

ITEM NO.24

COURT NO.2

SECTION PIL-W

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

PEOPLES RIGHTS AND SOCIAL RESEARCH CENTRE  
(PRASAR) & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF LABOUR AND  
EMPLOYMENT SECRETARY & ORS.

Respondent(s)

WITH

T.C.(C) No. 8/2017 (XVI-A)

Date : 05-03-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
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UPON hearing the counsel the Court made the following  
O R D E R

Central Pollution Control Board ("CPCB") has given its Report along with its affidavit dated 21.07.2017 filed on 24.07.2017 after the inspection of polluting units which had been functioning in the respondent-State. It presents a grim picture. Not only there have been large scale violations insofar as environmental laws are concerned, it has led to serious health problems among the habitants of these areas causing various diseases and even deaths. In these circumstances, submission of Mr. Prasant Bhushan, learned counsel, is that CPCB should take further steps in ensuring that such polluting units are closed.

Mr. Vijay Panjwani, learned counsel, submits that many units have already been ordered to be closed. Some are non-functional. He further submits that even in respect of non-functional units, action would be taken for their closure. Similar action would be taken in respect of those units which are functional even today.

It is also submitted that in the aforesaid circumstances, the respondents-States who allowed such units to operate should be made to pay adequate compensation to the victims. A show cause notice be issued to all the States on this aspect. They should file their replies as to why compensation should not be fixed by this Court for paying the same to the victims of silicosis which have occurred to the habitants where the industries are located. Six weeks' time is given for this purpose. We make it clear that this aspect will be considered on the next date of hearing and appropriate orders will be passed thereupon.

Expert Reports in respect of State of Jharkhand and the Union Territory of Puducherry have not been filed so far however direction was given to file the report(s) within two weeks with copies to the learned counsel for the parties. Learned counsel for the State of Jharkhand and the Union Territory of Puducherry are directed to file compliance affidavit before the next date of hearing.

The matters be listed after six weeks.

In the meantime, Union of India shall also file its response to the Reports submitted by the National Human Rights Commission. Union of India has filed its Status Report in compliance with the orders passed on the last date of hearing. Response thereto can

also be filed by the respondents-States with regard to disbursal of compensation, before the next date of hearing.

State of Madhya Pradesh shall also file its response in terms of Orders dated 4.05.2016 and 23.08.2016 passed by this Court, before the next date of hearing.

**(SUSHIL KUMAR RAKHEJA)**  
**AR-CUM-PS**

**(RAJINDER KAUR)**  
**BRANCH OFFICER**