

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.68/2023/EZ

In Re: News item published in NDTV dated 09.06.2023
“Child among 3 killed as illegal Coal Mine Collapses
Near Dhanbad”

Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 30.11.2023

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Mr. Surendra Kumar, Advocate for R-1,
Ms. Aishwarya Rajyashree, Advocate for R-2&3 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-4,
Mr. Arik Banerjee, Advocate a/w
Mr. Saptarshi Mukherjee, Advocate for R-5

ORDER

1. This Original Application has been taken on the basis of a news item published in NDTV dated 09.06.2023 “*Child among 3 killed as illegal Coal Mine collapses near Dhanbad*”.
2. Affidavit dated 22.11.2023 has been filed by the Respondent No.5, Bharat Coking Coal Limited (BCCL); the same is taken on record.
3. Mr. Arik Banerjee, learned Counsel assisted by Mr. Saptarshi Mukherjee, learned Counsel appearing on behalf of the Respondent No.5, Bharat Coking Coal Limited (BCCL) submits that the Inspection Report which has been filed with the affidavit dated 05.08.2023 of the Respondent No.1, Jharkhand State Pollution Control Board does not mention that any dead body was recovered even on enquiry from the villagers near the Colliery. Mr. Banerjee also refers to the statement of the Safety Officer, Bhowra South

Colliery, East Jharia area mentioning that he had received some information regarding injury said to have been received by some persons but on visiting the site, nothing was found. However, at page 111 and page 112 of the paper book is the statement of one Saroj Yadav dated 10.06.2023 wherein he has stated that his son Jitendra Kumar Yadav aged about 10 years had gone to recover his buffalo calf and fell into the mine and died. At page 112 is the statement of one Arjun Yadav stating that his grandson Jitendra Kumar Yadav aged 9-10 years had fallen into the Coal Mine and died. The statement shows that Arjun Yadav is the father of Saroj Yadav and grandfather of the alleged deceased child.

4. In this view of the matter, we direct the District Magistrate, Dhanbad to verify whether any dead body of Jitendra Kumar Yadav has been recovered and file his affidavit specifically stating whether any dead body has been recovered and what is the outcome of the F.I.R. alleged to have been lodged with the police authority.
5. Para 8 of the affidavit of the Commissioner/District Magistrate, Dhanbad, Jharkhand dated 03.07.2023 refers to a Joint Report by the Circle Officer, Jharia and Sub Divisional Police Officer, Sindri submitted vide letter no.880 dated 10.06.2023 of Circle Officer, Jharia which is self-explanatory. The joint report has been filed as Annexure-‘C’ to the affidavit. We have gone through the Report and prima facie we find that this Report does not mention that any dead body has been recovered except to say that the Mine area fencing had been safely secured but it was found broken at a particular spot.
6. We, therefore, direct the District Magistrate, Dhanbad to file a fresh affidavit clearly showing the outcome of the enquiry and F.I.R.

lodged in this regard and whether any dead body, mentioned in the Report of one Binod Kumar Pandey, Project Officer (page 101 of the paper book) was recovered from the mine area or not.

7. The Superintendent of Police, Dhanbad shall also file his affidavit. Copy of this order shall be communicated to the Superintendent of Police, Dhanbad through District Magistrate, Dhanbad.
8. **List on 09.01.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

November 30, 2023,
Original Application No.68/2023/EZ
SKB