

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 79 OF 2005

OCCUPATIONAL HEALTH & SAFETY ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report )

Date: 30/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
Ms. Puja Sharma, Adv.  
For Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Amrendra Saran, ASG  
Mr. Vikas Singh, ASG  
Mr. Satyakam, Adv.  
Ms. Shilpa Singh, Adv.  
For Mrs Anil Katiyar ,Adv

Mr. V.K. Verma ,Adv

UPON hearing counsel the Court made the following  
ORDER

Learned counsel for the petitioner had made the following nine suggestions so as to reduce the occupational hazards of the employees of the thermal power stations in the country:-

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 check up to be completed within six months. Then to be done on yearly basis.
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 not to be terminated during illness and to be treated as if on duty.
4. Compensation to be paid to workmen suffering 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, Gujrat.
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 recommendations.

Learned Additional Solicitor General submitted that suggestion Nos.1 to 7 have been accepted by the Central Government as they are broadly covered by various existing enactments and consequently pro-active action would be taken for effective implementation of the relevant laws, in particular the areas covered by those suggestions.

-3-

Ministry of Labour (Fourth respondent) may also take some steps to see these suggestions and the relevant provisions of various Labour Acts are properly implemented by the Central and the State Governments to protect the welfare of these employees.

Learned Additional Solicitor General seeks further time to examine whether the remaining two suggestions (Nos.8 and 9) could also be implemented and if so the extent.

List after six weeks.

(R.K.DHAWAN)  
COURT MASTER

(VEERA VERMA)  
COURT MASTER