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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 139/2023/EZ
(Earlier O. A. No. 542/2023/PB)

In The Matter of:

IN RE: News report published in The
Hindu dated 28.08.2023 titled "Eight
Killed in blast at illegal fireworks unit in
West Bengal"

... Applicant(s)

Versus

Petroleum and Explosives Safety
Organization (PESO) & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, DISTRICT
MAGISTRATE & COLLECTOR, NORTH (24) PARGANAS, BARASAT.

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Filed by: *Sibojyoti Chakrabarti*
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534



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Versus

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... Respondents
BEFORE THE NOTARY PUBLIC
Govt. Of India Barasat Judge's Court
North 24 Parganas

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, DISTRICT MAGISTRATE & COLLECTOR, NORTH (24) PARGANAS, BARASAT.

I, Sri Sharad Kumar Dwivedi, S/o Hriday Narayan Dwivedi, aged about 43 years, by faith-Hindu, by occupation-service and presently posted as the District Magistrate & Collector, District : North (24) Parganas, Barasat having office at New Administrative Building, 1st Floor, Barasat, District: North (24) Parganas, District: North (24) Parganas, do hereby solemnly affirm and submit as follows:-

1. That this affidavit is being filed in compliance to the Solemn Order dated 25.04.2024, as passed by the Hon'ble Tribunal.

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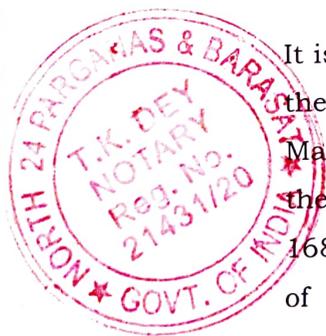
Sl. No. 56

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2. That the Hon'ble National Green Tribunal, Eastern Zone Bench in paragraph 2 of the said Solemn Order dated 25.04.2024 has been interalia pleased to observe "In this affidavit, an order dated 16.04.2024 has been filed as Annexure: R-2, showing the name of the deceased, FIR numbers, Account numbers and IFSC codes. However, the amount paid by way of compensation has not been disclosed in the affidavit for reasons best known to the State Respondents."

In this regard it is stated and submitted that the details of payment including the amount paid by way of compensation which has been made by the office of the Block Development Officer, Barasat-I, District: North (24) Parganas vide Voucher Numbers 223593 & 22452, both dated 23.04.2024, Bill Numbers 30/2024-25 & 31/2024-25 to the next kith and kin of the persons who expired in the blast which was reported in The Hindu dated 28.08.2023 at illegal Fireworks unit at Duttapukur, West Bengal.

Photocopies of the Bills Numbers 30/2024-25 & 31/2024-25 showing payment made to the next kith and kin of the persons who died in the blast which was reported in The Hindu dated 28.08.2023 at illegal Fireworks unit at Duttapukur, West Bengal are collectively annexed herewith and marked with the letter 'R-1'.

It is to submit that compensation of Rs. 2 lakh each has been paid to the next of kin of the nine deceased persons as per Disaster Management Order No. 1684-FR/4P-3/04 dated 08.09.2009 which is the rate of compensation usually given. Photocopy of the Memo No. 1684-FR(40)-FR/4P-3/04 dated 08.09.2009 issued by the Department of Disaster Management, Government of West Bengal is annexed herewith and marked with the letter 'R-2'.



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3. Hon'ble Tribunal has vide its order dated 18.01.2024 in Para 5 had asked that the State Respondent shall also explain the stand of the State Government in their Affidavit as to whether compensation is payable to persons who are involved in illegal activity such as manufacturing of illegal fire explosives which itself possess a threat to the State Government and the people and damage to the environment and whether the State would compensate to such persons who become victims of their own acts.

Affidavit dated 24.04.24 was filed informing that the Department of Disaster Management & Civil Defence, Govt. of West Bengal has vide memo no.873-DMCD/E-943481/2024 dated 23.04.2024 allowed compensation and accordingly payment has been made to the next of kin of those deceased.

The State, being a Welfare State, decided to compensate the families of the deceased including some of them who have become victims of their own acts. It is also to mention that Ramjan Ali, FIR named accused who did not die in the said incident has not been paid compensation.

4. That in paragraphs 3, 5, 6 and 7 of the Solemn Order dated 25.04.2024, the Hon'ble Tribunal has been pleased to inter alia observe that from the Joint Inspection Report which has been filed before the Hon'ble Tribunal along with the Affidavit of the District Magistrate & Collector, North (24) Parganas dated 17.01.2024 in which it has been stated that the accident was caused by a single blast in the house of One Samsul Ali who had rented the same to One Keramat Ali of Berunanpukhuria, Police Station: Duttapukur, wherein it has also been observed that Keramat Ali deployed some labourers from outside to run the illegal manufacturing and storage of fire crackers where the blast happened.



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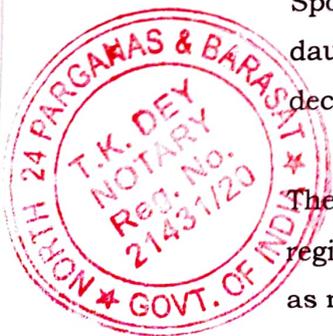
That it has also been observed by the Hon'ble Tribunal that although Keramat Ali and Rabiylul Ali are accused persons named in the Duttapukur P.S F.I.R Number 875/2023 dated 27.08.2023 dated Under sections 286/308/304/34 Indian Penal Code, 1860 and 9 (b) of the Indian Explosives Act, and Under Sections 24/26 of the West Bengal Fire Services Act as to how compensation has been paid to the heirs of an accused.

It has been stated that the accused cannot be termed as victim and their legal heirs cannot be termed as Persons Aggrieved within the meaning of section 18(2)(e) of the National Green Tribunal Act, 2010.

That in this regard it is submitted by the deponent that as per Notification being No. 2407(23)-DMCD-11011(13)/2/2019 dated 28.11.2019 issued by the department of Disaster Management and Civil Defence, Government of West Bengal in which the Governor has been pleased to accord approval for inclusion of the following clauses in addition to the earlier G.O. No. 2042-FR/4P-3/04 Dated 23.06.2005, in which as per clause (ii) Unnatural Death cases due to distress/disaster of the Sole bread earner of an indigent family, wherein the prayer for Ex-Gratia includes recommendation of the appropriate government authority.

Notifications G.O. No. 2042-FR/4P-3/04 Dated 23.06.2005 specifies Ex-Gratia payment due to Natural Calamity and also Accidental Fire and also states that next of Kin means and includes Spouse/Children/step children, Dependent parents, Widowed daughter/Sister of the deceased or father/mother/legal guardian where deceased as a minor.

The following are the Unnatural Death Cases which have being registered with respect to the persons who died and are accused person as named in the F.I.R:-



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- (i) Keramat Ali, Barasat PS UD Case No. 448/2023 dated 27.08.2023.
- (ii) Rabiul Ali, Barasat PS UD Case No. 454/2023 dated 28.08.2023.
- (iii) Samsul Ali, Barasat PS UD Case No. 459/2023 dated 28.08.2023.

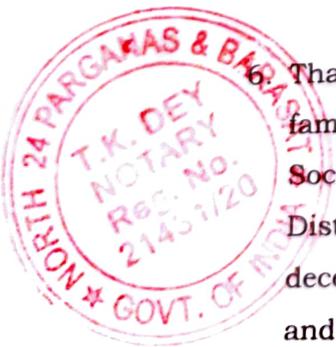
Photocopies of the Notifications G.O. No. 2042-FR/4P-3/04 Dated 23.06.2005 and 2407(23)-DMCD-11011(13)/2/2019 dated 28.11.2019 issued by the department of Disaster Management and Civil Defence, Government of West Bengal are collectively annexed herewith and marked with the letter 'R-3'.

5. That in the Affidavit submitted by this deponent dated 24.04.2024 before the Hon'ble Tribunal in which in Annexure 'R-3' of the said Affidavit the Department of Disaster Management and Civil Defence, Government of West Bengal has proposed that compensation may be provided to those expired due to blast of fire cracker manufacturing unit in Mochpol area under Duttapukur Police Station following the MCC Guidelines.

Photocopy of the MCC Guidelines are annexed herewith and marked with the letter 'R-4'.

6. That it is stated that Ex-Gratia payment/compensation was granted to families of the deceased on the grounds of humanitarian assistance and Social Welfare practices. The decision of the department and the District Administration to provide compensation to the families of the deceased has been taken on the basis of the principles of Compassion and Empathy towards the indigent families who find themselves in dire circumstances.

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The sole objective and purpose to provide Ex-Gratia payment is to extend support to those in need and also to provide assistance during their time of distress.

That it is stated and submitted that the State Respondents do not support activities such as illegal manufacturing of fire explosives as it is fully cognizant of the risks involved and threat posed by such activity to the society at large and the environment. The State Government is committed to upholding the law and promoting a safe and sustainable environment for the society.

- 7. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

Sibojyoti Chakrabarty
 Advocate
 State of West Bengal
 07.05.2024

Sharad Kumar Swisadi

Deponent
 District Magistrate
 North 24-Parganas, Barasat



Solemnly Affirmed to this *07th*
 Day of *May* 20*24*
 Identified by *Sibojyoti Chakrabarty*
 Advocate

T.K. DEY
 NOTARY
 Reg. No. - 21431/20
 Govt. of India

Checked by

A. Dey
 Notary Clerk

07 MAY 2024

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VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as available in the office of the District Magistrate & Collector, District: North (24) Parganas, at Barasat and I believe that nothing material has been concealed there from.

Verified at Kolkata on the ^{7th} Day of May, 2024. *kh*

Identified by me

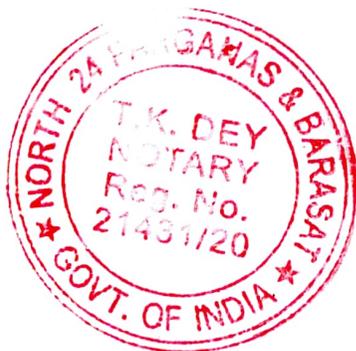
Sibajyoti Chakrabarti
Advocate

State of West Bengal

Sharad Kumar Dwivedi

Deponent

District Magist. atc
North 24-Parganas, Barasat



07 MAY 2024

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Annexure-III
Govt. of West Bengal--Treasury

Name of Office : OFFICE OF THE BLOCK DEVELOPMENT OFFICER
Bill Wise Success Failure Details

DDO Code : NPAPRA003

Bill Number : 30/2024-25	Voucher number : 223593	
Bill Date : 23/04/2024	Voucher Date : 23/04/2024	
HOA : 73-2235-60-200-00-042-V-31-02	Gross Amount :	450000
Token Number : 1205	Net Amount :	450000
Token Date : 23/04/2024	Total no of success & Amount :	6 450000
	Total no of failure & Amount :	0

Success

Sl. No.	Beneficiary Name	Beneficiary A / C No	IFSC Code	Amount	Account Type	RBI Transactic Date
1	Sabir Ali	63058100001135	BARBOVJJPUR	50000	S	23/04/2024
2	Jabeda Bibi	7615339717	IDIB000B648	100000	S	23/04/2024
3	Khalida Parbhin Bibi	36475868516	SBIN0009173	50000	S	23/04/2024
4	Asma Bibi	36027773951	SBIN0009173	150000	S	23/04/2024
5	Salim Khan	84020452039	SBIN0RRVCGB	50000	S	23/04/2024
6	Lufani Bibi	33119604788	SBIN0001299	50000	S	23/04/2024

② R₁ - ①

Printed by: B.D.O., BARASAT-I
Printed Date and Time : 24/04/2024 1.44 PM

NOTE : Report has been generated on the basis of RBI Acknowledgement, it can be changed as per RBI Debit Scroll

Annexure-III
Govt. of West Bengal--Treasury

Name of Office : OFFICE OF THE BLOCK DEVELOPMENT OFFICER
Bill Wise Success Failure Details

DDO Code : NPAPRA003

Bill Number :	31/2024-25	Voucher number :	22452	
Bill Date :	23/04/2024	Voucher Date :	23/04/2024	
HOA :	73-2245-02-111-00-001-V-31-02	Gross Amount :		1350000
Token Number :	1206	Net Amount :		1350000
Token Date :	23/04/2024	Total no of success & Amount :	6	1350000
		Total no of failure & Amount :	0	

Success

Sl. No.	Beneficiary Name	Beneficiary A / C No	IFSC Code	Amount	Account Type	RBI Transaction Date
1	Sabir Ali	63058100001135	BARB0VJJPUR	150000	S	23/04/2024
2	Jabeda Bibi	7615339717	IDIB000B648	300000	S	23/04/2024
3	Khalida Parbhin Bibi	36475868516	SBIN0009173	150000	S	23/04/2024
4	Asma Bibi	36027773951	SBIN0009173	450000	S	23/04/2024
5	Salim Khan	84020452039	SBIN0RRVCGB	150000	S	23/04/2024
6	Lufani Bibi	33119604788	SBIN0001299	150000	S	23/04/2024

② R₁-②

Printed by: B.D.O.,BARASAT-I

Printed Date and Time : 24/04/2024 1.44 PM

NOTE : Report has been generated on the basis of RBI Acknowledgement, it can be changed as per RBI Debit Card

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Annexure 'R-2'

Government of West Bengal
Department of Disaster Management
Writer's Buildings, Kolkata-700 001

No. 1684-FR (40)-FR/4P-3/04

Dated : 8.9.09

From : Sri D. Pal, IAS
Jt. Secretary to the Govt. of West Bengal

To : 1. The District Magistrate (All)
2. Director of Relief, West Bengal, TRAN BHAWAN,
87A, S. N. Banerjee Road, Kolkata-700 014
3. Commissioner, Presidency / Burdwan / Jalpaiguri Division.
4. Sabhadhipati, Zilla Parishad

Sub : Enhancement of rate in paying Ex-gratia Grant to the legal heirs of the deceased persons died due to Natural Calamities and Accidental Fire

Sir,

In modification of this Deptt. Order No. 1362(40)-FR/4P-3/04 dt. 21.07.2008, I am directed to say that, the Governor has been pleased to sanction enhancement of the rate of Ex-gratia Grant to the next-of-kin(s) of the deceased persons died due to Natural Calamities to the tune of Rs. 2,00,000/- (Rupees Two lakh) only per death case in place of Rs. 1,00,000/- (Rupees One lakh) only. The enhancement of exgratia grant to Rs. 2.00 lakh in each death case subsidizing Rs. 1.00 lakh from the State Budget (Major Head "2235) with fixed grant of Rs. 1.00 lakh from CRF (Major Head "2245}).

This has the concurrence of the Finance Department vide their U/O. No. Group N/0865 dt.2.9.2009. The A.G., W.B. is being informed.

This order will take effect from 1.6.09

Yours faithfully
Sd/-
Joint Secretary

Memo No. 1684(40)/1(22)-FR

Copy forwarded for information and necessary action to the :-

1. A.G. (A&E), WB, Treasury Buildings, Kol-1
2. A.G. (Audit), WB, Treasury Buildings, Kol-1
3. Finance (Budget) Deptt of this Govt.
4. Finance (Group-"E") Deptt. of this Govt.
5. Treasury Officer,

Dated. 8.9.09

Sd/-
Joint Secretary

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R-2

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Ex-Gratia in case of Death due to Natural Calamity/ Accidental Fire

Government of West Bengal
Department of Relief
Writers' Buildings, Kolkata-700 001

No. 2042-FR/4P-3/04 Dated: 23/6/2005

From: Shri M. A. Alam
Special Secretary to the Government of West Bengal

To: (1) The Sabhadhipati Zilla Parishad
(2) The Commissioner, Division
(3) The District Magistrate,
(4) The Director of Relief, West Bengal, Tran Bhawan, 87A, S. N. Banerjee Road, Kol-14

Sub: Payment of Ex-gratia Grant in the cases of death due to Natural Calamity/ Accidental Fire.

Sir,

I am directed to say that the question of expeditious sanction and disbursement of Ex-gratia Grant on account of death due to Natural Calamity/ Accidental Fire within shortest possible time, has been under consideration of the Government for sometime past. After careful consideration, the Governor, in supersession of all such previous Orders in this regard, has been pleased to decide that the District Magistrate concerned/ Director of Relief, West Bengal in case of Kolkata Municipal Corporation area, will sanction and administer Ex-gratia grant @ 20,000/- (Rupees twenty thousand) only in each death case, to the next-of-kin(s) of the person who was killed as a result of Natural Calamity like Flood, Cyclone, Earthquake, Tornade, Hailstorm, Lightning etc. and anything directly or indirectly resulting from Natural Calamity viz. House/Wall collapse, Drowning, Fall of tree, Electrocutation, etc. or as a result of accidental fire, on being satisfied about the genuineness of the case of death after obtaining the following papers/ documents :-

i) Proforma report about the death with the views of B.D.O./S.D.O. concerned, to be submitted to the District Magistrate along with a certificate of recommendation from the concerned Pradhan of the Gram Panchayat, Sabhapati of Panchayat Samity/Chairman of the Municipal Authority/Urban Authority, as the case may be. In case of Kolkata Municipal Corporation area, Deputy Director of Relief will be recommending authority.

ii) Original petition of the next-of-kin(s) claiming ex-gratia grant.

iii) Police Report in details stating the exact cause and date of death with the officials seal of the concerned Police Station.

iv) Attested copy of Death Certificate.

v) Attested copy of the Post-Mortem Report with the opinion of the Autopsy Surgeon as to the cause of death.

(4) (R-3) - (1)

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2. Next-of-Kin(s), referred above, means spouse/children/step children or dependant parents/ widowed daughter/ sister of the deceased or father/mother/legal guardian where deceased was minor, as determined by the revenue authority of the District.

1. The District Magistrate concerned/ Director of Relief, West Bengal shall make payment of the ex-gratia grant out of the allotted fund received from this Department for this purpose from time to time.

2. The charge is debitable to the head "2245-Relief on account of Natural Calamities-02-Floods, Cyclone etc.-111-Ex-gratia payments to bereaved families-N.P.-Non Plan-001-Ex-gratia payments to families of dead/missing persons due to flood, cyclone etc.-V-Voted-50-Other Charges" of the State Budget.

3. Detailed report about the payment of each case of Ex-gratia Grant shall be furnished by the District Magistrate concerned/ Director of Relief to this Department within a month from the date of disbursement of such grant indicating the following informations :-

- a) Name of the deceased (Male/Female) with his/her age.
- b) Name of the next-of-kin(s) of the deceased.
- c) Exact cause and date of death.

4. Un-utilised fund allotted by this Department for this purpose shall have to be surrendered before the end of the financial year.

5. This Order issued with the concurrence of the Finance Department vide their U/O No. Group-E 68 dated 13-6-2005.

Yours faithfully

Special Secretary to the
Government of West Bengal

No. 2042-FR dated 23.06.2005

Government of West Bengal
Department of Disaster Management & Civil Defence
Nabanna, 2nd Floor,
325, Sarat Chatterjee Road, Howrah-711102

No. 2407(23)-DMCD-11011(13)/2/2019

Date: 28-11-2019

NOTIFICATION

In order to provide ex-gratia to the indigent families who live in miserable condition owing to unnatural death of the sole bread-earner due to distress / accident / disaster, the Governor is pleased to accord approval for inclusion of the following clauses in addition to the cases of sun stroke / snake bite as laid down in the earlier G.O. No. 2042-FR/4P-3/04 dated 23.06.2005 and subsequent amendments of the related orders issued from time to time with immediate effect:

- (i) People lost at sea or river who have to be presumed dead due to sinking/capsize of boats/other vessels, where the bodies have not been recovered and chances of recovery of body within the State are remote due to accident in high seas or in inter-state / international rivers and where such persons are missing for a considerable period of time, and circumstances clearly indicate hardly any chances of their survival, where the local Government authority or any other government agency reports such capsizing of vessels and declares / recommends necessity of payment of ex-gratia indicating that chances of recovery of bodies in the State are remote.
 - (ii) Unnatural death caused due to distress / disaster of the sole bread-earner of an indigent family, wherein the prayer for ex-gratia includes recommendation of the appropriate Government authority;
2. All other modalities, as laid down in G.O. No. 2042-FR/4P-3/04 dated 23.06.2005 and subsequent amendments of the related orders issued from time to time, are also applicable here.
 3. This issue with the concurrence of the Finance Department vide their Group-N, U.O. No. 1960 dated 11.11.2019.
 4. All concerned are informed accordingly.

By order of the Governor
Sd/-

(DUSHYANT NARIALA)
Principal Secretary
Disaster Management and Civil Defence Department

(a)
(R) - (2)

No.2407 (23)/1(82)-DMCD-11011(13)/2/2019

Date: 28.11.2019

Copy forwarded for information and necessary action to:

- 1) The Principal Accountant General (A&E), West Bengal
Treasury Buildings, 2, Govt Place (West), Kolkata - 700 001
- 2) The Principal Accountant General (General and Social Sector Audit), West Bengal
Treasury Buildings, 2, Govt Place (West), Kolkata - 700 001
- 3) The Principal Accountant General (Economic and Revenue Sector Audit), West Bengal
3rd MSO Building, CGO Complex, DF Block, 5th Floor, Sector-1
Salt Lake, Kolkata 700 064
- 4) The Sabhadhipati,Zilla Parishad
- 5) The Commissioner, Division
- 6) The District Magistrate (All),
- 7) The Director of Disaster Management, West Bengal
- 8) The Director General of Civil Defence, West Bengal
- 9) The Finance (Budget) Department of this Government
- 10) The District Disaster Management Officer (All).....
- 11) Budget Cell of this Department

Deputy Secretary
to the Govt. of West Bengal

INSTRUCTION SI. No. 6

ECI letter No. 437/6/2009-CC&BE dated 5th March, 2009 addressed to the Cabinet Secretary, Govt. of India and the Chief Secretaries and Chief Electoral Officers of all States and UTs.

Sub: General Elections – Enforcement of the Model Code of Conduct - reg.

Sir,

I am directed to state that the Commission has considered various aspects in the context of the Model Code of Conduct during General Elections and decided to issue the following Guidelines regarding implementation/processing of the various projects, schemes, rural development programmes etc. by the Central/State Governments :-

1. All Model Code of Conduct related directions shall be issued only by the Commission. The Cabinet Secretariat or any other government agency should reiterate and disseminate the directions of the Commission for compliance.
2. RBI may continue to take decisions unhindered on monetary policy issues.
3. After the Model Code of Conduct comes into effect, the Ministry of Finance will need to take prior approval of the Commission on any policy announcements, fiscal measures, taxation related issues and such other financial relief. Similarly, other Ministries/ Departments will need to take prior approval of the Commission before announcing any relief/benefit.
4. The following types of existing works can be continued by the government agencies without reference to the Election Commission after the Model Code of Conduct comes into force:
 - a. Work-Projects that have actually started on the ground after obtaining all necessary sanctions;
 - b. Beneficiary-projects where specific beneficiaries by name have been identified before coming of the Model Code of Conduct into force;
 - c. Registered beneficiaries of NREGA may be covered under existing projects. New projects under NREGA that may be mandated under the provisions of the Act may be taken up only if it is for the already registered beneficiaries and the project is already listed in the approved and sanctioned shelf of projects for which funds are also already earmarked.
5. There shall be no bar to release of funds for the completed portion of any work subject to observance of laid down procedures and concurrence of finance department.
6. The following type of new works (whether beneficiary or work oriented) that fulfill all the following conditions before Model Code of Conduct comes into effect, can be taken

(R-A)

(A)

up under intimation to the Commission-

- a. Full funding has been tied up.
 - b. Administrative, technical and financial sanctions have been obtained
 - c. Tender has been floated, evaluated and awarded and
 - d. There is contractual obligation to start and end the work within a given time frame and failing which there is an obligation to impose penalty on the contractor.
 - e. In case of any of the above conditions not being met in such cases prior approval of the Commission shall be sought and obtained.
7. Global tenders already floated, can be evaluated and finalized where any time limits are specified for such purpose.
 8. Tenders other than global tenders, that are already floated may be evaluated but not finalized without prior approval of the Commission. If they are not already floated, they shall not be floated without prior approval of the Commission.
 9. Commission invariably takes a humanitarian view on the work that are necessitated due to man-made or natural calamities.
 - a. Ex-gratia payments and gratuitous relief in the aftermath of a disaster can be given directly to the persons affected at the current rates/scales of assistance presently in force, under intimation to the Commission. No change in the extant and prescribed scales of payments, however, shall be made in the existing rates/scales without prior permission of the Commission.
 - b. Payment directly to the hospitals from CM's/PM's Relief Fund, in lieu of direct cash payment to individual patients (beneficiaries) will be permissible without reference to the Commission.
 - c. Emergent relief works and measures that are aimed to mitigate the hardships, directly and solely, of the persons affected in a disaster may be taken up under intimation to the Commission.
 - d. However, new works that may be necessitated by way of preventive measures to mitigate the likely effects of natural disasters like repair of embankments, water channels etc. can be taken up only with prior permission of the Commission.
 - e. Also, an area shall not be declared drought/flood affected or any such calamity affected without prior approval of the Commission. The extent of area already declared to be calamity-affected cannot be expanded without prior approval of the Commission.

- f. Similarly, any selective assistance to a group of persons from the PM's or the CM's Relief Fund will require prior approval of the Commission.
10. The following type of activities will require prior permission of the Commission:
- a. New works and project cannot be taken up from discretionary funds of whatever nature. Discretionary fund, in this context, includes funds, which are provided for in the budget in a generic manner and for which no identified and sanctioned project exists prior to Model Code of Conduct coming into effect.
 - b. Proposals for revival of sick PSUs, governmental take over of enterprises etc. (or any policy decision on similar lines) cannot be taken up.
 - c. Fresh auctions of liquor vends etc. cannot be held even if the annual auction time falls within the Model Code of Conduct period. Where necessary, the government should make interim arrangements as provided in their respective laws.
 - d. Area of operation of any existing project/scheme/programme can not be extended or expanded.
 - e. No land allocation shall be made by the government to any entity, whether individual or an enterprise.
 - f. Signing a MOU or an agreement where the government is a party will also require prior clearance by the Commission.
11. Regular recruitment/appointment or promotion through the UPSC, State Public Service Commissions or the Staff Selection Commission or any other statutory authority can continue. Recruitments through non-statutory bodies, will require prior clearance of the Commission.
12. While starting any work (including any relief work) or developmental activity no formal function shall be held involving any political functionary. As a matter of good practice, normal functions and publicity even with the presence of official functionaries should be kept to the minimum.
13. Where works are to be undertaken or functions are to be held in fulfillment of international commitments, prior concurrence of the Commission shall be taken.
14. All Government of India references to the Election Commission of India shall be made preferably through the Cabinet Secretariat. In so far as reference from State Governments are concerned, the same shall be made to the Election Commission of India through the Chief Electoral Officer (CEO) of the state concerned.

This may be brought to the notice of all concern authorities.

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

O. A. NO. 139/2023/EZ
(Earlier O. A. No. 542/2023/EZ)

In The Matter of:

IN RE: News report published in The
Hindu dated 28.08.2023 titled "Eight
Killed in blast at illegal fireworks unit in
West Bengal"

... Applicant(s)

Versus

Petroleum and Explosives Safety
Organization (PESO) & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE
RESPONDENT NUMBER 04, DISTRICT
MAGISTRATE & COLLECTOR, NORTH
(24) PARGANAS, BARASAT.



SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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07 MAY 2024