

DISTRICT : KOLKATA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA, WEST BENGAL
FINANCIAL CENTRE, 3RD FLOOR, NEW TOWN

(Under Section 18(1) read with Section 14 and 15 of the National Green
Tribunal Act, 2010)

Original Application No. of 2024

In the matter of:

National Federation of Indian Road Transport Workers, having its Main Office, Behind Bus Stand, Patiala-147001, Punjab and its State Office in West Bengal at 50/1 Nirmal Chandra Street, Kolkata-700001, represented by Shri Nawal Kishor Shrivastava, National Secretary, National Federation of Indian Road Transport Workers affiliated to, AITUC, having his office at 50/1, Nirmal Chandra Street, Kolkata-700012.

... Applicant

-Versus-

Union of India, service through the Ministry of Railways, through its Chairman and Chief Executive Officer, Railway Board, 256-A, Raisina Road, Central Secretariat, New Delhi 110 001 Ors.

... Respondents

PAPER BOOK

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Filed by:
Santosh Sahu

1

DISTRICT : KOLKATA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA, WEST BENGAL
FINANCIAL CENTRE, 3RD FLOOR, NEW TOWN

(Under Section 18(1) read with Section 14 and 15 of the National
Green Tribunal Act, 2010)

Original Application No. of 2024

In the matter of:

National Federation of Indian Road Transport Workers, having its Main Office, Behind Bus Stand, Patiala-147001, Punjab and its State Office in West Bengal at 50/1, Nirmal Chandra Street, Kolkata-700012, represented by Shri Nawal Kishor Shrivastava, National Secretary, having office at 50/1, Nirmal Chandra Street, Kolkata-700012 & Anr.

... Applicants

-Versus-

Union of India, service through the Ministry of Railways, Railway Board, Rail Bhawan, 1, Raisina Road, New Delhi - 110 001, India & Ors.

... Respondents

INDEX

Sl.No.	Particulars	Annexure	Pages
1.	Original Application		1 to 17
2.	Copy of the Authorization		18
3.	Photocopy of the Letter No. 2015/ EnHM/ 15/01 dated 16.04.2018	A	19 to 26
4.	Photocopy of the letter dated 24.09.2022	B	27 to 28
5.	Photocopy of the letter dated 15.12.2022	C	29 to 30
6.	Photocopy of the letter dated 24.02.2023	D	31 to 32
7.	Photocopy of the letter dated 24.04.2023 of the Special Secretary, Government of West Bengal	E	33
8.	Photocopy of the Directions issued by the Pollution Control Board in December 2022	F	34 to 36
9.	Photocopy of the legal notice dated 19.06.2023	G	37 to 42

II

Filed by:
Sanjay Sahas
Adv.
NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS
NATIONAL SECRETARY

SYNOPSIS

The applicant No 1 is a trade-union activist working particularly for and protecting the interests of workers in the transport sector. The present Original Application has been made complaining of the issue of health hazards of the transport workers like drivers, helpers etc during the time they spend carrying out the loading and unloading process of coal, cement stone-chips and cement in an unhealthy working environment at Dankuni Railway Yard under the jurisdiction of Divisional Railway Manager, Howrah, Eastern Railway and various other Sites namely Cossipore Road, New Alipore, Barasat, Bardhaman, Cossimbazar, Santrayachi, Krishnanagar, Malda and Srirampur under the jurisdiction of Eastern Railways. It has been an issue of grave concern to the Federation since such transport workers are being severely affected and are exposed to different types of health hazards due to heavy pollution at their workplace. The workers of the aforementioned sites have informed different forums for the redressal of this continuing health hazard but even though various directives have been issued by different authorities no action has been taken by any forum to ensure implementation of the said directives. In-spite of bringing such serious issues to the knowledge of the Respondents no steps have been taken to resolve the serious health hazard issue. Hence this application.



LIST OF DATES

- 16.04.2018 : Government of India, Ministry of Railways formed a committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods sheds and the actions to be taken thereon.
- 24.09.2022 : The applicants wrote a letter wrote to Principal Secretary, Environment, Government of West Bengal and the General Manager of Eastern Railways drawing attention to the serious health hazards faced by transport workers during the time they spent loading and unloading coal, cement, stone chips etc at various Railway yards.
- 15.12.2022 : The applicants wrote to the Divisional Railway Manager expressing their anguish at no steps being taken by the concerned authorities to mitigate the serious health hazard being faced by transport workers at the site of Railway siding at the time of loading/unloading.
- 23.12.2022 : The Chief Engineer, Operation and Execution Cell, West Bengal Pollution Control Board issued an order, on the basis of hearing conducted in his office, gave directives to Control Pollution at the siding and yard site of Dankuni Railway Siding under Eastern Railway jurisdiction during loading and unloading coal, cement stone chips and other material.
- 24.02.2023 : The applicants once again wrote to the Divisional Railway Manager, Eastern Railway complaining



By: *Sanjiv Saha*

NATIONAL FEDERATION OF INDIA
ROAD TRANSPORT WORKERS

thereof that two months had elapsed and yet the Railway Authorities had taken no positive action to implement the directions of the West Bengal Pollution Control Board and as such a 'Rail Roks' programme would be held on 27.02.2023 in the interest of transport workers.

24.04.2023 : The Special Secretary, Government of West Bengal wrote to the Divisional Railway Manager, Eastern Railways requesting the railway authorities to implement the order of West Bengal Pollution Control Board vide their order dated 23.12.2022.

19.06.2023 : A legal notice was sent on behalf of the writ applicants calling upon the Railway Authorities to take immediate steps for implementation of the directions of the West Bengal Pollution Control Board failing which the applicants would be compelled to take legal steps against the concerned authorities for immediate implementation of the order of PCB.



DISTRICT : KOLKATA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA,

Original Application No. of 2024

In the matter of :

An application under section 18 (1) read with Section 14 and 15 of the National Green Tribunal Act, 2010 and Rule 8 of the National Green Tribunal (Practice and Procedure) Rule, 2011

-And-

In the matter of:

1) National Federation of Indian Road Transport Workers, represented by Shri Nawal Kishor Shrivastava & Anr.
Email : nfirt@gmail.com

2) Shri Nawal Kishore Shrivastava, Secretary National Federation of Indian Road Transport Workers affiliated to AITUC, having his office at 50/1, Nirmal Chandra Street, Kolkata-700001
Email : mitranandini@gmail.com

3) Shri Arup Mandal, Member, Working Committee of AITUC, West Bengal State Committee having his office at 50/1, Nirmal Chandra Street, Kolkata-700001
Email:
sanjaysaha.advocate2001@gmail.com

... Applicants

-Versus-

1. Union of India service through the Ministry of Railways, through its Chairman and Chief Executive Officer, Railway Board, 256-A, Raisina Road, Central Secretariat, New Delhi 110 001. Email : crb@rb.railnet.gov.in.

2. The State of West Bengal service through the Secretary, Department of Environment, Prani Sampad Bhaban, 5th Floor, LB-2, Sector-III, Kolkata-700106. Email : psecy.env-wb@gov.in

3. The General Manager, Eastern Railway, 17, Netaji Subhas Road, Fairlie Place, Kolkata-700001.
Email : gm@er.railnet.gov.in

4. The Divisional Railway Manager, Howrah Division, DRM Building, Howrah-711101.
Email : drm@hwh.railnet.gov.in

5. The Divisional Railway Manager, Sealdah Division, Kaisar Street, Kolkata - 700009. Email : drm@sdah.railnet.gov.in

6. West Bengal Pollution Control Board (Department of Environment), service through the Member Secretary, Government of West Bengal, Paribesh Bhawan, 10 A, Block AA, Sector-III.
Email : net.wbpcb-wb@bangla.gov.in

... Respondents



DETAILS OF THE APPLICATION :**1. PARTICULARS OF THE APPLICANT:**

1. National Federation of Indian Transport Workers, affiliated to Trade Union International -Transport having its Main Office, Behind Bus Stand, Patiala-147001, Punjab and its State Office in West Bengal at 50/1 Nirmal Chandra Street, Kolkata-700001, represented by Shri Nawal Kishor Shrivastava, National Secretary, National Federation of Indian Road Transport Workers affiliated to, AITUC, having office at 50/1, Nirmal Chandra Street, Kolkata-70001.
2. Shri Nawal Kishor Shrivastava, National Federation of Indian Road Transport Workers affiliated to AITUC, having his office at 50/1, Nirmal Chandra Street, Kolkata-70001.
3. Shri Arup Mondal, Member, Working Committee of AITUC West Bengal State Committee having his office at 50/1, Nirmal Chandra Street, Kolkata - 700 012.

2. PARTICULARS OF THE RESPONDENTS :

1. Union of India, service through the Ministry of Railways, through its Chairman and Chief Executive Officer, Railway Board, 256-A, Raisina Road, Central Secretariat, New Delhi 110 001. Email : crb@rb.railnet.gov.in.
2. State of West Bengal service through the Secretary, Department of Environment, Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Kolkata-700106. Email : psecy-env-wb@gov.in
2. The General Manager, Eastern Railways, 17, Netaji Subhas Road, Fairlie Place, Kolkata- 700001. Email : gm@er.railnet.gov.in
4. The Divisional Railway Manager, Howrah Division, DRM Building, Howrah -711101. Email : drm@hwh.railnet.gov.in
5. The Divisional Railway Manager, Sealdah Division, Kaiser Street, Kolkata-700009. Email : drmsdah@er.railnet.gov.in



6. West Bengal Pollution Control Board (Department of Environment, Government of West Bengal) is situated at Paribesh Bhawan, Building 10A, Block A, Sector -III, Salt Lake, Kolkata-700106. Email : ms.wbpcb-wb@bangla.gov.in

3. PARTICULARS OF THE ORDER / ACTION AGAINST WHICH THIS APPLICATION IS MADE :

The present Original Application has been filed by the applicants complaining of the issue of health hazards of the transport workers like drivers, helpers etc during the time they spend carrying out the loading and unloading process of coal, cement stone-chips and cement in an unhealthy working environment at Dankuni Railway Yard under the jurisdiction of Divisional Railway Manager, Howrah, Eastern Railway and various other Sites namely Cossipore Road, New Alipore, Barasat, Bardhaman, Cossimbazar, **Santragachi**, Krishnanagar, Malda and Srirampur under the jurisdiction of Eastern Railways. It has been an issue of grave concern to the Federation since such transport workers are being severely affected and are exposed to different types of health hazards due to heavy pollution at their workplace. The workers of the aforementioned sites have informed different forums for the redressal of this continuing health hazard but even though various directives have been issued by different authorities, no action has been taken by any forum to ensure implementation of the said directives.

4. JURISDICTION OF THIS TRIBUNAL :

This application relates to causing health hazards of the transport workers like drivers, helpers etc during the time they spend carrying out the loading and unloading process of coal, cement stone-chips and cement in an unhealthy working environment at different Railway Yards under the jurisdiction of Divisional Railway Manager, Howrah and Eastern Railway,



which is in contravention of safety norms established by law and this Hon'ble Tribunal has jurisdiction to adjudicate upon the dispute in question.

5. FACTS OF THE CASE :

5.1 The applicant is a National Federation looking after the interest and well-being of transport workers spread across the country, represented by its National Secretary who is a trade-union activist particularly working for and protecting the interests of workers in the transport sector.

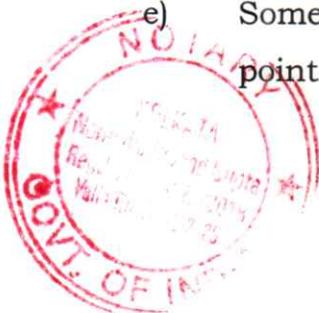
5.2 The applicants are filing the present application through its National Secretary complaining of the issue of health hazards of the transport workers like drivers, helpers etc during the time they spend carrying out the loading and unloading process of coal, cement stone-chips and cement in an unhealthy working environment at Dankuni Railway Yard under the jurisdiction of Divisional Railway Manager, Howrah, Eastern Railway and various other Sites namely, Cossipore Road, New Alipore, Barasat, Bardhaman, Cossimbazar, Santragachi , Krishnanagar, Malda and Srirampur under the jurisdiction of Eastern Railways. It has been an issue of grave concern to the Federation since such transport workers are being severely affected and are exposed to different types of health hazards due to heavy pollution at their workplace. The workers of the aforementioned sites have informed different forums for the redressal of this continuing health hazard but even though various directives have been issued by different authorities no action has been taken by any forum to ensure implementation of the said directives.

5.3 In this connection it is stated that as early as 2018 the Government Of India, Ministry of Railways, Railway Board has, vide its letter No. 2015/EnHM/15/01 dated 16.04.2018, stated that a Committee of ED/EnHM/ME/RB and CCM/ Catering/NR was nominated vide Railway Board's Order No. ERB-1/2016/23/19 dated 08.04.2016 and 16.01.2017/ 08.08.2017 to



Study and submit Report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and the actions to be taken thereon. Based on the recommendations of the Committee the following directions were issued:

- a) Wherever new siding/goods shed/any loading/ unloading point was being developed 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the rail way as the case maybe, in accordance with the provisions of State Pollution Control Board keeping in view the notified, areas and categorisation of Industrial Sectors.
- b) Whenever the sidings are existing, Consent to operate / Consent for operation should be obtained from the State Pollution Control Board by either the owner or by the Railway as the case may be in accordance with the provisions of the State Pollution Control Board (herein after referred to as SPCBS). keeping in view the notified areas/ air pollution control areas and categorization of Industrial Sectors.
- c) Zonal Railways should be made aware of Air Pollution Control Areas notified by respective SPCBS and ensure compliance to applicable environmental legislation. Necessary clause would be required to be incorporated in agreements of sidings. For Railway owned sidings and good sheds the responsibility lay directly with the Railways, in this regard.
- d) In addition to air pollution, water pollution and noise pollution was also required to be taken care of, depending upon the extent of pollution and environmental impact for specific commodities and location.
- e) Some protective measures were also suggested at loading/unloading points.



By: Babar Adv.
NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Photocopy of the Letter No. 2015/EnHM/15/01 dated 16.04.2018 along with the Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at sidings and goods sheds and actions taken thereof is enclosed and marked as Annexure "A" collectively.

5.4 The applicants vide his e-mail and letter dated 24th September, 2022 wrote to the Principal Secretary, Environment Department, Government of West Bengal and the General Manager of Eastern Railways drawing attention to the serious health hazards faced by transport workers like drivers and helpers during the time they spent loading and unloading coal, cement, stone chips etc at Dankuni Railway yard under the jurisdiction of Divisional Railway manager, Eastern Railways and various other sites under the jurisdiction of Eastern Railways.

By the aforesaid letter the applicant sought intervention and arrangements to take preventive measures to provide a healthy environment for the transport workers both during the process of loading and unloading, so that their health are not affected.

Photocopy of the letter dated 24.09.2022 is annexed herewith and marked as Annexure "B".

5.5 The applicants state that initially when the transport labourers take up work at the sidings and Good sheds they are completely unaware of the risks of being constantly exposed to dust which may ultimately lead to severe respiratory diseases such as asthma, bronchitis and other grave diseases such as tuberculosis and even something as fatal as silicosis. The applicant further vide his letter dated 15th December, 2022 expressed the anguish and dis-appointment of the applicants in this regard. By the said letter it was stated that even after the Notification issued by the Railway Board, Ministry of Railway, Government of India addressed to the General Managers of All Zonal Railway vide Notification No. 2015/EnHM/15/01



By:-
Sahy
Adv.

NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS

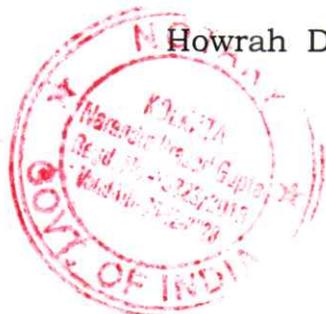
dated 16.04.2018 regarding Statutory/legislative provisions under the subject "Pollution at Railway Siding and Goods Sheds", unfortunately the above Notification which was violated by the Eastern Railways, Howrah Division. In the said letter it was further mentioned that the West Bengal Pollution Control Board had realized the reality of the complaints of the applicants with respect to Dankuni Railway Siding and on the basis of hearing held on 23.11.2022 and 29.11.2022 had thereby held that work should be done as per norms of West Bengal Pollution Control Board and to submit Report within 15 days but the Eastern Railways, in a callous manner, chose to ignore and neglect the order passed.

Photocopy of the letter dated 15.12.2022 is annexed herewith and marked as Annexure "C".

5.6 The applicants state that a further letter was addressed by the applicant No 2 to the Divisional Railway Manager, Howrah Division, Eastern Railway vide his letter dated 24.02.2023. By the aforesaid letter it was pointed out that vide Memo No. 2184(II)-1M-11/2009(pf-V) dated 23.12.2022 the West Bengal Pollution Control Board had given several directives to ensure proper and healthy working atmosphere for transport workers engaged in the site of Dankuni Railway yards and various sites under Eastern Railways but even though more than two months had passed, no positive action had been taken by the Railway Authorities as a result of which transport workers continued to suffer serious health hazards at the time of loading and unloading.

Photocopy of the letter dated 24.02.2023 is annexed hereto and marked as Annexure "D".

5.7 The applicants state that vide letter No 762/EN/1P-01/2022 dated 24.04.2023 the Special Secretary, Government of West Bengal, Department of Environment wrote to the Divisional Railway Manager, Eastern Railway, Howrah Division, calling upon the Railway authorities to take necessary



Filed by...
Saha
Adv.

NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS

action for implementation of the order of the Chief Engineer, Operation & Execution Cell, West Bengal Pollution Control Board dated 23.12.2022.

Photocopy of the letter dated 24.04.2023 of the Special Secretary, Government of West Bengal is annexed and marked as Annexure "E"

5.8 It would be pertinent to mention at this juncture the West Bengal Pollution Control Board, had during inspection, made the following observations: Dankuni Railway Siding was stretched about 1 kilometer along the Railway Tracks covering the width of 500 metres approximately for its activity zone and was used for loading- unloading of coal, Hot Roll(Steel Sheet), Cement, Coal Tar, Sugar, Wheat, Maize and Salt. During the entire loading-unloading exercise the site, including the approach area, was found dust laden. A cloud of dust was found engulfing the surrounding area and no dust suppression arrangement was noticed anywhere in the site. The Pollution Control Board gave certain directions to be mandatorily followed to control the pollution, namely:

- a)) The railway authority was required to install mounted water sprinklers and to also ensure continuous functioning of the same during material loading/unloading/ handling activity at the siding, to minimize coal dust pollution.
- b) The Railway authority should install and operate mist cannons for suppression of dust immediately after loading and unloading activity at the siding area.
- c) The railway authority should provide dust screen walls at heavy loading and unloading traffic handling points along the periphery of the premises with adequate height to minimize dust pollution.
- d) The railway authority was required to develop greenbelt preferably three tier plantations along the periphery within the siding area, to control dust emission.



By: *Saba Adh*
 NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

- e) The railway authority should install an automatic sensor based ambient air quality monitoring station along with a display board to see real time data and sound monitoring systems at the entrance of the main gate and other places of the railway siding area.
- f) The railway authority was required to conduct periodic health checkups of the transport workers.
- g) The railway authority should comply with the 'Inventorization of Railway Sidings and Guidelines for their Environment Management' published in March 2015 by the Central Pollution Control Board and the Direction of the Railway Board, Ministry of Railways, Government of India issued vide Memo No 2015/EnHM/15/01 dated 16.04.2018.
- h) The railway authority was finally required to execute a Bank Guarantee of Rs 20,00,000/-only valid for 12 months within 15 days from the date of issuance of the direction in favour " West Bengal Pollution Control Board as an assurance to comply with the Board's directions as well as environmental norms.

Photocopy of the Directions issued by the Pollution Control Board in December 2022 is annexed and marked as Annexure "F".

5.9 It is indeed unfortunate that in spite of clear information and knowledge of the directives of the West Bengal Pollution Control Board, the Railway authorities have not made any attempt to comply with the aforesaid directions as a result of which the transport workers continue to lead a miserable existence being constantly exposed to a heavily polluted atmosphere at the railway sidings.





B.P.
Saha
Adv.
NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS

5.10 The applicants reiterate that a Committee of ED/EnHM/ME/RB and CCM/Catering/NR was nominated vide Railway Board's Order No ERB-I/2016/23/19 dated 08.04.2016 and 16.01.2017/08.08.2017 to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Good Sheds and based on recommendations of the Committee, report was accepted by the Board and directions were issued, as mentioned earlier in this petition.

The protective measures to be taken at loading / unloading points by the owners or railways were also formulated in the following manner :

- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading/ unloading point and the existing roads in bad conditions should be repaired and maintained.
- b) Dust pollution should be controlled by water sprinkling system through mechanized system or tankers. Also proper waste water/ drainage system should be provided at loading/unloading points as per requirement.
- c) Appropriate green belt cover is required to be provided at the loading/ unloading point to mitigate pollution.
- d) Wherever necessary, the heavy loading and unloading traffic handling points are to be provided with dust screen walls along the periphery of the premises with adequate height

5.11 The applicants state that it is really ironic that where the Railways have themselves formulated such watertight policies to keep pollution in control they themselves are reluctant to implement their own policies let alone the directives of the State Pollution Control Board, at the cost of the health and welfare of transport workers exposing them to hazardous conditions at work.

5.12 It is stated that since there seemed no inclination on the part of the Railway authorities to improve the conditions at the railway siding and



mitigate the hardships of transport workers, the applicants herein were compelled to send a legal notice through their advocate dated 19.06.2023 for immediate implementation of the directions of the Pollution Control Board as mentioned above.

Photocopy of the legal notice dated 19.06.2023 is annexed and marked as Annexure "G".

5.13 The applicants state that the transport workers have a right to life as envisaged under Article 21 of the Constitution of India and the constant exposure of the transport workers to serious health hazards at the time of loading and unloading of coal , cement and stone chips at Railway sidings and yard at Dankuni and other Railway sidings amounts to violation of their Constitutional right of life, under Article 21 of the Constitution of India.

6. GROUNDS

- I) For that a Committee of ED/EnHM/ME/RB and CCM/Catering/NR was. nominated vide Railway Board's Order No ERB-I/2016/23/19 dated 08.04.2016 and 16.01.2017/08.08.2017 to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Good Sheds and based on recommendations of the Committee, the report was accepted by the Board and directions were issued.
- II) For that wherever sidings are existing 'Consent to Operate' should be obtained from State Pollution Control Board by the railway in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas/ air pollution control areas and categorization of Industrial Sectors.

III) For that Zonal Railways must be made aware of Air Pollution Control Areas notified by respective SPCBs and must ensure compliance to



environmental legislation. For railway owned sidings and good sheds, the responsibility lay directly with the Railways

- IV) For that in addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.
- V) For that paved approach roads with adequate traffic carrying capacity should be provided at each loading/ unloading point and existing roads in bad conditions should be repaired and maintained.
- VI) For that dust pollution should be controlled by water sprinkling system through mechanised system or tankers. Also proper waste water/ drainage system should be provided at loading/unloading points as per requirement.
- VII) For that wherever necessary, the heavy loading and unloading traffic handling points are to be provided with dust screen walls along the periphery of the premises with adequate height.
- VIII) For that it is really ironic that where the Railways have themselves formulated such watertight policies to keep pollution in control they themselves are reluctant to implement their own policies let alone the directives of the State Pollution Control Board at the cost of the health and welfare of transport workers.
- IX) For that the transport workers have a right to life as envisaged under Article 21 of the Constitution of India and the constant exposure of the transport workers to serious health hazard at the time of loading and unloading of coal , cement and stone chips at Railway sidings and yard at Dankuni and other Railway sites amounts to violation of their



Constitutional right of life under Article 21 of the Constitution of India which the Government guarantees to each of its citizens.

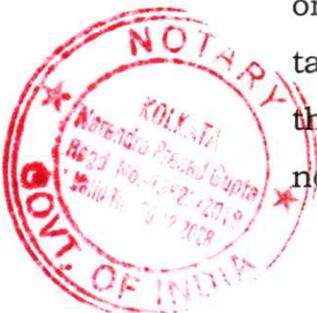
7. RELIEF SOUGHT FOR:

The applicants pray for the following reliefs :-

- (a) Mandatory order/direction commanding the concerned respondent Railway authorities and each one of them to forthwith take steps to implement the recommendations of the committee of ED/EnHM/ME/ RB and CCM/Catering/NR nominated by the Railway Board's Order dated 08.04.2016 and 16.01.2017/08.08.2017 as contained in Ministry of Railway's Order No. 2015/EnHM/15/01 dated 16.04.2018 being Annexure A to this application.
- (b) Declare that the Respondent Railway Authorities are bound to act strictly in accordance with the Memorandum No. 2184 (11)-1M-11/2009 (P+V) dated 23.12.2022 issued by the Chief Engineer Operation and Execution Cell, West Bengal Pollution Control Board being Annexure "F" to this application.
- (c) Give appropriate directions, directing the concerned Railway Authorities, Eastern Railways to take immediate steps for implementation of West Bengal Pollution Control Board's Order dated 23.12.2022 passed by the Chief Engineer Operation and Execution Cell.

8. INTERIM ORDER AS PRAYED FOR :

Pending disposal of this application the applicant pray for interim order(s) directing concerned Railway Authorities, Eastern Railways to take immediate steps for implementation of the recommendations of the committee of ED/EnHM/ME/RB and CCM/Catering/NR nominated by the Railway Board's Order dated 08.04.2016 and



16.01.2017/08.08.2017 as contained in Ministry of Railways Order No. 2015/EnHM/15/01 dated 16.04.2018 and Memorandum No. 2184 (11)-1M-11/2009 (P+V) dated 23.12.2022 issued by the Chief Engineer Operation and Execution Cell, West Bengal Pollution Control Board.

9. LIMITATION :

Under the provisions of the relevant Statute this application is within the period of limitation as the applicants have issued legal notice through their Advocate dated 19.06.2023 for immediate implementation of the directions of the Pollution Control Board as mentioned above and the same has not been complied with till date and as such the period of limitation is still continuing. The pollution is still continuing undoubted on a day to day basis and hence there is a continuous Cause of action subsisting.

10. CAUSE OF ACTION :

The Cause of Action pertaining to the present application arose on 08.04.2016, 16.01.2017 and 08.08.2017 when the Committee nominated by the Railway Board made recommendation for protections to be taken for transport workers. Further cause of action arose on 16.04.2018 and on 23.12.2022 when the Chief Engineer, Operation and Execution Cell, West Bengal Pollution Control Board issued recommendation for protection to be taken for preventing health hazards of the transport workers and lastly cause of action arose on 19.06.2023 when the applicants herein issued legal notice through their Advocate for immediate implementation of the directions of the Pollution Control Board and the same is still continuing.

11. LIST OF ENCLOSURES :

- 1) Annexure - A to G.
- 2) Vakalatnama

VERIFICATION

I, Shri Nawal Kishor Shrivastava, National Federation of Indian Road Transport Workers affiliated to, AITUC, having office at 50/1, Nirmal Chandra Street, Kolkata-700012, do hereby verify that the contents of paragraph Nos. 1 to 6.2 of the present application are true to my knowledge and the rest are my respectful submission before this Hon'ble Tribunal and I have not suppressed any material facts in this application and we, the applicant Nos 2 & 3 have put our signatures on this verification at the chamber of our Learned Advocate.

Identified by me :

Sanjay Sahu
01/4/2024
Advocate

DEPONENT
NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS

Yh
NATIONAL SECRETARY
01/4/2024



SI. No. 07/24

Affidavit

I, Shri Nawal Kishor Shrivastava, son of Late Janardhan Shrivastava, aged about 68 years, by occupation - Service, National Secretary, National Federation of Indian Road Transport Workers affiliated to, AITUC, having his office at 50/1, Nirmal Chandra Street, Kolkata-70001, do hereby solemnly affirm and say as follows: -

1. I am the National Secretary, National Federation of Indian Road Transport Workers affiliated to, AITUC and I am well acquainted with the facts and circumstances of the case and I have been duly authorized by the applicant No. 1 and 3 to swear and affirm this affidavit on behalf of the applicant Nos. 1 and 3.

2. The statements made in the foregoing paragraphs of this application are true to my knowledge and belief and the rest are my respectful submissions before this Hon'ble Tribunal.

Identified by me :

Sanjay Sahg
Advocate 01/04/2024



DEPONENT

NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS

NSG
NATIONAL SECRETARY
01/04/2024

L.T.I.(s)/Signatures(s) of the
Executant/s attested by me on identification

Narendra Prasad Gupta
NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. of India

NSG
NARENDRA PRASAD GUPTA
NOTARY
GOVERNMENT OF INDIA
REGN. NO.-13823/2018
&
ADVOCATE, HIGH COURT CALCUTTA
& Old Post Office Street (Ground Floor)
Opp. F-Gate (High Court)
Mob.-8910576674
9883135090

01 APR 2024

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'

BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA

Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao

Sr. Vice President: M.L. Yadav

General Secretary: Nirmal Singh Dhaliwal

Ref.....

Date: 30.03.2024

To whom it may concern

This is to certify that Sri Nawal Kishor Shrivastav, National Secretary of National Federation of Indian Road Transport Workers is duly authorized by National Federation of Indian Road Transport Workers and by Shri Arup Mondal, Member, Working Committee, West Bengal Committee, AITUC to affirm the original application against Ministry of Railways and other authorities before National Green Tribunal, Eastern Zonal Branch, Kolkata.

Arup Mondal

(Arup Mondal)

Member, Working Committee

West Bengal Committee, AITUC

Address of correspondence in West Bengal:

AITUC STATE OFFICE,

50/1, Nirmal Chandra Street,

Kolkata-700012

Email: aitucwb@gmail.com



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2015/EnHM/15/01

New Delhi, dated 16.04.2018

General Managers,
All Zonal Railways

SUB: Pollution at Railway Sidings and Goods Sheds

A Committee of ED/EnHM/ME/RB and CCM/Catering/NR was nominated vide Railway Board's Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017/08.08.2017 to Study and submit Report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken.

Based on recommendations of the Committee accepted by Board (MRS & MT) following directions are issued :

1. Keeping in view the statutory / legislative provisions
 - a) Wherever new siding/goods shed/Private freight Terminal/ any loading / unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
 - b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
 - c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.
 - d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

GJF



2. Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are

- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing roads which are in bad condition should be repaired and maintained.
- b) To control dust pollution, water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.
- c) Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.
- d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

Copy of the report of the Committee No. 2015/EnHM/15/01 dated 16.08.2017 in six pages is enclosed for necessary action by all Zonal Railways.

A Report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management* submitted to Central Pollution Control Board by RITES in March 2015, which is available on the website of CPCB cpcb.nic.in under New Reports, may also be seen for guidance.

Encl: Report of the Committee
in six pages.

16/8/18

(Shivendra Mohan)
Executive Director
EnHM / ME

Copy to PCCMs,
All Zonal Railways



No. 2015/EnHM/15/01

Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.

1.0 Background

Ministry of Railways (Railway Board), vide Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017, constituted a Committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken. Accordingly, following officers were nominated by Board-

- (i) Shri Shivendra Mohan, ED/EnHM/ME/Railway Board as Convener
- (ii) Smt. Archana Srivastava, CCM/Ctg/NR as Member

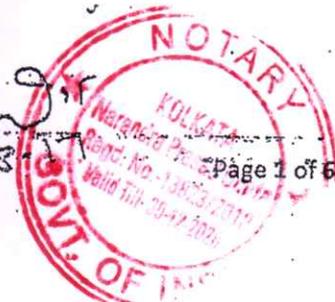
Terms of Reference given to the Committee are as follows -

- To study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.
- The Committee can take assistance of an expert Consultant for arriving at their final recommendation. Expert consultant will be engaged by EnHM Directorate through a Railway PSU.

2.0 Methodology

The Committee on the basis of terms of reference held discussion with officials of RITES who had studied and prepared a report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management*. Besides, Committee held discussions with number of Zonal Railways and former Member Secretary of CPCB. Committee also went through a number of documents available on the subject. The main documents are listed below-

- (i) Legislation on the subject- "*The Air (Prevention and Control of Pollution) Act, 1981*" and its amendment issued in 1987.
- (ii) Directives/Circulars on the subject issued by the Ministry of Railways.



16.8.17

(iii) Report on *Inventorisation of railway sidings and guidelines for their environment management* submitted to Central Pollution Control Board by RITES in March 2015. This report is available on the website of CPCB cpcb.nic.in under New Reports.

(iv) Final document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB.

(v) Reports from various Zonal Railways on sidings/goods shed etc.

3.0 Observations

3.1 During the preliminary meetings held by the Committee it was decided to collect data from Zonal Railways so that field position can be assessed. Further, Committee also went through report on *Inventorisation of railway sidings and guidelines for their environment management* in detail and decided that since complete study has been done by RITES prior to finalization of the report therefore, it was felt that there is no need to engage any consultant for further studies.

3.2 Committee on the basis of discussions and data collected from Zonal Railways noted that on some of the Zonal Railways for some of the commodities, consent from State Pollution Control Board either is taken prior to opening of siding or of the existing siding. This is mainly subjective and largely dependent on the fact that wherever there has been issues raised by the local public or a case filed by the local public with State Pollution Control Board, the railways have gone ahead and taken permission.

3.3 Further, it was observed by the Committee from the Report on *Inventorisation of railway sidings and guidelines for their environment management* that mostly the sidings have some or other kind of pollution control mechanism already in place wherever there is manual loading/unloading. For example- water sprinkler, covering of material by plastic sheets, plantation etc. However, it is felt that in some cases these measures are either not sufficient or are not covering the Pollution Control Board's guidelines as such there is need to upgrade the same.

3.4 The committee also observed that different kind of measures are required for managing pollution of different kind from different type of commodities.



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(i) **Coal and mineral handling points**

Generally, dust pollution in such sidings is much more as compared to rest of the commodities. Hence the sidings involving these commodities need more protective measures to minimise the generation of dust pollution from various activities involved at sidings. It is felt by the committee that-

- As far as possible loading /unloading of such commodities should be kept away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive areas as well as forests areas.
- The sidings should preferably have mechanized loading/unloading system from rolling stock.
- Efforts should be made to minimise/ reduce drop heights so as to control spreading of dust during loading and unloading operations.
- The stockpile should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.
- Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.
- The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.
- Water sprinkling system should be used at loading /unloading point and along the haul roads either mechanised or through water tankers.
- Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.
- The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

(ii) **POL handling points**

The Committee feels that in case of POL unloading/loading points following is required-

- All components of POL loading /unloading depot should be designed and maintained as per specified standards of oil companies fulfilling safety provisions (OISD standards).



- The loading/unloading operation shall be carried out under close supervision of authorised person.
- Network of drainage system along the rail track to collect drained oil from various equipment and other places of likely oil spillage. The drainage shall lead to oil water separator (OWS) / effluent treatment plant (ETP).
- Loading points to have quick shut-off valves to avoid leakages.
- Waste water and storm water collection and disposal system.
- Roads should be provided to serve all areas requiring access for the operation, maintenance and fire fighting.

(iii) **Other loading/unloading points**

It has been noted by the Committee that the major dust pollution is generated through haul roads at food grain, fertilizer, other common commodity handling points. Haul roads at many sidings of this category are in bad condition and need immediate repair.

- Sidings should have paved approach roads.
- Water sprinkling system through mechanised system or tankers should be provided as per requirement.
- These siding shall ensure regular sweeping of dust from road and also ensure that there is adequate space for free movement of vehicles.
- Proper waste water/drainage system shall be provided at sidings/goods sheds.
- The waste water should be collected at a common tank and can be reused after screening or providing effective treatment.
- The siding area should have thick green belt cover to control the air and noise pollution.

3.5 In C & AG report no. 21 of 2012-13 (Railways) Para 2.3.1 it is noted that Railway Board had stipulated (June' 2009) that before issue of Railway Receipt for booking of freight (Iron ore, steel and cement) Railway Administration should ensure one time submission of consent for operation (CFO) to the Sr. DCM of the Division in which the loading takes place. Test check by Audit revealed that CFO was obtained only for 55 % (19 out of 34) sidings. It is also noted that some Railways are interpreting Railway Board's instructions of June' 2009 as though obtaining of CFO was not required for sidings with only unloading facilities.

3.6 Third report of Public Accounts Committee (2014-15, 16th Lok Sabha) - Environment Management in Indian Railways, Stations, Trains & Tracks have stated that consent for operation from State Pollution Control Board was obtained in only 55% of



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16.8.17

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16.8.17

the sidings test checked. Specific guidelines have not been issued to Zonal Railways for obtaining consent for operation (CFO) under Air (Prevention and Control of Pollution) Act 1981 from the SPCB concerned. This has resulted in inconsistency and variable understanding of issue by various Zonal Railways.

- 3.7 In the Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB, Industrial Sectors have been categorised under Red, Orange, Green and White Categories. 'Mineral stack yard / Railway sidings' have been included in Green Category. 'Facility of handling, storage and transportation of food grains in bulk' is also included in Green Category. State Pollution Control Boards can do additions to this list. Obtaining 'Consent to Operate' is not necessary only for White Category of Industries.

4.0 Statutory Provisions

From the Air (Prevention and Control of Pollution) Act, it is noted that -

- (a) As per provision in Sec. 21 (1) & (2), no person can establish or operate any industrial plant without the previous consent of State Pollution Control Board. Every application for consent shall be made in Form I and shall be accompanied by prescribed fee.
- (b) U/S 22, 22(A) operating any industrial plant so as to cause emission of any air pollutant in excess of standard laid down by State Board is liable for litigation by the Board.
- (c) U/S 19 of the Act, the State Govt. in consultation with SPCB is vested with power to declare Air Pollution Control Area in which provisions of the Act shall be applicable.

5.0 Recommendations

5.1 Keeping in view the statutory / legislative provisions it is recommended that-

- a) Wherever new siding/good shed/Private freight Terminal/ any loading unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the



notified areas / air pollution control areas and categorisation of Industrial Sectors.

- b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
- c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.
- d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

5.2 Committee also recommends some protective measures to minimise air pollution at loading/unloading points by the owner or railways as the case may be and are listed below-

- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing haul roads which are in bad condition should be repaired and maintained.
- b) Water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points.
- c) The loading/unloading point should have adequate green belt cover to control pollution.
- d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

16/8/17
 (Shivendra Mohan)
 ED/EnHM/ME/RB
 Convenor
 16.08.2017

16.8.17
 (Archana Srivastava)
 CCM/Catering/NR
 Member
 16.08.2017



NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'
BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA
Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao Sr. Vice President: M.L. Yadav General Secretary: Nirmal Singh Dhaliwal

24 September, 2022

BY EMAIL AND SPEED POST

To
The Principal Secretary
Environment Department
Govt. of West Bengal
Prani Sampad Bhavan
Block- LB II
Salt Lake, Kolkata-700106
Email: psecy.env-wb@gov.in

Stamp: 24 SEP 2022
Postmark: Kolkata
Post Office: Salt Lake

Sub: Request to draw your attention regarding health hazard issues of the transport workers like drivers, helpers during the time they spent for loading and unloading process of coal, cement, stone-chips at Dankuni Railway Yard and various Sites under the jurisdiction of Eastern Railway

Sir,

I, on behalf of West Bengal Unit of our federation, would like to draw your attention on the issue of health hazard problems of the transport workers like drivers, helpers during the time they spent for loading and unloading process of coal, cement, stone-chips and cement in an unhealthy working environment at Dankuni Railway Yard under the jurisdiction of Divisional Railway Manager, Howrah, Eastern Railway and various Sites under the jurisdiction of Eastern Railway as per information available to us.

As such transport workers are being seriously affected and different types of health hazards are being observed due to heavy pollution. The workers of the said site informed the different forum for their redressal. But no response have been received from any forum.

Therefore, we request you to please intervene into the matter and arrange to take preventive measures to provide an healthy environment for the transport workers those who are spent time during the process of loading and unloading of coal, stone-chip and cement so that their health is not affected.



(Contd.....2)

36

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'
BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA
Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao Sr. Vice President: M.L. Yadav General Secretary: Nirmal Singh Dhaliwal

(2)

Hope, you would kindly intervene into the matter seriously and take appropriate measures.

With regards,

Yours truly,

(Nawal Kishor Shrivastav)
National Secretary
National Federation of Indian Road Transport
Workers (AITUC)
Mobile No. 9163924350

Address of correspondence in West Bengal: AITUC STATE OFFICE, 50/1, Nirmal Chandra Street,
Kolkata-700012, Email: aitucwb@gmail.com

Copy to:
The General Manager
Eastern Railway
17, Netaji Subhas Rd, Fairley Place,
Kolkata- 700001
Email: gm@er.railnet.gov.in

For your information and necessary action.

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28

ANNEXURE C

- 29 -

P/B

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'
BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA
Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao Sr. Vice President: M.L. Yadav General Secretary: Nirmal Singh Dhaliwal

15-12-2022

To
The Divisional Railway Manager
Howrah Division,
Eastern Railway, DRM Building,
Howrah - 711101



Sub: MEMORANDUM

Sir,

West Bengal Unit of our Federation would like to draw your attention to the fact that earlier we drew your attention and The General Manager, Eastern Railway also on 24 September, 2022 regarding health hazard issues of the transport workers like drivers, helpers during the time they spent for loading and unloading process of coal, cement, stone-chips at Dankuni Railway Yard and various Sites under the jurisdiction of Eastern Railway. But received no response rather highly negligence from your part in the matter. You must be aware that West Bengal Pollution Control Board has realised the reality of our complaint by their inspection at Dankuni Railway siding on 10/11/22. According to this a hearing was fixed on 23/11/2022 and 29/11/2022 (copy enclosed) and at the presence of all party involved in the matter pollution cell has instructed that the work should be done as per norms of West Bengal Pollution Control Board as mentioned and to submit Report within 15 days. But railway authority keeps mum. No response has yet to receive from the part of Eastern Railway, rather highly negligence is noticed.

It is to be noted that Railway Board, Ministry of Railway, Govt. of India has issued notification to the General Managers of All Zonal Railway vide No. 2015/EnHM/15/01 DATED 16-04-2018 regarding Statutory/legislative provisions under the subject " Pollution at Railway Siding and Goods Sheds", copy of which is enclosed herewith for your ready reference. But unfortunately the above Notification of Railway board is violated by your division. ' and we condemn the attitude of Howrah Division for not compliance of the guidelines of Railway Board.

In view of the above, AITUC led West Bengal Unit of our Federation are holding today this massive Protest Demonstration in front of the office of Divisional Railway Manager (DRM), Howrah, Eastern Railway in protest against their highly negligence to give proper health-friendly working atmosphere towards transport workers in the site of Dankuni Railway Yard and various sites under Eastern Railway.

We have decided from today's protest demonstration that If no fruitful redressal comes out, we shall be compelled to go for massive agitation movement in front of the office of General Manager, Eastern Railway at Fairlie Place and also shall be compelled to go to the Hon'ble Calcutta High Court for the interest of transport workers.



(Contd.....2)

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'
BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA

Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao Sr. Vice President: M.L. Yadav General Secretary: Nirmal Singh Dhaliwal

(2)

Hope you would instruct to all lease holder working in the site under your jurisdiction abiding by the norms of pollution cell for the interest of transport workers engaged in the site for loading, unloading etc.

With regards,

Yours truly,

(Nawal Kishor Shrivastav)
National Secretary

National Federation of Indian Road Transport Workers (AITUC)
Mobile No. 9163924350

Address of correspondence in West Bengal:
AITUC STATE OFFICE,
50/1, Nirmal Chandra Street,
Kolkata-700012
Email: aitucwb@gmail.com

Received a copy

Lahul
15/12/22

Encl. As above

Copy to :

- 1) The Chairman and Executive officer,
Indian Railway Board
Ministry of Railways
Govt. of India
256-A, Rail Bhavan,
Raisina Road,
New Delhi, Delhi 110001

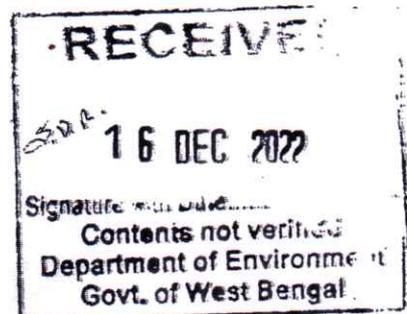
ENCL: 01/01/2022 INR: 698731873008
EP ESPLANADE 50 (700001)
Counter No: 1.14/12/2022, 12:32
Mr: THE GENERAL M: 17, N S ROAD
PATIALA-1470001, KOLKATA GPO
From: NATIONAL SE. NFIRTW, 50/1, NI
M: 40 Gms
Amt: 29.50 (Cash) Tax: 4.50



सहायक वाणिज्य प्रबंधक
Asstt. Commr. Manager
पूर्व रेलवे, हावड़ा
Eastern Railway, Howrah

- 2) The General Manager, Eastern Railway
17, N.S. Road, Failie Place, Kolkata-700001

- 3) The Principal Secretary
Dept. of Environment
Govt. of West Bengal
5th Floor, Pranisampad Bhawan
Kolkata-700 106
For Information and needful action.



30

ANNEXURE D

D-31-

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

Affiliated to: 'Trade Union International-Transport'

BEHIND BUS STAND, PATIALA-147001, PUNJAB, INDIA

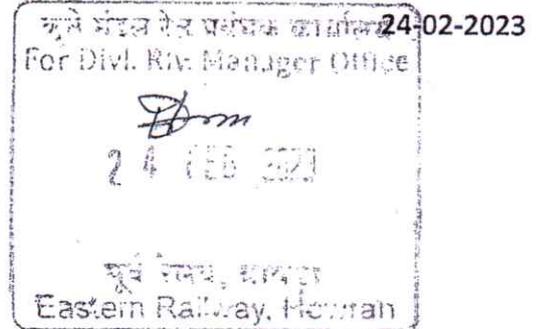
Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao

Sr. Vice President: M.L. Yadav

General Secretary: Nirmal Singh Dhaliwal

To
The Divisional Railway Manager
Howrah Division,
Eastern Railway, DRM Building,
Howrah - 711101
Email: drm@hwh.railnet.gov.in



Sub: Demand to comply with the Direction of West Bengal Pollution Control Board dated 23/12/2022

Ref. Our Letter to you dated 15/12/2022, 27/01/2023, 08/02/2023 and 10/02/2024

Sir,

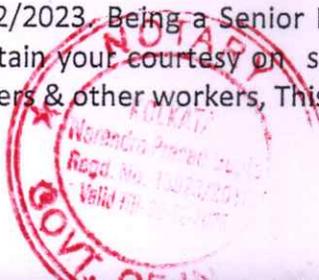
West Bengal Unit of our Federation like to inform you that in spite of Direction from Chief Engineer (Operation & Execution Cell) West Bengal Pollution Control Board Memo No. 2184(11) -1M-11/2009(Pt.-V), dated 23-12-2022 regarding environmental norms, your department has yet not responding and are violating the direction to ensure proper and healthy working atmosphere for transport workers engaged in the site of Dankuni Railway Yard and various sites under Eastern Railway. It has been brought to your notice by our organisation several times and observed protest demonstration before your office.

Already 2 months has elapsed but till date no positive action has been taken from your part to implement the direction of West Bengal Pollution Control Board. And due to negligence on your part, transport workers are seriously affected from pollution hazards at the time of loading & unloading process at Dankuni Railway Siding of Eastern Railway.

We observed protest demonstration on 15/12/2022 and a Memorandum was submitted to you on that day. After that we intimated you vide our letter dated 08/02/2023 about our proposed 'RAIL ROKO' at Dankuni Railway Station Again we requested vide our letter dated 10/02/2023 seeking your appointment regarding the issue.

In spite of that your reluctant attitude to comply with the direction of West Bengal Pollution Control Board, the transport workers have called Rail Roko on 27 February, 2023 for the interest of transport workers and the said 'RAIL ROKO' programme already informed you by our letter dated 08/02/2023. Being a Senior Railway officer it is your courtesy to reply our letters. But you did not maintain your courtesy on several occasions. We can't compromise with health hazard of transport workers & other workers, This is highly negligence from your part.

(Contd....2)



31

32

NATIONAL FEDERATION OF INDIAN ROAD TRANSPORT WORKERS

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Mobile: +91 98141 14292, +91 98729 38292, E-mail: nfirtw@gmail.com

President: H.V. Ananthasubba Rao Sr. Vice President: M.L. Yadav General Secretary: Nirmal Singh Dhaliwal

(2)

If the issues are not resolved within next 15 days we shall be compelled to take legal action and to go to the path of agitation and movement before your office.

Hope you would intervene into the matter and take needful action in this regard for the interest of transport workers engaged in Dankuni Railway site and various site under the jurisdiction of Eastern railway.

With regards,

Yours truly,



(Nawal Kishor Shrivastav)
National Secretary

National Federation of Indian Road Transport Workers (AITUC)
Mobile No. 9163924350

Address of correspondence in West Bengal:
AITUC STATE OFFICE, 50/1, Nirmal Chandra Street,
Kolkata-700012, Email: aitucwb@gmail.com

Encl. Copy of Direction of West Bengal Pollution Control Board
dated 23/12/2022

Copy to:

The General Manager, Eastern Railway
17, N.S. Road, Failie Place, Kolkata-700001
Email: gm@er.railnet.gov.in

--For kind Information and necessary action.



Track on: www.indiapost.gov.in

Dial: 18002666666



EW236945087IN INR:6987236945087

SP DHAKHATA SD 700012

Counter No:1, 24/02/2023, 13:55

To: S N, E RLY

Pin: 700001, KOLKATA GFD

From: S, AITUC

Wt: 30gms

Am: 17.70 (Cash) Tax: 2.70

32

ANNEXURE E #

33



Government of West Bengal
Environment Department
Pranisampad Bhaban, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-106.

No. 762/ EN/1P-01/2022

Kolkata, the 24.04.2023

From:: The Special Secretary
to the Government of West Bengal

To: The Divisional Railway Manager,
Divisional Railway Manager's Office,
DRM Building,
Eastern Railway Howrah Division,
Howrah-711101

Sub: Regarding pollution matter in Dankuni Railway Sidings under Eastern Railway Jurisdiction

Sir/ Madam,

In reference to the subject as cited above, I am directed to request you to take necessary actions for implementation of the order vide no. 2184(12)-1M-11/2009 (Pt-V) dt. 23.12.2022 (copy enclosed) passed by the Chief Engineer, Operation & Execution Ceil, WBPCB to control pollution at the siding and yard site of Dankuni Railway Siding under Eastern Railway jurisdiction during loading and unloading coal, cement, stone chips and other material.

Action taken report may be sent to this end at the earliest.

Yours faithfully,

Sd/- S.K. Barai

Special Secretary
to the Govt. of West Bengal

Encl: as stated above

Copy forwarded for information to:

No. 762/2(2)-EN/1P-01/2022

Kolkata, the 24.04.2023

- (i) The Member Secretary, WBPCB, Paribesh Bhavan, Salt Lake, Kolkata-700106 along with enclosure
- (ii) Shri Nawal Kishor Shrivastav, The National Secretary, National Federation of Indian Road Transport Workers(AITUC), AITUC Sate Office, 50/1 Nirmal Chandra Street, Kolkata-700012




24/4/2023
Special Secretary



33

ANNEXURE F P/6

34

West Bengal Pollution Control Board
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, Bldg. 10A, Block LA
Sector III, Salt Lake, Kolkata 700 106
Tel: 2335-6730, 2335-9088/7428/8211/6731/0261/8861
Fax: (0091) (033) 2335-2813

Memo No.

-IM-11/2009(Pt.-V)

Date: /12/2022

DIRECTION

WHEREAS, M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway, Howrah Division, (hereinafter referred to as the unit) at P.O. & P.S. – Dankuni, Dist – Hooghly, Pin – 712311 is a Railway Siding/Yard.

AND WHEREAS, a public complaint lodged by Mr. Nawal Kishor Shrivastav, National Secretary, National Federation of Indian Road Transport Workers (AITUC) before the West Bengal Pollution Control Board (hereinafter referred to as the State Board) regarding health hazard issues of transport workers like drivers, helpers during the time they spent for loading and unloading process of coal, cement, stone-chips at Dankuni railway yard.

AND WHEREAS, in connection with the said complaint, the railway siding was inspected by the State Board official on 10.11.2022. During inspection the following observations were made by the inspecting official:

- Dankuni Railway Siding is situated near Dankuni Railway Station at a distance of 500m (approx.)
- The siding is stretched about more than a kilometer (approx.) along the Railway Tracks, covering the width of 500m (approx.) for its activity zone. There are 6(six) lines and four wharfs (loading-unloading space/platform) in the siding. All wharfs are concretized.
- The siding is used for loading-unloading of coal, Hot Roll (Steel Sheet), Cement, Coal Tar, Sugar, Wheat, Maize and Salt.
- During inspection no trace of stone-chips loading-unloading activity was noticed in and around the wharf.
- During inspection one Coal Rake was found standing in one of its 06(six) loading-unloading bay (line) and coal consignment was found dumped on the wharf in open air, all along both the sides of the loading-unloading line. Dumpers (merchant's vehicle) were also found being loaded to transport the coal consignment.
- The entire loading-unloading site, including the approach area was found dust laden. A cloud of dust was found engulfing the surrounds, while a vehicle was passing through.
- No dust suppression arrangement was noticed anywhere in the site.
- No Cement loading-unloading activity was observed during inspection.
- No transit godown was noticed at the site excepting a Central Railway Ware-housing Facility, which can be utilized by the party (merchant) in lieu of charges.

AND WHEREAS, M/s. Dankuni Railway Siding was called for a hearing on 29.11.2022 at the Head office of the Board. Shri Arup Mondal, and Shri Ritesh Asthana, members of National Federation of Indian Road Transport Workers (AITUC) were present during the hearing. They complained against the said railway siding about the severe dust pollution in the surroundings due to loading and unloading activity by the said railway siding resulting in serious health problems among the workers like drivers, helpers etc. They also complained that the railway authority has not taken any measures for remission of dust pollution in the siding area. They said that the railway authority should be properly addressed about the health of the transport workers.



34

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AND WHEREAS, the representatives on behalf of Dankuni Railway Siding were appeared in the hearing and submitted the following:

- The unit has valid Consent to Operate.
- All wharfs are concretized.
- Sweeping of wharf is done on a regular basis and collect all dust particles and dispose at low land area (outside wharf area).
- Water jet is used to clean the wharf to reduce dust pollution.
- All the wharfs are regularly cleaned and water is sprinkled to minimize dust pollution at the siding area.
- Dust laden water is discharged by them after proper sedimentation.

NOW THEREFORE, considering the above, M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway, Howrah Division at P.O. & P.S. – Dankuni, Dist. – Hooghly, Pin – 712311 is hereby directed as follows:

1. **That**, the railway authority shall install mounted water sprinklers and also ensure continuous functioning of the same during material loading/unloading/handling activity at the siding area to minimize coal dust pollution.
2. **That**, the railway authority shall install and operate mist cannons for suppression of dusts immediately after loading and unloading activity at the siding area.
3. **That**, the railway authority shall provide dust screen walls at heavy loading and unloading traffic handling points along periphery of the premises with adequate height to minimize dust pollution.
4. **That**, the railway authority shall develop greenbelt preferably three tier plantation along the periphery within the siding area to control dust emission.
5. **That**, the railway authority shall install automatic sensor based ambient air quality monitoring station along with a display board to see real time data and sound monitoring system at the entrance of main gate and other place of railway siding area.
6. **That**, the railway authority shall conduct periodic health check up of the transport workers.
7. **That**, the railway authority shall comply with the 'Inventorization of Railway Sidings and Guidelines for their Environment Management' published on March, 2015 by the Central Pollution Control Board and the Direction of the Railway Board, Ministry of Railways, Govt. of India vide no. 2015/EnHM/15/01 dated 16.04.2018.
8. **That**, the railway authority shall execute a Bank Guarantee (BG) (proforma enclosed) of Rs. 20,00,000/- (Rupees twenty lakhs) only valid for twelve (12) months within fifteen [15] days from the date of issuance of this direction in favour of the **WEST BENGAL POLLUTION CONTROL BOARD (Union Bank of India IFSC Code UBIN0906638)** as an assurance to comply with the Board's directions as well as environmental norms.

The Sr. Environmental Engineer & In-charge, Hooghly Regional Office of the State Board is requested to oversee the compliance of Board's direction.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.



By Order,

Sd/-

Chief Engineer

Operation & Execution Cell
West Bengal Pollution Control Board

35

36

Memo No. 2184 (11) -IM-11/2009(Pl.-V)

Date: 23/12/2022

Copy forwarded for information and necessary action to:

1. M/s. Dankuni Railway Siding, Terminal Yard, Eastern Railway, Howrah Division, P.O. & P.S. – Dankuni, Dist. – Hooghly, Pin – 712311
2. The Divisional Railway Manager, Eastern Railway, Howrah Division, DRM Building, Howrah, Pin-711 101
3. OSD to the Hon'ble MIC, Dept. of Environment, Govt. of W.B. Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
4. Sr. P.A to the Principal Secretary, Dept. of Environment, Govt. of W.B., Prani Sampad Bhavan, 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata-700106
5. The Chief Engineer, Planning & EIM Cell, WBPCB
6. The Senior Law Officer, WBPCB
7. The FAM, WBPCB
8. The Sr. Environmental Engineer & In-Charge, Hooghly Regional Office, WBPCB
9. T.A. to the Member Secretary, WBPCB
10. P.A. to the Chairman, WBPCB
- ✓ 11. Mr. Nawal Kishor Shrivastav, National Secretary, National Federation of Indian Road Transport Workers (AITUC), 50/1, Nirmal Chandra Street, Kolkata – 700 012
12. Technical Cell, WBPCB updating the website
13. Environment Officer- Communication, WBPCB – for circulation through float file
14. Guard file of O & E Cell


Chief Engineer
Operation & Execution Cell
West Bengal Pollution Control Board



SANJAY SAHA

ADVOCATE
HIGH COURT, CALCUTTA
BAR ASSOCIATION ROOM NO. 15
Mail. Sanjaysaha.adovacte2001@gmail.com

CHAMBER:

2/2, Balaram Majumdar Street,
Gr. Fl. Kolkata - 700005
Mobile No. 9874215101

37

Date: 19.06.2023

To
The Divisional Railway Manager,
Divisional Railway Manager's Office,
DRM Building,
Eastern Railway Howrah Division,
Howrah- 711101

Sir,

My Client- Shri Nawal Kishor Shrivastava, National Secretary
National Federation of Indian Road Transport
Workers, AITUC State Office, 50/1, Nirmal Chandra
Street, Kolkata-700012

Sub: Regarding control of Pollution by the Railway
Authorities at Dankuni Railway Sidings under
Eastern Railway Jurisdiction

On behalf of my client as above I write to you as follows:

That vide letter No 762/EN/1P-01/2022 dated 24.04.2023 issued by the
Special Secretary, Government of West Bengal, a copy of which has been sent
to my client, you have been called upon by the Government of West Bengal to
take necessary actions for implementation of the order vide No 2184(12)-1M-
11/2009 (Pt-V) dated 23.12.2022 passed by the Chief Engineer, Operation &
Execution Cell, West Bengal Pollution Control Board, to control pollution at
the siding and yard site of Dankuni Railway Siding under Eastern Railway
jurisdiction during loading and unloading coal, cement, stone chips and other
material. In terms of the aforesaid direction dated 23.12.2022, a copy of which
had also been forwarded to my client, it was found during inspection by the



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ADVOCATE

HIGH COURT, CALCUTTA

BAR ASSOCIATION ROOM NO. 15

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38

CHAMBER:

2/2, Balaram Majumdar Street,

Gr. Fl. Kolkata - 700005

Mobile No. 9874215101

officials of Pollution Control Board on 10.11.2022 that the area was not adhering to the rules and guidelines for control of pollution causing a hazardous environment for the transport workers during loading and unloading of material.

Vide the aforesaid order you were required to execute the following directions :

- i) To install mounted water sprinklers and to ensure continuous functioning of the same, during material loading/ unloading/ handling activity at the siding area to minimize coal dust pollution.
- ii) To install and operate mist cannons for suppression of dusts immediately after loading and unloading activity at the siding area.
- iii) To provide dust screen walls at heavy loading and unloading traffic handling points along the periphery of the premises with adequate height to minimize dust pollution.
- iv) The Railway Authorities were required to develop a greenbelt preferably three tier plantation along the periphery within the siding area to control dust emission.
- v) To install an automatic sensor based ambient air quality monitoring station along with a display board to see real time data and sound monitoring system at the entrance of the main gate and other places of the railway siding area.



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39

CHAMBER:

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Mobile No. 9874215101

- vi) The Railway Authority was required to conduct periodic health checkups of the transport workers.
- vii) That the Railway Authority was required to comply with the 'Inventorization of Railway Sidings and Guidelines for their Environment Management' published on March 2015 by the Central Pollution Control Board and the Direction of the Railway Board, Ministry of Railways, Government of India vide Order No 2015/EnHM/15/01 dated 16.4.2018.
- viii) That the Railway Authority was also required to execute a Bank Guarantee of Rs 20 lakhs within 15 days from the date of issuance of the above directions in favour of West Bengal Pollution Control Board.

My client has informed me that unfortunately you have not executed any of the directions as above including ignoring the instructions given by the Central Pollution Control Board published in March 2015 and the Directions of the Railway Board as published on 16.04.2018.

Your callous and negligent attitude has and is continuing to prejudice the health of the transport workers who regularly work at the Railway Siding as mentioned above.

The Railway Authority being a State under Article 12 of the Constitution of India, is required to act in a responsible and prudent manner but in the instant case your total inaction in executing the directions of the Pollution Control Board amounts to wilful negligence and default causing the transport workers, serious prejudice at the cost of their health.



40
SANJAY SAHA

ADVOCATE
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CHAMBER:

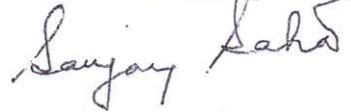
2/2, Balaram Majumdar Street,
Gr. Fl. Kolkata - 700005
Mobile No. 9874215101

In the circumstances as above you are called upon to take steps for immediate implementation of the directions of the Pollution Control Board as mentioned above failing which on behalf of my client I shall be taking such steps as advised in law without any further notice to you, which please note.

Please give this notice your urgent and immediate action.

Thanking You,

Yours Faithfully



(Advocate)

CC: To The Principal Secretary,
Department of Environment
Government of West Bengal
5th floor , PraniSampad Bhawan,
Block- LB 11, Salt Lake, Sector III,
Bidhannagar, Kolkata-700106



Ajay Mondal
NATIONAL FEDERATION OF INDIAN
ROAD TRANSPORT WORKERS
NATIONAL SECRETARY

**Before the National Green Tribunal, Eastern
Zone, Kolkata
VAKALATNAMA**

DISTRICT :

O.A. Case No. of 2024

National Federation of Indian Road
Transport Workers & Ors.
- Versus -

Applicant

Union of India & Ors.

Respondents

On behalf of *the applicants*

Knows all men by these presents that by this Vakalatnama. I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates.

for filling the memorandum of appeal or petition or entering appearance in the above matter for appearing and conducting and arguing the same for depositing or withdrawing any money in connection therewith, for moving the Court in any matter connected therewith, for preparing the Paper Book in the case and for putting in papers, petitions, etc. on my/our behalf for filing taking back any documents for withdrawing suits or appears or petitions with permission to institute fresh suits, appeals, petition etc. for signing and filing petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I/We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisitions of the Court and otherwise to enable the said Advocates to conduct the case properly, failing which the said Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/We sign and execute this Vakalatnama, on this the day of *April*, 2024.

NAME OF THE ADVOCATE

*SANJAY SAHA, NANDINI MITRA
BAR ASSOCIATION ROOM No. 15
High Court, Calcutta
Mobile: 9874215101
Enrollment No. WB/1307/2002*

*Received & accepted by me:
Sanjay Saha
Adv.*

Received the Vakalatnama from the executant
and accepted after full satisfaction

Sanjay Sahz

Advocate

DISTRICT : KOLKATA
BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BRANCH, KOLKATA

Original Application No. of 2024

In the matter of :

An application under section 18(1)
read with Section 14 and 15 of the
National Green Tribunal Act, 2010
and Rule 8 of the National Green
Tribunal (Practice and Procedure)
Rule, 2011

-And-

In the matter of :

National Federation of Indian Road
Transport Workers, represented
by Shri Nawal Kishor Shrivastava &
Anr.

... Applicants

-Versus-

Union of India & Ors.

... Respondents

Application

Sanjay Saha
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WB-1307/2001
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