

**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: 13.10.2023

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

Respondent: Ms. Muskaan Singla, Adv. for District Magistrate, Ludhiana

ORDER

1. The present OA was registered in *suo motu* exercise of power by the Tribunal on the basis of the newspaper report of death of 11 persons at Ludhiana on account of gas leak in the Giaspura area of the city on April 30, 2023.

2. The Tribunal by order dated 02.05.2023 had formed a Committee and had directed that the Committee will submit the report. There was a further direction to the District Magistrate, Ludhiana to ensure payment of compensation to heirs of 11 deceased persons.

3. The report on behalf of the Committee has been filed admitting the gas leak incident on 30.04.2023 resulting in death of 11 persons which include the minors also. In the report, the reason for the alleged gas leak is stated to be the escape of gases from the sewer line. The reason so disclosed in the report does not appear to be convincing for following reasons:

- i. As per the report at page 18 the Central Pollution Control Board officer Dr. Gurnam Singh, Regional Director has stated

that “due to prolong deposition of sludge in sewer line near Aarti Clinic, anaerobic condition might have been developed and high concentration of H₂S find its way into the two houses through their connection of sewer line”. However, as per Annexure M of the report at page 106, CPCB officers who inspected on 03.05.2023 have concluded that pH level of 2.5 – 2.6 as reported in main sewer water near the houses where deaths occurred is a result of acidic industrial effluent discharge. Further they have also indicated that industrial discharge is a key factor in releasing of H₂S in high concentration.

- ii. In the same Report CPCB has advised that all industries located around sewer network need to be surveyed for possible source of acidic and metals, heavy metals and sulphide containing industrial effluent waste but the same has not been provided and details have not been furnished to National Green Tribunal.
- iii. However there is a mention of seven major electroplating and pickling units have been found to be major violators but no action has been initiated against these units except issuing directions. It is also mentioned that one of the unit M/s Guru Nanak Enterprise was “maintaining outlet for discharge of untreated effluent into sewer” and several such industries have no NoC and ETPs/CETP but, they were using acid for industrial purposes.
- iv. Further at Annexure I of the Report enclosing the PPCB letter dated 21.06.2023 at item 1 indicates that house hold cleaning detergent in municipal waste system would have been source for H₂S. There is no basis for making this statement by the PCB. In the scientific paper titled “Human and Environmental Toxicity of Sodium Lauryl Sulfate (SLS): Evidence for Safe Use in Household Cleaning Products” published in “Environ Health Insights. 2015; 9: 27–32. Published online 2015 Nov 17. Doi: 10.4137/EHI.S31765” concludes that household cleaning product has no threat to human health, environment and claims made are false and misleading.

- v. At page 465 of the report in a paper titled “Hydrogen Sulphide gas in sewer – The challenges of odour and corrosion” at para 2.1 states that anaerobic condition, low flow velocities and warm temperatures generate H₂S however as per the PCB letter dated 21.06.2023 at para 3 states that previous evening to the incident, there was heavy rain in the affected area and lot of rain water was carried out by sewerage stream leading to dilution of industrial effluent if any. If this so, the rain water should have washed away/diluted the sewage which was collected as well. Further the night temperature in end of April was 20^o to 21^o.
- vi. The same letter of PPCB dated 21.06.2023 at para 4 indicates that 90% of sulphide will be present as H₂S at pH 6, whereas as per the report, at the incident site at para 8 of the same letter the pH indicated is 2.51 – 2.59. This is extremely acidic condition under which H₂S formation from sewage could be insignificant. Further the PCB analysis report of the sewer between 02.5.2023 to 06.05.2023 indicates pH as 7.2, 5.7, 6.8, 7.4, etc at the said sewer sites. However, on the date of incident a pH of 2.5 was recorded in the same sewer. This anomaly has not been explained.
- vii. As per the interim Report of PCB dated 04.05.2023, the polluting units within 100 m are 2 numbers and within 500 to 200 m are 15 polluting units and 14 pickling units. No details of their effluent discharge/quantity, mode of discharge/treatment has been being provided including the consents. It is also indicated that during survey some premises were found close. PCB has failed to provide details whether these units were discharging through sewer, ETP or by tankers.

4. Having regard to the aforesaid, we are of the opinion that a fresh report by an independent Committee is required to be obtained as the issue is very serious wherein an incident of gas leak has caused death of as many as 11 persons. The possibility of repeat of such an incident

cannot be ruled out, therefore, it is important to ascertain the real cause of gas leak and to fix the responsibility.

5. Hence, we constitute a Committee comprising of the Joint Secretary, MoEF&CC, Member Secretary, CPCB and one Professor to be nominated by the Director, IIT Delhi having expertise in the field. The Member Secretary, CPCB will act as nodal agency for coordination and compliance. The Committee will visit the site, ascertain the cause of gas leak and also the persons responsible for the same and submit a comprehensive report in this regard to the Tribunal on or before the next date of hearing.

6. The District Magistrate, Ludhiana and the State PCB will extend full cooperation and assistance as well as logistic support to the Committee during visit.

7. Learned Counsel appearing for the District Magistrate has informed that compensation @ Rs. 20 lakhs each to the heirs of 11 deceased persons who have died has been paid within one month from the date of passing of order dated 02.05.2023.

8. List on 05.01.2024.

9. A copy of this order be forwarded to the Secretary, MoEF&CC, Member Secretary, CPCB, Director, IIT Delhi, District Magistrate, Ludhiana and the State PCB by e-mail for compliance

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 13, 2023
Original Application No. 327/2023
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