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

Original Application No.48/2023/EZ

In Re: News Item published in Newspaper
The Indian Express dt.08.04.2023
"In Assam a mining death & a woman's 3 month
fight to find husband's body"

Applicant(s)

Versus

State of Assam

Respondent(s)

Date of hearing: 22.08.2023

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) : Ms. Malabika Roy Dey, Adv. for State Respondents,
Mr. Shyamvar Deb, Adv. for ASPCB (in Virtual Mode)
Mr. Sandeep Chamaria, Adv. for Directorate of Geology &
Mining, Guwahati, Assam, (in Virtual Mode)

ORDER

1. The matter was taken up suo motu by the Principal Bench, National Green Tribunal, New Delhi,
in the light of the media report of death of one Pranjal and recovery of his body from a colliery which
is part of North Coal Field operated by the Coal India Limited in Tinsukhia District in Assam. The
Tribunal observed that according to media report, death may have taken place due to illegal mining
even though Guwahati High Court had issued directions to the MoEF&CC to control the same. The
said deceased was stated to be 26 years old.

2. Notices were issued to the Respondents.

3. On 21.04.2023 the Tribunal observed as under:-
2. In response to advance notice dated 10.04.2023 issued to State PCB, Deputy Commissioner, Tinsukia and Director, Geology and Mining, Assam, Counsel have put in appearance and sought time.

3. While we grant time, we find it necessary to ascertain the cause of death, person to be held accountable for such death and whether illegal mining is taking place, compensation payable to the victim and steps required to prevent such incidents in future. For this purpose, we constitute a joint Committee comprising of CPCB, State PCB, MoEF&CC Regional Officer, Deputy Commissioner Tinsukia, nominee of Coal India Limited and IIT Dhanbad. The CPCB and State PCB will be the nodal agencies for coordination and compliance.

4. The meeting to the Committee may be held within two weeks. The Committee may undertake visit to the site, interact with the stake holders and give its report preferably within two months before the Eastern Bench, Kolkata by email at ngtjudicial-kolkata@gov.in. It will be open to the Committee to meet online or offline and also associate to any other individual, institution or Department.

5. A copy of the report be also posted on the website of the State PCB with intimation to any person found accountable in the report for their response, if any. The Committee may also consider reports furnished to this Tribunal in identical situations such as in orders dated 28.03.2023 in O.A. No. 204/2023, In re: News item published in Newspaper The Hindu dated 07.03.2023 titled "Three children die during illegal mining in West Bengal" and 28.11.2022 in O.A. No. 242/2022, In re: News item published in the Telugu Newspaper named, Eenadu, Telangana edition dated: 15th July, 2021, titled "illegal sand mining in Karim Nagar District, Andhra Pradesh".

6. The matter is transferred to Eastern Bench at Kolkata for further consideration.


4. Accordingly, a Compliance Report of the Six Member Committee constituted by the Tribunal has been filed by the Assam Pollution Control Board which reads as under:-

REPORT ON THE VISIT OF SIX (6) MEMBERS COMMITTEE IN COMPLIANCE OF THE DIRECTION OF THE HON'BLE NGT (PB) ORDER IN O.A. NO.274/2023 DATED 21-04-2023

Introduction:

Based on a media report regarding death of one Pranjal Moran and recovery of his body from a rat hole mine in the mining area of M/s North Eastern Coal Field, Coal India Ltd., Margherita in the district of Tinsukia, the Hon'ble NGT took a suo moto case (274/2013) and vide its order dtd. 21-04-2023 the Hon'ble NGT constituted a joint Committee comprising of CPCB, State PCB, MoEF&CC Regional Officer, Deputy Commissioner-Tinsukia, Nominee of Coal India Ltd. and IIT-Dhanbad. The NGT also desired that the CPCB and SPCB will be the Nodal department in the Committee to execute the mandates of the order.

As a follow up action, Pollution Control Board, Assam communicated with CPCB, MoEF&CC, IIT-Dhanbad, Deputy Commissioner of Tinsukia District and General Manager -- NEC regarding constitution of the Committee vide letter dtd. 09.05.2023. With the nomination received from the
various departments, a six (6) members Committee was constituted with the following members:

1. Ms. Imtienla Ao, IFS, Deputy Director-General of Forest (Central), Integrated Regional Office, Guwahati-Chairman of Committee.

2. Sri Mantu Choudhury, Regional Director, Central Pollution Control Board, Shillong.

3. Prof. V. K. Sinha, Department of Mining Engineering, IIT (IZSM), Dhanbad, Jharkhand,

4. Deputy Commissioner, Tinsukia District.

5. Sri S.P. Dutta, General Manager, North Eastern Coal Field (NEC), Margherita.

6. Dr. Shantanu Kumar Dutta, Member Secretary, Pollution Control Board, Assam.

The Committee held its first meeting on the 10th of May 2023 at 2.30 PM in hybrid mode, which was chaired by Ms. Imtienla Ao, IFS, Deputy Director-General of Forest (Central), Integrated Regional Office, Guwahati.

The Committee had its 2nd meeting at Margherita on the 19th of May 2023 and subsequently undertook a joint visit on the same day to the Tirap open cast mine (Photo-I & II) and the Site from which the dead body of Sri Moran was recovered. The team was also accompanied by the Sub-Divisional Magistrate (Civil) of Margherita Sub Division (Smt. Preeti Kumari, IAS) and the Sub-Divisional Police Officer (Sri Hemanta Kumar Boro, APS).

The Committee, during visit to the spot from where the body of the deceased Pranjal Moran was allegedly recovered, observed that the spot was located in Tirap Colliery and within the lease area of NEC. The GM, NEC, Coal India Limited, Margherita informed that mining operation in the mine had been under suspension for long. However, NEC has applied for Environmental Clearance and Forest Clearance for further mining activities.

2.0 Observation of the site:

The NEC suspended the coal mining activities in the Tirap open cast mines since June, 2020. During the visit, the mining area was observed without any operation. However, smoke due to natural coal fire was seen coming out from the exposed coal seams in the Tirap open cast mine pit (Photo-II).

The spot, where the deceased body was stated to be found, was seen as a rat hole mine (Photo --III & IV). The area is within the leasehold of North Eastern Coal Field. The GM of the NEC, who was accompanying the team, stated that NEC do not carry out rat hole mining activities. Miscreants or illegal miners probably had carried out the rat hole mining clandestinely in that spot.
The General Manager, NEC has informed the Committee that the mining lease area under Tirap Colliery is quite large and as such, when the mining operation in the Colliery was not being continued, it was not possible for NEC to hire armed security force to secure the entire area. NEC have hired DGR sponsored unnamed security personal and presently they have been guarding the area. The entry points to the Tirap mine have been provided with barbed wire fencing and gate. The mining lease area being in hilly terrain with steep contour, it is very difficult to provide full proof security in the whole area. It is also confirmed that illegal mining are being carried out by organised gangs and mining workers involved in such mining activities make their way to the exposed coal seams through the hilly terrain and avoid the secured entry points.

3.0 Police Action:

The Sub-Divisional Police Officer Sri Hemanta Kumar Boro, APS informed the Committee members that the body of the deceased, allegedly to be of Pranjal Moran, was found in the site after many days of the death of the victim. The body was completely decomposed, and only few bones of the deceased could be found inside a poly bag, which was assumed to be dumped in the rat hole by unknown person. The police, during investigation, arrested numbers of people allegedly to be involved in the crime. The search operation for recovery of the body was started from the 14th of February, 2023 but no immediate success could be achieved. The operation for recovery of the body went on till the 7th of April, 2023, when all the accused, apprehended already, identified the spot and the body could be recovered in a poly bag. The detail investigation report is enclosed for ready reference.

The Committee however could not contact the wife of the deceased Pranjal Moran, who lives somewhere near Tinsukia.

4.0 Financial and other helps from Government The Sub-Divisional Magistrate, Ms. Preeti Kumari, IAS informed the Committee that no direct financial aid was provided to the family of the deceased, However, the family members are availing the benefits under the schemes like Arunoday and free rice under BPL card. The NEC authority also confirmed that they had no such provision of offering any financial benefits to any victim of such incident for which they are not responsible, neither the person was an employee of NEC.

5.0 Death of more illegal coal miners:

Another news item was published on 9th June, 2023 in one of the Assamese News Daily, namely 'Niyomiy Barta' about death of two more coal miners allegedly involved in illegal coal mining. Member Secretary, PCBA communicated with the SDPO, Margherita Division vide letter dated 12th June, 2023 seeking details of the incident.

SDPO vide its letter dated 25th July, 2023 submitted a detail report and confirmed the death of one Noren Phukan, age 24 years during illegal coal mining. The report received from the SDPO is enclosed (Annexure I).
5. A perusal of the Committee Report would show that the entry points to the Tirap Mine have been provided with barbed wire fencing and gate, though it is stated that providing of foolproof security in the whole area is difficult. It is confirmed that illegal mining is being carried out by organised gangs and mining workers involved in such mining activities making their way to the exposed coal seams through the hilly terrain avoiding the secured entry points.

6. So far as the death of Pranjal Moran is concerned, the Committee has noted that the body of the deceased was found at the site after many days of the death of the victim. The body was completely decomposed and only few bones of the deceased were found inside a poly bag which appears to have been dumped in the rat hole by unknown person/persons.

7. It is stated that in this regard, the police have arrested some of the persons alleged to be involved in the crime. The operation for recovery of the body was started from 14.02.2023 and went on till 07.04.2023 when all the accused, apprehended already, identified the spot and the body parts were recovered in a poly bag.

8. The Committee further noted that there is no direct financial aid provided to the family of the deceased, however, the family members are availing benefits under schemes like - Arunoday and free rice under BPL card.

9. The Committee Report further mentions that on 09.06.2023 another news item was published in one of the Assamese news daily, namely, 'Niyomiya Barta', about death of two more coal miners allegedly involved in illegal coal mining. The Member Secretary, Pollution Control Board Assam, has communicated with the Sub-Divisional Police Officer (SDPO), Margherita Division, vide letter dated 12.06.2023, seeking details and the SDPO vide his letter dated 25.07.2023 has submitted a detailed report and confirmed the death of one Noren Phukan, aged about 24 years, during illegal coal mining.

10. The Report of the Superintendent of Police, Tinsukia, Assam, dated 19.04.2023 has also been placed on record which reads as under:

"........xxx..............xxx..................xxx..............xxx...................

Brief of the case:- On 06/02/2023 at 06:25 PM informant Smti Urbashi Moran, age 24 Years, W/o-Late Pranjal Moran of Makum Hukani Gaon, P.S- Bordubi, Dist - Tinsukia, Assam lodged an ejahar stating that on 06/01/2023 the informant's husband Pranjal Moran came from home to work as labourer at Ledo Plantation No.6 being employed by Raja, Karrial Sai and I3. Ganesh. On 22/01/2023 at about 08:00 AM, Pranjal Moran called the informant with the mobile phone of a fellow worker, a resident of Barali village, Kakopather and said that he would be home on January 14 and not to worry if he did not reach home.

Suddenly, the informant learnt that 2 (two) people died in a Ledo Coal Mine on 01/02/2023 and accordingly the family member of the informant came to the Ledo working place with photographs..."
to inform the owners. On 02/02/2023 at about 08:00 AM one Shri Hiren Gogoi @ Moon called the informant and went to the informant's home and told her that, her husband Pranjal Moran died while on duty at his working place. On the same day the family member of the informant met the manager, guards, and owners of the coal mine in which Pranjal Moran worked and questioned them about the incident and they admitted that Pranjal Moran was working with them. At that time a man present there said that he took the Aadhaar Card of her husband Pranjal Moran while he was working. In this regard the informant conveyed to her that Raja, Kamal Sai and B. Ganesh had killed her husband by making him work in a dangerous manner. Hence the case.

The case was initially endorsed to SI(P) Bhabesh Roy and later on the case has been re-endorsed to Inspr(UB) Pratap Gogoi, O.C Margherita PS for investigation.

Action taken by the I/O:

1. I/O visited the P.O and drew up a sketch map of the P.O.

2. I/O Examined the complainant and witnesses of the case.

3. I/O has reached the house of Kamal Sai, Raja Gowala, Betab Mali, Tota Sagar Mali @ Jugnai, Krishna Tossa, Sanjay Mura @ Kasu, Dattakron Tanti and Rubul Phukan but they were not found in their respective houses.

4. On 14/02/2023 the IO had arrested 6 persons namely: 1) Sri Subhash Basumatary, Age 65 years, S/o-Late Kato. Basumatary of 2 no Mahilapara, Rauta, P.S-Rauta, Dist- Udalguri, Assam, 2) Sri Anup Sonowal @ Kolaguti, Age 22 years, S/o Sri Chandra Kumar Sonowal of Kolabari, RS- Tangana, Dist- Tinsukia, Assam,

3) Sri Anup Neog, Age 24 years, SR) Late Kushal Neog of Bor Ali, P.S-Kakopathar, Dist- Tinsukia, Assam. 4) Sri Sujan Tanti Sonbhai, Age 26 years, S/o-Sri Rajesh Tanti of Ledo Bagan 6 no line, P.S-Marghcrita, Dist- Tinsukia, Assam, 5) Sri Bir Bahadur Thapa @, Sanu Thapa, Age 24 years, S/o-Sri Purna Bahadur Thapa of Saliki Gaon, P.S- Margherita, Dist - Tinsukia, Assam,

6)Sri Rajesh Tanti Sonu Tanti, Age 19 years, S/o-Late I-Iarjan Tanti of Saliki Eiasti, 7 no, P.S-Marghcrita, Dist - Tinsukia, Assam and forwarded to Judicial Custody.

5. On interrogation it was learnt that the above 5 persons (SI. No. 2 to 6) have helped in disposing the dead body of Late Pranjal Moran in a coal mine located at Tirap colliery. Two persons, Sri Bir Bahadur Thapa @ Sanu Thapa and Sri Rajesh Tanti @ Sonu Tanti confessed that they had helped in disposing the dead body of Pranjal Moran at 6 No Tower Bench at Ledo in a rat hole mine. On 14th Feb 2023 the two persons were asked to lead to the place where they had disposed the dead body of Pranjal Moran and a team consisting of SDPO (Margherita), 1/C Ledo OP and staff, Circle Officer Runal Nath, Executive Magistrate Pronamika Konwar and Coal India Limited officers Sri Binod Bihari Sahoo and Sri Samiran Gogoi went to the place located at Tirap colliery. Since the rat hole mine was filled with debris, the agent of Coal India Ltd. was asked to bring an excavator and
accordingly, the place was dug up and the rat hole mine was discovered. The entire process of digging up the rat-hole has been video-recorded. Because of the unscientific manner of mining, non-availability of air-testing tools as well as the steepness of the rat-hole, Sri Binod Bihari Sahoo, the Coal India Ltd agent, expressed his views that it is not-permissible to enter the said rat-hole mine as it may endanger human life and it is also not permissible to enter such a mine according to Mines and Minerals Act.

6. On 14/02/2023 the 1/C, Ledo OP along with staff and NEC, Margherita used a combination loader (JCB type) to recover the body of deceased Pranjal Moran in presence of Executive Magistrate cum Circle Officer, Sri Runal Nath, ACS, Executive Magistrate, Miss Pronamika Konwar, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

7. On 16/02/2023 the I/C, Ledo OP along with staff NEC, Margherita used a combination loader (JCB type) to recover the body of deceased Pranjal Moran in presence of Executive Magistrate, Miss Runjun Borah, ACS, Executive Magistrate, Miss Pronamika Konwar, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

8. On 17/02/2023, the I.O. of the instant case along with police staff and NEC, Margherita used a combination loader (JCB type) to recover the body of deceased Pranjal Moran in presence of Executive Magistrate, Miss Runjun Borah, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

9. On 18/02/2023 the I.O. of the instant case along with police staff and NEC, Margherita used a combination loader (tics type) to recover the body of deceased Pranjal Moran in presence of Executive Magistrate, Miss Pronamika Konwar, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

10. On 19/02/2023, the I.O. of the instant case along with police staff and NEC, Margherita used a combination loader (JCB type) to recover the body of deceased Pranjal Moran in presence of Executive Magistrate cum Circle Officer, Margherita, Sri Runal Nath, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

11. On 20/02/2023 the I.O. of the instant case along with police staff and NEC, Margherita used a Back Hoe Excavator to recover the body of deceased Pranjal Moran in presence of Executive Magistrate, Margherita, Sri Sidhartha Sonowal, ACS, Sri Saundarjya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.
12. On 21/02/2023 the I.O. of the instant case along with police staff and NEC, Margherita used a Back Hoe Excavator to recover the body of deceased Pranjal Moran in presence of Sri Saundarjiya Prashad Dutta, General Manager, NEC, Margherita, Sri Manash Pratim Dutta, Engineer, NEC, Margherita, Sri Binod Bihari Sahoo, Agent, Tirap Colliery and Sri Samiran Gogoi, Agent, Tirap Colliery.

13. On 27/02/2023 the IO had arrested 4 persons namely: 1) Sri Raja Gowala, Age 24 years, S/o-Sri Arun Gowala of Ledo T.E. 6 No line, P.S-Margherita, Dist- Tinsukia, Assam, 2) Sri Betab Mali, Age 33 years, S/O Sri Jogindar Mali of Ledo T.E. 6 No line, P.S- Margherita, Dist- Tinsukia, Assam 3) Sri Rubul Phukan, Age 48 years, S/O Late Tongkeswar Phukan of Ledo T.E. 6 No line, P.S-Margherita, Dist- Tinsukia, Assam and 4) Sri Dattakron Tanti, Age 30 years, S/O-Late Bcnu Tanti of Ledo T.E. 6 No line, P.S_ Margherita, Dist- Tinsukia, Assam and forwarded to Judicial Custody.

14. On 23-03-2023, the accused person namely Totasagor Mali @ Jugnai, S/O- Late Satrughan Mali of Ledo TE 6 No. Line, PS- Margherita, Dist-Tinsukia, Assam, obtained an anticipatory bail from the Hon’ble Court and he appeared at the Ledo OP and examined him in connection with the case.

15. On 25-03-2023 the accused person namely Kamalsaya Kujur @ Kamal Sai, Age 24 years S/O - Sri Zirkur Kujur of Ledo TE 6 no Line, P.S. --Margherita, Dist. - Tinsukia., Assam, obtained anticipatory bail from the Hon’ble court and he appeared at the Ledo OP and the IO examined him and recorded his statements in connection with the case.

16. As mentioned in the statement of the accused person namely Betab Mali, Raja Gowala, Rubul Phukan and Data Karan Tanti, the accused person Sri Ruksai Kujur, Age 24 years S/O - Sri Zirku Kujur of Ledo TE 6 no Line, P.S. - Margherita, Dist. - Tinsukia, Assam was found involved in the case and after examining him and recording his statement he was arrested in connection with the case and produced before the Hon’ble Court and as requested, 2 days police remand of the accused person was given by the Hon’ble Court.

17. From the statement of the accused persons namely Betab Mali, Raja Gowala, Rubul Phukan and Data Karan Tanti, the accused person namely Sri Sujan Pahariya @ Babu @ Pandit, Age 29 years, S/O - Kusha Pahariya of Ledo TE 6 no Line, PS - Margherita, Dist. - Tinsukia, Assam was found complicit in the commission of the crime and after examining him and recording his statement he was arrested in connection with the case and produced before the Hon’ble Court and as requested, 2 days police remand of the accused person was given by Hon’ble Court.

18. On 02-04-2023, a police team comprising of I/C, Ledo OP and staff in collaboration with Fire & Emergency Service, Assam and SDRF, Assam, the operation of recovering the body of the victim Pranjal Moran was started.

19. On 03-04-2023, the search operation at Tirap colliery for recovery of the deceased Pranjal Moran’s body was continued under the supervision of Hon’ble IGP (NER) with the help of SDRF, Assam and F&E (Assam) but the body could not be recovered on that day. On completion of Police remand of Sri Ruksai Kujur and Sri Sujan Pahariya @ Babu @ Pandit they were forwarded to the
20. On 04-04-2023, one person who was found to be involved in the commission of the crime in the instant case, namely Krishna Tossa S/O --Hari Tossa R/O - Ledo T.E. 6 no line was apprehended at Margherita near SDJM Court and he was arrested and as requested 3 days police remand was given by Hon’ble court. He had confessed that he along with other four persons, namely Junti Gogoi, Kasu Mura, Sanu Thapa and Sunu Tanti cojointly had concealed one dead body at Tirap colliery. They were paid rupees 50000/- by Kamal Sai, Sujan Paharia, Raja, Rubul, Jugnai, Betab (all are of Ledo TE 6 No line). Out of Rs. 50000/- he got Rs. 8000/-for doing the same.

21. On 06-04-2023 the I/O with Ledo OP staff proceeded to Tirap colliery along with Krishna Tossa who was brought on three days police remand for showing the place where he along with his associates has concealed the dead body of Pranjal Moran. On the same day, other co-accused namely (1) Gopinath Gogoi @ Junti S/O - Dibya Gogoi RIO - Mout Ghat Matiakhana P.S - Bordubi and (2) Sanjoy Mura @ Kasu S/O Lt. Sukuram Mura R/O--Ledo TE 6 no line were arrested in connection with the instant case.

22. On 07-04-2023 the I.O. along with police staff proceeded to Tirap colliery and continued the search operation in the rat hole mine where all arrested accused persons had pointed out where the body of Pranjal Moran was concealed. In the presence of Hon’ble IGP (NER), one poly bag from that rat-hole mine was recovered wherein one human body in decomposed condition was found. After observing all formalities, the remains of the body were sent for Post-mortem examination to the Tinsukia Civil Hospital. On the same day after observing all formalities, the body of the deceased was handed over to his family members.

23. On 09-04-2023 the blood samples of deceased Pranjal Moran's father namely Deben Moran was collected and medically extracted exhibits from the dead body were sent to FSI, for DNA profiling.

24. On 12-04-2023 the I/O collected the P.M. report of Pranjal Moran. Where the doctor has opined that "Opinion as to cause of death is not known and manner of death is undetermined due to advance decomposition of the body."

11. The Report of the Superintendent of Police, Tinsukia, points out that on 06.02.2023 at 06:25 PM informant Smt. Urbashi Moran, aged about 24 years, W/o late Pranjal Moran of Makum Hukani Gaon, P.S.-Bordubi, District-Tinsukia, lodged an ejahar stating that on 06.01.2023 her husband came home to work as labourer at Ledo Plantation No.6 being employed by Raja, Kamal Sai and B. Ganesh. On 22.01.2023 at about 8:00 AM, Pranjal Moran called the informant from the mobile phone of a fellow worker and said that he would be home on 14.01.2023 but thereafter he did not return.

12. The Report further mentions that on 02.02.2023 one Shri Hiren Gogoi @ Moon, called the informant and went to the informant's house and informed that her husband Pranjal Moran had
died while on duty at his work place. The informant conveyed that Raja, Kamal Sai and B. Ganesh had killed her husband by making him work in a dangerous manner.

13. The Report of the Superintendent of Police, Tinsukia, prima facie, shows that the death of Pranjal Moran, whose body was decomposed and parts were found in a poly bag, was, prima facie, a case of foul play and that it was not a case of death due to mining accident.

14. However, the fact that some persons could enter the mine in question to conceal a dead body means that the mine has not been properly secured and lay persons still have access to it.

15. Para 2.0 of the 'Observation of the Site' in the Committee Report mentions that though no mining operation had been observed but "miscreants or illegal miners probably had carried out the rat hole mining clandestinely in that spot".

16. The Deputy Commissioner, Tinsukia, Respondent No.2, is, therefore, directed to ensure that the mines in question are perfectly secured and no rat hole mining is permitted and access of lay persons to the mines is completely barred.

17. The present Original Application No.48/2023/EZ is accordingly disposed of.

18. I.As. if any, stand disposed of accordingly.

19. There shall be no order as to costs.

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B. Amit Sthalekar, JM ............................................. Dr. Arun Kumar Verma, EM
August 22, 2023, Original Application No.48/2023/EZ AK