specialized domain knowledge in the area pertaining to the control of vector borne diseases.

Mr. Nadkarni has, on seeking instructions from officials of the Ministry of Health and Family Welfare, suggested that the Expert Committee may include the following specialists who are drawn from reputed institutions:

- (i) Prof. A P Dash, Vice Chancellor, Central University of Tamil Nadu, Former Regional Adviser/Scientist at WHO SEARO and Director of National Institute of Malaria Research - Delhi, Regional Medical Research Centre, Jabalpur, Desert Medicine Research Centre, Jodhpur, Centre

- for Research in Medical Entomology, Madurai and Institute of Life Sciences, Bhubaneswar;
- (ii) Dr P Jambulingam, Chair - Vector Biology ICMR & Ex-Director Vector Control Research Centre, Puducherry;
 - (iii) Dr A K Singh, Joint Director (Research), Indian Agricultural Research Institute;
 - (iv) Dr B Nagpal, Scientist (Entomologist) WHO SEARO (South East Asia Region);
 - (v) Dr (Prof) Asutosh Biswas, Department of Medicine, AIIMS, Delhi; and
 - (vi) Representative of Central Insecticides Board & Registration Committee (CIB-RC).

The issue of disinsecting of aircraft involves, on the one hand, concerns relating to the need to take steps for preventing the transmission of vector borne diseases. On the other hand, it involves issues pertaining to the health of passengers and crew who may be exposed to insecticides. Hence, we are of the view that the entire matter should be directed to be considered by the above Committee.

We accordingly direct that the Committee shall enquire into all relevant aspects bearing upon the need for disinsection of aircraft as a measure designed to control the spread of vector borne diseases. We are not restricting the ambit of the reference which has been

made to the Committee since the Committee should have the opportunity to enquire into all relevant aspects of the matter. This would illustratively include:

- (i) The need, if any, for disinsection of aircraft;
- (ii) The recommendations made by WHO and the best practices followed internationally;
- (iii) The impact of disinsection on the health and safety of passengers and crew;
- (iv) If disinsection is necessary, the modalities to be followed for disinsection; and
- (v) The steps which are required to be taken to ensure that adequate safeguards are observed to protect the health and safety of passengers and crew who may be exposed to disinsection, if disinfection is required.

The Committee is requested to submit its report within a period of two months from the date of the first meeting.

The Committee would be at liberty to hear all the stake holders including the representatives of the airlines which may be impacted by any decision taken thereon.

We also clarify, on the request of Mr Nadkarni, that the Committee would, if it considers necessary, be at liberty to seek a demonstration of the process of disinsection in which event the interim order will not

come in the way of the demonstration being made to the Committee.

We would request the Ministry of Health and Family Welfare to nominate a senior officer who shall act as the convenor of the Committee and arrange for all the logistical issues in regard to the travel, transportation and stay of the members of the Committee, wherever required.

List the appeal on 7 February 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER