

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No.157/2023/EZ

Illegal Mining 3 Killed, 10 Missing after Cave in
News Item Published in The Times of India
Dt.13.10.2023 Kolkata

Versus

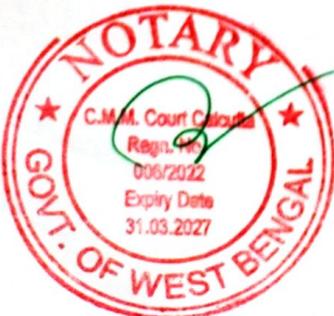
The State of West Bengal & Ors.

...Respondents

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Filed by:
Sudip Kumar Dutta
Sudip Kumar Dutta
Advocate for the State of
W.B.



23 NOV 2023

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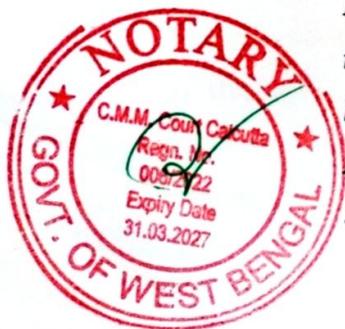


AFFIDAVIT ON BEHALF OF THE COMMISSIONER OF POLICE, ASANSOL-DURGAPUR, WEST BENGAL, I.E. RESPONDENT NO.4 IN COMPLIANCE OF ORDER DATED 17th OCTOBER, 2023

I, Sudip Dasgupta, son of Satyabhushan Dasgupta, aged about 50 years, by faith - Hindu, by occupation - service, residing at 4/3 New Rathtala, Belghoria, PS- Belghoria, Kolkata- 700056 do hereby solemnly affirm and say as follows:

1. I am the Inspector of Raniganj Police Station, Asansol Durgapur Police Station and as such a principal officer thereof. I am and have made myself well acquainted with the facts and circumstances of the instant case and am duly authorized by the Commissioner of Police, Asansol-Durgapur Police Commissionerate, West Bengal to make and affirm the instant affidavit and file a report in compliance with the orders passed by this Hon'ble Tribunal.
2. The instant affidavit is being filed apropos the directions contained in the order 17.10.2023 whereby this Hon'ble Tribunal has been pleased to direct the respondent no.4 to file affidavit stating clearly what action has been taken in connection with

"Illegal mining: 3 killed, 10 missing after cave-in in West Bengal's Egra" RANIGANJ: At least three illegal miners died and 10 were reported missing after an unguarded open-cast mine, which they had entered, caved in at Raniganj's Egra, around 20km from Asansol, on Wednesday afternoon. The incident took place around 3pm at the Narayankuri colliery of Eastern Coalfield Limited (ECL).



Three bodies were recovered: that of Samir Bauri (17), Surajit Sen (21) and Dinesh Ruidas (38). Bauri and Sen were residents of Raghunathchak and New Egara villages in Raniganj; Ruidas was from Pariharpur in Jamuria, said Kuldip Suresh, deputy commissioner (central), Asansol Commissionerate.

The mine is around 300 feet deep and just 4 feet wide, officials said. Witnesses said many villagers were engaged in illegal mining when the mine caved in. Cops said the director general of mine safety at ECL had started an inquiry. There was, however, no official statement from ECL till late on Thursday.

Senior ECL officials in charge of the area did not respond to multiple calls or texts sent by TOI, seeking comment.

Locals start rescue ops before police arrive at spot: A police officer said they had written to Eastern Coalfield Limited (ECL) multiple times to fence off the area and install lights, but no major action had been taken.

Witnesses said around 25-30 men had entered the mine around 2pm, after ECL's contractual workers had left. When the mine caved in an hour later, some managed to come out, but many others got trapped. Local villagers themselves started rescue work even before cops or ECL officials reached the spot.

"Most of the men who had entered the mine were from faraway villages, but a few were locals. The cave-in happened around 3pm and many got trapped. The villagers were able to rescue some, but some had already died and only their bodies could be pulled out," said Krishnapada Mondal, a local CPM panchayat member. A similar incident had happened two years ago in the same area, Mondal added.

BJP leader Agnimitra Paul sat on a dharna outside the local police station, demanding compensation for the families of those who had died, citing inaction on the part of cops and the ECL in the rescue process. She claimed at least seven persons had died, although cops said the number was three.



3. I say that On 17.10.2023 Shri Pijush Tewary, Chief Manager (M)/Agent, Amritnagar Group of Mines, Kunustoria Area, ECL lodged a written complaint to the effect that on 11.10.2023 at about 03:00 pm a crowd of unknown persons (local villagers) entered in the High wall mine area for the intention best known to them and suddenly at about 03:15 pm crows started shouting

loudly causing unrest in mine and it was reported that three miscreants died during the situation but the actual reason is unknown.

4. That Based on the aforesaid complaint Raniganj PS Case No. 434/2023 dated 17.10.2023 u/s.143/447/379/304A/120B/506 IPC was registered and investigation was entrusted to SI Siladitya Banerjee, In-Charge, Ballavpur OP under Raniganj PS.

5. That during investigation SI Siladitya Banerjee visited the PO, prepared rough sketch map with index, examined available witnesses and recorded their statements under section 161 of Cr.P.C.

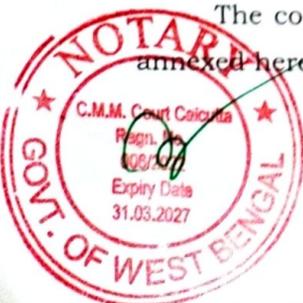
6. That Inquest over the dead body of the three deceased persons was performed by Raniganj PS in Raniganj PS UD Case No. 59 of 2023 dated 12.10.2023, Raniganj PS UD Case No. 60 of 2023 dated 12.10.2023 and Raniganj PS UD Case No. 61 of 2023 dated 12.10.2023 and thereafter post mortem examination of the deceased persons was done at Asansol District Hospital, where the Autopsy Surgeon opined "Death was due to the effect of injuries sustained as described above. Antemortem in nature."

7. That the investigation of the case is going on and on its completion report in final form will be forwarded to the Jurisdictional Magistrate.

8. That the Investigation has so far revealed that on the fateful day some local villagers had visited the PO for the reason which is still under investigation. While some could come out a few were caved-in and a result three persons died.

9. That I further submit that I have perused the news articles mentioned in the order sheet dated 18.10.2023 but I emphatically deny the allegation made therein to the effect that there is any illegal collection of coal from the mine. It is also submitted that the area falls under the jurisdiction of ECL and CISF personnel are deployed to have round the clock surveillance to prevent illegal trespass of outsiders. In the event any pilferage of coal or illegal mining is reported or otherwise come to the knowledge of the police, prompt action is taken.

The copies of the written complaint, formal FIR, Post Mortem report are annexed herewith and marked as Annexure P collectively



10. The statements made in paragraphs 1 to 9 are true to my knowledge based on information derived from records and the rest are my respectful submissions before this Hon'ble Tribunal.

Prepared in my office

Identified by me

Sudip Dasgupta
(Adv)

S. Dasgupta 21/11/23

Deponent is known to me

Inspector - in - Charge
Raniganj, P. S.
A.D.P.C.

Advocate

Verification

I, Sudip Dasgupta, son of Satyabhushan Dasgupta, Inspector in Charge of Raniganj Police Station do hereby solemnly affirm and verify that the contents of the statements made in the above paragraphs of the affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed therefrom.

Verified at Kolkata, on this the 23rd day of November, 2023.

Identified by me

Advocate

Sudip Dasgupta

S. Dasgupta 21/11/23.

Deponent

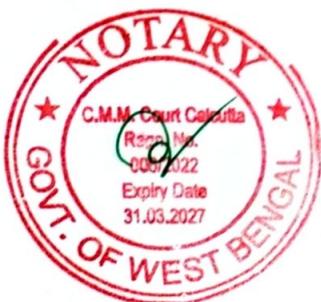
Inspector - in - Charge
Raniganj, P. S.
A.D.P.C.

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adm.

NOTARY
N. DAS GUPTA
C.M.M. Court
Govt W.B.

23 NOV 2023

NIRMALYA DAS GUPTA
Advocate Cum Notary
REGN NO.-006/2022
C M.M. Court Calcutta



- 6 - Annexure - P



FIRST INFORMATION REPORT

13374

First information of a cognizable crime reported under section 154 Cr. P.C. at P.S.

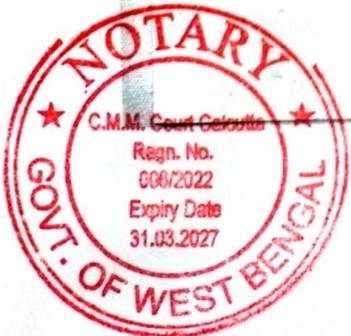
- 1. Dist Paschim Bardhaman Sub-Divn Asansol P.S. Raniganj Year 2023 FIR No. 931 Date 17/10/2023
2. (i) Act IPC Sections 143/147/379/301A/120B/506
3. (a) General Diary reference: Entry No 1079 Time at 22:25 hr
(b) Occurrence of Offence: Day Tuesday Date 11/10/2023 at Howrah 03:00 P.M
(c) Information received Date 17/10/2023 Time at 22:25 hr
4. Type of information: Written / Ofal Typed
5. Place of Occurrence: (a) Direction and Distance from P.S North/West 07 KM (approx)
(b) Address Mines Premises of Narayan Kumar Highwal Project under Raniganj P.S., Dist Paschim Bardhaman Beat No
(c) In case outside limit of this Police Station, then the name of P.S District X
6. Complainant / Information:
(a) Name Pijush Tewari (9124795150)
(b) Father's / Husband Name U Lalghopal Tewari
(c) Date / Year of Birth Not noted
(d) Nationality Indian
(e) Address Agent Anandnagar Callery, PO- Seaksole P.S- Raniganj, Dist Paschim Bardhaman
7. Details of known / suspected / unknown / accused / with full particulars (attach separate sheets, if necessary) Local villagers (Unknown miscreants)
8. Particulars of properties stolen / involved: (Attach separate sheet, if required) X
9. Total value of properties stolen / involved X
10. Inquest report / U.D.: Case No., if any X
11. FIR Contents (attach separate sheet, if required) The original typed complaint which is treated as FIR is attached herewith.
12. Action taken since the above report reveals commission of offence(s) u/s 143/147/379/301A/120B/506 IPC

registered the case and took up the investigation / directed SI Siladitya Banerjee of Bahampur O.P. under Raniganj P.S. AD.P.C. to take up the investigation transferred to P.S. on point of jurisdiction. FIR read over to the Complainant / Information admitted to be correctly recorded and a copy given to the Complainant / Information free of cost.

Signature / Thumb Impression of the Complainant / Informant

Signature of the Officer-in-charge, Police Station with Name: SUDIP DASGUPTA Rank: INSPECTOR OF POLICE Raniganj, P.S. Charge: Raniganj P.S. A.D.P.C. 17/10/2023

Certified to be true copy Inspector In-Charge, Raniganj P.S. ADPC



- 7



EGL
Eastern Coalfields Limited

Office of the Chief Manager (M)/Agent
Amritnagar Group of Mines,
Kunustoria Area
P.O.- Searsole Rajbari,
Dist.- Paschim Burdwan (W.B.) 713358
CIN- U10101WB1975GO1030295
e-mail ID – pmancknt@gmail.com
An ISO 9001, ISO 14001 & OHSAS 18001
Certified Company



No. Agent/4100/2023/1560

Dated: 12/10/2023

To,
The Inspector In-charge
Raniganj Police Station
ADPC, Paschim Burdwan
Pin- 713347

Sub: Registration of FIR (under Section 154 CR.PC)

Dear Sir,

Kindly arrange to register an F.I.R. in respect of below noted complaint given in specified Performa:

1. Complaint/ Informant
 - A. Name : PIJUSH TEWARY
 - B. Father' Name : Lt. Lalgopal Tewary
 - C. Address : Office of the Agent, Amritnagar Colliery, PO- Searsole, Dist.- Paschim Bardhaman (WB), Pin- 713358
 - D. Ph. No. : 9434795450
 - E. E-mail : agentagom@gmail.com
2. Place of occurrence : Mines premises of Narayankuri Highwall Project
3. Date and time of occurrence : 11.10.2023 at about 03.00 pm
4. Nature of offence (i.e. theft, burglary, snatching): Coal Theft
5. Description of stolen property :
6. Details of known/ unknown accused with full particulars: Local villagers (unknown miscreants)
7. Content of the Complaint (in brief)- It was reported that on dated 11.10.2023 at about 03.00 pm, a crowd of unknown persons (local villagers) enter in to the Highwall mine area for the intention best known to them. Suddenly at about 03.15 pm crowd started shouting loudly causing unrest in mine. With time, more and more numbers of people gathered their showing violent behavior.

Also it was reported that three (3) miscreants died during the situation but the actual reason unknown. Since, all the miscreants entered forcefully into the unauthorized mining area, they are solely responsible for the above.

You are requested to look into this matter & take necessary steps as per law.

Received at 22.25 km on 17/10/2023 and started Raniganj
Bsc case NO- 121/23 dt 17/10/2023 u/s- 143/417/319/309A/
120B/506 IPC

Yours sincerely

Pijush Tewary
12.10.2023

(PIJUSH TEWARY)
Chief Manager (M)/Agent
Amritnagar Group of Mines
Ch. Manager (Min.) Agent
Amrit Nagar Group of Mines
Kunustoria Area, E. C. L.

Copy to:

1. General Manager, Kunustoria Area
2. Area Personnel Manager, Kunustoria Area
3. I/C Ballavpur Outpost under Raniganj P.S.
4. Area Security Inspector, Kunustoria Area
5. Security Inspector, Amritnagar Group of Mines
6. CISP Camp in-charge, Kunustoria Area

Certified to be true copy

Inspector In-Charge,
Raniganj PS, ADPC





Name, Sex, age & Caste	Whence brought - Village & Thana	Name of constable by whom brought & names of relatives accompanying	Date & hour of			Information furnished by police	By whom identified before the medical officer
			Dispatch	Arrival at dead house	EXAMINATION		
SUMIR BAURI S/O Rakesh Bauri 17 years, Male, Hindu Ballapur near Raghunath Chak, P.S - Raniganj, Paschim Bardhaman.	RANIGANJ P.S.	C/2169 Dipankar Bauri. Raniganj PS.	12.10.23	PAPER REC. 12.10.23 12.30 PM.	12.10.23 12.45 PM to 01.40 PM	AS PER INQUEST REPORT	C/2169 Dipankar Bauri. Rakesh Bauri. (Father).

Length- 4'3" , w - 61 kg N.B - Observed the state of all the organs & when no disease or injury is found write "Healthy"

I - EXTERNAL APPEARANCE	1 - Condition of subject - stout, emaciated decomposed etc	2 - Wounds - position, size, character.	3 - Bruises - position, size and nature	4 - Marks of ligature on neck, dissection etc.
	One male dead body, average built, swarthy complexion, wearing pink colored T-shirt, white printed half pant & blue colored half pant - torn at places. Wearing apparels & body stained with black dust. Rigor mortis developed all over the body. Post mortem staining fixed over the dependent part of the back except the places of contact flattening. B/L pupil dilated & fixed. Post mortem blisters present at places.	i) Graze abrasion of size 67cm x 45cm present over entire posterior thoracic wall. ii) Graze abrasion of size 45cm x 40cm present over posterior abdominal wall. iii) Multiple graze abrasion of size 10cm x 8cm to 4cm x 4cm present over anterior thoracic wall at places. iv) Comminuted fracture of B/L ilium bone of pelvis with diffuse extravasation of blood over the surrounding tissues. Pelvic cavity contains AM & PM clotted blood. v) Diffuse contusion present over the urinary bladder. vi) Comminuted fracture of sacrum with diffuse extravasation of blood over the surrounding tissues. vii) Comminuted fracture present over upper one third of right femur with diffuse extravasation of blood over the surrounding tissues. ***		

II - CRANIUM AND SPINAL CANAL	1 - Scalp - skull and Vertebrae	2 - Membrane	3 - Brain & Spinal Cord - [The spinal canal need not be examined unless any indication of disease or injury exists.]
	Scalp: Pale. Skull & vertebra - Intact.	Pale.	Brain - Pale. Spinal cord - Healthy.

III - THORAX.	1 - Walls, ribs & Cartilages.	2 - Pleurae	3 - Larynx & Trachea	Right lung.	Left lung.	Pericardium.	Heart.	Vessels.
	Walls - As described. Ribs & cartilage - Intact.	Pale.	Mucus mem. - Pale.	Both lungs pale.		Pale.	Pale.	Pale.

IV - ABDOMEN.	1 - Walls.	2 - Peritoneum.	3 - Mouth, Pharynx, & esophagus.	4 - Stomach & its contents	5 - Small intestine & its contents	6 - Large intestine & its contents
	As described.	As described.	Mucus membrane - Pale.	Pale. Contains mucoid fluid.	Pale. Contains faeces & gas.	
	7 - Liver	8 - Spleen.	9 - Kidneys	10 - Bladder	11 - Organs of generation, external & internal	
	Pale.	Pale.	Both kidneys pale.	As described.	Healthy.	

V - BONES AND JOINTS	1 - Injury	2 - Disease or deformity.	3 - Fracture	4 - Dislocation.
	As described.	Not detected.	As described.	Nil.

All the injuries were fresh & show evidences of vital reactions.
No other injuries could have been detected even after careful examination & dissection.

OPINION OF THE MEDICAL OFFICER AS TO THE CAUSE OF DEATH.	REMARKS BY CIVIL SURGEON.
N.B.- In the case of wounds note whether there is any indication of the wounds Being homicidal, suicidal or otherwise, Death was due to the effects of injuries sustained as described above. Antemortem in nature. Approx. time since death: 18 - 36 hours.	Civil Surgeon of

Dr. SUVAJIT RAY
MD, FORENSIC MEDICINE
W.B. (SPECIALIST)-MEDICO LEGAL
WEST BENGAL HEALTH SERVICE
ASANSOL DISTRICT HOSPITAL
REG No - 73633 (WBMC)

Suvajit Ray
12/10/2023

Certified to be true copy
Inspector In-Charge,
Raniganj PS, ADPC





Name, sex age & caste	Whence brought - Village & Thana	Name of constable by whom brought & names of relatives accompanying	Date & hour of			Information furnished by police	By whom identified before the medical officer
			Dispatch	Arrival at dead house	EXAMINATION		
DINESH RUIDAS S/O Lt. Shibu Ruidas 38years, Male, Hindu Vill.: Pariharpur, P.S - Jamuria, Paschim Bardhaman.	RANIGANJ PS.	C/2169 Dipankar Bauri. Raniganj P.S.	12.10.23 at 07.05 hrs.	PAPER REC. 12.10.23 to 12.30 PM.	12.10.23 02.35 PM to 03.20 PM	AS PER INQUEST REPORT	C/2160 Dipankar Bauri. Bijay Ruidas. (Uncle).

Length- 5'5" , w - 61 kg

N.B - Observed the state of all the organs & when no disease or injury is found write "Healthy"

I - EXTERNAL APPEARANCE	1 - Condition of subject - stout, emaciated decomposed etc.	2 - Wounds - position, size, character.	3 - Bruises - position, size and nature	4 - Marks of ligature on neck, dissection etc.
	One male dead body, average built swarthy complexion, wearing blue colored full pant, ash colored half pant & maroon colored vest- torn at places. Wearing apparels & body stained with black dust at places. Rigor mortis developed all over the body.		i) Diffuse extravasation of blood present over the entire scalp. Depressed comminuted fracture of left frontal-parietal-temporal-occipital bone of skull with gross laceration of underlying meninges and brain matter at places with the broken edges of the bones. ii) Crush injury of thorax with crushing of skin, subcutaneous tissues, muscles, bones, thoracic organs, vertebrae, blood vessels & nerves with parts of soft tissues & bones missing. The margins were irregular, abraded & contused with parts of soft tissues missing. iii) Crush injury of the abdomen with crushing of skin, muscles, peritoneum, abdominal organs, including the pelvic cavity organs & pelvic bones, external genital organs, blood vessels, nerves & vertebrae. The margins were irregular, abraded & contused with parts of soft tissues missing. iv) Crush injury of both the thighs with crushing of skin, muscle, bone, blood vessels & nerves. The margins were irregular, abraded & contused with parts of soft tissues & bones missing. ***	

II - CRANIUM AND SPINAL CANNAL	1 - Scalp -skull and Vertebrae	2 - Membrane	3 - Brain & Spinal Cord - [The spinal canal need not be examined unless any indication of disease or injury exists.]
	As described.	As described.	As described.

III - THORAX.	1 - Walls, ribs & Cartilages.	2 - Pleurae	3 - Larynx & Trachea	Right lung.	Left lung.	Pericardium.	Heart.	Vessels.
	As described.	As described.	As described.	As described.	As described.	As described.	As described.	As described.

IV - ABDOMEN.	1 - Walls.	2 - Peritoneum.	3 - Mouth, Pharynx, & esophagus.	4 - Stomach & its contents	5 - Small intestine & its contents	6 - Large intestine & its contents
	As described.	As described.	As described.	As described.	As described.	As described.
	7 - Liver	8 - Spleen.	9 - Kidneys	10 - Bladder	11 - Organs of generation, external & internal	
As described.	As described.	As described.	As described.	As described.	As described.	

MUSCLES BONES AND JOINTS	1 - Injury	2 - Disease or deformity.	3 - Fracture	4 - Dislocation.
	As described.	Not detected.	As described.	Nil.

All the injuries were fresh & shows evidences of vital reactions.
No other injuries could have been detected even after careful examination & dissection.

OPINION OF THE MEDICAL OFFICER AS TO THE CAUSE OF DEATH.	REMARKS BY CIVIL SURGEON.
<p>N.B - In the case of wounds note whether there is any indication of the wounds Being homicidal, suicidal or otherwise,</p> <p>Death was due to the effects of injuries sustained as described above. Antemortem in nature.</p> <p>Approx. time since death: 18 - 36 hours.</p> <p><i>Suvajit Ray 12/10/2023</i></p> <p>DR. SUVAJIT RAY MD. FORENSIC MEDICINE (SPECIALIST)-MEDICO LEGAL WEST BENGAL HEALTH SERVICE ASANSOL DISTRICT HOSPITAL REG. No. 73633 (WBMC)</p>	<p>Civil Surgeon of</p> <p>The day of 20</p>



Certified to be true copy
Inspector In-Charge,
Raniganj PS, ADPC