

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1198/2024**

IN THE MATTER OF:

Peoples Rights and Social Research Centre
(PRASAR) & Ors.

.... Applicant(s)

Versus

Union of India & Ors.

.... Respondent(s)

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FILED BY:

NEW DELHI

DATED: 24.01.2025

(JYOTI MENDIRATTA)

Advocate for the Govt. of NCT of Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 1198/2024****IN THE MATTER OF:**

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Reply on behalf of Respondent No. 7- State of Delhi through the Directorate of Industrial Safety And Health

Most Respectfully Showeth:

1. That this Hon'ble Tribunal has been pleased to register the above-mentioned Original Application pursuant to the directions of the Hon'ble Supreme Court vide Order dated 06.08.2024 passed in Writ Petition (Civil) No. 110/2006, titled as "Peoples Rights and Social Research Centre (PRASAR) & Ors. vs. Union of India & Ors.", regarding impact of silicosis-prone industries and factories across India and for consideration of the additional necessary steps to prevent the spread of silicosis by such industries and factories. Accordingly, this Hon'ble Tribunal was pleased to,

inter-alia, implead the State of NCT of Delhi through the Chief Secretary, as Respondent No. 7.

2. That as noticed by this Hon'ble Tribunal in its Order dated 03.10.2024, Silicosis is a chronic lung disease caused by inhaling fine silica dust particles, typically over a prolonged period. These particles come from crystalline silica, a mineral found in materials like sand, quartz, and stone. Silicosis is most commonly associated with occupations involving construction, mining, quarrying, or sandblasting. When silica particles are inhaled, they get trapped in the lungs, causing inflammation and scarring, which makes breathing difficult. The disease progresses as silica particles become lodged in the lungs, causing permanent damage. In severe cases, silicosis can lead to complications such as tuberculosis, chronic obstructive pulmonary disease (COPD), or lung cancer.

3. That 'Silicosis' is a notifiable disease under Schedule III of the Factories Act, 1948 and Schedule III, Part- C of the Employees Compensation Act, 1923 (copies of which are annexed hereto and marked as **Annexures R/7-1 & R/7-2** respectively). As per these provisions, any diagnosed case of silicosis must be reported to the Chief Inspector of Factories. This responsibility lies with the Certifying Surgeon, any Medical Practitioner, the Factory Medical Officer, or the Manager of the Factory, in accordance

with Section 89 of the Factories Act, 1948, read with Rule 97 of the Delhi Factories Rules, 1950:

89. Notice of certain diseases.— (Factories Act, 1948)

(1) Where any worker in a factory contracts any disease specified in the Third Schedule, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a factory, and who is, or is believed by the medical practitioner to be, suffering from any disease specified in the Third Schedule, the medical practitioner shall without delay send a report in writing to the office of the Chief Inspector stating—

(a) the name and full postal address of the patient,

(b) the disease from which he believes the patient to be suffering, and

(c) the name and address of the factory in which the patient is, or was last, employed.

(3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector, by the certificate of certifying surgeon or otherwise, that the person is suffering

from a disease specified in the Third Schedule, he shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land-revenue from the occupier of the factory in which the person contracted the disease.

(4)If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to one thousand rupees.

(5)The Central Government may, by notification in the Official Gazette, add to or alter the Third Schedule and any such addition or alteration shall have effect as if it had been made by this Act.

97. Notice of poisoning or disease- (Delhi Factories Rules, 1950)

A notice in Form No.19 should be sent forthwith both to the Chief Inspector and to the Certifying Surgeon, the Manager of a factory in which there occurs a case of lead, phosphorus, mercury, manganese, arsenic, carbon bisulphide or benzene poisoning by nitrous fumes, or by halogens or halogen derivatives of the hydrocarbons of the aliphatic series; or of chrome ulceration, anthrax silicosis, toxic anaemia, toxic jaundice primary epitheliomatous cancer of the skin;

or pathological manifestations due to radium or other radioactive substances or X-rays.

4. That no such cases of Silicosis diagnosed workers working in factories located in Delhi have been reported to the answering respondent by any factories/ institutions/ hospitals nor has any case has been diagnosed by any Certifying Surgeon or any of the AD (ISH) (Inspector of Factories) during their inspections.
5. That the stone crushers and sand quarries in Delhi (particularly in Lal Kuan area in South Delhi) were closed in the year 1992 following the directions passed by the Hon'ble Supreme Court in the matter of M.C. Mehta Vs. U.O.I, W.P. (C) No. 4677 of 1985. As such, there are no such silicosis prone factories registered in NCT of Delhi under the Factories Act, 1948. Copy of the said Order dated 15.05.1992 is annexed hereto and marked as **Annexure R-7/3**.
6. That the Hon'ble Supreme Court vide order dated 23.08.2016 in the above-mentioned Writ Petition (Civil) No. 110/2006, constituted an investigation team headed by Dr. K.S. Bhagotia, Special Program officer (Silicosis) DGHS, GNCTD to carry out a survey across different states including Delhi, *inter-alia* with regard to the medical facilities available to the

patients affected by silicosis. Copy of the said Order dated 23.08.2016 is annexed hereto and marked as **Annexure R-7/4**.

7. It is significant to note that in the above-mentioned survey, not a single case of silicosis affected worker was found in any factories and construction sites.

8. That the preventive measures which can be adopted by the industries to significantly reduce the risk of silicosis and to safeguard workers' health and well-being can include use of water to control dust by applying water sprays and dust suppressants during cutting, drilling, or grinding; equipping workers with masks etc., limiting worker exposure through shift rotations and by designating restricted high-exposure zones and providing training on silica hazards and safe work methods. Additionally, there can be medical monitoring by conducting regular health screenings, including lung function tests, for workers exposed to silica dust for early diagnosis of silicosis or other respiratory conditions ensuring timely treatment and help to slow the progression of the disease.

RESPONDENT NO. 7

THROUGH


JYOTI MENDIRATTA
ADVOCATE FOR GNCTD

23.01.2025

NEW DELHI

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AFFIDAVIT

I, Dr. Jitender Mann, working as the Assistant Director (ISH) Medical, Office of Labour Commissioner, 5-Shamnath Marg, Civil Lines, NewDelhi-110054, do hereby solemnly affirm and declare as under:

1. That I am the Assistant Director (ISH) Medical, Office of Labour Commissioner, 5-Shamnath Marg, Civil Lines, NewDelhi-110054, and in that capacity, I am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. I have read and understood the contents of the accompanying Reply which has been drafted by my counsel and filed under my instructions. I state that the same are true and correct to the best of my knowledge and the legal submissions made by my counsel are believed by me to be correct.



DEPONENT



VERIFICATION :

Verified at New Delhi on this 24 day of JAN, 2025 that the contents made in the abovementioned affidavit are true and correct to the best of my knowledge and from information received by me which I believe to be true and correct and are also nothing material has been suppressed or concealed therein.


DEPONENT

Self
I identify the deponent who has signed in my presence



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CERTIFIED THAT THE DEPONENT
Shri Dr. J. J. Singh
S/o Dr. A. D.
Res. at Self
24 JAN 2025 at
Delhi
that the contents of the affidavit which have been read and explained to him are true and correct to his knowledge.

Oath Commissioner, Delhi

24 JAN 2025

Schedule

The Factories Act, 1948

Substance	Permissible time-weighted average concentration (TWA) (8 hours)
(3) In terms of total dust $\frac{30}{\% \text{ Quartz} + 3}$ mg/m ³	
(ii) Cristaballite	Half the limits given against quartz
(iii) Tridymite	Half the limits given against quartz
(iv) Silica fused	Same limit as for quartz
(v) (a) Tripoli	Same limit as in formula in item 2 given against quartz
(b) Amorphous Silicates	10 mg/m ³ , Total dust
¹ Asbestos (H.C.)	
(a) Amosite	0.5 fibre/ cc**
(b) Chrysotile	1.0 fibre/ cc**
(c) Crocidolite	0.2 fibre/ cc**
Portland cement	10 mg/m ³ , Total dust containing less than 1% quartz
Coal Dust	2 mg/m ³ , respirable dust fraction containing less than 5% quartz
Mppcm- Million particles per cubic metre of air based on impinger samples counted by light-field techniques.	
*** (i) For fibres greater than 5 um in length and less than 5 um in breadth with length to breadth ratio equal to or greater than 3:1	
(ii) As determined by the membrane filter method at 4000-450x magnification (4mm objective) phase contrast illumination.]	
*As determined by the membrane-filter method at 400-450 x magnification (4 mm objective) phase contrast illumination.	
Respirable Dust:	
Fraction passing a size-selector with the following characteristics:-	
Aerodynamic Diameter *(um)	% passing sector
(Unit density sphere)	
< 2	90
2.5	75
3.5	50
5.0	25
10	0]

²[THE THIRD SCHEDULE]
[SEE SECTIONS 89 and 90]
LIST OF NOTIFIABLE DISEASES

1. Lead poisoning including poisoning by any preparation or compound of lead or their sequelae.
2. Lead tetra-ethyl poisoning.
3. Phosphorous poisoning or its sequelae.

1 Subs. by S.O. 342 (E), dated 19th April, 2001 (w.e.f. 19-4-2001).

2 The existing Schedule re-numbered by Act 20 of 1987, sec. 46 (w.e.f. 1-12-1987).

4. Mercury poisoning or its sequelae.
 5. Manganese poisoning or its sequelae.
 6. Arsenic poisoning or its sequelae.
 7. Poisoning by nitrous fumes.
 8. Carbon bisulphide poisoning.
 9. Benzene poisoning, including poisoning by any of its homologues, their nitro or amido derivatives or its sequelae.
 10. Chrome ulceration or its sequelae.
 11. Anthrax.
 12. Silicosis.
 13. Poisoning by halogens or halogen derivatives of the hydrocarbons, or the aliphatic series.
 14. Pathological manifestation due to : -
 - (a) radium or other radioactive substances.
 - (b) X-rays.
 15. Primary epitheliomatous cancer of the skin.
 16. Toxic anaemia.
 17. Toxic jaundice due to poisonous substances.
 - ¹[18. Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base.
 19. Byssionosis.
 20. Asbestosis.
 21. Occupational or contact dermatitis caused by direct contact with chemical and paints. These are of two types, that is, primary irritants and allergic sensitizers.
 22. Noise induced hearing loss (exposure to high noise levels).
 - ²[23. Beryllium poisoning.
 - ³[24. Carbon monoxide poisoning.
 25. Coal miners' pneumoconiosis.
 26. Phosgene poisoning.
 27. Occupational cancer.
 28. Isocyanates poisoning.
 29. Toxic nephritis.
-

1 Ins. by Act 94 of 1976, sec. 45 (w.e.f. 26-10-76).

2 Ins. by Act 20 of 1987, sec. 46 (w.e.f. 1-12-1987).

3 Subs. by S.O. 343 (E), dated 19th April, 2001 (w.e.f. 19-4-2001).

THE EMPLOYEE'S COMPENSATION ACT, 1923

[as amended through EC(Amendment)Act,2017]

PREAMBLE.-

An Act to provide for the payment by certain classes of employers to their *[Employees] of compensation for injury by accident.

Whereas it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident;

It is hereby enacted as follows:--

1. Short title, extent and commencement.-(1) This Act may be called the *[Employee's] Compensation Act, 1923.

(2) It extends to the whole of India .

(3) It shall come into force on the first day of July, 1924.

2. Definitions.-(1) In this Act, unless there is anything repugnant in the subject or context,--

(a) Omitted by Act 8 of 1959

(b) "Commissioner" means a Commissioner for *[employee]'s Compensation appointed under section 20;

(c) "compensation" means compensation as provided for by this Act;

(d) "dependant" means any of the following relatives of deceased *[employee], namely:--

(i) a widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter or a widowed mother; and

(ii) if wholly dependant on the earnings of the *[employee] at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;

(iii) if wholly or in part dependant on the earnings of the *[employee] at the time of his death,--

(a) a widower,

(b) a parent other than a widowed mother,

(c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and a minor,

(d) a minor brother or an unmarried sister or a widowed sister if a minor,

(e) a widowed daughter-in-law,

(f) a minor child of a pre-deceased son,

(g) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(h) a paternal grandparent if no parent of the *[employee] is alive;

Explanation.--For the purposes of sub-clause (ii) and items (f) and (g) of sub-clause (iii), references to a son, daughter or child include an adopted son, daughter or child respectively.

*[(dd) "employee" means a person, who is--

(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989 (24 of 1989), not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or

(ii) (a) a master, seaman or other members of the crew of a ship,

(b) a captain or other member of the crew of an aircraft,

(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle,

(d) a person recruited for work abroad by a company, and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or

(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or

in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;]

(e) "employer" includes anybody of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a *[employee] are temporarily lent or let on hire to another person by the person with whom the *[employee] has entered into a contract of service or apprenticeship, means such other person while the *[employee] is working for him;

(f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

(ff) "minor" means a person who has not attained the age of eighteen years;

(g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a *[employee] in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified [in Part II of Schedule I] shall be deemed to result in permanent partial disablement;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "qualified medical practitioner" means any person registered under any Central Act, Provincial Act, or an Act of the Legislature of a State providing for the maintenance of a register of medical practitioners, or, in any area where no such last-mentioned Act is in force, any person declared by the State Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act;

(j) Omitted by Act 15 of 1933

(k) "seaman" means any person forming part of the crew of any ship, but does not include the master of the ship;

(l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a *[employee] for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent. or more;

(m) "wages", includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a *[employee] towards any pension or provident fund or a sum paid to a *[employee] to cover any special expenses entailed on him by the nature of his employment;

(n) Omitted by Act 45 of 2009

(2) The exercise and performance of the powers and duties of a local authority or of any department acting on behalf of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) The Central Government or the State Government, by notification in the Official Gazette, after giving not less than three months' notice of its intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which it is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply, in case of a notification by the Central Government, within the territories to which the Act extends, or, in the case of a notification by the State Government, within the State, to such classes of persons:

Provided that in making addition, the Central Government or the State Government, as the case may be, may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only

3. Employer's liability for compensation. (1) If personal injury is caused to a *[employee] by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable --

- (a) in respect of any injury which does not result in the total or partial disablement of the *[employee] for a period exceeding three days;
- (b) in respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to—
 - (i) the *[employee] having been at the time thereof under the influence of drink or drugs, or
 - (ii) the wilful disobedience of the *[employee] to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of *[employees], or
 - (iii) the wilful removal or disregard by the *[employee] of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of *[employee],
- (c) Omitted by Act 5 of 1929.

(2) If an *[employee] employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a *[employee], whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a *[employee] whilst in the service of one or more employers in any employment specified in Part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment:

Provided that if it is proved,--

- (a) that an *[employee] whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease specified therein as an occupational disease peculiar to that employment during a continuous period which is less than the period specified under this sub-section for that employment; and
- (b) that the disease has arisen out of and in the course of the employment, the contracting of such disease shall be deemed to be an injury by accident within the meaning of this section:

Provided further that if it is proved that a *[employee] who having served under any employer in any employment specified in Part B of Schedule III or who having served under one or more employers in any employment specified in Part C of that Schedule, for a continuous period specified under this sub-section for that employment and he has after the cessation of such service contracted any disease specified in the said Part B or the said Part C, as the case may be, as an occupational disease peculiar to the employment and that such disease arose out of the employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section.

(2A) If a *[employee] employed in any employment specified in Part C of Schedule III contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of this section, and such employment was under more than one employer, all such employers shall be liable for the payment of the compensation in such proportion as the Commissioner may, in the circumstances, deem just.

(3) The Central Government or the State Government, after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III and shall specify in the case of employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and thereupon the provisions of sub-section (2) shall apply.

SCHEDULE III

(See section 3)

LIST OF OCCUPATIONAL DISEASES

Serial No.	Occupational disease	Employment
PART A		
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) All work involving exposure to health or laboratory work; (b) All work involving exposure to veterinary work; (c) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (d) Other work carrying a particular risk of contamination.
2.	Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes.	All work involving exposure to the risk concerned.
5.	Poisoning by organo phosphorus compounds.	All work involving exposure to the risk concerned.
PART B		
1.	Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
5.	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and	All work involving exposure to

	ionising radiations.	the action of radioactive substances or ionising radiations.
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risk concerned.
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series),	All work involving exposure to the risk concerned.
10.	Diseases caused by carbon disulphide.	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations.	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items.	All work involving exposure to the risk concerned.
14.	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances.	All work involving exposure to the risk concerned.
16.	Diseases caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process.	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
20.	Diseases caused by nitroglycerin or other nitroacid esters.	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones.	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants, carbon monoxide, and its toxic derivatives, hydrogen sulphide.	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.	All work involving exposure to the risk concerned.
25.	Snow blindness in snow bound areas.	All work involving exposure to the risk concerned.
26.	Disease due to effect of heat in extreme hot climate.	All work involving exposure to the risk concerned.

27.	Disease due to effect of cold in extreme cold climate.	All work involving exposure to the risk concerned.
PART C		
1.	Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthrao-silicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2.	Bagassosis	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax hemp and sisal dust (Byssionsis),	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveelitis caused by the inhalation of organic dusts.	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals.	All work involving exposure to the risk concerned.
6.	Acute Pulmonary oedema of high altitude.	All work involving exposure to the risk concerned.

PETITIONER:
M.C. MEHTA ETC. ETC.

Annexure R-7/3

Vs.

RESPONDENT:
UNION OF INDIA AND OTHERS ETC. ETC.

DATE OF JUDGMENT 15/05/1992

BENCH:
MISRA, RANGNATH (CJ)
BENCH:
MISRA, RANGNATH (CJ)
KANIA, M.H.
KULDIP SINGH (J)

CITATION:
1991 SCR (1) 866 1991 SCC (2) 353
JT 1991 (1) 620 1991 SCALE (1)427

ACT:

Constitution of India, 1950:

Article 32-Environmental and air pollution-Control of-
Operation of mechanical crushers-Stoppage of-Allotment of
sites in the newly set-up crushing zone-Directions issued.

HEADNOTE:

Writ Petitions were filed before this Court, challenging the action of the owners/proprietors of the stone-crushers whereby stone-dust and smoke was allowed to pass into the air, and due to pollution, lives of the people living in some parts of South Delhi, especially rural, and workers, their families living at the site as well as people living in the villages bordering Haryana were suffering from different diseases and their lives were in danger, and praying for issue of writ of mandamus and directions to the respondents and authorities concerned to take steps to stop pollution, and provide necessary medical facilities to the affected persons.

Giving directions, reasons for which to be followed later, this Court,

HELD : 1. Environmental changes are the inevitable consequence of industrial development in our country, but, at the same time the quality of environment cannot be permitted to be damaged by polluting the Air, Water and Land to such an extent that it becomes a health-hazard for the residents of the area. The authorities concerned in the Union Territories of Delhi have been wholly re-miss in the performance of their statutory duties and have failed to protect the environment and control air-pollution in the Union Territory of Delhi. Utter disregard to environment has placed Delhi in unenviable position of being the world's third grubbier, most polluted and unhealthy city as per a study conducted by the World Health Organisation. Needless to say that every citizen has a right to fresh air and to live in pollution-free environment. [359 F-H, 360 A]

2. It is, therefore, directed that (a) the mechanical stone crushers

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established/operating in Lal Kuan, Anand Parbat, Rajokri, Tughlakabad and in any other area of Union territory of

Delhi and also in Suraj Kund, Lakhanpur, Lakkarpur, Kattan, Gurukul, Badkhal, Pallinangla, Saraikhaja, Anangpur and Ballabgarh areas of Haryana should stop operating/functioning with effect from August 15, 1992 and no stone crusher will operate in the above said areas from August 15, 1992 onward; (b) the stone crushers in the Union territory of Delhi/Faridabad-Ballabgarh Complex which do not have valid licences from the Authorities under the Delhi Municipal Corporation Act, 1957/Faridabad Complex Administration (Regulations and Development) Act, 1971 or from any other authority which the law requires, and the stone crushers, in respect of which closure-orders/directions have been issued by the Central Pollution Control Board under Section 31A of Air (Prevention and Control of Pollution) Act, 1981 or by the Central Government under Section 5 of the Environment (Protection) Act, 1956, should stop functioning/operating with immediate effect; (c) the authorities concerned should ensure compliance of these order; and (d) the authorities concerned of the State of Haryana should demarcate, and allot the sites to the aforesaid stone crushers in the newly approved 'crushing zone' at village Pali - set up with the object of rehabilitating the existing stone-crushers who are being stopped from functioning as a result of the orders of this Court - by draw of lots or by any other fair and equitable method, and also to provide additional land in or around the "crushing zone" if there is not sufficient land in the said zone to accommodate all the stone crushers affected by this Court's orders within a period of six months. A progress report in this respect should be sent to the Registry of this Court before July 31, 1992. [360 B-C, E-H, 361 A-G]

3. Some Writ Petitions, which were filled by the owners/proprietors of stone-crushers in the Delhi High Court and which have been directed to be transferred to this Court are dismissed. [360 E]

JUDGMENT:

ORIGINAL JURISDICTION : Writ Petition (C) No.4677 of 1985.

(Under Article 32 of the Constitution of India).

WITH

T.C.(C) No. 75-89/91 W.P.(C) No.521/87 T.P.(C) No.245-50/91.

M.C. Mehta Petitioner-in-person.

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Satish Chander, Hardev Singh, P.N. Duda, B.R.L. Iyengar, P.P. Rao, V.C. Mahajan, S.S. Chadha, R. Mohan, Ms. Rekha Pandey, K.B. Rohtagi, S.K. Dhingra, Shashank Shekhar, Vishnu Mathur, Vijay Pandita, Randhir Jain, N.S. Bisht, Ms. Seema Midha, K.R.R. Pillai, R.S. Suri, R.B. Misra, C.V. Subba Rao, Kailash Vasdev, V.B. Saharya, Ranjit Kumar, R. Sridharan, Ms. Indu Malhotra, P.K. Jain, I.S. Goyal, Dr. A.M. Singhvi, R. Sasiprabhu, Ms. Anil Katiyar and B.Y. Kulkarni for the appearing parties.

The following Order of the Court was delivered:

We reserved judgment in these matters on April 24, 1992. We heard learned counsel for the parties at considerable length for several days. We have been taken through the provisions of Delhi Development Act 1957, Master Plan for Delhi published in the Gazette of India dated August 1, 1990, Delhi Development Authority (Zoning) Regulations, 1983, Delhi Municipal Corporation Act 1957, Faridabad Complex Administration (Regulations and

Development) Act, 1971, The Development Plan for the Faridabad-Ballabgarh Controlled Areas published in the Haryana Government Gazette dated December 17, 1991, Air (Prevention and Control of Pollution) Act 1981, The Environment (Protection Act) 1986, National Health Policy, 1985, Ancient Monuments Act, 1958, National Capital Region Planning Board Act, 1985 and various other documents including reports of the Experts on Air Pollution and environments. The parties have submitted detailed written arguments which we have taken into consideration. We have given our thoughtful consideration to the various arguments advanced by the learned counsel for the parties.

We are conscious that environmental changes are the inevitable consequence of industrial development in our country, but at the same time the quality of environment cannot be permitted to be damaged by polluting the Air, Water and Land to such an extent that it becomes a health-hazard for the residents of the area. We are constrained to record that Delhi Development Authority, Municipal Corporation of Delhi, Central Pollution Control Board and Delhi Pollution Control Committee have been wholly re-miss in the performance of their statutory duties and have failed to protect the environments and control air-pollution in the Union Territory of Delhi. Utter disregard to environment has placed Delhi in an unenviable position of being the world's third grubbier, most polluted and unhealthy city as per a study conducted by the World Health Organisation. Needless

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to say that every citizen has a right to fresh air and to live in pollution-free environments.

For the reasons to be recorded and pronounced at a later stage we order and direct as under:-

(1) The mechanical stone crushers established/operating in Lal Kuan, Anand Parbat, Rajokri, Tughlakabad and in any other area of Union territory of Delhi shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the Union territory of Delhi from August 15, 1992 onward.

(2) The mechanical stone crushers established/operating in Suraj Kund, Lakhanpur, Lakkarpur, Kattan, Gurukul, Badkhal, Pallinangla, Saraikhaja, Anangpur and Ballabgarh areas of Haryana shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the above said area from August 15, 1992 onward.

(3) The writ petitions filed by the owners/proprietors of stone crushers in Delhi High Court which have been transferred to this Court shall stand dismissed with no order as to costs.

(4) The Stone crushers in the Union territory of Delhi/Faridabad-Ballabgarh Complex which do not have valid licences from the Authorities under the Delhi Municipal Corporation Act 1957/Faridabad Complex Administration (Regulations and Development) Act 1971 or from any other authority which the law requires, shall stop functioning and operating with immediate effect.

(5) The stone crushers, in respect of which closure-orders/directions have been issued by the Central Pollution Control Board under Section 31A of Air (Prevention and Control of Pollution) Act, 1981 or by the Central Government under Section 5

of the Environment (Protection) Act 1956, shall stop functioning/operation with immediate effect. (6) The Delhi Development Authority through its Vice Chairman and Commissioner (Planning), the Delhi Municipal Cor-

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poration through its Commissioner, Faridabad Complex Administration through its Chief Administrator, Director Town and Country Planning Department, Haryana Deputy Commissioner, Faridabad, Haryana Urban Development Authority through its Commissioner/Chief Executive, Central Pollution Control Board through its Member Secretary, Central Government under the Environment (Protection) Act) 1986 and the Commissioner Police Delhi are directed to ensure the compliance of our above orders.

(7) The officers of the Town and Country Planning Department, Government of Haryana, who were present in Court, informed us that a new "crushing zone" has been approved at village Pali and the lay out Plan has been prepared and is in the process of demarcation by the Haryana Urban Development Authority. The said "crushing zone" has been set up with the object of rehabilitating the existing stone crushers who are being stopped from functioning as a result of our orders. We, therefore, direct the State of Haryana through the Director, Town and Country Planning Department, Haryana, Chandigarh, the Chief Administrator, Faridabad Complex Administration, the Deputy Commissioner, Faridabad and the Haryana Urban Development Authority to demarcate, and allot the sites to the stone crushers mentioned in paras 1,2,4 and 5 above by draw of lots or by any other fair and equitable method. We further direct these authorities to provide additional land in or around the "crushing zone" if there is not sufficient land in the said zone to accommodate all the stone crushers affected by our orders. This exercise shall be completed and plots offered to the stone crushers within a period of six months from today. The Director, Town and Country Planning Department, Haryana, Chandigarh is further directed to send a progress report to the Registry of this Court before July 31, 1992 in this respect.

(8) We make it clear that our orders contained in paras 1,2,4 and 5 above are in absolute terms and are not dependent or consequential to our directions in para 7 above.

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We are not finally disposing of the writ petition at this stage and we keep it pending for the purposes of monitoring the above directions. To be listed on August 5, 1992.

The copies of this order be sent to all the Authorities mentioned in paras 6 and 7 above within two days.

N.P.V.

Reasons to follow.

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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

Writ Petition(s) (Civil) No(s). 110/2006

PEOPLE'S RIGHTS & SOCIAL RES.CENTRE &ORS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln. for directions and exemption from filing O.T. and impleadment and interim directions and permission to file additional affidavit and permission to file additional documents and office report)
(For final disposal)

Date : 23/08/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Colin Gonslaves, Sr. Adv.
Ms. Madhur Bharatiya, Adv.
Ms. Jyoti Mendiratta, Adv.Mr. Prashant Bhushan, Adv.
Mr. Amiy Shukla, Adv.

For Respondent(s)

Mr. Jugal Kishore Gilda, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. A. Selvin Raja, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.Mr. Sunil Fernandes, Adv.
Ms. Mrthu Jain, Adv.
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Mr. Puneeth K.G, Adv.Mr. B. Balaji, Adv..
Mr. A. Arvind Athithan, Adv.

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Mr. Devashish Bharuka, Adv.
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Mr. D. S. Mahra, Adv.
Mr. G. N. Reddy, Adv.

Mr. Gopal Prasad, Adv.

Mr. Guntur Prabhakar, Adv.
Mr. Milind Kumar, Adv.

Mr. Joydeep Mazumdar, Adv.
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Ms. Soumya Dutta, Adv.

Mr. P. N. Puri, Adv.
Ms. Reeta Dewan Puri, Adv.

Mr. S.S. Shamsbery, Adv.
Mr. Amit sharma, Adv.
Mr. Prateek Yadav, Adv.
Mr. Ankit Raj, Adv.
Mr. Milind Kumar, Adv.

Mr. K.L. Janjani, Adv.
Mr. Awdhesh Kumar Singh, Adv.

Mr. P.S. Patwalia, Ld.ASG
Mr. Amol Chitoli, Adv.
Ms. Bhakti Parsija, Adv.
Ms. Manita Verma, Adv.
Mr. G.S. Makker, Adv.
Mr. D.S. Mehra, Adv.

Mrs. K.Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. Elix Gangmei, Adv.

Mr. Mishra Saurabh, Adv.
Mr. Ankit Kr. Lal, Adv.

Mr. Prateep Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Anuj Sarma, Adv.
Ms. Niharika, Adv.
Mr. Aman Shukla, Adv.

Mr. Pragyan Pradip Sharma, Adv.
Mr. Shikhar Garg, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. Rajiv Nanda, Adv.
Mr. Samir Ali Khan, Adv.

Mr. Sanjeev Anand, Adv.
Mr. Yakesh Anand, Adv.
Mr. Nimit Mathur, Adv.

Mr. T. Harish Kumar, Adv.

Mr. T.V. Rama Rao, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Veera M. Reddy, Adv.

Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Ms. Anuradha Arputham, Adv.

Mr. V. G. Pragasam, Adv.
Mr. Prabhu Ramasubramanian, Adv.

Mr. Awadhesh Kumar Singh, Adv.
Mr. K.L Janjani, Adv.

Ms. Anitha Shenoy, Adv.
M/s Corporate Law Group, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Aagam Kaur, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sanjay Parikh, Adv.
Ms. Ninni Susan Thomas, Adv.

M/s. K. J. John & Co., Adv.

Ms. Liz Mathew, Adv.
Mr. M.F. Philip, Adv.

Mr. Ashok Kumar Juneja, Adv.
Mr. Chand Qureshi, Adv.

Mr. Tapes Kumar Singh, Adv.
Mohd. Waquas, Adv.

Mr. Suryanarayana Singh, Adv.
Ms. Pragati Neekhra, Adv.

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

Pursuant to this Court's order dated 30.6.2016, the District Collector, Jhabua and District Collector, Alirajpur have filed their affidavits.

In the affidavit filed by the District Collector, Jhabua, it is pointed out that, out of 85 victims in their District, compensation has been distributed to 75 victims. Of the remaining 10 victims, one is alive. Therefore, it is a case of 9 more victims. In view of the request made by the District Collector to give some more time to settle the disputes and other codal formalities, two months' time is granted for finalising the distribution.

In the affidavit filed by the District Collector, Alirajpur, it is stated that the compensation has been distributed to all the 153 victims.

We record our appreciation for the efforts taken by the District Collectors for distributing the compensation to the victims.

In the additional affidavit filed on behalf of the Central Pollution Control Board dated 10th August, 2016, it is stated that out of 30 quartz grinding units, 16 operational

units were not complying with the statutory mandate and rest 14 were found either permanently or temporarily closed. In all the 16 operational units, the Central Pollution Control Board has noted many deficiencies and the Board has also given their recommendations for the follow up action to be taken in respect of those deficiencies by the State Pollution Control Board.

The Chairman, State Pollution Control Board, Gujarat is directed to file an affidavit within four weeks from today, as to the action taken on the recommendations made by the Central Pollution Control Board. The Chairman shall also state in the affidavit as to what action has been taken for closing down the 14 non operational units.

However, in case any of such units intend to restart their operation, the Chairman should ensure that such units have complied with all the mandatory requirements, as pointed out by the Central Pollution Control Board in its report.

In the Action Taken Report, the Chairman of the State Pollution Control Board will also state as to whether any unit, despite notice, has ignored the direction to comply with the mandate and if so, what action has subsequently been taken for implementation of the directions of the Central Pollution Control Board.

The State Pollution Control Board has to see that such units will function only in case they comply with the mandatory requirements on prevention of pollution and if not, steps should be taken to close down such units.

In case the affidavit, as above, is not filed within the time granted, the Chairman, State Pollution Control Board, Gujarat will be present personally before this Court on his own expense on the next date of hearing.

The Central Pollution Control Board has conducted inspection of quartz grinding units in the State of Gujarat and has submitted its recommendations to the Gujarat State Pollution Control Board. The following are the recommendations :-

i. Adequate proviso of dust extraction system shall be made at potential sources such as jaw crusher hopper, transfer points of materials from conveyer belt, disintegrator, transfer points of materials from bucket elevators to other plant equipment, rotary screens, magnetic separators, vibratory screens etc. The dust extraction system of such potential sources shall be routed through Air Pollution Control Device (APCD). Stacks attached to APCDs are to be equipped with adequate monitoring facility as per CPCB Emission Regulation, Part-III.

ii. The height of stack shall be maintained minimum 2 meter above the roof level as prescribed by Board.

iii. Sheds provided for plant process machineries shall be closed properly and provision of Closed Circuit Television (CCTV) camera shall be made rather than keeping small openings in shed for frequent observations.

iv. The internal roads shall be made of bitumen/concrete to reduce the fugitive emission by vehicular movement with proper cleaning and wetting mechanism.

v. Provision of green belt shall be made along the periphery of the individual unit.

vi. Provision shall be made for

systematic water sprinkling at places of dust generation to reduce the fugitive emission and records of water utilization shall be maintained.

vii. The telescopic chute/any other system shall be adopted to reduce the fugitive emission while loading the products into trucks/fine dust in the bags.

viii. Provision of Personal Protective Equipment (dust mask, helmet, safety shoes, goggles, ear plugs) and utilization by all the workers during operation of the plant shall be ensured.

ix. The units shall ensure environmental monitoring and submission of reports to GPCB at regular intervals.

x. The house keeping shall be improved.

xi. The Units shall submit a time bound action plan to comply with the above measures, within 30 days.

Learned counsel appearing for the Central Pollution Control Board submits that irrespective of the State, this is the same situation in the units which are situated in the States of Haryana, Rajasthan, Madhya Pradesh, Pondicherry, Jharkhand and Delhi.

The Chairman of the State Pollution Control Board of all the above States are directed to inspect the quartz-grinding units within a period of three weeks from today and see whether the deficiencies pointed out by the Central Pollution Control Board in respect of such units in the State of Gujarat are there in the units in the respective States.

They may also, in the process of inspection, see whether there is any mandatory requirement to be satisfied in

the matter of pollution.

Based on the inspection report, directions shall be issued to the units concerned regarding the mandatory compliance of the statutory parameters, giving them a month's time for compliance. After a month of issuance of such direction, the Chairman of the State Pollution Control Board concerned shall personally visit the units to see whether the directions have been complied with or not and if not, steps shall be taken forthwith to close down such units which have not complied with the directions issued by the Board. Thereafter, the Chairman of the Pollution Control Board concerned of the above six States shall submit a report to this Court with regard to the inspection, the directions issued thereafter and the action taken, in case of non compliance. An affidavit by the Chairman concerned of each State shall be submitted within a period of ten (10) weeks from today. In case the affidavits, as above, are not filed, the respective Chairman shall be personally present before this Court on his own expense on the date of hearing after ten weeks.

Post this matter on 29th November, 2016 for the purpose of considering the Action Taken Report of the Chairman of the State Pollution Control Board of those six States.

For considering the report of the Chairman of the Gujarat State Pollution Control Board, post this matter on 27th September, 2016.

I.A. No.22 of 2016

It is seen from the affidavit filed on behalf of the State of Madhya Pradesh that in the districts of Jhabua and Alirajpur of Madhya Pradesh, 334 persons have been identified as affected by Silicosis. According to the State Government, appropriate action has been taken in the matter of their rehabilitation.

However, learned counsel appearing for the National Human Rights Commission and the NGOs submit that no meaningful steps have been taken particularly in the matter of medical rehabilitation.

In view of the above, we direct the Secretaries of the District Legal Services Authority of Jhabua, Alirajpur and Dhar to look into the affidavit filed by the State of Madhya Pradesh and the submissions given by way of rejoinder affidavit filed by Khedut Mazdoor Chetna Sangathan and Silicosis Peedit Sangh and recommendations of the National Human Rights Commission, and to conduct appropriate enquiry participating the victims concerned in each Taluk and submit a report to this Court as to whether the rehabilitation benefits actually have reached the victims. In case, it is found in the process that rehabilitation steps are still at the policy level, the District Legal Services Authorities concerned will take proper follow up action in collaboration with the concerned District Collectors of Jhabua, Alirajpur and Dhar, to see that the

benefits and other eligible and permissible benefits actually are available to the victims concerned.

A report on the above aspects and on any other action which requires to be taken in this regard for the effective rehabilitation of the victims, will be submitted to this Court within eight weeks from today.

The District Legal Services Authority concerned in the process will also see whether any Silicosis affected person is deprived of the benefit of the government policies for rehabilitation and those cases will also be brought to the notice of the concerned District Collector of the aforesaid three Districts of the Madhya Pradesh for the purpose of rehabilitation. In case it is found in the process that any Silicosis affected person has died, steps should be taken through the District Collector concerned for extending benefits of the government policy and the required compensation amount of Rs.3,00,000/- in that regard, will be paid to the victim. The Chief Secretary of the State of Gujarat will make available necessary funds in the light of our order dated 4.5.2016.

Put up on 29.11.2016 for further consideration of the matter.

The Registry will communicate the copy of this order, copy of additional affidavit filed by the State and the copy of the submission of N.H.R.C. to the District Legal Services Authority of Jhabua, Alirajpur and Dhar in the State of Madhya Pradesh.

I.A. No. 10/2010

The Writ Petition has been filed in public interest due to the unprecedented prevalence of silicosis and occupational disease in the various industries across the country.

This Court's attention was drawn for an urgent need for detection of such diseases among the workers of the weaker sections and for appropriate guidelines in the matter of prevention and treatment of Silicosis and other occupational diseases. Appropriate directions were also sought in the matter of compensation, medical treatment and other rehabilitation matters.

It is brought to the notice of this Court that about ten million patients were affected by such diseases, who have been working in mines and quarries, factories, etc.

The severity of the problems are mainly in the States of Delhi, Haryana, Rajasthan, Madhya Pradesh, Gujarat, Jharkhand and Puducherry.

The National Human Rights Commission (for short 'N.H.R.C') had conducted a detailed survey on this issue and submitted a report to the duty holders concerned. But it appears no meaningful action has been taken either in any of the prevention and rehabilitation areas. The N.H.R.C. has got impleaded itself in this writ petition. There are some other Non-Government Organizations also.

Vide order dated 30th January, 2008 in W.P. (C) No.79 of 2005 titled 'Occupational Health & Safety Association Versus Union of

India & Ors.' this Court had considered certain aspects on reduction of occupational hazards of the employees of the Thermal Power Stations in the Country and had also issued certain directions:

1. Comprehensive medical check up of all workers in all coal fired thermal power stations by doctors appointed in consultation with the trade unions. First medical checkup to be completed within six months.
2. Free and comprehensive medical treatment to be provided to all workmen found to be suffering from an occupational disease, ailment or accident until cured or until death.
3. Services of the workmen no to be terminated during illness and to be treated as if on duty.
4. Compensation to be paid to workmen surrendering from any occupational disease, ailment or accident in accordance with the provisions of the Workmen's Compensation Act 1923.
5. Modern protective equipment to be provided to workmen as recommended by an expert body in consultation with the trade unions.
6. Strict control measures to be immediately adopted for the control of dust, heat, noise, vibration and radiation to be recommended by the National Institute of Occupational Health(NIOH) Ahmadabad, Gujarat.
7. All employers to abide by the Code of Practice on Occupational Safety and Health Audit as developed by the

Bureau of Indian Standards.

8. Safe methods be followed for the handling, collection and disposal of hazardous waste to be recommended by NIOH.

9. Appointment of a Committee of experts by NIOH including therein Trade Union representatives and Health and Safety NGO's to look into the issue of Health and Safety of workers and make recommended.

Despite all these, Shri Colin Gonsalves, learned senior counsel appearing for the petitioner submits that no effective action has been taken so far. As directed by this Court, the petitioner has made a comprehensive submission regarding the steps to be taken in each state. It is not in dispute that those directions apply to silica units as well.

There will be a direction to the Chief Secretary of the respective States to file an affidavit, after convening a meeting of the duty holders regarding the implementation of the various reports and to file an affidavit as to the action taken in respective states.

We make it clear that we are not concerned with any policy framework of the State. The report is on the benefits which have actually been made available to the victims.

The Chief Secretary of the States concerned shall submit a detailed report as above within a period of two months from today, failing which they will be present before this Court on their own expenses on the next date of hearing.

In the State of Haryana, we direct Dr. K.S. Bhagotia, Special Programme Officer (Silicosis), Directorate of Health Services (in 2011), Govt. of NCT of Delhi to constitute an appropriate team of competent persons and conduct appropriate field enquiry in Delhi and Haryana and submit a report before this Court with regard to the medical facilities available to the patients affected by silicosis and whether any compensation was made available to the them, etc.

Such exercise in the State of Puducherry will be carried out by Dr. Amalopavanathan, Senior Surgeon, Madras Medical College, Chennai and Dr. Rakhal Gaitonde, Community Health Specialist, Community Health Cell, Chennai (in 2011), in the State of Jharkhand by Dr.Subhash Prasad, TB In-charge, Sadar Hospital, Hazaribagh, Jharkhand, in the State of Rajasthan by Dr.T.K.Joshi Centre for Occupational and Environmental Health, Maulana Azad Medical College, New Delhi, in the State of Madhya Pradesh by Dr. H.N. Syed, retired Director, National IOH, Ahmedabad, in the State of Gujarat by Dr.S.S.Waghe, Director (Medical), Cell for Monitoring Silicosis.

Such reports shall be filed within three months so that the required expenditure shall be born by the State concerned where the enquiry is being conducted.

I.A.No. 11/2010

On the legal framework, the learned senior counsel appearing for the petitioners has brought to our notice that the duty holders are the Director General Mines Safety (DGMS), Ministry of Labour & Employment, Government of India and the Director General, Factory Advice Service and Labour Institutes (DG-FASLI), Government of India.

We direct the above duty holders to submit a report on the following aspects:

- i) The geographical location and the industries/mines state-wise where workers at risk of silicosis are to be found and the estimates of the number of workers working at these sites.
- ii) The details of the number of workers suffering from silicosis/ pneumoconiosis in the country state-wise and industry/mine-wise.
- iii) The details of the workers covered by clause(ii) above regarding medical treatment and compensation paid.
- iv.) Details of the number of workers who had died of silicosis during the last 10 years and the details of compensation if any, paid.

There shall also be a direction to the Director General Mines Safety (DGMS) and Director General, Factory Advice Service and Labour Institutes (DG-FASLI) to carry out an occupational

health and safety survey of silicosis affected workers under section 91A of the Factories Act 9A of the Mines Act, by actively involving, apart from government officials, the non-government organizations working on silicosis affected areas and submit a comprehensive report to this Court within eight weeks from today as to the facilities available in the field of treatment, actual payment of compensation made available to the victims and other rehabilitation steps for the affected workers and their family members. It shall also be made clear in the report as to the preventive measures introduced and implemented in the industries throughout the country.

In the state of Delhi, we also direct the Chief Secretary to look into the report submitted by Dr. T.K.Joshi regarding the problems of Lal Kuan area of silicosis victims and submit a report on the action taken on the recommendations made by Dr. T.K. Joshi.

Post on 29.11.2016 to consider the affidavits and reports filed by the Chief Secretary concerned of the seven states.

We direct the Chief Secretary of each State to make all arrangements for facilitating the survey and preparation of the reports by the doctors concerned in each State.

(Rajni Mukhi)	(Sanjay Kumar-II)	(Renu Diwan)	(Sukhbir Paul Kaur)
Sr. P.A.	Court Master	A. R.	A.R.-cum-P.S.