

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE SEVENTH DAY OF MAY,
TWO THOUSAND AND TWENTY

:PRESENT:

HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESWARI
AND
HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI

SUO MOTU WP (PIL) NO: 112 OF 2020

In Re. Poisonous gas leakage in Visakhapatnam

Versus

1. The State of Andhra Pradesh,
Represented by the Chief Secretary,
Secretariat.,
Velagapudi, Amaravati.

2. Director General of Police,
Andhra Pradesh,
Mangalagiri, Guntur District

3. Commissioner of Police,
Visakhapatnam city

4. Union of India,
Rep by the Secretary,
Ministry of Industries, New Delhi

5. Union of India,
Rep by the Secretary,
Ministry of Environment and pollution, New Delhi

6. The District Collector,
Visakhapatnam District, Visakhapatnam.

7. The Superintendent,
King George Hospital,
Visakhapatnam.

8. M/s. LG Polymers Ltd.,
LG polymers Rd
RRV Puram, Naidu Thota,
Visakhapatnam, Andhra Pradesh 530029

...Respondents

Writ Petition under Article 226 of the Constitution of India praying to issue a Writ, order or direction, in the nature of Mandamus or any other appropriate writ calling for the records relating to the incident of leakage of poisonous gas from LG Polymers factory at Visakhapatnam at about 2.30 a.m. on the intervening night of 06.5.2020/07.05.2020, to direct the Respondents to take all necessary steps for saving the lives of the people in and around the said factory, to provide all necessary medical treatment to the persons who are admitted into various hospitals and to provide necessary facilities to the persons evacuated to safer places and also to issue necessary directions to avoid such incidents in future and to grant other relief/s as the Hon'ble Court may deem fit and proper in the circumstances.

The Writ Petition coming on for hearing, upon perusing the material on record and upon hearing the arguments of Sri S. Sri Ram, learned Advocate General for the State and Sri Josyula Bhaskara Rao, Standing Counsel for Central Government, the Court made the following

ORDER:

Heard Sri S.Sri Ram, learned Advocate General for the State and Sri Josyula Bhaskara Rao, Standing Counsel for Central Government for Central Government.

The State Legal Services Authority reported that in a factory known as "M/s. LG Polymers India Private Limited" situated at R.R.Venkatapuram, Visakhapatnam District an untoward incident of leakage of the gas took place at about 3.30 a.m., today morning, in which number of casualties have been reported and number of persons are hospitalized in serious condition and they have been put on ventilators.

It has come to knowledge that that the said factory produce polymers by use of a chemical gas, which is known as "**Styrene**", which was leaked out. The said chemical is also known as ethenyl benzene, vinyl benzene and phenylethene which is an organic compound with chemical formula of $C_6H_5CH=CH_2$. It is a derivation of benzene as a colourless oily liquid while the aged samples can appear yellowish. The compound easily evaporates. By the leakage of the gas and its inhalation is dangerous to the life and health of the common citizen.

The Styrene being dangerous substance, is notified under the provisions of the Environmental Protection Act, 1986 as per the Rules known as Chemical Accident (Emergency Planning, Preparedness and Response) Rules 1996, Part-II in List of hazardous and toxic substances. Certain activities were required to be done under the provisions of those Rules by formulation of the Crisis Alert System, Central Crisis Group, State Crisis Group, District Crisis Group and Local Crisis Group. It is a matter of enquiry and assessment that the provisions of the said Rules have been observed or not.

As per the provisions of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 formulated in terms of the provisions of the Environmental Protection Act also, Styrene has been shown as a hazardous chemical in the list of the hazardous chemicals specified at Sl.No.583. Under those rules there are general responsibilities of the occupier during industrial activity, notification for major accidents and other things are specified. It is also a matter of enquiry and assessment.

In view of the foregoing facts, the observance of the provisions of the Rules is a matter of concern while establishing and regulating the Industrial Unit of the polymer. It is also a matter of concern that at the time of issuance of such permission to run the industry due clearance as per the provisions of the Law has been taken, if it is so, then the use of Styrene gas in the industry which is hazardous to the citizens, how in nearby areas the residents have been permitted in mass; or otherwise the permission was wrongly granted to continue the said unit is required to be examined, but all these issues may be examined subsequently.



However, looking to the present situation in which 8 persons have been reported as died and more than 300 persons are hospitalized, out of them about more than 80 persons are on ventilators, the present concern of the Court is to provide adequate medical facilities to the victims. The habitants residing in the nearby area are to be immediately evacuated by use of NDRF (National Disaster Response Force). In addition to the Government Hospitals, the local hospitals for providing adequate treatment the victims local hospitals must be opened by the indulgence of the State Government.

In the present situation of Pandemic COVID-19 spread, in which the lock down is continuing since more than a month, to which the Central Government as well as the State Government have issued adequate advisories, how its observance may be followed subject to enquiry that this industry was in preparation to reopen after lock down of 40 days was permissible.

In addition to providing adequate medical facilities, the arrangements of food and nutrition to the citizens including minor children and pregnant women are also a paramount consideration. Simultaneously the availability of adequate NDRF staff, consequential impact on environment as well as citizens is also a concern of the Court.

It is informed that the Central Government has directed to send the NDRF teams from the States of Gauhati, Goa and Daman and Diu to the State Government to take adequate steps. Simultaneously, a team of experts to study environmental impact is also directed with a further direction that the State be Authorities shall provide adequate medical facilities to the affected victims by indulgence of the State Government in local hospitals. The Central Government has issued certain directions today itself including the Dos, Don'ts and Precautions which are required to be scrupulously followed by the State Government.

We acknowledge the steps swiftly taken by the Central Government, but we further observe that in case the State Authorities are of the opinion that the NDRF staff is further required, they may ask from the Central Government sending the additional staff in Reserve Force to cope-up the present situation in the area, that includes evacuation of the affected persons, shifting them for medical aids, offering the adequate nutritional diet and medical facilities. It is further to observe that the State Government shall ensure to issue direction for opening of the private hospitals in Visakhapatnam area for medical aid to the needy persons.

It is further observed that the immediate steps to be taken to bring down the effect of the leakage of the Styrene gas by sprinkling of water or other substances which may curtail further damage by requesting Fire services from the nearby areas in reserve shall be ensured by the Government. Simultaneously, the repeated leakage must be checked.

It is further observed that while doing so, looking at the COVID-19 situation, in lock down, social distancing is primary concern otherwise it would create another disaster for the citizens.

The State Government shall ensure to appoint a Committee of appropriate Officers not below the rank of Principal Secretaries to monitor the things and submit the compliance in this regard within a week.

It is further made clear that the entire action of Disaster Management Authority is required to be supervised by the Chief Secretary of the State under the provisions of the Rules by which a Committee is already constituted to supervise the functioning of the Senior Officers.

The State Legal Services Authority shall assign appropriate Officer from the District Legal Services Authority, Visakhapatnam to supervise the recent issues and the Principal District Judge, Visakhapatnam may coordinate with the State officials on the issue. The District Legal Services Authority, Visakhapatnam shall give proper assistance through Para-legal volunteers.

Sri Y.V.Ravi Prasad, learned Senior Counsel is appointed as Amicus-curiae in this matter to assist the Court.

With the aforesaid, we postpone the hearing on 20.05.2020. Let the action taken report be made available on the said date.

Sd/- P. Ramakrishna
JOINT REGISTRAR

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for **JOINT REGISTRAR**

To

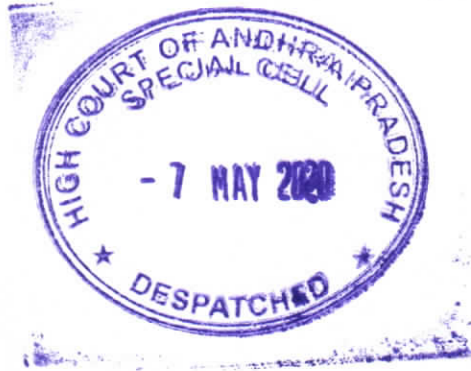
1. The the Chief Secretary, Government of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.
2. Director General of Police, Andhra Pradesh, Mangalagiri, Guntur District
3. Commissioner of Police, Visakhapatnam city
4. The Secretary, Ministry of Industries, Union of India, New Delhi
5. The Secretary, Ministry of Environment and pollution, Union of India, New Delhi
6. The District Collector, Visakhapatnam District, Visakhapatnam.
7. The Superintendent, King George Hospital, Visakhapatnam.
8. M/s. LG Polymers Ltd., LG polymers Limited RRV Puram, Naidu Thota, Visakhapatnam, Andhra Pradesh 530 029
9. The Member Secretary, A.P. State Legal Services Authority, High Court Buildings
10. The Principal District Judge, Visakhapatnam.
11. The Secretary, District Legal Services Authority, Visakhapatnam District, Visakhapatnam
12. **Two CCs to Advocate General for the State of A.P.**
13. **Sri Josyula Bhaskara Rao, Standing Counsel for Central Government**
14. **Sri Y.V. Ravi Prasad, Senior Advocate (along with the papers on record)**
15. One spare copy

HIGH COURT



HCJ & LK J

DATED:07/05/2020



NOTE: POST ON 20-05-2020

ORDER

WP(PIL).No.112 of 2020