



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

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

Versus

State of West Bengal & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, THE 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](mailto:subho.advocate@gmail.com)

(M): 9007035534

17 JAN 2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 139/2023/EZ

(Previously O. A. No. 542/2023)

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

Versus

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... Respondents

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

I, Sri Sharad Kumar Dwivedi, S/o Sri. Hriday Narayan Dwivedi, aged about 43 years, by faith-Hindu, and presently posted as the District Magistrate & Collector, North (24) Parganas district having office at New Administrative Building, 1<sup>ST</sup> Floor, Barasat, district: North (24) Parganas, Kolkata: 700124, do hereby solemnly affirm and submit as follows:-

1. That this affidavit is being filed in compliance to the Solemn Order dated 01.12.2023, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, at Kolkata.

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2. That previously the Hon'ble National green Tribunal, Principal Bench at New Delhi, had Suo Motu taken up the original application being number O. A. No. 542/2023 in exercise of power on the basis of newspaper report published in published in "The Hindu" dated 28.08.2023 disclosing killing of 8 persons in a blast at illegal fireworks unit in West Bengal. The incident has taken place at an illegal firecracker manufacturing unit in the Mochpol area in Duttapukur Police Station limits in North (24) Parganas District of West Bengal.
3. The report of the News Paper further disclosed that the two-storey house where the firecrackers were allegedly manufactured came crashing in the impact of the blast, moreover the report clearly revealed the violation of environmental laws especially the regulations relating to handling of hazardous substances under "The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (MSIHC Rules, 1989) issued under the Environment (Protection) Act, 1986.
4. That vide Solemn Order dated 05.09.2023 in O. A. No. 542/2023 the Hon'ble National Green Tribunal, Principal Bench, New Delhi had constituted a joint Committee comprising of Petroleum and Explosives Safety Organization (PESO), Chief Fire Officer, the Member Secretary, State Pollution Control Board (SPCB), Member Secretary, Central Pollution Control Board (CPCB) and District Magistrate, North (24) Parganas District, West Bengal.

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5. That in the Solemn Order dated 05.09.2023 it has been inter alia stated that the District Magistrate North (24) Parganas will act as nodal agency for coordination and compliance. The Committee will visit the site, ascertain the cause of accident and violation of environmental laws especially the MSIHC Rules, 1989 noted above and submit a report before the Tribunal within six weeks.

Copy of the Solemn Order dated 05.09.2023 as passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi is annexed herewith and marked with the letter 'R-1'.

6. That subsequently the matter in issue had been transferred to the Eastern Bench of the Hon'ble Tribunal, as it relates to the Eastern Zone Bench of this Tribunal wherein the case has been renumbered as O. A. No. 139/2023/EZ.

7. That the Committee as constituted by the Hon'ble National Green Tribunal, Principal Bench, New Delhi had visited the spot, made due inquiry and inspection and thereafter a report has been prepared and the same is herewith submitted before the Hon'ble Tribunal for kind perusal and consideration.

Copy of the detailed Committee Report is annexed herewith and marked with the letter 'R-2'.

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8. 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

*Sibajyoti Chakrabarti*  
Advocate 17.01.2024  
State of West Bengal

*Sharad Kumar Dwivedi*

Deponent  
District Magistrate  
North 24-Parganas, Barasat

17 JAN 2024

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BEFORE THE NOTARY PUBLIC  
AT BIDHANNAGAR  
DIST.-NORTH 24 PARGANAS  
WEST BENGAL



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 and I believe that nothing material has been concealed there from.

Verified at Kolkata on 17<sup>th</sup> Day of January, 2024.

Identified by me

*Sibojyoti Chakrabarti*

Advocate  
State of West Bengal

17.01.2024.

*Gharad Kumar Bhowmik*

Deponent

District Magistrate  
North 24-Parganas, Barasat

*[Handwritten signature]*

**K. K. HALDAR**  
NOTARY PUBLIC  
GOVT OF INDIA  
Reg. No.- 13502/2018  
Bidhannagar Court  
Dist.-North 24 Parganas  
West Bengal

17 JAN 2024

Item No. 02

Court No. 1

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

Original Application No. 542/2023

In re: news report published in The Hindu dated 28.08.2023 titled **"Eight killed in blast at illegal fireworks unit in West Bengal"**

Date of hearing: 05.09.2023

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

**ORDER**

1. This original application has been registered in *suo motu* exercise of power on the basis of newspaper report published in published in "The Hindu" dated 28.08.2023 disclosing killing of 8 persons in a blast at illegal fireworks unit in West Bengal. The incident has taken place at an illegal firecracker manufacturing unit in the Mochpol area in Duttapukur Police Station limits in North 24 Parganas District of West Bengal. The report further discloses that the two-storey house where the firecrackers were allegedly manufactured came crashing in the impact of the blast.

2. The report clearly reveals the violation of environmental laws especially the regulations relating to handling of hazardous substances under "The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (MSIHC Rules, 1989) issued under the Environment (Protection) Act, 1986.

3. Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897 has upheld the *suo motu* power of NGT to register a case.

4. Having regard to aforesaid, we form a joint Committee comprising of Petroleum and Explosives Safety Organization (PESO), Chief Fire Officer, the Member Secretary, State Pollution Control Board (SPCB), Member Secretary, Central Pollution Control Board (CPCB) and District Magistrate, North 24 Parganas District, West Bengal. The District Magistrate will act as nodal agency for coordination and compliance. The Committee will visit the site, ascertain the cause of accident and violation of environmental laws especially the MSIHC Rules, 1989 noted above and submit a report before the Tribunal within six weeks.

5. Since the matter relates to the Eastern Zone Bench of this Tribunal, therefore, it is transferred for listing before Eastern Zone Bench on 01.12.2023. The Registry is directed to transfer the records of this matter to the Eastern Zone Bench, Kolkata.

A copy of this order be forwarded to PESO, Chief Fire Officer, SPCB, CPCB and District Magistrate, North 24 Parganas District by e-mail for compliance.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 05, 2023  
Original Application No. 542/2023  
DV

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Annexure - (P-2)

## **REPORT OF THE JOINT COMMITTEE**

***In Compliance with the Order dated 05.09.2023 of the***

***HON'BLE NATIONAL GREEN TRIBUNAL***

***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"**

***in***

**OA No. 542/2023 (now OA No. 139/2023 (EZ))**

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Annexure 1 - Minutes of First Committee Meeting held on 6/10/2023 through VC.

Annexure 2 - Minutes of Second Committee Meeting held on 19/11/2023 at DM office Barasat

Annexure 3 - Police Report dated 9/10/2023 by SP Barasat

Annexure 4 - Report of District Magistrate dated 13/10/2023

Annexure 5 - Police Report dated 17/11/2023 by Inspector-in-charge, Duttapukur Police Station

Annexure 6 - Report of District Magistrate dated 17/11/2023

Annexure 7 - Investigation Report dated 31/8/2023 by PESO

Annexure 8 - Relevant Explosive Rules

## 1. Background

There was an accident on 27.8.2023 in an alleged illegal firework manufacturing unit located at Mochpol area under the jurisdiction of Duttapukur Police Station, North 24 Parganas District, West Bengal. According to the newspaper articles published in "The Hindu" dated 28.08.2023 eight (08) persons were killed in that accident / blast. In view of the published article, an Original Application has been registered in Suo moto exercise of power of Hon'ble National Green Tribunal (NGT).

In this regard, Hon'ble NGT vide its order dated 05.09.2023 directed as reproduced below:

*"4. Having regard to aforesaid, we form a joint Committee comprising of Petroleum and Explosives Safety Organization (PESO), Chief Fire Officer, the Member Secretary, State Pollution Control Board (SPCB), Member Secretary, Central Pollution Control Board (CPCB) and District Magistrate, North 24 Parganas District, West Bengal. The District Magistrate will act as nodal agency for coordination and compliance. The Committee will visit the site, ascertain the cause of accident and violation of environmental laws especially the MSIHC Rules, 1989 noted above and submit a report before the Tribunal within six weeks".*

## 2. Constitution of Committee

In connection to Hon'ble NGT Order, the Joint Committee consists of following members:

1. Petroleum and Explosives Safety Organization (PESO),
2. Chief Fire Officer,
3. Member Secretary, State Pollution Control Board (SPCB),
4. Member Secretary, Central Pollution Control Board (CPCB) and
5. District Magistrate, North 24 Parganas District, West Bengal (**Nodal Agency**).

Mandate (Terms of reference) of the Committee:

1. Visit the site,
2. ascertain the cause of accident and violation of environmental laws especially the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (MSIHC Rules, 1989), and
3. submit a report before the Hon'ble Tribunal within six weeks

### 2.1 First Joint Committee Meeting

In compliance to the Hon'ble NGT order, the joint Committee held its first meeting on 06<sup>th</sup> October 2023, through virtual mode.

The meeting was attended by all the joint Committee members and other concerned officials as follows:

1. Shri Bharat Kumar Sharma, Member Secretary, Central Pollution Control Board (CPCB)
2. Dr. Rajesh Kumar, Member Secretary, West Bengal Pollution Control Board (WBPCB)
3. Shri Sharad Kumar Dwivedi, IAS, District Magistrate, North 24 Parganas District, West Bengal (**Nodal Officer**)

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4. Shri Ajoy Singh, Deputy Chief Controller of Explosive, Office of Jt. Chief Controller, Petroleum and Explosive Safety Organization (PESO)
5. Shri Mrinal Kanti Biswas, Regional Director, CPCB, Regional Directorate (RD), Kolkata
6. Shri Saroj Bag, Divisional Fire Officer, North 24 Parganas WB Fire & Emergency Department

The joint Committee discussed about the steps to be taken to ensure the compliance of the Order of Hon'ble NGT as well as requested the Nodal Agency (District Magistrate) to provide the documents/information required for ascertaining the cause of accident and preparation of the report to be submitted before Hon'ble NGT. Apart from this, site visit by the representative officials of all concerned departments was also scheduled on 10-October-2023.

The minutes of first meeting of the joint Committee meeting held on 06.10.2023 is enclosed as **Annexure 1**.

## 2.2. Site visits

A team comprising of following officials deputed by respective organizations of the joint Committee along with officers from other departments visited the site on **10/10/2023**;

1. Sh. Saroj Bag, Divisional Fire Officer, North 24 Parganas WB Fire & Emergency Department
2. Sh. Asis Ghosh, Station Officer, WB Fire & Emergency Department
3. Sh. Sudip Barua, Assistant Environmental Engineer, (WBPCB)
4. Sh Suman Garai, Assistant Environmental Engineer, (WBPCB)
5. Sh. Abhijit Pathak, Scientist 'D', CPCB- RD Kolkata
6. Sh. Sandeep Roy, Scientist 'D', CPCB- RD Kolkata
7. Smt. Soma Shaw, SDO, Barasat Sadar
8. Sh. Animesh Roy, WBPS, SDPO, Barasat
9. Sh. Ravindra Jain Beruly, Deputy Controller of Explosives, Office of Joint Chief Controller, PESO
10. Sh. Suresh Kumar, OS, PESO

The members of the joint Committee along with officials of all concerned departments conducted a physical meeting at the office of District Magistrate, Barasat, on 19/11/2023 followed by a visit of the accident site.

The following officials attended the meeting and visited the site:

1. Shri Bharat Kumar Sharma, Member Secretary, CPCB
2. Dr. Rajesh Kumar, IPS, Member Secretary, WBPCB
3. Shri Sharad K. Dwivedi, IAS, District Magistrate, North 24 Parganas (Nodal Officer)
4. Shri Bhaskar Mukherjee, IPS, Superintendent of Police, Barasat Police District
5. Shri Mrinal Kanti Biswas, Regional Director, CPCB, RD-Kolkata
6. Shri Rabindra Jain Beruly, Dy Controller of Explosives, East Circle, PESO
7. Sri Saroj Kr. Bag, Divisional Fire Officer, North 24 Parganas
8. Shri Biswa Chand Thakur, Addl. SP, Barasat
9. Shri Amar Nath Goswami, Sr. Law Officer, WBPCB
10. Shri Abhijit Pathak, Sc. D, CPCB, RD-Kolkata
11. Shri Sandeep Roy, Sc. D, CPCB, RD-Kolkata.
12. Smt. Rita Datta, Env. Engr. & In- Charge, Barrackpore R.O., WBPCB
13. Smt. Manjira Biswas Asst. Env. Engr, WBPCB

Minutes of the 2nd meeting of the joint Committee held on 19/11/2023 is attached as **Annexure 2**.

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### 2.2.1 The observations of site visits:

The accident site is situated in residential area, at Mochpole village, Nilganj Gram Panchyat, under Duttapukur (PS) Police Station, Dist: North 24 Parganas, West Bengal.

As informed by Office of the DM, PESO and WBPCB, no Permission/License, or CTO etc. was issued to Site Owner/Operator to run any industrial/commercial activities at the said premises.

- I. During the visit it was reported by the local residents and Shri Saroj Bag, Divisional Fire Officer, North 24 Parganas WB Fire & Emergency Department, that there was a massive explosion in the illegal fireworks manufacturing and storing Unit occurred in morning hours. The two-storied building collapsed in the blast including the illegal fireworks manufacturing and storing Unit. The roof of the illegal fireworks manufacturing and storing Unit was torn off by the force of the blast, and the building was completely destroyed. The entire area was practically turned into rubble as a result of the blast. Buildings around the illegal fireworks manufacturing and storing Unit were also sustained considerable damage (Fig. 1).
- II. As informed by the local residents that there was an occurrence of a single loud blast, audible from a considerable distance. The incident took place on 27/08/2023 morning around 10 am.
- III. As a consequence of the blast, the alleged building was completely destroyed and houses adjacent to the alleged site (building) sustained significant damages, including the rupture of iron grills/shutters, damage to walls, roof parapet walls, roof landing, rooftop, etc. (Fig 2 & Fig. 3).
- IV. The alleged building was situated in Residential area but being utilized for commercial purpose (illegal fireworks manufacturing and storage).

#### 2.2.1.1. Site Visits on 10.10.2023



Devastation at accident site (photo taken on 10.10.2023)

1A



Fig. 1. Alleged Site where incident occurred (photo taken on 10.10.2023)



Wreckage of adjacent properties at opposite side of the road due to blast (photo taken on 10.10.2023)



Fig. 2 Damage of Adjacent nearest Household/ Building due to blast (photo taken on 10.10.2023)

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Fig. 3 Debris at Site (photo taken on 10.10.2023)

#### ***2.2.1.2. Site Visit on 19.11.2023 by the Joint Committee***

The Members of the joint Committee, comprising Member Secretary CPCB, Member Secretary WBPCB, District Magistrate -North 24 Parganas, SP Presidency Division-Barasat and District Fire Officer-North 24 Parganas visited the accident site on 19.11.2023 along with officers from other departments.



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Fig 4. Joint Committee members at accident site on 19.11.2023

### 2.2.2 Extent of damage to Life

As per the report from the Police (SP Barasat & OC Dattapukur), due to the incident, **nine (09)** Nos. of casualties were registered by Police Department among them two persons reported to be minor. The details are furnished herewith. As reported, in addition to the casualties at least **eight (08)** persons have suffered from injuries due to the accident.

SI No	Name of the deceased Person	Resident of
1	Masam Sk. S/o Jirat Sk.	Suti, Murshidabad
2	Keramat Ali S/o Ayedali	Berunanpukhuria, Duttapukur, 24 Pgs (North)
3	Roni Sk S/o Esha Sk	Suti, Murshidabad
4	Andaz Sk S/o Jirat Sk	Suti, Murshidabad
5	Sahabaz Alam S/o Selim Khan	Sahebganj, Jharkhand
6	Jirat Sk S/o Hanif Sk	Suti, Murshidabad
7	Rabiyul Ali S/o keramat Ali	Berunanpukhuria, Duttapukur, 24 Pgs (North)
8	Samsul Ali	Mochpole, Duttapukur, 24 Pgs (North)
9	College Sk.	Suti, Murshidabad

The aforesaid, eight injured persons were treated in hospitals & released afterwards.

During the site visit, local residents informed that one (01) No. of Animal (Cow) was also succumbed to death due to the Blast or building collapse.

The report from Superintendent of Police, Barasat dated 9/10/2023 is placed at **Annexure -3**.

### 2.2.3. Extent of damage to Environment

- I. The alleged unit is illegal as no license, authorization and or consent, were issued by any Government Department. (*Ref. Report from DM dated 13.10. 2023, Annexure -4*).
- II. As informed by local residents, police officials and officers from fire department who reached the site within half an hour of the accident, there was only one blast without any fire incident. No evidence of fire accident was observed by the team and the same was also confirmed by the officer of fire department Govt. of West Bengal, who reached the site within half an hour. The police and fire fighters were rather engaged in recovering the victims and injured personnel.

1A

Therefore, there might be an instant sound pressure and dusty cloud in and around the site due to sudden demolition/collapse of buildings. As the C & D waste got settled within the vicinity very rapidly and the incident had no smoke, the environmental impact in air and water was not significant.

#### 2.2.4. Extent of damage of Properties

As observed by the officials visited the site on 10.10.2023, following properties were found damaged:

- I. A two-storied building (including the illegal fireworks manufacturing and storing Unit)
- II. Atleast 4 more buildings around the illegal fireworks manufacturing and storing Unit.

### 3. Sequence of Events and Measures taken

As per the report of Superintendent of Police, Barasat, and Officer in-charge, Duttapukur Police Station, the sequence of the events and measures taken by the local authorities are as follows:

- i. As informed by local people, a single blast (very Loud in nature, audible from long distance) was heard around 10 AM on 27/08/2023 and on receipt of the information IC, Duttapukur, PS rushed to the spot along with available officers and force.
- ii. Reaching the site, it came to light that the house of one Samsur Ali, who rented it to one Keramat Ali of Berunanpukhuria, Duttapukur, PS. Keramat Ali deployed some labourers from outside to run illegal manufacturing and storage of firecrackers where the blast happened.
- iii. Fire Brigade was called by police, injured and dead bodies were sent to hospital, the area of incident was cordoned.
- iv. A requisition was sent to CID BDDS team and Forensic Science Laboratory (FSL) to examine further.
- v. Team of FSL, CID BDDS visited the spot on 27.08.2023 and collected few samples for examination. Director of Department of Physics also visited the spot on 28.08.2023.
- vi. The visit/ analysis report of the samples, collected by FSL, is awaited till 19<sup>th</sup> November, 2023
- vii. The Superintendent of Police, Barasat Police District vide his Office Memo No. 1071/SP, dated: 17.11.2023 has informed that I.O. SI Aftarul Saikh collected the FSL field visit report of Assistant Director, Department of Chemistry, FSL, Dr. Debashis Saha where he reported that *"we could trace out the existence of single type of sound cracker by examining the entire blast site and adjacent manufacturing units; a wickless cracker which does not require fire to crack, although it cracks in presence of fire. This cracker is mainly cracked under the effect of mechanical force like pressure or friction. Blown out scene, type of large quantity of cracker lying in the scene and nearby manufacturing units, damage pattern, degree of damage of the houses present around the epicentre, depression of epicentre's concrete floor by about 2 ft. etc. Indicating that the two-room house was stocked with huge quantity of sound crackers."*
- viii. The Superintendent of Police, Barasat Police District, vide his office Memo No. 1071/SP dated: 17.11.2023 has informed that regarding chemicals identified reports are awaited and D.O. letter was also submitted for quick collection of Central Forensic Science Laboratory (CFSL) report.
- ix. The Superintendent of Police, Barasat Police District vide his Office Memo No. 1071/SP dated: 17.11.2023 has informed that reports are awaited and D.O. letter was also submitted for quick collection of CFSL report.
- x. The seized samples which were sent to CFSL, Kolkata for examination, the report of which is awaited till 19th November, 2023.

(Ref: Police report dated 9/10/2023 (Annexure -3) & DM report dated 13/10/2023 (Annexure 4).

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#### 4. Causes of Failure and Persons/Authorities Responsible

##### A. Possible cause of incident may be due to:

- a) Mixing up of non-compatible chemicals
- b) Use or storage of chemicals banned for bursting firecrackers manufacturing.
- c) Auto-heat generation due to mal-handling of explosive (if non compatible chemicals are mixed illegally or stored in closeness without proper safety and precaution).
- d) Negligence in handling of chemicals by the workers due to lack of knowledge, training etc.

Near actual root cause may be assessed only after obtaining the post incident chemical seizure list and forensic report.

##### B. Responsibility of failure

- a) The accident was caused by a single blast (very loud in nature, audible from a long distance), as reported by local residents.
- b) The house of one Samsur Ali, who rented it to one Keramat Ali of Berunanpukhuria, Duttapukur, PS. Keramat Ali deployed some labourers from outside to run illegal manufacturing and storage of firecrackers where the blast happened.
- c) An FIR was lodged in the Police Department against four individuals held responsible for the blast. However, as informed by the police on-site, three persons (Keramat Ali, Samsul Ali and Rabiyl Ali) had already died due to injuries, and one person (Ramjan Ali) is in custody (jail) (Ref. Police report dated 17/11/2023, Annexure- 5).
- d) The unit, as indicated by the Office of the DM, PESO and WBPCB, does not have any type of permission, license, CTO, etc., to conduct such activities. Therefore, as an illegal unit, it may be assumed that no safety measures/proper training of the workers/on-site emergency plan were implemented in the unit.

#### 5. Violation of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and as amended thereof

- I. Under the Environment (Protection) Act, 1986, Govt. of India has notified "The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (MSIHC)". The MSIHC Rules, further amended in October, 1994 and January, 2000 to widen the scope and for stricter controls. The main objectives of the MSIHC rule are:

- i) To prevent major accidents arising from industrial activities
- ii) Limiting the effects of such accidents

As per the rules amended in October, 1994, to achieve these objectives by having a quantity-based approach, this rule provided 3 level of controls:

- a. Low Level Control: Proof of safe operation, reporting major accident, Preparation of MSDS Proper labelling of container, Information regarding imports.
- b. Medium Level Control: Low level control and Notification of site, Preparation of On-site/Off-site Emergency Plan, informing public likely to be affected
- c. High Level Control: Medium level control, and Safety report, Safety audit

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- II. Violation as per the MSIHC rules in this case, being illegal unit:
- a. Rules 4 (1b) which stipulates about, "Isolated storage of a hazardous chemical.
  - b. Rules 4 (2) which stipulates about, "Occupier who has to take adequate steps to- (i) prevent such major accidents and to limit their consequences to persons and the environment; (ii) provide to the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety.
  - c. Rules 7 which stipulates about, "An occupier shall not undertake any industrial activity unless he has submitted a written report to the concerned authority containing the particulars specified in Schedule 7 (notification of sites) at least 3 months before commencing that activity.
  - d. Rules 10 which stipulates about, "Have to prepare a safety report on that industrial activity containing the information specified in Schedule 8 and has sent a copy of that report to the concerned authority at least 90 days before commencing that activity.
  - e. Rules 13 which stipulates about, "Preparation of on-site emergency plan by the occupier.
  - f. Rules 13(4) which stipulates about, "The occupier shall ensure that a mock drill of the on-site emergency plan is concluded every six months.
  - g. Rules 15 which stipulates about, "Information to be given to persons liable to be affected by a major accident with the nature and safety measures and the "Dos" and "Don'ts" which should be adopted in the event of a major accident.
  - h. Rules 17 which stipulates about, "Every container of a hazardous chemical shall be clearly labelled or marked.
  - i. Non implementation of 3 level of safety control as per the rule.

**As this unit does not have any permission/ license, consent to operate (CTO), etc. from respective Government Departments to run such activities thus may be considered as illegal unit and the accident causing loss of life is a criminal offence.**

As per report from the police, Samsur Ali, the owner of the property, rented to Keramat Ali of Berunanpukhuria, Duttapukur, PS. Keramat Ali, who also died in the accident.

#### 6. Violation of the Explosives Rules, 2008

PESO has summarized the possible violations in this case as under: (Ref: para 11 of Annexure # 7) as under:

- a. The persons involved in the manufacturing, possession for sale has no authorization or license under the Explosives Rules-2008, constitutes a violation of Rule-07 of the said Rules.
- b. The premises was not licensed under Explosives Rules and not have manufacturing process approved by licensing authority, constitutes a violation of Rule-10(1)(a) of the Explosives Rules-2008

- c. The building used to manufacture explosives not complying with the specifications laid down in Schedule-VII annexed to said Rules, constitutes, a violation of Rule-10(1)(c) of Explosives Rules-2008
- d. The throw downs are not an authorized explosives and no person can manufacture, possess, sale any explosives unless it is declared as an authorized explosives by the Chief Controller of Explosives, this constitutes violation of Rule-6 of Explosives Rules-2008
- e. Coarse sand/ gravels are being mixed with the ingredients, constitutes violation of Rule-33 of Explosives Rules-2008.
- f. The untrained persons are being used in manufacturing explosives, constitutes violation of Rule-35 of Explosives Rules-2008
- g. Since the premises was an unauthorized premises and manufacturing un authorized explosives, constitutes violations of other provisions i.e. Rule - 26, Rule - 27, Rule - 28, Rule - 29, Rure - 31, Rule - 32, Rule - 33 of Explosives Rules 2008

*In addition to the above, the detail of Rule provisions and possible violation in this case of an illegal activities is attached as Annexure 8 (as suggested by PESO)*

**All these Rules got violated as the alleged unit is illegal, however; there is essentiality to ensure compliance to these for any industries having legitimate approval and license to operate firecracker industry. The Explosives Act, 1884 and the Explosives Rules, 2008 are meant/ framed to reduce the accidents and minimize the loss of public life and property & essentially needed by the industry to comply with.**

## 7. Recommendations of the Committee

### A. Identifying and Shutting Down Illegal Activity:

To effectively combat illegal activities in the firecracker industry, a multi-pronged approach is crucial. These efforts require:

Sl. No.	Actionable Points	Responsible Agencies
1.	<b>Increase Frequency and Coverage of Inspections:</b> Conduct regular, thorough inspections of high-risk locations based on intelligence and community tip-offs, prioritizing areas with documented illegal activity during high demand period.	Local Administration, District Authority, Police, Licensing Authority
2.	<b>Establish a Multi-agency Task Force:</b> Form a permanent multi-agency task force comprising police, PESO, district administration, and fire services to conduct joint raids and shutdowns of illegal operations based on coordinated intelligence gathering.	Multi-agency Task Force (Police, PESO, District Administration, Fire Services)
3.	<b>Encourage Public Participation:</b> Develop user-friendly reporting systems and incentivize community participation through hotlines and mobile apps to report suspicious activity and provide valuable leads	Local Administration, Police

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### B. Controlling Illegal Transport of Raw Materials:

Stemming the flow of illegal raw materials is essential for curbing unsafe firecracker production. This necessitates:

Sl. No.	Actionable Points	Responsible Agencies
1.	<b>Conduct Strategic Checkpoints:</b> Set up checkpoints at key transport routes identified through risk assessments and historical data on illegal transport patterns.	Police, Traffic Police
2.	<b>Enhance Personnel Training:</b> Provide comprehensive training for enforcement personnel on identifying and handling hazardous materials safely, including proper protocols for stopping and inspecting vehicles suspected of carrying illegal FWS.	Training facilities PESO & other training institutes
3.	<b>Strengthen Inter-agency Coordination:</b> Implement efficient joint operations involving police, traffic police, PESO, border security forces, and intelligence agencies to share information, track suspicious vehicles, and conduct coordinated interceptions of FWS.	Police, Traffic Police, Border Security Forces, Intelligence Agencies

### C. Enforcing Licenses:

Ensuring responsible manufacturing practices demands rigorous enforcement of licensing and consent procedures. This involves:

Sl, no.	Actionable Points	Responsible Agencies
1.	<b>Streamlining of all statutory licencing mechanism:</b> Simplify and streamline the application processes for licences from the authorities as per applicable norms.	Licensing Authority (Central/State Government)
2.	<b>Conduct Surprise Audits:</b> Implement surprise audits and inspections of licensed firecracker manufacturing units by a joint team comprising PESO, SPCBs, and factory inspectors to ensure adherence to regulations and identify violations.	Factory Inspectorate
3.	<b>Implement Compliance Tracking:</b> Development of check list for compliance system to track violations, impose graduated penalties (including license suspension or revocation for repeat offenders), and publicly publish compliance reports for transparency.	Licensing Authority, Factory Inspectorate
4.	<b>Group insurance</b> providing for higher compensation of not less than Rs. 5,00,000	Licensing Authority (Central/State Government), District Administration.

### D. Implementing Required Safety Measures:

Prioritizing safety at every stage of production is paramount. To achieve this, the following measures are vital:

Sl, no.	Actionable Points	Responsible Agencies
1.	<b>Develop Standardized Training:</b> Create and implement standardized safety training modules and certification programs for all personnel involved in firecracker manufacturing, storage, and handling.	Training facilities (PESO & other institutes)

2.	<b>Publish Best Practices:</b> Disseminate best practices and guidelines for safe firecracker handling, storage, and transportation to all stakeholders in the industry, ensuring adherence to safety standards.	Licensing Authority/ Fire Services/ Factory Inspector
3.	<b>Invest in Modern Equipment:</b> Encourage or mandate investments in modern safety equipment, fire protection systems, and personal protective gear (PPEs) for workers in firecracker manufacturing units to mitigate risks.	Licensee (with supervision from Licensing Authority/ Fire Services/ Factory Inspector)
4.	<b>Conduct Regular Safety Audits:</b> Conduct regular safety audits of manufacturing units by qualified professionals to identify potential hazards, recommend corrective actions, and ensure compliance with safety regulations.	Fire Services, Factory Inspectors, Licensing Authority
5.	<b>Occupational Health surveillance:</b> periodical health check-up of the employees	Factory Inspectors
6.	District Disaster Management Authority (DDMA) and Co-ordination Committee constituted shall meet periodically and review effective monitoring mechanism and suggest measures for prevention and recurrence of such accidents.	District Administration, Fire Services, DDMA

#### E. Promoting Public Awareness:

Enhancing public awareness about safe firecrackers use and the dangers of illegal practices is critical for fostering responsible behaviour. This can be achieved through:

Sl. No.	Actionable points	Responsible Agencies
1.	<b>Secure Media Partnerships:</b> Partner with media outlets, social media platforms, and influencers to reach wider audiences through newspaper, engaging campaigns, public service announcements, and educational content specially during high demand period	State Government Agencies
2.	<b>Implement Reward Programs:</b> Design and implement reward programs to incentivize reporting of illegal activity, promoting responsible behavior and discouraging unsafe practices.	District Administration, NGOs

#### F. Harmonizing Licenses and Consents Across Agencies:

To ensure consistent and effective regulation, streamlining and unifying the licensing and consent process across all involved agencies is essential. This necessitates:

Sl. No.	Actionable points	Responsible Agencies
1.	<b>Streamline Online Applications:</b> Develop and implement online application and approval systems for licenses and consents across all agencies to enhance efficiency and transparency.	State Licensing Authorities
2.	<b>Standardize Training Programs:</b> Develop and implement standardized training programs for all officials involved in firecracker regulation and enforcement to ensure consistent application of rules and procedures.	Licensing authority through training institute
3.	Development of a centralized database to track licenses, inspections, compliance records, and incident reports.	MOCI

MOCI: Ministry of Commerce and Industry;

- G. Construction and demolition waste (C&D waste) generated due to the accident be assessed that the same are falling under the Hazardous waste or not. Thereafter, such waste be disposed as per Construction and Demolition Waste Management Rules, 2016 or Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as applicable.

## 8. Concluding Remarks

This untoward incident of fatal accident in illegal firecracker storage and manufacturing industries has been taken very seriously by the State government. Several initiatives have been undertaken which includes;

- Issuance of order by the WBPCB vide No. 377-432L/WPB/23 dated 17.10.2023 related to noise level limits in the State of West Bengal for the sound emitting green firecrackers shall be within 125 dB and the light emitting green firecrackers shall be within 90 dB measured at a distance of 4 meters from the point of bursting as per the formulation of CSIR-NEERI.
- If the any manufacturer wants to test the samples of their green firecrackers may get it tested at the laboratory of Haldia Regional Office, WBPCB after duly applying to the CSIR-NEETRI instead of sending to same to Nagpur.

An online portal has also been prepared to apply and approve applications for setting up manufacturing and temporary green fire cracker units in the State. Willing applications have been imparted training on how to apply for such licences.

The committee takes this precedence as an opportunity to have better and comprehensive management in fireworks industry. This guideline document may help to prevent such incident in future the recommendations of the committee shall be implemented strictly by all concerned Departments. Cohesiveness among all concerned departments needs to be improved to avoid more fatalities and property loss by similar incidents in addition to protection of Environment as well.



Member Secretary  
West Bengal Pollution Control Board



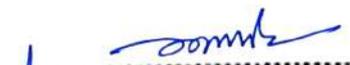
Member Secretary  
Central Pollution Control Board



District Magistrate  
North 24 Paraganas



Divisional Fire Officer  
North 24 Paraganas



Joint Chief Controller of Explosives  
East Circle, PESO

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**Minutes of 1<sup>st</sup> Meeting (Virtual) of the Joint Committee in the matter of OA 542/2023 of Hon'ble Green Tribunal, Principal Bench, New Delhi regarding news report published in The Hindu dated 28.08.2023 titled "Eight killed in blast at illegal fireworks unit in West Bengal"**

Following officers were present in the meeting:

1. Dr. Rajesh Kumar, IPS, Member Secretary, West Bengal Pollution Control Board.
2. Shri. Bharat K. Sharma, Member Secretary, Central Pollution Control Board
3. Shri. Sharad Kumar Dwivedi, IAS, District Magistrate, North 24 Parganas District, West Bengal (**Nodal Officer**)
4. Shri. Ajoy Singh, Deputy Chief Controller of Explosive, Office of Jt. Chief Controller, Petroleum and Explosive Safety Organization (PESO)
5. Shri Mrinal Kanti Biswas, Regional Director of CPCB, Kolkata
6. Shri Saroj Bag, Divisional Fire Officer, North 24 Parganas WB Fire & Emergency Department

The meeting was held in terms of the direction of Hon'ble Green Tribunal, Principal Bench, New Delhi in connection with a blast at Illegal fireworks unit occurred at Duttapukur under North 24 Parganas district on 27/08/23. Hon'ble National Green Tribunal formed a joint Committee comprising Petroleum and Explosives Safety Organization (PESO), Chief Fire Officer, the Member Secretary, WBPCB, Member Secretary, Central Pollution Control Board (CPCB) and District Magistrate, North (24) Parganas District, West Bengal. As per the direction, The DM will act as Nodal Agency for coordination and compliance. MS, WBPCB further informed that the Hon'ble tribunal directed that the Committee will visit the site, ascertain the cause of accident and violation of Environmental laws especially the 'The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989', (MSIHC, Rules, 1989) and submit report before the Hon'ble National Green Tribunal, Eastern Bench **within 6 (six) weeks.**

Nodal officer DM, North 24 Parganas requested MS, WBPCB to start the meeting. Accordingly, MS, WBPCB submitted that Hon'ble National Green Tribunal, in its Order dated 05.09.2023 observed that the incident has taken place at an illegal fire cracker manufacturing unit in the Mochpol Area, in Duttapukur P.S in the District of North (24) Parganas. Hon'ble National Green Tribunal observed from the report that there is clear violation of Environmental laws especially the regulations relating to handling of hazardous substance under 'The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989', issued under the Environment (Protection) Act, 1986.

Accordingly, MS, WBPCB requested the nodal officer to furnish the following documents/information for ascertaining the violations of environmental laws particularly

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'The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989' (MHSHC, Rules, 1989):

1. Detailed report from concerned DM and SP regarding the incident as on today.
2. Detail material and safety data sheet of the chemicals which were detected in the concerned site so far.
3. Report from the local authority regarding statutory licenses, if any.
4. Whether the chemicals identified were used for fire crackers or any other material.
5. Whether the storage chemicals are coming within the purview of MSIHC Rules, 1989.
6. If such chemicals are coming within the purview of MSIHC, Rules, 1989 then it is to be ascertained whether it will be treated as isolated storage or it will be treated as a part of installation of the unit.
7. The number of magazines in the district and thereafter inventorization of magazines in the State for the purpose of safe keeping of manufactured green fire crackers or its raw material.

Deputy Chief Controller of Explosive stated that they visited the concerned site immediately after the incident. However, considering the order of the Hon'ble NGT the forensic report of the samples collected from the concerned site is to be looked into.

MS, CPCB pointed out that the actual cause of the incidence is required to be identified. He further added that violation of environmental laws particularly MSIHC Rules, 1989 is to be ascertained. A presentation in this regard mentioning the major provisions of MHISC Rules, 1989, Explosive Rules, 2008, list of documents required from concerned departments etc. was provided by Regional Director, CPCB which is enclosed herewith. MS, CPCB further suggested a field visit by committee members in the concerned place in compliance of the order of the Hon'ble NGT.

A site visit in this regard was fixed on 10.10.2023.

41-73-11  
26/10/23  
Nodal Officer

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**Minutes of 2nd meeting of the Joint committee in the matter of O.A. No. 542/2023 of the Hon'ble Green Tribunal, Principal Bench, New Delhi regarding news report published in the Hindu dated 28.08.2023 titled "Eight killed in blast at illegal Firecrackers Unit in West Bengal" held at Conference Hall 1, Office of District Magistrate North 24 Parganas, Barasat on 19.11.23.**

The following Officials were present in the meeting:

1. Dr. Rajesh Kumar, IPS, Member Secretary, West Bengal Pollution Control Board
2. Shri Bharat K. Sharma, Member Secretary, Central Pollution Control Board
3. Sri Sharad K. Dwivedi, IAS, District Magistrate, North 24 Parganas(Nodal Officer)
4. Shri Bhaskar Mukherjee, IPS, Supdt. of Police, Barasat Police District
5. Shri Mrinal Kanti Biswas, Regional Director, CPCB, Kolkata
6. Shri Rabindra Jain Beruly, Dy Controller of Explosives, East Circle, PESO
7. Sri Saroj Kr. Bag, Divisional Fire Officer, North 24 Parganas
8. Shri Biswa Chand Thakur, Addl. SP, Barasat
9. Shri Amar Nath Goswami, Sr. Law Officer, WBPCB
10. Shri Sandeep Roy, Sc. D, CPCB, Kolkata
11. Shri Abhijit Pathak, Sc. D, CPCB, Kolkata
12. Smt. Rita Datta, Env. Engr. & In- Charge, Barrackpore R.O., WBPCB
13. Smt. Manjira Biswas, Asst. Env. Engr, WBPCB

#### Points discussed in Meeting at DM Office

District Magistrate, North 24 Parganas, welcomed the committee members and officials from WBPCB, CPCB, PESO, Fire Services, Police department and all other concerned officials attending the meeting.

Dr. Rajesh Kumar, Member Secretary, WBPCB, elaborated in detail about the case and its updated status before the committee members. Dr. Kumar, has referred the report prepared and submitted by the District Magistrate, North 24 Parganas on 17.11.2023 and briefed the member about the incident as detailed by the Police department. The alleged firecracker Unit was illegal and prima facie the blast took place without fire and due to pressure or friction of a large quantity of bursting crackers. CFL has drawn the sample and report is awaited to conclude about cause of incident.

Dr. Kumar mentioned that West Bengal being a traditional hub of fireworks manufacturing, the Govt. of West Bengal and administration is very serious in this matter and keen to prevent these types of accidents in future. Several initiatives have been undertaken to control and transform firecracker industries in terms of product quality and operational safety. An online portal has also been prepared to apply and approve applications for setting up manufacturing and temporary green fire cracker units in the state. Willing applicants have been imparted training on how to apply for such licenses.

Sh. Bharat Sharma, Member Secretary, CPCB mentioned that although the alleged firecracker unit is illegal, the committee may consider to list out the legal obligation of firecracker manufacturing and storage units in terms of environmental legislations under the provision of The Air (Prevention and Control of Pollution) Act 1981, The Water (Prevention and Control of Pollution) Act, 1974, and The Environment Protection Act, 1986.

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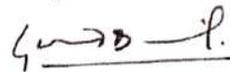
As firecracker industry is categorized as RED, the compliance to CTE and CTO shall be made mandatory for all. Sh. Sharma emphasized on implementation of all safety norms prescribed by PESO under Explosive Rules, 2008 and Factories Act. He also suggested to inventorize the number of licensed firecracker units and ensure physical inspection of those units for strict compliance to prevent such accident. Member Secretary, CPCB raised the need of regular training on safety and operation to the fireworks industry workers. MSME Department, PESO, Fire Dept. may help in this purpose.

Mr. Rabindra Jain Beruly, representative of PESO informed that the information on licensed manufacturers and store operators are available in PESO's portal. It was also informed that the industries are inspected but not very regularly. The manpower constraint in PESO is a major hindrance in performing inspection of all industries at regular intervals.

Official of CPCB mentioned that compliance to the conditions mentioned in license for manpower deployment is disobeyed in many cases in firecracker industries, which causes more casualties in case of accidents.

Dr. Rajesh Kumar, Member Secretary, WBPCB suggested that the Police department and fire department may jointly enhance vigil and surveillance to identify illegal fireworks manufacturing unit. He also suggested that the report may include all suggestive measures discussed in this meeting for implementation in legal firecracker industries to minimize risks of life and property loss.

Meeting was concluded with thanks to and from the chair.



Nodal Officer &  
District Magistrate  
North 24 Parganas

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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE SUPERINTENDENT OF POLICE  
BARASAT POLICE DISTRICT

Memo No. 986/CP

Dated: 09/10/2023.

To,  
The District Magistrate,  
North 24P Parganas,

**Subject: Report regarding the incident of blast at Duttapukur on 27.08.23.**

**Reference: Memo No 423/Con (G) dated 06.10.23.**

Sir,

With reference to the incident of blast at Mochpole, Duttapukur on 27.08.23 and in compliance of the Joint committee meeting held on 06.10.23 the following point wise report is furnished -

**1. Detail report regarding incident of blast:**

on 27.08.2023 morning an information was received at Duttapukur PS that an incident of blast took place at Mochpole of Nilganj GP under Duttapukur PS in which several persons got injured and died. On receipt of the information IC, Duttapukur PS immediately rushed to the spot along with available officers and force.

On reaching the spot it came to light that some firecrackers were illegally stored in the house of one Samsur Ali of Mochpole who gave that building on rent to one Keramat Ali of Berunanpukhuria, PS Duttapukur. Keramat Ali deployed some laborers from outside to run the illegal manufacturing and storing of firecrackers. Police immediately called the fire brigade and cordoned the Place of Occurrence, with local assistance sent the injured persons and bodies of dead persons to hospital. PO was cordoned and requisition was sent to CID BDDS team and FSL team to examine the PO. Accordingly Assistant Director Department of Chemistry, FSL Dr. Debashis Saha in presence of CID BDDS team visited the P.O on 27.08.23 and 28.08.23 and collected some samples from the P.O and handed it over to the IO. Dr. Chitraksha Sarkar, Director of Department of Physics, FSL also visited the spot on 28.08.23. The visit report of the FSL team is still awaited. However the seized samples have been sent to CFSL, Kolkata for examination but its examination report is also awaited.

On 27.08.23 at about 14.05 hrs. one Prabhash Chakraborty S/O Sudarshan Chakraborty of Vill-Mochpole, Po-Nabapally, PS-Duttapukur, North 24 Parganas submitted a written complaint at Duttapukur PS to the effect that one Samsur Ali, Keramat Ali and Rabiul Ali with the help of Ramjan Ali @ Kalo were running an illegal fire crackers business of manufacturing and stocking at Mochpole under Duttapukur PS. Ramjan Ali used to employ workers/labours from Murshidabad for manufacturing those illegal fire crackers. On 27.08.2023 at about 10:00 hrs an explosion had occurred at the house of Samsur Ali, resulting which his house was damage completely and some people were seriously injured along with Samsur Ali, Keramat Ali and Rabiul Ali. Instantly they were shifted to Hospital, where some of them were declared dead. Following persons namely (i) Ramjan Ali @ Kalo, (ii) Samsur Ali @ Khude, (iii) Keramat Ali, (iv) Rabiul Ali and others are responsible for illegal storing firecrackers and explosive substances and the resultant incident.

Over this complaint started Duttapukur PS Case No. 875/2023 Dtd. 27.08.2023 U/S 286/308/304/34 IPC and 9(b) I.E Act and 24/26 WB Fire Service Act and was endorsed to SI Avishek Belel of Duttapukur PS for investigation.

During investigation the deaths of 09 persons were confirmed in the incident. The bodies were identified as 1) Masum Sk, S/O Jirat Sk of Suti, Murshidabad 2) Keramat Ali, S/O Ayed Ali, of Berunanpukhuria, PS- Duttapukur 3) Rony Sk, S/O Esha Sk, of Suti, Murshidabad 4) Andaz Sk, S/O Jirat Sk, of Suti, Murshidabad 5) Sahabaz Alam, S/O Selim Khan of Sahebgunj, Jharkhand 6) Jirat Sk, S/O Hanif Sk, Of Suti, Murshidabad 7) Rabiul Ali, S/O Keramat Ali, Of Berunanpukhuria, PS- Duttapukur 8) Samsul Ali @ Samsur, of Mochpole, PS - Duttapukur 9) College Sk, of Suti, Murshidabad. The bodies of the deceased persons were handed over to their family members after obeying the necessary formalities. Eight injured persons were also underwent treatments in hospitals and were subsequently released.

**2. Detail material and safety data sheet of the chemicals which were detected in the concerned site so far:**

Two FSL teams visited the spot. One team headed by Assistant Director Department of Chemistry, FSL Dr. Debashis Saha visited the P.O on 27.08.23 and 28.08.23 and collected some samples from the P.O and handed it over to the IO. Another team headed by Dr. Chittraksha Sarkar, Director of Department of Physics, FSL visited the spot on 28.08.23. The visit report of the FSL teams is still awaited. The seized samples have been sent to CFSL, Kolkata for examination but its examination report is also awaited.

**3. Report from the local authority regarding license:-**

There is one licensed firecracker storage unit under Duttapukur under Barasat Police District.

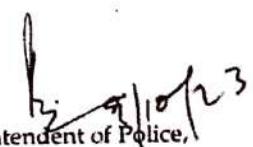
Sl No.	Name of the Unit with name of the Proprietor/ Operator	Contact Number	LOCATION		
			Village/ Area	GP/ Ward	Block/ Municipality
1	M/S Janki Das Narula	9831033441	at Saibona near Nandulal Mondir beside St. Merry College, PO-Malikapur, PS-Duttapukur, North 24 Pgs.	Ichapur Nilgarj	Barasat-1

4. Whether the chemicals identified were used for fire crackers:- Reports awaited.

5. Whether the storage chemicals are coming within the purview of MSIHC Rules:  
Reports awaited.

6. If such chemicals are coming within the perview of MSIHC, Rules 1989 then it is to be ascertained whether it will be treated as isolated storage or it will be treated as a part of installation of the unit :- Not applicable.

7. The number of magazines in the district and thereafter inventorization of magazines in the state for the purpose of safe keeping of manufactured green fire crackers or its raw materials - This required data may be obtained from the appropriate authority.

  
Superintendent of Police,  
Barasat Police District



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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT MAGISTRATE  
NORTH 24 PARGANAS

No. 433/con(ca)Date: 13/10/2023.

To  
Dr. Rajesh Kumar, IPS,  
Member Secretary,  
West Bengal Pollution Control Board,  
Salt Lake.

Sub: Report in connection with the Hon'ble National Green Tribunal in terms of the Solemn Order dated 05.09.2023 passed in OA No.542/2023 in the matter of News Published in The Hindu - vs.- The State of West Bengal & Ors.

Sir,

With reference to above, it was requested to furnish the documents/information for ascertaining the violation of environmental laws particularly "The Manufacture, Storage and Import of Hazardous Chemicals Rules,1989, (MSIHC, Rules 1989)" with respect to the seven points enumerated therein. The point-wise reply is as below:

- Detailed report regarding the incident:**  
Superintendent of Police, Barasat Police District vide memo no. 986/SP dated 09.10.2023 has submitted a detailed report which is enclosed herewith. Details pertaining to the incident have been mentioned at point no.1 of the said report.
- Detail material and safety data sheet of the chemicals which were detected in the site so far:**  
The said report is awaited as mentioned at point 2 in the report of Superintendent of Police, Barasat Police District.
- Report from the local authority regarding statutory licenses, if any:**  
No license was issued from the district authority.
- Whether the chemicals identified were used for fire crackers or any other material :**  
As per point 4 of the report of Superintendent of Police, Barasat Police District, the reports are awaited.
- Whether the storage chemicals are coming within the purview of MSIHC Rules :**  
As per point 5 of the report of Superintendent of Police, Barasat Police District, the reports are awaited.
- If such chemicals are coming within the purview of MSIHC Rules 1989 then it is to be ascertained whether it will be treated as isolated storage or it will be treated as a part of installation of the unit : Not applicable.**

7.

The number of magazines in the district and thereafter inventorization of magazines in the state for the purpose of safe keeping of manufactured green fire crackers or its raw materials:

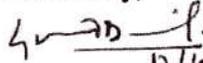
As per available report, there is license in the name of M/s. Janki Das Narula at Saibona near Nandulal Mondir beside St. Merry College, P.O Malikapur, P.S Duttapukur. The details of license(s) may be obtained from the Office of the Joint Chief Controller, Petroleum and Explosives Safety Organisation (PESO).

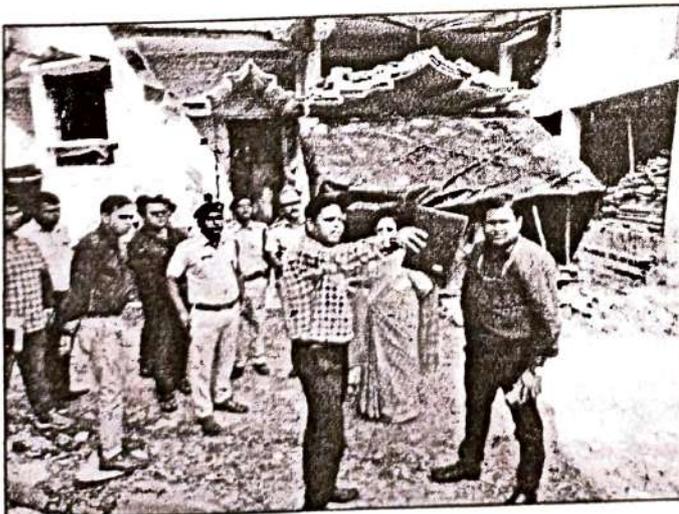
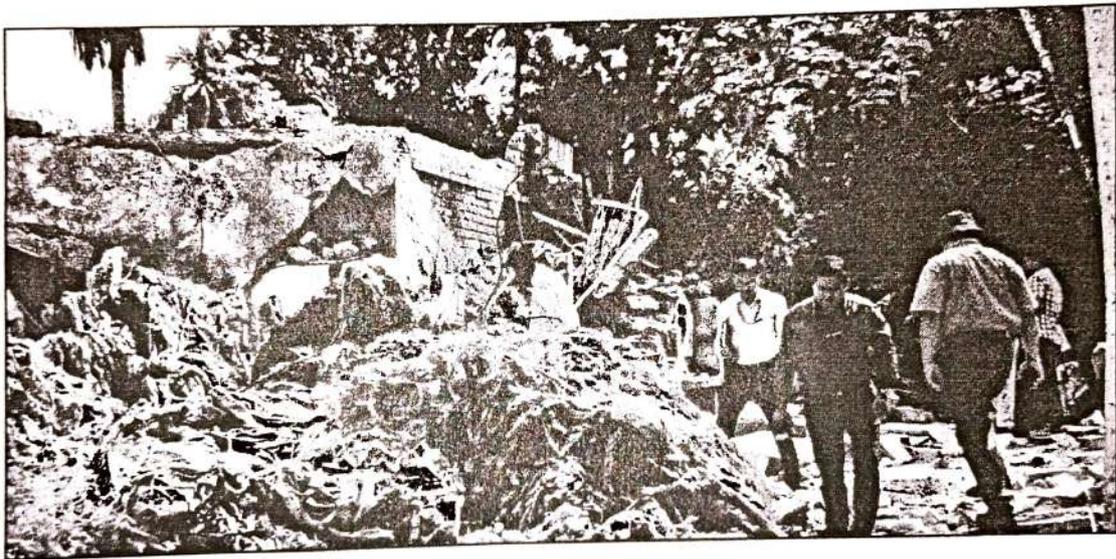
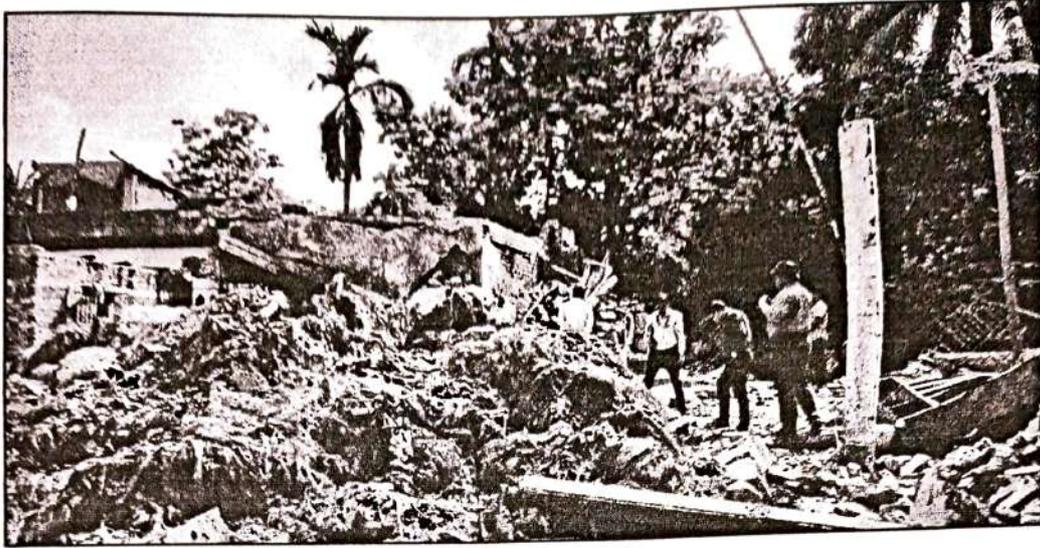
It is also pertinent to mention that as discussed in the meeting dated 06.10.2023, a joint visit was conducted on 10.10.2023. Some photographs of the visit and members who had visited is annexed as Annexure 'A'.

This is for favour of your kind perusal.

Enclo.: As stated.

Yours faithfully,

  
12/10/23  
District Magistrate  
North 24-Parganas





The Superintendent of Police  
Barasat Police District.

Subject: Report regarding the incident of blast at Duttapukur on 27.08.23.

Reference: Org No 469/SP dated 16/11/2023.



With reference to the incident of blast at Mochpole, Duttapukur on 27.08.23 the following point wise report is furnished

1. Detail report regarding incident of blast: -

on 27.01.2023 morning an information was received at Duttapukur PS that an incident of blast took place at Mochpole of Nilgari GP under Duttapukur PS in which several persons got injured and died. On receipt of the information IC, Duttapukur PS immediately rushed to the spot along with available officers and force.

On reaching the spot it came to light that some firecrackers were illegally stored in the house of one Samsur Ali of Mochpole who gave that building on rent to one Keramat Ali of Berunanpukuria, PS Duttapukur Keramat Ali deployed some laborers from outside to run legal manufacturing and storing of firecrackers Police immediately called the fire brigade and cordoned the Place of Occurrence, with local assistance sent the injured persons and bodies of dead persons to hospital. PO was cordoned and requisition was sent to CID BDDS team and FSL team to examine the PO. Accordingly, Assistant Director Department of Chemistry, FSL. Dr. Debashis Saha in presence of CID BDDS team visited the PO on 27.08.23 and 28.08.23 and collected some samples from the P.O and handed it over to the I.O. Dr. Chittraksha Sarkar Director of Department of Physics, FSL also visited the spot on 28.08.23. The visit report of the FSL team is still awaited. However, the seized samples have been sent to CFSL Kolkata for examination but its examination report is also awaited.

On 27.08.23 at about 14:05 hrs is one Pravash Chakraborty, S/O Sudarshan Chakraborty of Villi-Mochpole, Pe-Nabopally PS-Duttapukur, North 24 Parganas submitted a written complaint at Duttapukur PS to the effect that one Samsur Ali, Keramat Ali and Rabiul Ali with the help of Ramjan Ali @ Kalo were running an illegal fire crackers business of manufacturing and stocking at Mochpole under Duttapukur PS. Ramjan Ali used to employ workers/labours from Murshidabad for manufacturing those illegal fire crackers. On 27.08.2023 at about 10:00 hrs an explosion had occurred at the house of Samsur Ali, resulting which his house was damage completely and some people were seriously injured along with Samsur Ali Keramat Ali and Rabul Ali, instantly they were shifted to Hospital, where some of them were declared dead. FIR named persons namely (i) Ramjan Ali @ Kalo (ii) Samsur Ali @ Khude, Keramat Ali, Rabiul Ali and there and response to illegal storing firecrackers and explosive. substances and the resultant incident.

Over this complaint started Duttapukur PS Case No. 875/2023 Dtd 27.08.2023 U/S 286/308/304/34 IPC and 9(b) I.E Act and 24/26 WB Fire Service Act and was endorsed to SI Avishek Belel of Duttapukur PS for investigation.

During investigation the deaths of 09 persons were confirmed in the incident. The bodies were identified as 1) Masum Sk, S/O Jirat Sk of Suti, Murshidabad 2) Keramat Ali, S/O Ayed Ali of Berunanpukhuria, PS Duttapukur 3) Rony Sk, S/O Esha Sk, of Suti, Murshidabad 4) Andaz Sk. S/O Jirat Sk, of Suti, Murshidabad 5) Sahabaz Alam, S/O Selim Khan of Sahebganj Jharkhand 6) Jirat Sk, S/O Hanif Sk, Of Suti, Murshidabad 7) Rabiul Ali, S/O Keramat Ali, Of Berunanpukhuria, PS- Duttapukur 8) Samsul Ali & Samsur, of Mochpole, PS Duttapukur 9) College Sk, of Suti, Murshidabad. The bodies of the deceased persons were handed over to their family members after obeying the necessary formalities. Eight injured persons were also underwent treatments in hospitals and were subsequently released.

2. Detail material and safety data sheet of the chemicals which were detected in the concerned site so far

Two FSL teams visited the spot. One team headed by Assistant Director Department of Chemistry, FSL Dr. Debashis Saha visited the P.O on 27.08.23 and 28.08.23 and collected some samples from the P.O and handed it over to the I.O. Another team headed by Dr. Chittraksha Sarkar, Director of Department of Physics, FSL visited the spot on 28.08.23.

In the meantime, I.O SI Aftarul Saikh collected the FSL field visit report of Assistant Director Department of Chemistry, FSL Dr. Debashis Saha where he reported that "We could trace

DR No - 6015/23 Dt - 17/11/23

about the existence of single type of sound cracker by examining the entire blast site and adjacent manufacturing units; a wickless cracker which does not require fire to crack, although it cracks in presence of fire. This cracker is mainly cracked under the effect of mechanical force like pressure or friction. Blown out scene, type of large quantity of cracker lying in the scene and nearby manufacturing units, damage pattern, degree of damage of the houses present around the epicenter, depression of epicenter's concrete floor by about 2 ft etc. indicating that the two-room house was stocked with huge quantity of sound crackers".

3. Report from the local authority regarding license-

There is one licensed firecracker storage unit under Duttapukur under Barasat Police District in the name of M/S Janaki Das Narula.

4. Whether the chemicals identified were used for fire crackers: - Reports awaited and D.O letter also submitted for quick collection of CFSL report.

5. Whether the storage chemicals are coming within the purview of MSIHC Rules: Reports awaited and D.O letter also submitted for quick collection of CFSL report.

6. If such chemicals are coming within the preview of MSIHC, Rules 1989 then it is to be ascertained whether it will be treated as isolated storage or it will be treated as a part of installation of the unit: Not applicable.

7. The number of magazines in the district and thereafter inventorization of magazines in the state for the purpose of safe keeping of manufactured green fire crackers or its raw materials - This required data may be obtained from the appropriate authority.

**Investigation so far:** - During investigation SI Aftraul Saikh arrested FIR named accused person SK Romjan Ali @ Kalo and took him on Police remand and also seized more illegal fire crackers from possession of SK Romjan Ali @ Kalo. I.O also collected the injury reports of injured persons from Barasat Medical college and Hospital.

In the meantime, the case was made over to SI Sumoy Ghosh. During investigation SI Sumoy Ghosh tried to collect the CFSL report and also submitted the D.O letter from SP Barasat PD to the Director of CFSL Kolkata. The report is still awaited. After completion of investigation I.O SI Sumoy Ghosh submitted C.S vide Charge Sheet No. 1124/23 Dt. 10.11.2023 U/S 286/308/304/427/34 IPC & 24/26 WB Fire Service Act and supplementary charge sheet will be submitted on receipt of report from CFSL Kolkata under Explosive Substance Act.

This is for your kind perusal.

Yours faithfully

*Sujit Paul*  
I/C, Duttapukur PS  
Barasat PD  
Dt. 17.11.2023

Inspector-in-Charge  
Duttapukur Police Station  
Barasat Police District

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE DISTRICT MAGISTRATE & DISTRICT COLLECTOR  
NORTH 24 PARGANAS

No. 496/Com(a)

Date: 17/11/2023

To  
Dr. Rajesh Kumar, IPS  
Member Secretary,  
West Bengal Pollution Control Board,  
Salt Lake.

Sub: Report in connection with meeting held on 06/10/2023 as per direction of the Hon'ble National Green Tribunal in terms of the solemn order dated 05.09.2023 in OA No.542/2023 in the matter of News Published in The Hindu - vs.- The State of West Bengal & Ors.

Ref: This Office's Memo No. 433/Con (G) dated 13/10/2023

Sir,

In continuation to the report sent vide this office's Memo No. as mentioned above, it is to submit that the Superintendent of Police, Barasat has given an updated status vide memo no. 1071/SP dated 17.11.2023 (copy enclosed).

Point-wise update is as below:

**1. Detailed report regarding the incident:**

Detailed report was already submitted vide this office's memo no.433/Con(G) dated 13/10/2023.

**2. Detail material and safety data sheet of the chemicals which were detected in the site so far:**

The Superintendent of Police, Barasat Police District vide his office memo.no.. 1071/SP dated 17.11.2023 has informed that I.O. SI Aftarul Saikh collected the FSL field visit report of Assistant Director, Department of Chemistry, FSL Dr. Debashis Saha where he reported that "we could trace out the existence of single type of sound cracker by examining the entire blast site and adjacent manufacturing units; a wickless cracker which does not require fire to crack, although it cracks in presence of fire. This cracker is mainly cracked under the effect of mechanical force like pressure or friction. Blown out scene, type of large quantity of cracker lying in the scene and nearby manufacturing units, damage pattern, degree of damage of the houses present around the epicenter, depression of epicenter's concrete floor by about 2 ft etc. indicating that the two-room house was stocked with huge quantity of sound crackers."

**3. Report from the local authority regarding statutory licenses, if any:**

As already mentioned vide this office's memo no. 433/Con (G) dated 13/10/2023, no license was issued from district authority.

**4. Whether the chemicals identified were used for fire crackers or any other material :**

The Superintendent of Police, Barasat Police District vide his office memo.no.. 1071/SP dated 17.11.2023 has informed that reports are awaited and D.O. letter was also submitted for quick collection of CFSL report.

**5. Whether the storage chemicals are coming within the purview of MSIHC Rules:**

The Superintendent of Police, Barasat Police District vide his office memo.no.. 1071/SP dated 17.11.2023 has informed that reports are awaited and D.O. letter was also submitted for quick collection of CFSL report.

6. If such chemicals are coming within the purview of MSIHC Rules 1989 then it is to be ascertained whether it will be treated as isolated storage or it will be treated as a part of installation of the unit:

Not applicable.

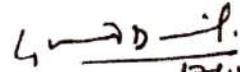
7. The number of magazines in the district and thereafter inventorization of magazines in the state for the purpose of safe keeping of manufactured green fire crackers or its raw materials:

As mentioned in this office's memo no. 433/Con (G) dated 13/10/2023 that as per available report, there is license in the name of M/s. Janki Das Narula at Saibona near Nandulal Mondir beside St. Merry College, P.O Malikapur, P.S Duttapukur. The details of license(s) may be obtained from the Office of the Joint Chief Controller, Petroleum and Explosives Safety Organisation (PESO).

This is for favour of your kind perusal.

Enclo.: As stated.

Yours faithfully,

  
17/11/23

District Magistrate  
North 24-Parganas

Accident Investigation Report

Report No.-ACC/EC/23/01

Date: 31/08/2023

1) Introduction:

An explosion/Fire accident occurred in a house on 27/08/2023 at about 10.00 AM located in Village - Nilgunj Moshpole, under Duttapukur P.S, Barasat Police District, District- North 24 Pargana.

2) Particulars of License:

Throw downs/Dheel Bomb which is an unauthorized explosive is being illegally manufactured and stored in a rented room of a residential house having no license from the licensing authority.

3) Visit to the Scene of Occurrence:

The information of the accident was received through whatsapp message from the Jt.CCE(HQ) on 27/08/2023 at about 13.48 hrs. As per the directives of the Joint Chief Controller of Explosives (HQ), a team of both officers comprising of Shri Ajai Singh, Dy Chief Controller of Explosives, PESO, Kolkata and Shri Ravinder Jain Biruilly, Dy Controller of Explosives, PESO, Kolkata, visited the police station Duttapukur and then scene of occurrence on 27/08/2023 at about 18.30 hrs and started investigation into causes, circumstances and other factors led to accident. The officers of the district administration Shri Bhasker Mukharjee IPS Superintendent of police, Barasat Police District, Shri Rohed Sekh SDPO, Barasat, Shri Subroto Ghosh I/C, Duttapukur PS and other police personnel were present.

Later the team again visited to the P.S Duttapukur and the accident site on 29/08/2023 to consolidate the investigation.

4) The Accident site and Surroundings description:

The accident premise was completely disturbed due to rescue operation.

The house where accident took place was found razed to ground. The damaged concrete roof of the accident involved room was found fallen on the floor of the

room and supporting rcc pillars were found thrown outside the room. However some pillars were observed at its place but slightly bend outward. Aluminum and steel utensils were found on the floor and in the debris also. This house was surrounded by other residential houses.

The front gate was thrown away and had a severe impact with wall of house located (in the front side) i.e. on the other side of the road. No other major damage was observed in the front side house. Its first story was intact.

The house located on right side was also on pillars, its in between walls were found thrown towards inside the house. However the first floor of this house was found with moderate damage.

The back side room was also found damaged considerably. Its roof boundary was found completely fallen. The verandah roof of this room was found hanging. A large amount of unfinished throw downs were found spread in the verandah. One open orchard located back side also used to make and store throw-downs crackers.

The left side area was open and found full of thrown away bricks of the accident premises and debris removed during rescuing operation. One room having the bamboo made wooden roof of this room was found damages in this side due to fall of bricks/debris on it.

The large amount of colored polythene strips were found spread everywhere, which is used to wrap the throw down as outer packing.

Very faint fire marks were observed on the pillars and on bricks fallen around. The peculiar burning/smoke smell of regular fireworks is also not observed.

The removed debris was examined and found having iron utensils, HDPE bags full of paper strips, colored polythene strip, coarse sand/ gravels, stone sil, bricks, stones etc. The prominently burnt/ charred material was not observed in debris.

No considerable crater was observed on the floor as the premises was completely disturbed for rescue operations.

Down the lane about 25m away, another house was observed having 6 rooms with shutters, The two open rooms were examined and found stored with big jute bags filled with throw downs, one can of aluminum powder, one bag of flour, one bag of blue colored lehi used as adhesive to close the wrapped polythene strip.

5) Details of Injured and Killed persons

Details of Injured Persons:- 03

Details of Dead Persons:- 09 (including Samsul Ali, Rahbul Ali S/o Karamat Ali)

6) Investigation:

During the visit of the accident site, the discussion was made police authorities and with the people standing there (not disclosed their identity) informed that the house belongs to the Samsul Ali. He has rented the room to Karamat Ali, who was using the premises for making throw downs illegally. The raw material was being stored in the accident house and other nearby houses taken on rent for the purpose. Mixing of ingredients is done in the accident involved house and its roof was using to dry the finished products. It was also gathered that mixed raw material is also distributed to other houses, where workers wrap this mixed ingredients with coarse sand/ gravels in a thin paper and then polythene strip is wrapped around paper and finally sealed with lehi (adhesive). (Throw downs generally contain potassium chlorate, which is a banned chemical and highly sensitive to friction /shock/impact/spark.)

7) Particulars of Material Exhibit:

The samples of the raw material, semi finished products, finished products is collected by the police and by the visiting forensic team for chemical examination. The chemical examination report is awaited.

8) Circumstances leading to accident:

On 27/08/2023, at about 10.00 AM the workers started their work. It seems huge quantity of mixed ingredients were already kept in the room with finished and semi finished throw down. The production was intensified and in full swing in

anticipation to sale in coming festive seasons. It seems that workers were pouring mixed ingredients in to smaller bags for distribution to nearby houses, then due to fall of some bag enough impact got generated to blast the mixture and in turn exploded the all mixed material stored there causing huge damage to life and property.

9) Discussion:

The collapse of roof, supporting rcc pillars were observed thrown outside the house. Some pillars were observed at its place but slightly bend outward. All brick walls were observed flown away to outside from the room and on the basis of other physical observation and discussions, it was clearly evident that the shock wave initiated inside the room and travelled outside in all direction . This indicates that the blast occurred inside the room. Further, since no considerable fire marks were observed and no smell of smoke is observed, it seems that the room was having very huge amount of mixed ingredients.

10) Probable Cause of Accident:

The premise was illegal and involved in manufacturing of illegal/ unauthorized throw downs. The unsafe / unlawful practices adopted, use of banned impact sensitive ingredients, storage of huge amount of mixed ingredient led to accident.

The most probable cause of the accident seems fall of bag of mixed ingredient on the floor generated enough impact to blast the bag and exploded the all the other stored mixed ingredients may be kept in open or in bags.

11) Violations:

- (a) The persons involved in the manufacturing, possession for sale has no authorization or license under the Explosives Rules-2008, constitutes a violation of Rule-07 of the said Rules.
- (b) The premises was not licensed under Explosives Rules and not have manufacturing process approved by licensing authority, constitutes a violation of Rule-10(1)(a) of the Explosives Rules-2008

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- (c) The building used to manufacture explosives not complying with the specifications laid down in Schedule-VII annexed to said Rules, constitutes, a violation of Rule-10(1)(c) of Explosives Rules-2008
- (d) The throw downs are not an authorized explosives and No person can manufacture, possess, sale any explosives unless it is declared as an authorized explosives by the Chief Controller of Explosives, this constitutes violation of Rule-6 of Explosives Rules-2008.
- (e) Coarse sand/ gravels are being mixed with the ingredients, constitutes violation of Rule-33 of Explosives Rules-2008.
- (f) The untrained persons are being used in manufacturing explosives, constitutes violation of Rule-35 of Explosives Rules-2008.
- (g) Since the premises was an unauthorized premises and manufacturing un authorized explosives, constitutes violations of other provisions i.e. Rule-26, Rule-27, Rule-28, Rule-29, Rule-31, Rule-32, Rule-33 of Explosives Rules-008.

12) Action taken:

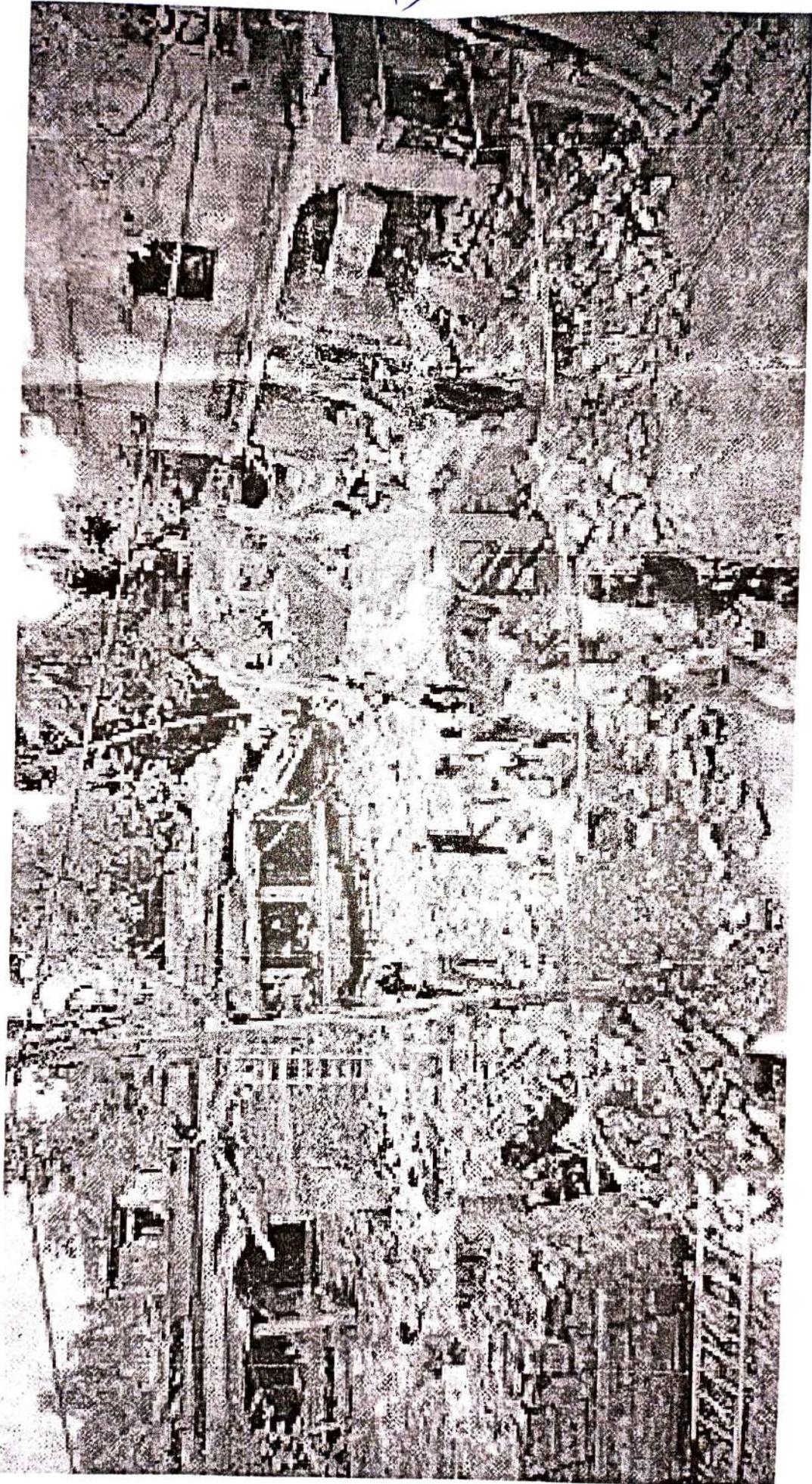
E-mail is sent to the Superintendent of police and PS- Duttapukur to provide copy of FIR, Details of Dead and injured person and forensic lab report. The reply is awaited.

The District Magistrate was requested to conduct a magisterial inquiry in the subject accident under Section 9(1) B of Explosive Act, 1884 and Rule-33 of the Explosives Rules-2008 vide this office letter<sup>of even</sup> no. dated 30/10/2023.



(AJAI SINGH)

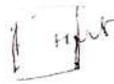
Dy. Chief Controller of Explosives  
O/o Joint Chief Controller of Explosives, Kolkata



House

44

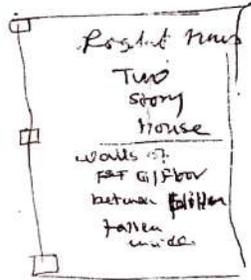
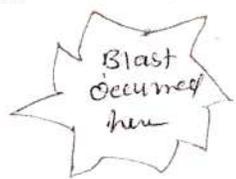
Rough sketch 49



Open area



left place  
open  
place

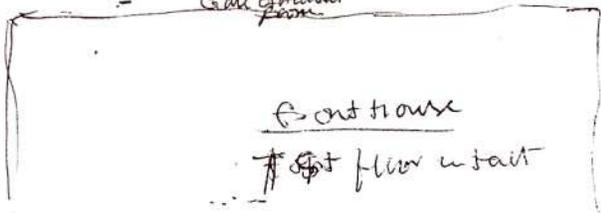


~~Electric pole~~

electrical pole

3.6 m wide Road

Gate of Accident from



corner



### Possible violation of Explosive Rules 2008

**Rule- 7. Control over manufacture, import, export, transport, possession for sale or use of explosives.**—No person shall manufacture, import, export, transport, possess for sale or use an explosive except as authorised or licensed under these rules.

**Rule-10. General Restrictions.**—(1) Restriction on manufacture—(a) No explosives shall be manufactured at any place except at a licensed factory with manufacturing process duly approved by the licensing authority.

((c) The buildings to be used for manufacture of explosives shall comply with the specifications laid down in Schedule VII annexed to these rules;

Provided that the buildings for manufacture of explosives for armed forces of the Union and Ordnance factories or other establishments of Ministry of Defence shall be constructed as per Storage and Transport of Explosives Committee Pamphlet 3.)

**Rule-6. Authorisation of explosives:**— (1) No person shall manufacture, import, export, transport, possess, sell or use any explosive unless it has been declared as an authorised explosive, by an order issued by the Chief Controller and published by the Central Government in the Official Gazette:

Provided that nothing in this rule shall apply to the manufacture and possession for test and trial purposes and not for sale of a new explosive composition under development at a place specially approved for the purpose by the Chief Controller.

**Rule-33. Removal of foreign matter from ingredients.**— No ingredient shall be made or mixed into an explosive unless it has been thoroughly treated by sifting or other effective means for the detection and removal of all foreign objects or matters that might cause danger.

**Rule-35. Training to personnel.**—Every person engaged in the manufacturing factory shall be imparted training in safety by competent person periodically during manufacture, handling, transportation and storage of explosives and records of such trainings shall be maintained.

**Rule-26. Approval of manufacturing process.**—(1) No new explosive after its inclusion in the list of authorised explosives shall be manufactured unless the process of manufacture is approved by the licensing authority and his permission obtained in writing.

(2) A person intending to manufacture an authorised explosive shall submit to the Chief Controller separately for each explosive a project report in duplicate containing, among other relevant data, the following particulars, namely :—

- (a) the detailed process starting from the raw materials, to the finished product describing the plant and equipment, quantities of materials handled, operating conditions and parameters, nature of controls and safety devices provided in the proposed method of treating effluents and waste explosives;
- (b) the nature and composition of the explosives;
- (c) the limiting percentage of each ingredient of explosives;
- (d) the specification of the various raw materials including substitutes, if any, used in the process of manufacture;

- (e) physical and chemical characteristics of final product;
- (f) name and percentage of marking agent to be added in plastic explosives for detection by vapour detection technique;
- (g) safety management plan as stated in sub-rule (3) to be followed by the company in case of high explosives or blasting accessories;
- (h) any other particulars as may be required by the licensing authority;
- (i) prescribed scrutiny fee.

(3) Safety management plan referred to in clause (g) of sub-rule (2) shall include the following, namely :—

- (a) assigned responsibilities and organisational structure, including resource assessment;
- (b) hazard identification, risk assessment and control;
- (c) provision of information, education and training to the work force, contractors and visitors;
- (d) accident reporting and investigation;
- (e) emergency response planning and preparedness such as first aid, testing of emergency plan once in a year;
- (f) provision of escape route;
- (g) evacuation plan, appropriate fire fighting controls, consequence minimising steps like control of spills, appropriate off-site response plan etc.;
- (h) maintenance of records;
- (i) maintenance of schedules for plant and equipment;
- (j) standard operating procedures where absence of such procedures may adversely affect safety;
- (k) availability of Material Safety Data Sheet (MSDS );
- (l) security of explosives;
- (m) transport and storage of explosives;
- (n) material handling;
- (o) explosives and man limit in each building and location;
- (p) precaution against adverse conditions, natural as well as artificial such as lightning, earthquake, load shedding, trips in the process, etc.;
- (q) restriction of source of ignition;
- (r) segregation of incompatible materials;
- (s) disposal of waste explosives and ingredients, including burning grounds procedures;
- (t) competence of personnel for tasks; and
- (u) safety meetings, self auditing and external safety auditing of system and procedures.

(4) The Chief Controller, after scrutiny of the project report, the Safety management plan and after making such further enquiries as may be considered necessary, may if he is satisfied, approve the process for each explosive separately.

(5) No person shall make any change in the process, nature and composition of explosives, specification and limiting percentages of raw materials and ingredients without prior approval of the licensing authority.

(6) The Chief Controller may cause at any time any test on any raw material, ingredients or explosives to ascertain if these conform to the particulars given under sub-rule (2).

**Rule-27. Submission of safety management plan to District Magistrate—**The applicant shall submit a copy of the safety management plan to the District Magistrate.

**Rule-28. Buildings to be used for specified purpose only.**—Every building in a factory shall be used only for the purpose specified in the licence granted under these rules :

Provided that the licensing authority may temporarily permit the use of a building for a purpose other than that specified in the licence after satisfying himself that such a change is safe and for smooth operation of the process of manufacture.

**Rule-29. Interior of buildings to be suitably finished.**— A building in which explosives or any ingredient thereof which either by itself is possessed of explosives' properties, or which when mixed with any other ingredient or article also present in such building is capable of forming an explosive mixture or an explosive compound, kept or resented, or in the course of manufacture is liable to be, shall be a danger building; and the interior of every such building, and the benches, shelves and fittings in such building (other than the machinery) shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel and the formation and detachment of any grit so as to come into contact with the explosive or ingredient thereof in such building and such interior benches, shelves and fittings shall, as far as reasonably practicable, be kept free from grit and otherwise clean.

**Rule-30. Restriction of articles liable to spontaneous ignition.**—Oiled cotton, oil rags and oil waste and any other article liable to spontaneous ignition shall not be taken into any building where explosives are kept except for the purpose of immediate supply and work or immediate use in such building and upon cessation of such work or use, shall forthwith be removed.

**Rule-31. Use of special tools and implements.**—No tools or other implements shall be used or allowed to be present in a building used for carrying out process of manufacture (hereinafter referred to as process building) unless they are of wood, copper, brass or soft metal or material, or are covered with safe and suitable material.

**Rule-32. Particulars to be exhibited on process building.**—The particulars mentioned hereunder shall be prominently marked or exhibited in every process building, namely :—

(1) **outside the building**— (a) the name and identification number of the building as per plan approved by the licensing authority; and

(b) man - limit and explosives limit.

(2) **inside the building**— (a) man limit and explosives limit;

(b) general safety instructions;

(c) operating instructions; and

(d) safe process details.

a. Repair and maintenance of the premises: A cemented trough at least 15 centimetres deep shall be provided near each entrance of a magazine or storehouse. Such trough shall be kept filled with clean water and no person shall enter the magazine or storehouse without dipping overshoes or feet in such a trough so as to remove any grit or dust (**Rule 13(1)**).

b. Oiled cotton, oiled rags or oiled waste or any articles liable to spontaneous ignition shall not be taken into any magazine or storehouse used for storage of explosives - **Rule 13(2)**).

c. Special precautions against accident - (**Rule 19**)

i) No person shall commit or attempt to commit any act which may tend to cause a fire or explosion in or about any place where an explosive is manufactured, stored or transported.

- ii) Every person possessing explosives and every person in charge of or engaged in the import, export, manufacture, sale, transport or handling of explosives shall at all times comply with the provisions of these rules and the conditions of the licence relating thereto and observe all due precautions for the prevention of thefts or accidents by fire or explosion.
  
- d. Provision of mounds: for manufacturing factory, every building used for production, handling, storage, testing of explosives, in a licensed factory unless otherwise exempted by the licensing authority shall be surrounded by a substantial mound which shall be of a type and design approved by the licencing authority - **(Rule 20)**
  
- e. Restriction on unauthorised persons to enter and provision of guards – **(Rule 21)**.
  
- f. No electrical equipment shall be used in places where explosives are being manufactured, handled or stored except with the prior permission of the Chief Controller - **(Rule 22)**
  
- g. Training to personnel - **Rule 35**.
  
- h. Submission of safety management plan to District Magistrate - **Rule 27**
  
- i. Restriction of articles liable to spontaneous ignition **Rule 30**.
  
- j. All explosives processed in a process building shall immediately be removed to the next process building or a licensed magazine or storehouse, as the case may be, and no explosive shall be allowed to accumulate in any process building- **Rule 34**.



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

ORIGINAL APPLICATION NO. 139/2023/EZ  
(Previously O. A. No. 542/2023)

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

Versus

State of West Bengal & Ors.

... Respondents

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.

17 JAN 2024