

FIRST INTERIM REPORT

of

The Committee of Experts Constituted by the
Hon'ble National Green Tribunal,
Principal Bench, New Delhi

headed by

JUSTICE BROJENDRA PRASAD KATAKEY,
Former Judge, Gauhati High Court,

submitted on

01.09.2020

constituted vide Order dated 24.06.2020 passed in OA 43/2020/EZ & OA
44/2020/EZ to look into the issues concerning Well Baghjan-5 in Tinsukia
District

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(A) **INTRODUCTION :**

Well Baghjan-5, located in Doodooma Revenue Circle of the district of Tinsukia, was studied by OIL on 20.11.2006 and successful drilling on target depth was completed on 12.03.2007. A very unfortunate incident of blowout occurred in the said Well on 27.05.2020 followed by the explosion on 09.06.2020. Two Original Applications being OA No. 43/2020/EZ (Bonani Kakkar Vs Oil India Limited and Others) and OA No. 44/2020/EZ (Wildlife and Environment Conservation Organisation Vs Union of India and Others) were filed before the Hon'ble National Green Tribunal (in short Hon'ble NGT) alleging environmental damages; apart from the damages caused to the inhabitants of the localities, which were taken up for consideration by Hon'ble NGT on 24.06.2020.

(B) **ORDERS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL:**

The NGT, vide orders dated 2406.2020 passed in OA No. 43/2020/EZ(Bonani Kakkar Vs Oil India Limited and Others) and OA No. 44/2020/EZ(Wildlife and Environment Conservation Organisation Vs Union of India and Others) constituted the following Committee of Experts (here-in-after referred to as the Committee)

Hon'ble Mr Justice B.P. Katakey, former Judge of the Gauhati High Court	Chairperson
Member Secretary, Central Pollution Control Board (CPCB)	Member
A senior expert from Council of Scientific and Industrial Research (CSIR)	Member
Dr. Sarbeswar Kalita, Professor and Head of the Department of Environment Science, Guwahati University	Member
Shri Abhay Kumar Johari, IFS (Retired), Former Member, Biodiversity Board	Member
Shri Ajit Hazarika, Ex-Chairman, ONGCL	Member
Member Secretary, Senior Scientist, Assam State Pollution Control Board Member (PCB, Assam)	Member
District Magistrate, Tinsukia District, Assam (DC, Tinsukia)	Member

The Member Secretary, CPCB was designated as Nodal Agency.

The Committee has been mandated to examine the following aspects by the Hon'ble NGT vide order dated 24.06.2020 :-

- i. Cause of gas and oil leak;
- ii. Extent of loss and damage caused to human life, wildlife environment;
- iii. Damage and health hazard caused to the public;
- iv. Whether any contamination has been caused to water, air and soil of the area of the oil well and its vicinity;
- v. Extent of contamination of water of the Dibru river due to the oil spill;
- vi. For the purpose of (iv) and (v) above, it may be necessary to get the air quality monitored and samples of soil and ground water of the area as well as the waster of river Dibru downstream of the oil spill tested;
- vii. Impact on the eco sensitive zone of the Dibru-Saikhowa National Park and Maguri Motapung Wetland;
- viii. Impact on agriculture, Fishery and domestic animals in the area;
- ix. Whether there were any mitigation measure put in place by OIL to offset the incidents such as the one in question;
- x. Persons responsible for the fire incidents and the cause of failure to prevent the incident;
- xi. Assessment of compensation for the victims and cost of restitution of the damage caused to property and the environment;
- xii. Preventive and remedial measures;
- xiii. Any other incidental or allied issues.

The Committee, in terms of the liberty given by the Hon'ble NGT vide the aforesaid order dated 24.06.2020 to induct any new Member or seek opinion from any other expert/experts or institute/institutions including the Wildlife Institute of India, Dehradun, if necessary, induct the Wildlife Institute of India, Dehradun; Council of Scientific and Industrial Research – North East Institute of Science and Technology (CSIR) – NEIST) and Council of Scientific and Industrial Research – National Environmental Engineering Research Institute (CSIR) – NEEERI) as Member institutions to lend their expertise and support to the Committee to go into the aforementioned aspects arising out of the blowout of Well No.5 Baghjan on

27.05.2020 and subsequent explosion on 09.06.2020 of Oil India Limited (here-in-after referred to as OIL).

The Committee, as directed by the Hon'ble NGT vide its aforesaid order dated 24.06.2020 and also the Order dated 06.08.2020 submitted its detailed preliminary report on 24.07.2020, consisting of two parts being Volume-I (Preliminary Report) and Volume-II (the Enclosures). In the said report, apart from others, recommendation for payment of interim compensation in three categories being Category(i), Category(ii) and Category(iii), to the affected families have been made, relevant portion of which is reproduced below :-

"IV. Interim Compensation for the affected families

I. The Committee, proposes the formulation of three categories of affected families to assess the question of interim compensation namely:

- i) Those whose houses have been completely gutted by the fire thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.*
- ii) Those whose houses have been severely damaged thereby causing grave injury to life and health, loss of livelihood, cultivable land, livestock, damage to standing crops and horticulture, fisheries etc.*
- iii) Those whose houses have been moderately/partially damaged or whose standing crops and horticulture have been partially damaged thereby causing injury to life and health, loss of livelihood, cultivable land, livestock, damaged to fisheries etc.*
- iv) The scale of interim compensation is as follows :*

<i>Category(i)</i>	<i>- Rs. 25 Lacs</i>
<i>Category(ii)</i>	<i>- Rs. 10 Lacs</i>
<i>Category(iii)</i>	<i>- Rs. 2.5 Lacs.</i>

2. An initial amount of Rs.25 Lacs will be released immediately to all the affected under Category(i) whose information is already

- available with the Office of the District Administration. For the affected families under category (ii) the amount of 10 Lacs will be released immediately within an outer limit of 15 days, based on the information already available with the Office of the District Administration. The compensation amount, if any already paid, shall be deducted from the aforesaid amount of interim compensation.
3. The Office of the District Administration will compile a list of all those in Category (iii), who have been moderately/partially impacted, in consultation with the revenue officers, PWD, concerned circle officer, the Gaonburahs and community representatives of the affected villages. The disbursement of the amount will be completed expeditiously within an outer limit of 45 days from the passing of the order by the Hon'ble NGT for interim compensation.
4. The affected families, particularly under category (i) and (ii), whose names have been left out of the list would be entitled to the said amount after due verification within 7 days from the passing of the order by the Hon'ble NGT for interim compensation and the same will be disbursed within 15 days from the date of completion of the verification.
5. The interim compensation will be paid by OIL and from the funds which have already been made available to the Office of the District Administration. The balance amount, if any, will be made available immediately by OIL and as and when asked by the Office of the District Administration.
6. One-time compensation amounting to Rs.30,000/- that has been agreed to be paid by OIL to the affected families, who had moved to the relief camps due to Well Baghjan-5 blowout on 27.05.2020, as an immediate relief, will be disbursed immediately as per the list prepared by the circle officer, Doomdooma and available with the Office of the District Administration and not later than 7 days from



- the passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*
- 7. One-time compensation of Rs.25,000/- will be disbursed to each of the affected families and individuals who had shifted to the relief camps in the wake of the explosion in Well Bgltian-5 on 09.06.2020 as an immediate relief as per the list prepared by the Circle Officer, Doondooma and available with the Office of the District Administration and not later than 7 days from the passing of the order by the Hon'ble NGT for interim compensation. The affected families whose names have been left out of the list would be entitled to the said amount after due verification and the same will be disbursed within 15 days from the passing of the order by the Hon'ble NGT for interim compensation.*
- 8. The interim compensation as well as the one time compensation, as stated above, will be credited directly to the bank accounts of the affected families and individuals by the Office of the District Administration. The said interim compensation is non recoverable and will be adjusted against the final compensation due to the affected families and individuals. "*

The Hon'ble NGT, upon consideration of the aforesaid Preliminary Report submitted by the Committee, vide order dated 06.08.2020, while accepting the prima-facie view and the interim compensation of the Committee, issued the following directions :-

"18. We have given due consideration to the objections. We are unable to accept the same at this stage for prima facie view and interim compensation. The recommendations of the Committee on the subject of compensation for three categories of victims are accepted with the clarification that the compensation already paid will be taken

into account and excluded from the interim compensation recommended by the Committee. Compensation to victims of categories (ii) and (iii) will be subject to identification by the District Administration which may be completed preferably within one month. We request the Assam State Legal Services Authority to oversee the process.

19. We also accept the recommendation for interim compensation to the families who have moved out of the relief camps after the blowout of 27.05.2020 and to the families who have shifted to the relief camps after explosion on 09.06.2020.

20. The disbursement may be made through the District Administration by deposit to the bank accounts of the affected families which may also be overseen by the State Legal Services Authority.

21. The amount calculated and quantified by the District Magistrate may be made available by the OIL within two weeks of letter of the District Magistrate.

22. Other interim recommendations may be compiled to the extent there is no dispute, subject to call being taken by the concerned statutory authorities and finally by this Tribunal on the next date.

The Committee may give its final report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF"

The Hon'ble NGT has fixed 03.11.2020 for further consideration of the aforementioned OAs.

(C) **STEPS TAKEN BY THE COMMITTEE AFTER THE ORDER DATED 06.08.2020 PASSED BY THE HON'BLE NGT:**

The Committee issued various queries to the OIL, Pollution Control Board,

Assam and Assam Biodiversity Board, which have been replied to. The Committee had also a sitting on 10.08.2020 through virtual media, where various issues, pertaining to the direction issued by the Hon'ble NGT and the follow-up actions required to be taken were discussed. Another sitting of the Committee was held on 19.08.2020 in Guwahati, where apart from the Chairperson, two other Members, namely, Professor Dr. Sarbeswar Kalita. Former Head of the Department of Environmental Science, Gauhati University and Sri Abhay Kumar Johari , IFS (Retired), Former Member Secretary, Assam Biodiversity Board participated. In the said meeting, Sri M.K. Yadava, IFS, Addl. PCCF and Chief Wild Life Warden, Govt of Assam, Sri K. S. P. V. Pavan Kumar. IFS, Addl. PCCF (P&D) and Member Secretary, Assam Biodiversity Board, Dr. D. N. Das, Member Secretary, PCBA and Dr. Pranjal Bezbaruah also participated as invitees. The said meeting was held to discuss about formation of Multi Disciplinary Team comprising of the Community Members, Expert on Wetland Ecology, Hydrology, Fisheries, Water Board Specialist and others to formulate a restoration plan for the Magori Motupung Wetland and also to ascertain the extent of damages and the compensation to be fixed for that purpose. In the meeting held on 10.08.2020 through virtual media, apart from others, the proposal submitted by CSIR-NEIST for conducting the test relating to the air quality, water quality and soil was also discussed and a decision in that regard was taken. The Chairperson as well as the Members of the Committee so far, however, unable to visit the site of Well Baghjan-5 due to the prevailing situation in Tinsukia District arising out of the pandemic of COVID-19. One of the Members of the Committee constituted by the Hon'ble NGT, namely, the District Magistrate, Tinsukia District is constantly in the District and visiting the site regularly. The District Magistrate has also intimated the Chairperson of the Committee about the verification of the persons affected and the assessment of compensation made by the revenue authorities. The Committee has also been informed that the Chairman-cum-Managing Director, Director and Executive Directors, apart from others of OIL have also in the meantime been tested positive for COVID-19.

(D) **THE REASON FOR SUBMISSION OF THIS INTERIM REOPORT BEFORE THE HON'BLE NGT :**

The Committee in its Preliminary Report dated 24.07.2020 had recommended payment of interim compensation to the families, which have already been reproduced

above, based on the Preliminary Report dated 05.07.2020 prepared by the Circle Officer, Doomdooma Revenue Circle, received from the Office of the District Administration, Tinsukia. In the said Preliminary Report it has also been indicated that the detailed assessment of actual affected areas and affected pattadars in Baghjan village, Natun Rangagara village and adjoining area were going on. The Committee also requested the Deputy Commissioner, Tinsukia to conduct a detailed assessment of the villages, house-holds and individuals, specifically those who have been severely, moderately and marginally affected; the extent of damage caused to the immovable property; loss of livestock; damage to fishery etc, which report was at that point of time awaited.

The Deputy Commissioner/District Magistrate, Tinsukia got the verification done by a team of revenue officials under the leadership of the Circle Officer, Doomdooma Revenue Circle in respect of the severe damage caused to the houses, including the agriculture/horticulture and other properties rendering the houses severely damaged, inhabitable and also causing extensive damages to the property, including agriculture/horticulture etc and also the damages caused to houses and other properties including agriculture/horticulture etc belonging to the other families of Baghjan village, which is the most affected village being in the closest proximity of the Well, i.e. within 0 to 1.5 Km. The said exercise was supervised and monitored by the Magistrate-in-Charge and also by the Addl. DC, Tinsukia.

The Commission has also been informed about holding of a meeting of the District Legal Services Authority (DSLAs) committee in the Office of the learned District & Sessions Judge, Tinsukia on 12.08.2020 with the Assam State Legal Services Authority on 12.08.2020 through video conferencing, in relation to the survey and assessment of compensation to the villagers. The DLSA, Tinsukia has also been involved in that regard and its Member Secretary was present in the meeting/discussion held with the villagers of Baghjan village on 13.08.2020.

The Circle Officer on 24.08.2020 submitted a list of 57 house-holds, whose houses have been severely damaged rendering the same inhabitable or whose properties, including agriculture/horticulture etc have completely been damaged due to the blowout and subsequent fire incident of Well Baghjan-5. Another list

containing the names of 543 affected families of Baghjan village, who are staying in Baghjan ME and High School Relief Camps, whose houses partially damaged and the

properties, including the agriculture/horticulture has also been damaged extensively. Those 57 families are in addition to 12 families whose houses have completely been burnt down. Both those 57 families and 543 families belonged to Baghjan village, which is nearest to Well Baghjan-5 and situated within the radius of 0 to 1.5 Km of the said Well and hence most affected families because of the said blowout and fire incident.

The Deputy Commissioner-cum-District Magistrate, Tinsukia, thereafter submitted reports to the Committee on 25.08.2020 and 31.08.2020. As mentioned above, the DC/District Magistrate, Tinsukia is one of the Members of the Committee and regularly visiting the site of the incident and interacting with the affected families and also the officials of the OIL. The Deputy Commissioner in his aforesaid reports has observed that the houses of 57 families, as aforesaid, have severely been damaged, apart from agriculture/horticulture and other properties like agriculture/horticulture etc and they have to bear the brunt because of the close proximity to the said Well, which is 0 to 1.5 Km. According to the DC/District Magistrate, the damages caused to those 57 families being very severe and extensive they should also be treated as part of Category (i) and pay the interim compensation of 25 Lacs each. It has also been reported that although the damage caused to the houses of 543 families of Baghjan village is partial but the overall damage sustained by these families is severe and extensive in terms of physical damage to paddy/horticulture, loss of livelihood, besides mental trauma and impact on health due to constant sound and air pollution, they being in the immediate vicinity of the Well, which is in the range of 0-1.5 Km (approx) and hence they should be included in Category (ii) and also be paid on enhanced compensation of Rs.15 lacs per family/house-hold.

It is trite to say that Well Baghjan-5 blowout has caused large scale impact on the life of the communities in the affected areas. The damages have been extensive causing large scale destruction to lives and property. In a recent survey conducted by the Office of the District Administration reports that the impact caused to the lives of the people within the immediate radius of 0 to 1.5 Km has been widespread. Apart from the 12 families whose house have been completely gutted, there are about 57

families whose agricultural lands, horticulture, livestock have been completely ravaged by the fire. That apart 543 families of Baghjan village suffered immensely



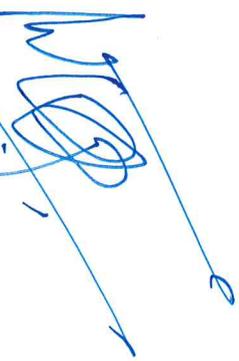
including damage to the houses or properties. The report defines families who have suffered extensive trauma caused due to the continuous sound and air pollution emanating from the blowout site and fire. The report indicates grave health risks to the communities including instances of mental trauma and disorientation triggered by the incessant sound from the blowout site and ongoing fire. Children have reportedly sustained multiple traumas caused due to the blowout and ongoing fire and the ongoing exposure threatens to cause long term and wide ranging physical and psychological effect on them. Lives thus remain completely disrupted compounded by the innumerable hardships endured by the families; being dispossessed of their homes and property and having to say in the relief camps indefinitely since the blowout on 27.05.2020. There have been recurring complaints of constraints in sanitation and protective measures from COVID-19 emanating from the relief camps. Failure to address the immediate needs of the families till date have resulted in agitation and protest by the affected villagers.

The Committee considered the said reports submitted by the DC/District Magistrate, Tinsukia. The Committee, having regard to what has been discussed above, unanimously decided to accept the said reports submitted by the DC/District Magistrate, Tinsukia, who is the Head of the Revenue Department in the District and also a Member of the Committee, relating to the damages caused and interim assessment of damages caused to the families of Baghjan village due to the blowout and subsequent fire incident occurred in Well Baghjan-5 and also his views on payment of interim compensation to those families.

It is also important to mention that though the blowout incident had occurred on 27.05.2020 and subsequent explosion on 09.06.2020, the fire could not be put off till date and more than 98 days have elapsed. The inhabitants of the Baghjan village, which includes the aforementioned 57 families and 543 families are the most affected families, they being within the radius of 0 to 1.5 Km from the site of the incident. Most of them are still in the relief camps, as aforesaid. As the Well could not be killed till date, they had to be out of their own houses and properties and living in the relief camps like refugees. Although the villagers staying in the relief camps (Baghjan Dighaltaran ME & High School) provided with the basic facilities like water, sanitation, food, apart from the medical facilities etc, yet they are suffering immensely as they have not been able to return to their houses for a long period of time and also because of mental trauma and other health issues.

The Committee, having regard to the totality of what has been discussed above, makes following recommendations for urgent consideration of the Hon'ble NGT :-

- (a) 57 families identified by the DC/District Magistrate, Tinsukia be included in Category (i) and they should be paid Rs.25 Lacs each as interim compensation;
- (b) 543 families as identified by the DC/District Magistrate, Tinsukia be included in Category (ii) and they having been the worst sufferers, the payment of interim compensation to those families may be enhanced to Rs.15 Lacs.
- (c) The compensation, if any paid, shall be deducted from the aforesaid interim compensation



(BROJENDRA PRASAD KATAKEY)
Former Judge, Gauhati High Court
Chairperson of the Committee of Experts.

Place : Guwahati, Assam
Date : 01.09.2020