



BEFORE THE NATIONAL GREEN TRIBUNAL
Western Zone Bench, Pune

Original Application No. 164 OF 2024 (WZ), (Earlier O.A. No. 828 of 2024 (PB))

IN THE MATTER OF:

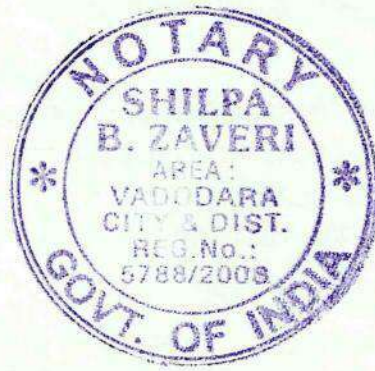
News Item Titled "Three Die of Asphyxiation at Illegal Coal Mine in Gujarat" Appearing in The Hindu Dated 15.07.2024

REPLY ON BEHALF OF THE RESPONDENT No. 01:
CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT (PB) vide order dated 16.07.2024 has sought thereply of respondents including CPCB in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That Central Government has made it mandatory to obtain Environmental Clearance for mining of major minerals including coal mining. MoEF&CC published EIA Notification 1994 regarding Environmental Clearance to be obtained by mine owner for mining activities, which includes Environment Impact Assessment / Environment Management Plan Reports. The Consent for coal mining is granted by SPCBs. Further, the compliance of Consent Conditions is assured by SPCBs.

PRELIMINARY SUBMISSIONS:

4. That the matter is registered in the Hon'ble NGT (PB) suo-motu on the basis of the news item titled "Three die of asphyxiation at illegal coal mine in Gujarat" appearing in Hindu dated 15.07.2024. The matter relates to the death of 3 laborers due to asphyxiation inside an illegal coal mine in Surendranagar District of Gujarat. As per the article this is the fourth such incident reported in a year in which a total of 10 people had lost their lives while digging for low-grade coal in illegal mines found in several parts of the district. The coal is used as fuel in factories of the State and elsewhere.
5. That the news item states that workers who died after inhaling toxic gas in the mine were not provided the essential safety gear. The article further highlights that there have been frequent incidents of deaths in Surendranagar District where illegal mining of coal is rampant. It states that the proliferation of unregulated coal mines has become a death trap for impoverished workers who get paid ₹500-₹700 a day to work in pits that are 80 to 100 feet deep to extract coal using gelatin sticks for blasting, which is completely illegal. The workers are not given helmets, gloves, or any kind of protective clothing. The article also claims that in the past six months, around 20 laborers have died in the illegal mines in this area and yet there has been hardly any prompt action taken by the authorities to stop this activity.
6. The order mention that the above matter indicates violation of the Public Liability Insurance Act, 1991 and the Environment Protection Act, 1986. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.



**REPLY:**

7. That under provisions of the MMDR Act 1957, the States are empowered to make the rules for regulating the grant of prospecting licenses or mining leases in respect of minerals and making rules for preventing illegal mining, transportation and storage of minerals. Further, the safety provisions of coal mines are regulated by Coal Mines Regulation 2017 which are administered by the Directorate-General of Mines Safety (DGMS).
8. That the issue is regarding illegal operation of coal mines in the area and death of laborers working in those mines without adequate safety equipment; violation of the Public Liability Insurance Act, 1991 and non-compliance of the environmental norms. CPCB has been arrayed as a Proforma Respondent in the present matter. Moreover, since the matter is pertaining to illegal mining, no information is available on record with this answering respondent. However, this answering Respondent shall abide by any order of directions of the Hon'ble Tribunal.
9. That the answering respondent craves reply of the Hon'ble Tribunal to file additional reply, in future, if required.
10. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

P. Gargava

Prasoon Gargava
Scientist 'F' & RD (Vadodara)
Central Pollution Control Board

प्रसून गार्गव / PRASOON GARGAVA
क्षेत्रीय निदेशक / REGIONAL DIRECTOR
केन्द्रीय प्रदूषण नियंत्रण बोर्ड / Central Pollution Control Board
(पर्यावरण, वन एवं जल संसाधन, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
क्षेत्रीय निदेशालय (पश्चिम), वडोदरा-390023.
Regional Directorate (West), Vadodara-390023.



NOTARY PUBLIC
SHILPA B. ZAVERI
VADDARA CITY & DIST.
REG. No.: 5788/2008

BEFORE THE NATIONAL GREEN TRIBUNAL

Western Zone Bench, Pune

Original Application No. 164 OF 2024 (WZ) {Earlier O.A.No. 828 of 2024 (PB)}



IN THE MATTER OF:

NEWS ITEM TITLED "THREE DIE OF ASPHYXIATION AT ILLEGAL COAL MINE IN GUJARAT" APPEARING IN THE HINDU DATED 15.07.2024

REPLY ON BEHALF OF THE RESPONDENT No. 01:CENTRAL POLLUTION CONTROL BOARD (CPCB)

Sr. No.:.....86th.....

Date: 17/09/2024

AFFIDAVIT

I Praseon Gargava, aged 51 years, having office at the Regional Directorate (Vadodara), Central Pollution Control Board (CPCB), Nr. VMC Ward No. 10 Office, High Tension Road, Subhanpura, Vadodara, 390023, do hereby solemnly affirm, declare on oath and state as under: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



VERIFICATION

Verified at Vadodara on this 17th day of September, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Vadodara on this the 17th Day of September 2024.

प्रसून गार्गव / P. GARGAVA
 क्षेत्रीय निदेशक / REGIONAL DIRECTOR
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड / Central Pollution Control Board
 (पर्यावरण, वन एवं ज.प. मंत्रालय, भारत सरकार)
 (Ministry of Environment, Forest & Climate Change, Govt. of India)
 क्षेत्रीय निदेशालय (पश्चिम), वडोदरा-390023.
 Regional Directorate (West), Vadodara-390023.

DEPONENT

My Commission expires on 28-4-2028

SHILPA B. ZAVERI
NOTARYSolemnly Affirmed/Declared
Sworn Before me by...Praseon GargavaSHILPA. B. ZAVERI
NOTARY

17 SEP 2024

