

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 54 of 2014**

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SUO MOTU
Versus
STATE OF GUJARAT & ORS.

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1
 MRS KRISHNA G RAWAL(1315) for the Applicant(s) No. 1
 SUO MOTU for the Applicant(s) No. 1
 MR RAHEEL PATEL for GANDHI LAW ASSOCIATES(12275) for the
 Opponent(s) No. 10,11,8
 MS MANISHA LAVKUMAR, ADDL. ADVOCATE GENERAL assisted
 by MS AISHWARYA CHAUDHARY, AGP for the Opponent(s) No.
 1,13,14,15,16,17
 M/S TRIVEDI & GUPTA(949) for the Opponent(s) No. 9
 MR DIPAK R DAVE(1232) for the Opponent(s) No. 2,3,4,5,6
 MR SUBRAMANIAM IYER(2104) for the Opponent(s) No. 19
 MR.VARUN K.PATEL(3802) for the Opponent(s) No. 12
 MS AMRITA M THAKORE(3208) for the Opponent(s) No. 7
 MR VIRAL K SHAH(5210) for the Opponent(s) No. 18

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
 SUNITA AGARWAL
 and
 HONOURABLE MR.JUSTICE D.N.RAY**

Date : 08/07/2026

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

1. Mr. Subramaniam Iyer, learned advocate has put in appearance on behalf of the respondent no.19, Occupational Health and Safety Association, a registered Trust impleaded through its Secretary, Shri Raghunath Kaslaji Manwar. The issue pertains to occupational health and safety measures in Coal fired thermal power plants in the State of Gujarat.

2. The present Public interest litigation has been registered *suo motu* under the order of this Court and by order dated 23.07.2025, this Court has directed the Principal Secretary, Health and Family Welfare Department, to establish a suitable monitoring mechanism to carry out visits to 11 thermal power plants and to undertake necessary verification. In compliance thereof, the Principal Secretary, Health and Family Welfare Department constituted 11 different committees by order dated 01.09.2025, subsequently modified vide order dated 06.09.2025, to conduct visits in compliance of the directions of the High Court.

3. In the year 2015, this Court had directed the Health Department to constitute a Committee of experts to undertake such visits and the Committee so constituted visited the thermal power plants in the year 2016 and submitted its report on 27.01.2016, placed before this Court on 16.03.2016. Pursuant to the directions issued by this Court in the order dated 23.07.2025, 11 committees have been mandated to carry out fresh visits. One of the key aspects instructed to the Committees is to review and verify the compliance status of the recommendations made in the year 2016 Committee report and to reassess the occupational health hazards, both for industrial workers and for the residents of labour colonies situated in proximity of the thermal power plants.

4. The committees visited each of 11 thermal plants, impleaded as respondents herein, and submitted their report, which was collated and the Member Secretary, Committee of Experts and Additional Director (Public Health) –

Commissionerate of Health submitted the summary report of fresh inspection conducted of 11 thermal power plants and individual committee reports of each thermal power plants annexed with the relevant documents along with the letter dated 14.10.2025. A copy of the summary report dated 14.10.2025 is appended as Annexure-R1 to the affidavit dated 11.11.2025 of the Joint Secretary, Health and Family Welfare Department, Government of Gujarat.

5. The individual summary report of the 11 thermal plants are also appended with the said affidavit as Annexures -R2 to R12. It is categorically stated in the affidavit of the Joint Secretary, Health and Family Welfare Department, Government of Gujarat that the sub-committees led by the Regional Deputy Directors visited 11 thermal power plants and lignite based power stations in the State of Gujarat as per the scheduled dates between 08.09.2025 to 11.09.2025 and have reviewed and verified the compliance status of the recommendations made in the committee report submitted vide affidavit dated 16.03.2016.

6. In addition to the recommendations of the committee report of 2016, additional 6 considerations have been added in the audit check-list for occupational health and safety of workers in coal fired thermal power plants. The audit check-list considered by the sub-committees while conducting fresh inspection is appended as Annexure-R14 to the said affidavit. The details of the summary of observations made by the sub-committees led by the Regional Deputy Directors upon visiting of 11 thermal power plants and lignite based power stations in

the State of Gujarat has been given in a tabular form in paragraph '7' of the affidavit. A perusal thereof indicates that in most of the power plants, the key aspects of medical check-up of workers (first and yearly check-up), free and comprehensive medical treatment, compensation under the Workmen Compensation Act, services of workmen not to be terminated during illness, modern protective equipment to be provided to the workmen as recommended by the expert body in consultation with the trade unions, strict control measures to be immediately adopted for control of dust, heat, noise, vibration and radiation as recommended by National Institute of Occupational Health (NIOH), Ahmedabad, Gujarat and providing code of practice on occupational safety and health audit as developed by Bureau of Indian Standards (BIS), safe methods to be followed in handling, collection and disposal of hazardous waste as recommended by NIOH, Ahmedabad and appointment of committee of experts including the representatives of Trade union and health and safety NGOs, has been followed.

7. Additional 6 recommendations in addition to the above 20 considerations as per the check-list in relation to the residential accommodation for the labourers, drinking water facility, cleaning of the areas nearby residential facilities of workers and chlorination of water etc. to control the outbreak of disease has also been followed in 11 thermal plants, inspection of whom was carried out. There are reports of partial compliance noted in the Gujarat State Electricity Corporation, Gandhinagar.

8. The submission of the respondent State in the affidavit of Joint Secretary, Health and Family Welfare Department, Government of Gujarat is that most of the key observations and compliance status as per the recommendation of the committee report of the year 2016, have been duly complied with by the respective thermal power plants barring few minor aberration.

9. It is submitted by Mr.Dipak R. Dave, learned advocate appearing for the thermal power plants, impleaded as respondents no. 2 to 6 herein that any aberration or non-compliance which may be minor in nature will be taken care of in consultation with the trade unions of the individual thermal power plants. We may note that none of the trade unions of individual thermal power plants are party to the present petition and there are few non-compliances such as appointment of doctors for medical check-up or finalization of list of protective equipments, being not in consultation with the concerned trade unions.

10. We may also have a look to the report of the respective committees, collated and appended as R-1 at page '306' of the paper book, wherein the summary of observations made by the respective committees have been incorporated. This report is a comprehensive document which begins at page '306' of the paper book and ends at page '447'. A copy of this report has already been served along with the affidavit of the respondent State upon the counsels appearing for the thermal power plants.

11. Mr. Subramanian Iyer, learned advocate appearing for

respondent 19, would submit that he has nothing to add on behalf of respondent no.19, to the report submitted by the respective committees under the directions issued by this court in the order dated 23.07.2025 in the present petition. However, the submission is that the recommendations of the respective committees be made part of this order so that they bind the respective thermal power plants for adopting and abiding the same.

12. Considering the said submission, having gone through the approved summary report, we find that extraction of any of the portion or recommendation of the report would be an exercise in piecemeal. Hence, the entire report in itself is made part of this order. And it is provided that the copy of the summary report dated 14.10.2025, submitted along with the affidavit dated 11.11.2025 of the Joint Secretary, Health and Family Welfare Department, Government of Gujarat, be supplied to each of the trade unions by the respective managements of 11 thermal power plants. It would also be the responsibility of the trade unions to ensure that the recommendations of the committees with respect to each of thermal power plant (11 in numbers), be implemented by the management concerned. The management of each of thermal power plants is under obligation to act in consultation with the respective trade unions to ensure that regular compliances with respect to the recommendations of the committees in the summary report dated 14.10.2025 be ensured.

13. For any aberration or non-compliance at the ends of the

management of the thermal power plants, it would be the duty of the concerned department to initiate necessary action in accordance with law.

14. With the above observations and directions, the present petition stands disposed of.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI