

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A. No. 157/2023/EZ

In the matter of:

Illegal Mining 3 killed, 10 Missing

After Cave in News Item published

In the Times of India

Dt. 13.10.2023 Kolkata

... **Applicant(s)**

03/2023
SI. No.

AFFIDAVIT FILED BY THE DISTRICT MAGISTRATE, PASCHIM

BARDHAMAN, (RESPONDENT NO. 2)

I, Sri S. Ponnambalam S., Son of Sri Sonaimuthu P. aged about 38 years, by faith Hindu, by occupation Service, working for gain as the District Magistrate & Collector, Paschim Bardhaman residing at Palm Villa, Opposite Polo Ground, Asansol, District- Paschim Bardhaman, West Bengal, do hereby solemnly affirm and state as follows-

1. I am the District Magistrate & Collector, Paschim Bardhaman. I have duly consulted the records available in my office and thereafter, I have made myself well acquainted with the facts and circumstances of the case and, as such, am competent to affirm this Affidavit.

2. That this affidavit is being affirmed pursuant to the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, in short Hon'ble N. G. T., Eastern Zone Bench, Kolkata on 29.11.2023 wherein Hon'ble N. G. T., Eastern Zone, Kolkata has been pleased to observe the following vide Para (2) of the aforesaid solemn Order:-

"We find that there is no consistency in the payment of ex-gratia since in some cases relating to death arising out of the Fire Cracker, the State paid



compensation of Rs. 2, 50, 000/- whereas in case of Mining death, Rs. 2, 00, 000/- has been paid by the State as compensation. District Magistrate, Paschim Bardhaman shall file affidavit explaining why this discrimination is being carried out by the State in the matter for dispensing ex-gratia compensation" and thereby directed the answering State Respondent to file affidavit within the period stipulated by Hon'ble N. G. T., Eastern Zone, Kolkata in the order aforesaid and has further been pleased to hold next hearing on January 04, 2024.

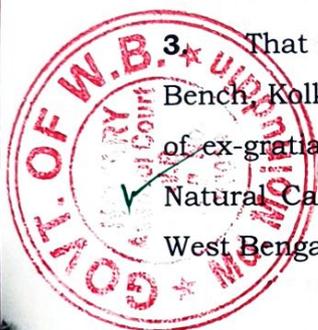
3. That it is being humbly submitted before Hon'ble N.G.T., Eastern Zone Bench, Kolkata that there are two Government Orders, which governs payment of ex-gratia compensation amount to the families of victim due to death on Natural Calamity and victims of the Motor Vehicles accident in the State of West Bengal.

4. That the Government Order bearing No. 1043-DMCD-11011 (12)/I/E-394252/2021 dated July 02, 2021 dealt with granting ex-gratia compensation amount with respect to the victims of Natural Calamity and the Government Order bearing No. 3368-WT/3M-100/2009 dated July 23,2018 is dealing with granting ex-gratia compensation amount with respect to the victims of the Motor Vehicles accident in the State of West Bengal

5. That in both the said Government Orders, the scale of ex-gratia compensation amount has been fixed to the tune of Rs. 2, 00, 000/- (Rupees Two Lakhs) only for death cases.

6. That the ratio carved out in the said Government Orders and the scale of ex-gratia compensation stipulated therein have been made applicable for the victims of the incident took place in the unguarded open-cast mine of Narayankuri Colliery of Eastern Coalfield Limited at Raniganj's Egra and with respect to which, Hon'ble N.G.T., Eastern Zone Bench, Kolkata has been pleased to take suo-motu cognizance.

The aforesaid Government Orders are annexed hereto and marked Annexure-P1 and P2 respectively.

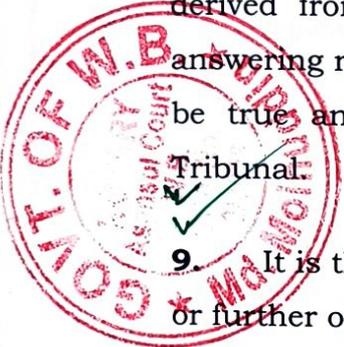


28 DEC 2023

7. That the deponent herein craves leave to refer the copies of the said Government Orders dated July 23, 2018 and July 02, 2021 respectively at the time of hearing and by relying upon the findings aforesaid, also the scale of ex-gratia compensation amount employed in the said Government Orders would humbly request Hon'ble N.G.T. to consider the aforesaid facts as justification behind granting ex-gratia compensation by the State Government as a whole and oblige thereby.

8. The statements made in paragraph (1) to (4) are based on information derived from the records, which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal

9. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.



28 DEC 2023

Prepared in my office

[Signature]
Advocate

[Signature]
Deponent
(PONNAMBALAM S)

The deponent is known to me
Clerk to

Advocate,

Solemnly affirmed before me

On this the 28th day of December, 2023.

All annexure are legible

[Signature]
Advocate

Notary

Solemnly Confirmed & Declared on Oath before me on Identification

[Signature]

**NOTARY Reg. No. 2/2023
Asansol Court Govt. of W.B.**



GOVERNMENT OF WEST BENGAL
DEPARTMENT OF DISASTER MANAGEMENT & CIVIL DEFENCE
 NABANNA, 2nd floor,
 325, Sarat Chatterjee Road, Mandirtala, Howrah-711102

No.1043-DMCD-11011(12)/I/E-394252/2021

Dated: 02-07-2021

NOTIFICATION

After careful consideration, Administrative Department have decided to provide advance allotment of fund in favour of the District Magistrate/District authority/ Municipal Commissioner in case of KMC area to minimize the time gap between the occurrence of incidence and payment of ex-gratia to the families of indigent victims due to death on Natural Calamity.

The District Magistrate/District authority/Municipal Commissioner in case of KMC area, will sanction and administer a) ex-gratia @ **Rs. 2.00 lakh** (Rupees two lakh only) in each death case to the next-of-kin(s) of the deceased who died due to Natural Calamity like **Flood, Cyclone, Earthquake, Tornado, Hailstorm, Lightning** etc. and anything direct or indirect effect of Natural Calamity like **House/wall Collapse, Fall of Tree, Electrocution, Drowning in Flood water/ river water** etc. and b) ex-gratia @ Rs. 1.00 lakh (One lakh only) for death due to **snake bite** on being satisfied about the genuiness of the cases of death after obtaining necessary documents against it from the concerned authority.

However State Government, if thinks appropriate, may declare special rates under special circumstances.

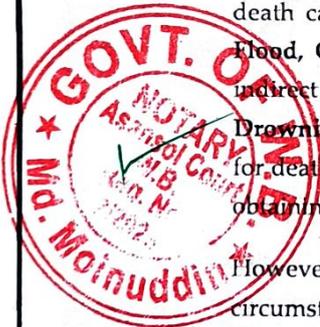
The District Magistrate/District authority/Municipal Commissioner in KMC area shall make payment of the ex-gratia out of the allotted fund received from this Department for the purpose from time to time.

In case of any doubt regarding eligibility of ex-gratia for any death cases a committee constituted with District Magistrate, CMOH and DDMO will decide.

Post Mortem of the deceased should be made within 24 hours of recovery of dead body and payment of ex-gratia should be made within 04 (four) days of such recovery.

DDMO will be responsible for monitoring of entire event so that payment could be done within the time frame stipulated above.

Contd.....02..



28 DEC 2023

-02-

They will send requisition of quarterly basis depicting positive/negative balance and estimation of requirement based on previous two/three years average occurrences of such death during the quarter for which requisition has been made.

The total amount of the fun for each case shall be debited from the head of A/C "2245-02-111-00-001-50-00-V" & "2235-60-200-00-042-31-02-V" in 3:1 basis respectively.

Detailed report containing the following information about the payment of ex-gratia shall be furnished to this department on monthly basis within 5th day of each Month as per following proforma:

No. of natural Calamity death during previous quarter of the year	No. of ex-gratia cases(s) have been paid	No. of ex-gratia cases not paid (with reason)	Failed transaction (if any)	Remarks

This Order issued with the concurrence of Finance Department, Group- N vide U.O. No. 0623 dated 08.06.2021.


Joint Secretary
to the Govt. of West Bengal

Dated. 02-07-2021

No.1043/1(10)-DMCD-11011(12)/I/E-394252/2021

Copy forwarded for information to -

1. District Magistrate (All).....
2. Kolkata Municipal Commissioner, KMC.
3. Director of Disaster Management & Civil Defence, Tran Bhavan.
4. Accountant General (A&E), Treasury Building, Kol-1
5. Account General (Audit), Treasury Building, Kol-1
6. Finance Department, Group-N of this Government
7. Finance Department (Budget) of this Government
8. Treasury Officer (All).....
9. DDMO (All).....
10. Office Copy (Mrityunjoy)


Joint Secretary
to the Govt. of West Bengal



28 DEC 2021

2/7/18

GOVERNMENT OF WEST BENGAL
Transport Department
Paribahan Bhawan (1st Floor)
12, R.N. Mukherjee Road
Kolkata-700001

File
C.S. No. 1
Date: 23/7/18
Signature

Sr. Law
Officer
P

No. 3368-WT/3M-100/2009

Kolkata, the 23rd July, 2018

District Magistrate
Paschim Bardhaman

NOTIFICATION

For some time past, revision of rates of ex-gratia payment under Accident Benefit Scheme for victims of motor accidents as well as boat/launch/barge capsized cases was under consideration of the Government.

2. After careful consideration of the matter, the Government has been pleased to revise the existing rates of ex-gratia payment under the said scheme for victims/ families of victims of accidents caused by vehicles as well as capsized of boats /launches/barges with immediate effect. The revised rates will be as follows:-

Sl. No.	Particulars	Amount of cash to be paid
1.	Death	Rs.2,00,000/-
2.	Permanent total disability or loss of two eyes or loss of two limbs or one eye and one limb	Rs.50,000/-
3.	Loss of one eye or one limb	Rs.20,000/-

D4570/11-4/C
dt 22-12-2023

3. The charge for victims of motor vehicle accidents will proceed under the head account "2235-Social Security and Welfare-60-other social security and welfare programme-200-other programme-NP-Non-Plan-026-Relief to victims/families of victims caused by vehicle [TR]-31-Grants-in-aid-General-02-Other Grants" under Demand No. 53.

The charge for victims of boat/launch/barge capsized cases will proceed under the head account "2235-Social Security and Welfare-60-other social security and welfare programme-200-other programme-NP-Non-Plan-028-Relief to victims/families of victims of boat/launch/barge [TR]-31-Grants-in-aid-General-02-Other Grants" under Demand No. 53.

4. This order issues with the concurrence of Finance Department vide their Gr. 'R' U/O No. 2018-19/0046 dated 10.07.2018.

No. 3368 /1(71)-WT

By order of the Governor
Self
Additional Chief Secretary

Date. 23.07.2018

- Copy forwarded for information to
1. Principal A.G. (A&E), West Bengal Treasury Building, Kolkata-1.
 2. Director, Transport Directorate
 3. District Magistrate
 4. Superintendent of Police, _____ / Commissioner of Police, _____
 5. Pay & Accounts Officer, Kolkata Pay & Accounts Office, Kolkata.
 6. Treasury Office
 7. Finance Department, Group- "R", Nabanna, Howrah.
 8. PS to HMIC, Transport Department.

Additional Secretary



28 DEC 2018

(FORM)

Request for grant of Cash Relief to victim of Accident involving Transport Vehicle in transport vehicles in the State of West Bengal.

(Read carefully fill up completely)
(Separate Application for each related)

(1) Details of Accident

A.M. P.M.

Dated of _____ day of _____ week _____ Hours

Accident _____ /2007/2003/2004..

Time of the Investigation Officer _____

Name of the Police Station and Crime No. _____

(a) Details of Motor Vehicles involving _____

(b) Name of the Motor owner of the vehicles _____

(c) Registration No. _____

(d) Address _____

(e) Name of the Driver/Drivers _____

(f) LOCATION :

(i) Road _____

(ii) Village _____

(iii) District _____

(iv) Taluk _____

(g) Nature of Accident _____

PARTICULARS OF THE VEHICLES

(Name) _____

(Sex) _____ (Age) _____

(Address) _____

(ii) Whether killed _____

(iii) If injured, nature of injury particulars of the victim, permanent disability.

Loss of the Eye _____

Loss of the limb _____

Loss of the eye & limb _____

Other injury (specify) _____



28 DEC 2009

Contd.P/2

(5) Whether the victim was a passenger

(6) Particulars of the claimant (In the case of Death of Victim)
Name

~~Non-passenger~~

Sex
Age
Address

Relationship to the deceased

Particulars about the family of the victim

FORM-II

Declaration to be signed by the victim/victim's legal heirs or Nominee (in the event of death)

- (1) I/We hereby declare that and warrant are truly of the foregoing particulars in every respect. I/We agree that if I/We have made or if I/We shall make false or entrused suppression or concealment, my/our right for compensation shall be forfeited.
- (2) I/We hereby declare that I/We agree to accept the amount as exgrating relief given by Government of West Bengal under this scheme of ward of Cash relief in accidents involving Motor Vehicles and I/We hold the Government Indemnified in the event of any claim under this scheme being made against the Government by any other person or persons.

Signature

Date

SIGNATURE OF THE WITNESS :

Witness No. (1)

Witness No. (2)

FORM-III

I recommended the payment of Cash Relief sum of Rs. _____
(Rupees. _____) only to

Sr/Smt./ kumari _____

Signature and seal of the Police Officer/
Investigation into the Accident.



28 DEC 2023

Receipt for
passenger

LQRM-I

Report for grant of Cash Relief to victim of Accident involving transport or other motor vehicles in the State of West Bengal.

(Read carefully fill up completely)
(Separate Application for each vehicle)

(1) Details of Accident A.M. P.M.
Dated of _____ day of _____ week _____ Hours

Accident _____ /2002/2003/2004..

Time of the Investigation Officer _____

Name of the Police Station and Crime No. _____

(1) Details of Motor Vehicles Involving _____

Name of the Motor owner of the vehicles _____

(b) Registration No. _____

(c) Address _____

(d) Name of the Driver/Drivers _____

(4) LOCATION: _____

(a) Road _____

(b) Village _____

(c) District _____

(d) Taluk _____

(4) Nature of Accident _____

PARTICULARS OF THE VEHICLES

(Sex) (Age)

(Address)

(Name)

(ii) Whether killed
(iii) If injured, nature of injury particulars of the
Victim, permanent disability.

Loss of the Eye
Loss of the limb
Loss of the eye & limb
Other injury(specify)



28 DEC 2023

Contd.....P/2

Contd. ...P/3

FORM-IV

I recommended the grant of a sum of Rs. _____
(Rupees. _____) only to
Sri/Smt./ Kumari _____

Signature and seal of the Superintendent of Police
Bankura.

FORM-V

Sanctioned grant of Cash Relief a sum of Rs. _____
(Rupees. _____) only to
Sri/Smt./ Kumari _____

Signature and seal of the Collector/Director/P.C.
Kolkata



28 DEC 2023

**Solemnly Confirmed & Declared on
Oath before me on Identification**
Madhusudan
**NOTARY Reg. No. 2/2023
Asansol Court Govt. of W.B.**