

Guwahati Plus

Assam: Gauhati High Court Bans Illegal Mining

<https://www.guwahatiplus.com/assam/assam-gauhati-high-court-bans-illegal-mining>

GUWAHATI: Hearing a bunch of public interest litigations, the Gauhati High Court has directed the concerned officials of the Central Government, in collaboration with the responsible officers of the Assam Government, to ensure that the mining activities being undertaken by Coal India Ltd. shall not be allowed in Assam. The matter was led by Debajit Kumar Das, Advocate Gauhati High Court along with RS Choudhury and H Betala before the Division Bench of Gauhati High Court comprising Chief Justice Sandeep Mehta and Justice Suman Shyam who has constituted a green Bench for taking up matters relating to Environment.

The petitioner Mrinmoy Khataniar has tried to highlight the depleting forest in the Saleki Proposed Reserve Forest under the Digboi division and the illegal mining activities being carried out in the area, particularly being attributed to the respondent Coal India Ltd. Addressing the Gauhati High Court on the prayer for interim stay, the counsel D.K. Das, representing the petitioner in PIL 29/2020 and PIL 39/2022 drew the attention of the Court to the letter dated 17 November 2020 written by the Ministry of Environment Forest and Climate Change to the Deputy Conservator of Forests, Assam. According to the letter, it was pointed out that the user agency (Coal India Ltd) is continuing with mining activity over the forest area after the proposal was recommended by the Forest Advisory Committee (FAC) in 2013. The letter also conveyed that the user agency is continuously working in the area after the expiry of the original lease period in 2003.

In this regard, FAC observed that the violation done by the user agency from 2003 to 2013 had been appropriately discussed in 2013 by FAC and accordingly it had recommended appropriate action. As of date, the State Govt. should not have allowed mining in the area prior to final approval under the Forest Conservation Act (FCA) 1980. There has been gross neglect on this account on behalf of the State Govt. After perusing all records and facts related to the project proposal FAC recommended the proposal for approval of Stage-I with Standard, General and following specific conditions.

According to the recommendations, the state government was to abide by all conditions as specified in its recommendations of FAC dated June 10-11, 2013. In addition to the above, the state government should have taken action for the violation, carried out by the user agency after June 10-11, 2013. 'The state government should have inquired into the matter of gross violation and identified officials responsible for this violation and action should have been taken against them. The recommendations also suggested that the user agency shall not carry out any work in violation of the provisions of the FCA 1980 till all penalty and compensatory levies are deposited and Stage II approval for the project

is granted by the Centre and state. Chief Wild Life Warden should submit his independent comments as requested by the Centre and state vide letter dated August 5, 2013.

The Court said that the council for the petitioner submitted that as the Central Government itself has observed that the user agency, i.e. Coal India Ltd. is continuing the mining operation even after the expiry of the original lease period, it should be restrained from carrying out the mining operation in violation of the provisions of the Forest (Conservation) Act, 1980 till all penalties and compensatory levies are deposited and Stage II approval for the project is granted by concerned authorities. R.K.D. Choudhury, Deputy Solicitor General of India submitted that as a matter of fact, Coal India Ltd. has stopped its mining activities in the reserved forest areas and the mining activities are actually being carried out by other persons/ entities.

“Be that as it may, undisputedly it is the obligation of MoEF & CC in collaboration with the State Government to ensure that illegal mining activities are not carried out within the State of Assam which is home to the pristine forests which are virtually the lungs of the earth. Thus, we direct that the concerned officials of the Central Government, in collaboration with the responsible officers of the Assam State Government, shall ensure that the mining activities being undertaken by Coal India Ltd. shall not be allowed unless the conditions mentioned in the afore quoted letter are satisfied.

Immediate steps shall also be taken to ensure that all illegal mining activities in the area in question are stopped forthwith,” ordered the Court. It needs to be mentioned that recently opposition party Assam Jatiya Parishad (AJP) alleged that the northeastern state is losing nearly Rs 2,000 crore in revenue every month due to rampant illegal rat-hole coal mining in several places, particularly in Tinsukia district. The party sent a memorandum to the President, Prime Minister, Supreme Court Chief Justice, Leader of the Opposition in Parliament, NHRC Chairman and National Green Tribunal Chairman highlighting the issue.

“We have been highlighting rampant illegal coal mining, particularly rat-hole mining, in various parts of Assam. It has a direct impact on the environment, public health and the state exchequer,” AJP president Lurinjyoti Gogoi told the media in February this year. He claimed that the government is aware that illegal coal mining, which has continued unabated for decades in Assam, has caused large-scale destruction to Dehing Patkai National Park — the largest rainforest in the Northeast.

The AJP, in its memorandum, pointed out that the NGT had in 2014 banned rat-hole coal mining while alleging that it is still going on and the Assam government is aware of the illegal activities in the Digboi Forest Division.

Samacharnama

Ranchi रेलमंडल के खिलाफ पहली बार मामला मानवाधिकार आयोग पहुंचा

<https://samacharnama.com/city/ranchi/for-the-first-time-the-case-against-ranchi-railway-division/cid10444656.htm>

झारखण्ड न्यूज़ डेस्क, रांची रेलमंडल दक्षिण-पूर्व रेलवे के खिलाफ पहली बार मामला राष्ट्रीय मानवाधिकार आयोग पहुंचा है. मानवाधिकार कार्यकर्ता नाजिर हुसैन ने आम जनता के लिए रेलवे प्रशासन द्वारा सुविधा का ख्याल न रखने को लेकर मामला दर्ज कराया है.

दर्ज मामला में कहा गया कि मुरी जंक्शन रेलवे स्टेशन के नॉर्थ केबिन की ओर से करीब 10 वर्ष पूर्व फाटक मानव सहित था. जिसमें तीन शिफ्ट में कर्मचारी काम करते थे. दक्षिण पूर्व रेलवे रांची रेलमंडल प्रशासन की ओर से मुरी में फाटक को बंद कर दिया गया है. रेल प्रशासन ने आम जनता के लिए कोई भी सुविधा का ख्याल नहीं रखा. इस फाटक को बनाने से पूर्व और बनाने के बाद रेलवे लाइन पार होने के लिए रेल प्रशासन की ओर से आम जनता को कोई विकल्प नहीं दिया गया. इस फाटक में तीन सत्रों में ड्यूटी होने के बावजूद यह फाटक खुलती नहीं है. लोग आवागमन के लिए फाटक के नीचे से पार होकर जाने को मजबूर हैं.

मैट्रिक के छात्र काफी मुश्किल से जा रहे हैं परीक्षा देने

पत्र में कहा गया कि फाटक बंद होने से लोग अर्द्धनिर्मित अंडरपास से आवागमन कर रहे हैं. मैट्रिक की परीक्षा देने वाले छात्र व स्कूली बच्चे, ड्यूटी जाने वाले कर्मचारी इसी अंडरपास से आते-जाते हैं. इसमें लाइट तक नहीं है. इलाका भी सुनसान है. यहां कभी भी अप्रिय घटना घट सकती है. परंतु दक्षिण पूर्व रेलवे रांची रेलमंडल प्रशासन कई दिनों से मुरी की जनता के साथ अमानवीय व्यवहार कर रहा है.

NewIndian Express

NHRC seeks action taken report on custodial death in Odisha's Athagarh

<https://www.newindianexpress.com/states/odisha/2023/apr/01/nhrc-seeks-action-taken-report-on-custodial-death-in-odishas-athagarh-2561653.html>

It was alleged that Dhaneswar, picked up along with three others on charge of poaching a tusker was mercilessly beaten to death by 12 forest officials on February 5 this year.

CUTTACK: The National Human Rights Commission (NHRC) has sought an action taken report (ATR) on custodial death within Athagarh Forest Division from collector-cum-district magistrate, Cuttack and principal chief conservator of forest (PCCF).

The apex rights panel has directed Cuttack Collector and PCCF, Odisha to submit the ATR within four weeks on the death of Dhaneswar Behera (59) of Satagocchia village within Badamba police station due to alleged torture and assault in the custody of Forest department.

It was alleged that Dhaneswar picked up along with three others on charge of poaching a tusker was mercilessly beaten to death by 12 forest officials on February 5 this year. The officials first took the accused to Huguda and then to Khuntuni forest.

There the DFO, ACF, five to six foresters along with Badamba ranger thrashed them mercilessly, resulting in Dhaneswar's death on the spot. The forest officials who had threatened the other accused not reveal the matter to anyone persuaded them to tell the villagers that Dhaneswar was trampled to death by an elephant.

Human rights activist Akhand had moved NHRC over the matter on February 7 and sought an impartial inquiry into the topic with exemplary punishment for the guilty officials. He also pleaded for compensation of Rs 10 lakh for the deceased's family.

Janta se Rishta

एनएचआरसी ने ओडिशा के अथागढ़ में हिरासत में मौत पर कार्रवाई रिपोर्ट मांगी

<https://jantaserishta.com/nhrc-seeks-action-taken-report-on-custodial-death-in-odishas-athagarh>

राष्ट्रीय मानवाधिकार आयोग (NHRC) ने कलेक्टर-सह-जिला मजिस्ट्रेट, कटक और प्रधान मुख्य वन संरक्षक (PCCF) से अथागढ़ वन प्रभाग के भीतर हिरासत में मौत पर कार्रवाई रिपोर्ट (एटीआर) मांगी है। शीर्ष अधिकार पैनल ने वन विभाग की हिरासत में कथित यातना और हमले के कारण बडंबा पुलिस थाने के सतगोछिया गांव के धनेश्वर बेहरा (59) की मौत पर कटक कलेक्टर और पीसीसीएफ, ओडिशा को चार सप्ताह के भीतर एटीआर जमा करने का निर्देश दिया है।

ऐसा आरोप था कि धनेश्वर को तीन अन्य लोगों के साथ अवैध शिकार के आरोप में उठाया गया था, जिसे इस साल 5 फरवरी को 12 वन अधिकारियों ने बेरहमी से पीट-पीटकर मार डाला था। अधिकारी आरोपी को पहले हुगुड़ा और फिर खुंटुनी जंगल ले गए। वहां डीएफओ, एसीएफ, बडंबा रेंजर सहित पांच-छह वनकर्मियों ने उन्हें बेरहमी से पीटा, जिससे धनेश्वर की मौके पर ही मौत हो गई। जिन वन अधिकारियों ने अन्य अभियुक्तों को इस मामले को किसी के सामने प्रकट नहीं करने की धमकी दी थी, उन्होंने उन्हें ग्रामीणों को यह बताने के लिए राजी किया कि धनेश्वर को एक हाथी ने कुचल कर मार डाला था। मानवाधिकार कार्यकर्ता अखंड ने 7 फरवरी को मामले को लेकर एनएचआरसी का रुख किया था और दोषी अधिकारियों के लिए अनुकरणीय सजा के साथ विषय की निष्पक्ष जांच की मांग की थी। उन्होंने मृतक के परिवार को 10 लाख रुपये मुआवजा देने की भी गुहार लगाई।