

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 327/2023

In re: News item published in India Today dated 30.04.2023 titled **“3 minors among 11 dead in Ludhiana gas leak, Punjab govt. announces Rs 2 lakh ex-gratia”**

Date of hearing: 02.05.2023

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. Proceedings in the matter have been initiated *suo motu* in the light of media report of death of 11 persons, including three minors, at Ludhiana on account of gas leak in Giaspura area of the city on April 30, 2023. Further media report dated 02.05.2023 in Hindu Daily titled “5-member SIT to look into 11 deaths due to gas leak in Ludhiana” suggests that hydrogen sulphide could have led to the incident. The said gas could be from industrial waste dumped in the sewerage line.

2. On consideration, we are of the view that intervention of this Tribunal is called for under Section 15 of the NGT Act for which it is necessary to ascertain the cause of the incident and remedial action taken and required, including measures to prevent such incidents in future and to compensate the victims by way of adequate compensation.

3. The Tribunal has dealt with incidents of deaths and injuries on account of violation of environmental norms by State and private entities in recent past and held that in such cases victims are normally entitled to compensation at the rate of Rs. 20 lakhs in case of death and at varying

rates in case of injuries depending upon the extent of injuries. The Tribunal has invoked the principles laid down by Hon'ble Supreme Court inter-alia in *M.C. Mehta vs. Union of India & Ors.*, (1987) 1 SCC 395, *MCD v. Uphaar Tragedy Victims Association*, (2011) 14 SCC 481 and *Sarla Verma*, (2009) 6 SCC 12. The State has to pay compensation in absence of identified private operators with liberty to recover the same from persons found responsible. The State is under obligation to ensure compliance of environmental norms for safety of citizens. The compensation has to be paid within one month. Reference is made to several other cases where same view has been taken.¹

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- ¹ 1. *In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh*, OA No. 73/2020 decided on 01.06.2020.
 2. *Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr.*, OA No. 85/2020 (Earlier OA 22/2020) (WZ) decided on 03.02.2021.
 3. *Bonani Kakkar vs. Oil India Limited & Ors.*, OA No. 43/2020(EZ) decided on 19.02.2021.
 4. *News item published in the local daily "Economic Times" dated 30.06.2020 titled "Another Gas Leakage at Vizag Factory kills two, critically injures four..."*, OA No. 106/2020 decided on 22.12.2020.
 5. *News item published in the "Indian Express" dated 01.07.2020 titled "Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured"*, OA No. 108/2020 decided on 22.12.2020.
 6. *News item published on 13.07.2020 in the local daily named "India Today" titled "Massive fire engulf Vizag chemical plant, explosions heard, injuries reported"*, OA No. 134/2020 decided on 22.12.2020.
 7. *News item published in the "Times of India" dated 20.11.2020 entitled "Six killed as blast tears through Malda Plastic recycling factory"*, OA No. 272/2020 decided on 18.12.2020.
 8. *News item published in the "Indian Express" dated 23.11.2020 entitled "Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory"*, OA No. 274/2020 decided on 16.08.2021.
 9. *In RE: News item published in the local daily "Indian Express Sunday Express" dated 28.06.2020 titled "Gas Leak in Agro Company Claims life of one"*, O.A No. 107/2020 decided on 08.01.2021.
 10. *In re : News item published in Navbharat Times dated 24.12.2020 titled "Gas leaks in IFFCO Plant, 2 Officers dead"*, O.A. No. 04/2021 decided on 04.06.2021.
 11. *In re: News item published in The Indian Express dated 07.01.2021 titled "Four workers dead due to toxic gas leak in Rourkela Steel Plant"*, O.A. No. 09/2021 decided on 11.02.2021.
 12. *In re: News item published in The News Indian Express dated 12.02.2021 titled "At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured"*, O.A. No. 44/2021 decided on 03.03.2022.
 13. *In re: News item published in Times Now News dated 23.02.2021 titled "Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur"*, O.A. No. 59/2021 decided on 22.04.2022.
 14. *In re: News item published in The Hindu dated 23.02.2021 titled "Two dead, 5 missing in fire at UPL Plant"*, O.A. No. 60/2021 decided on 14.12.2021.
 15. *In re: News item published in The Times of India dated 28.02.2021 titled "Delhi : Man charred to death as illegal factory catches fire"*, O.A. No. 65/2021 decided on 31.08.2021.
 16. *In re: News item published in The Hindu dated 14.03.2021 titled "Safety lapses led to reactor blast at pharma unit"*, OA No. 79/2021 decided on 31.08.2021.
 17. *In Re: News item published in the "Indian Express" dated 04.11.2020 titled "Ahmedabad: Nine killed as godown collapses after factory blast"*, OA No. 258/2020 decided on 23.03.2021.
 18. *In re: News item published in The Times of India dated 08.06.2021 titled "18, mostly women, killed in fire at Pune chemical unit"*, OA 130/2021 decided on 01.02.2022.
 19. *Rakesh Suresh Chandra Kapadia v. Gujarat Pollution Control Board & Ors.*, OA No. 31/2021 (WZ), decided on 08.11.2021.
 20. *In re: News item published in The Hindustan Times dated 17.06.2021, titled "Blast in firecracker unit in Maharashtra's Palghar, at least 10 injured"*, OA No. 134/2021 decided on 25.06.2021.
 21. *In re: News item published in The Indian Express dated 12.07.2021 titled "Six killed in factory fire: Owner held, raids on to nab second accused"*, OA No. 171/2021 decided on 07.09.2021.

4. In view of above, we constitute an eight member fact-finding joint Committee to be headed by Chairman, Punjab State PCB. Other members of the Committee will be Regional Director (North), CPCB, Industrial Toxicology Research Centre (ITRC), Lucknow, nominee of Director, PGI Chandigarh, nominee of NDRF, State PCB, District Magistrate, Ludhiana and Commissioner, Municipal Corporation, Ludhiana. State PCB will act as nodal agency for coordination and compliance. The Committee may meet within one week from today and complete its task preferably within one month. It will be free to interact with any other department, institution or individual and undertaking visit to concerned sites. The Committee will be free to function online or offline as the situation may warrant. The Committee may give its report to this Tribunal on or before 30.06.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any violators are identified, they may also be given a copy of the report for their response, if any, before the next date.

5. In the meanwhile, the District Magistrate, Ludhiana may ensure payment of compensation @ Rs. 20 lakhs each to the heirs of 11 persons who have died, deducting the amounts, if any, already paid within one month. The Committee may mention the details of persons who have died

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22. *In re: News item published in The Indian Express dated 07.01.2022 titled "Gujarat: At least 06 dead, 20 sick after gas leak at industrial area in Surat", OA No. 05/2022 decided on 18.01.2022.*
 23. *In re: News item published in India Today dated 26.12.2021 titled "7 dead in boiler explosion at noodle factory in Bihar's Muzaffarpur, probe ordered", OA No. 02/2022 decided on 22.04.2022.*
 24. *In re: News item published in The Economic Times dated 21.12.2021 titled "3 dead, 44 injured in flash fire at IOC's Haldia refinery", OA No. 440/2021 decided on 07.01.2022.*
 25. *In re: News item published in The Tribune dated 22.02.2022 titled "7 killed in blast at firecrackers factory in Himachal Una", OA No. 143/2022 decided on 08.03.2022.*
 26. *In re: News item published in Hindustan Times dated 05.03.2022 titled "Bhagalpur: 14 dead in firecracker unit blast", OA 198/2022 decided on 27.05.2022.*
 27. *In re: News item published in The Times of India dated 12th April, 2022, titled "Six killed in chemical factory blast in Gujarat", OA No. 272/2022 decided on 12.04.2022.*
 28. *In re: News item in NDTV dated 14.04.2022 titled "6 killed, 12 injured after fire breaks out at Andhra Pradesh Pharma Unit", OA No. 284/2022 decided on 20.04.2022.*
 29. *In re : News item published in Business Standard dated 09.02.2023 titled "Blast at JSPL's Raigarh plant kills two workers, two others injured", OA No. 110/2023 decided on 28.02.2023*

and persons injured with extent of injuries suffered by them. It may also recommend measures to be taken in future to prevent such incidents.

List for further consideration on 13.07.2023.

A copy of this order be forwarded to Chairman, Punjab State PCB, Regional Director (North), CPCB, ITRC, Lucknow, Director, PGI Chandigarh, NDRF, District Magistrate, Ludhiana, Commissioner, Municipal Corporation, Ludhiana and Punjab State Legal Services Authority by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 2, 2023
Original Application No. 327/2023
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