

Email

OA-154/2024/EZ

Judicial Section

**ORDER passed in Original Application No. 722/2024**

**From :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>  
**Subject :** ORDER passed in Original Application No. 722/2024  
**To :** Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>, Judicial Section <ngtjudicial-kolkata@gov.in>  
**Cc :** MS, CPCB <mscb.cpcb@nic.in>, ms@wbpcb.gov.in, RAJESH KUMAR <ms.wbpcb-wb@bangla.gov.in>, Sub Office Kolkata <iro.kolkata-mefcc@gov.in>, Regional Director FSI Kolkata <rdez@fsi.nic.in>, DM, Birbhum <dm-bir@nic.in>

Thu, Jul 11, 2024 10:36 AM  
2 attachments

**Reply To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Order dated 03/07/2024 passed in Original Application No. 722/2024 News Item titled "Birbhum - a proposed coal mine in West Bengal and the related health hazards" appearing in The Hindu dated 12.05.2024.** for your kind perusal & necessary action.

भवदीय / Regards ☺  
परामर्शदाता (न्यायिक) / Consultant (Judicial) ☺  
राष्ट्रीय हरित अधिकरण / National Green Tribunal ☺  
प्रधान न्यायपीठ / Principal Bench ☺  
नई दिल्ली / New Delhi - 110001 ☺



- OA NO 722 of 2024 Suo Motu Birbhum.pdf  
2 MB
- Birbhum - a proposed coal mine in West Benga.pdf  
321 KB



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another woman's relative... to... but

# Birbhum — a proposed coal mine in West Bengal and the related health hazards

The proposed coal mine at Deocha Pachami has been facing opposition from locals on the issue of land acquisition. The area with hundreds of stone quarries is posing a risk of Silicosis among the locals.

Updated - May 12, 2024 08:38 pm IST Published - May 12, 2024 03:07 pm IST - Birbhum

SHIV SAHAY SINGH



Women at Kendrapara at Deocha Pachami opposed to land acquisition. | Photo Credit: Shiv Sahay Singh

Days before the Birbhum Lok Sabha constituency goes to polls, the villagers around the Deocha Pachami proposed coal mining project got an interesting handbill from the Trinamool Congress leadership.

The handbill with photograph of Chief Minister Mamata Banerjee says that after the victory in Lok Sabha polls, the Trinamool Congress will ensure a pakka house for the

<https://www.thehindu.com/elections/lok-sabha/birbhum-a-proposed-coal-mine-and-the-related-health-hazards/article68167425.ece>

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people. Attached with the handbill are three columns where the people can write their names, the name of their village as well as their phone number. A telephone number is also provided on the pamphlet where the villagers can call to express their consent for having a house.

The handbill has amused villagers at Kendrapara village in the Bharkata area that falls under the Deocha Pachami proposed coal mine project. Sushil Murmu, a youth from the village feels that the handbill is an attempt to seek the nod of the people to give land for the proposed coal mining project.

"We will not give away our land. I was not at home when these hand bills were circulated. If I had seen the TMC leaders circulating such handbills I would have objected," Mr. Murmu said.

Flags of Trinamool Congress are hung at various places in the remote village which is surrounded by a thick layer of dust. The village Kendrapara is surrounded by scores of stone quarries, which seem to be grinding stones in stone chips round the clock.

The West Bengal government's ambitious ₹35,000 crore Deocha Pachami coal block mining project at Mohammad Bazar has been facing protest over land acquisition.

The State government is planning to start mining at the Deocha Pachami coal block, considered to be the largest coal block in the country with reserves of around 1,198 million tonnes of coal and 1,400 million cubic metres of basalt, spread over an area of 12.31 sq. km, which is around 3,400 acres. There are around 12 villages in the project area with a population of over 21,000, comprising Scheduled Castes and Scheduled Tribes. Chief Minister Mamata Banerjee has assured that there will be no forcible land acquisition for the project and in 2022 the compensation for land acquisition.

"The people who are living in the villages are not giving land. Those who own land and not locals have only agreed to give up their land" Mukhi Soren an elderly lady of Kendrapara village, said. Sitting in the shade of a jackfruit tree, laden with fruits, the women say that the village has been their home for generations.

Both Mukhi Soren and Sushil Murmu are part of the Gram Sava Samonnya Hool Committee, which insists that under the Forest Right Act, 2006 there should be gram sabhas in tribal dominated areas that can only give consent for land acquisition. "Lok Sabha na, Vidhan Sabha na, Sobcheye boro Gram Sabha, (It is not Lok Sabha or Vidhan



Sabha but Gram Sabha is the most powerful),” they say, adding that such gram committees have come up in several villages of the neighbourhood.

The handbill of TMC promising new houses to villagers. | Photo Credit: Shiv Sahay Singh

Though the Deocha Pachami coal mine has turned out to be a major prestige battle for Chief Minister Mamata Banerjee, the party has decided to go slow on the issue and not raise it during the Lok Sabha polls.

In 2022, the State government announced a revised relief & rehabilitation (R&R) package for those willing to give up land where a person having land in the area will get

double its market value along with 100% solatium as land cost ( i.e. around ₹13 lakhs per bigha).

The State government added that one member of every family will be provided job as junior police constable and built-up area of the individual houses to be provided to all families.

Udvas Das, a Kolkata based activist who supports *Gram Sava Sammonya Hool Committee* said that about 43% population in the area which falls under the proposed coal mine is inhabited by tribals. Mr. Das feels that since the coal reserve at Deocha Pachami and under the stone and basalt, the State government is allowing illegal stone quarrying and crushing at a rampant pace.



Stone quarries at Deocha Pachami. | Photo Credit: Shiv Sahay Singh

About hundred metres from the house of Mukhi Soren and Sushil Murmu is Bharkata Primary Health and Wellness Centre. The entrance of the medical centre is marked by medicinal plants being grown, however, the doctors and supporting medical staff want the health facility being shifted elsewhere because of the constant pollution from the stone quarries.

The doctor at the medical facility says that 250 stone crushers and 150 stone quarries in the area are working round the clock. "In the past few months. We have recovered three cases of silicosis in the area," the doctor said.

The doctor and the other subordinate health staff at the primary health centre, feel that there are many more hidden cases of Silicosis in the area.

“Whenever we are having a health screening camp, we can find that some people who could have tested positive for Silicosis are not turning up. I think that some owners of the stone quarries may be behind this and preventing locals from a health check up,” the doctor said.

★ He explained silicosis as a life threatening condition where the elasticity of the lungs are affected and the reason is mostly inhaling of micro-particles during stone quarrying and stone crushing.

Birbhum Lok Sabha seat, is witnessing an interesting political contest between three time Lok Sabha MP of Trinamool Congress Shatabdi Roy, Bharatiya Janata Party's Debtanu Bhattacharya and Left supported Congress Milton Rashid. The BJP candidate has been the last minute replacement as the party's earlier announced candidate former IPS officer Debasish Dhar nomination was cancelled owing to a technical reason of not submitting no-dues certificate from the State government in his election affidavit.

Days before the polling a TMC supporter Biplab Mitra in the heart of Dubrajpur town was concerned about the large crowds at the rally of Left supported Congress candidate Milton Rashid. A road show of BJP leader Suvendu Adhikari is being held in support of the BJP candidate at Dubrajpur.

“Today at Dubrajpur we are having a road show of Suvendu Adhikari who left TMC and joined BJP and tomorrow Babul Supriyo who left BJP to join TMC will have a road show here,” the TMC supporter said.

Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 722/2024

News Item titled "Birbhum - a proposed coal mine in West Bengal and the related health hazards" appearing in The Hindu dated 12.05.2024

Date of hearing: 03.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Birbhum - a proposed coal mine in West Bengal and the related health hazards" appearing in The Hindu dated 12.05.2024.

2. The matter relates to West Bengal government's ambitious 35,000 crore Deocha Pachami coal block mining project at Mohammad Bazar in Birbhum district (West Bengal). As per the article, the project has been facing protest over land acquisition. The article states that the government is planning to start mining at the Deocha Pachami coal block, considered to be the largest coal block in the country with reserves of around 1,198 million tonnes of coal and 1,400 million cubic metres of basalt, spread over an area of 12.31 sq. km, which is around 3,400 acres. There are around 12 villages in the project area with a population of over 21,000, comprising Scheduled Castes and Scheduled Tribes.

3. The article highlights that the village Kendrapara is surrounded by scores of stone quarries, which seem to be grinding stones in stone chips round the clock. The entire village is surrounded by a thick layer of dust.

4. The news item states that the doctors and supporting medical staff at the Bharkata Primary Health and Wellness Centre in the area want the health facility being shifted due to the constant pollution from the stone quarries. The doctors at the medical facility state that 250 stone crushers and 150 stone quarries in the area are working around the clock and in the past few months three cases of silicosis have been detected. The doctors feel that there are many more hidden cases of Silicosis in the area. Silicosis is a life threatening condition where the elasticity of the lungs are affected and the reason is mostly inhaling of micro particles during stone quarrying and stone crushing.

5. The above news item indicates violation of the provisions of the Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in this matter:

- i. Central Pollution Control Board, Through its Member Secretary  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
- ii. West Bengal Pollution Control Board, Through its Member Secretary  
Paribesh Bhawan, 10A, Block-LA, Sector-III  
Bidhannagar, Kolkata-700 106

iii. Ministry of Environment and Forest, Regional Office

Integrated Regional Office, Kolkata

IB - 198, Sector-III, Salt Lake City, Kolkata - 700106

iv. District Magistrate, Birbhum

Administrative Building, Suri Main Rd, Suri, West Bengal

731101

9. Let notice be issued to the above Respondents for filing their response before the Eastern Zonal Bench of the Tribunal.

10. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.

11. List before Eastern Zonal Bench at Kolkata on 11.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 03, 2024  
O.A. no. 722/2024  
HB