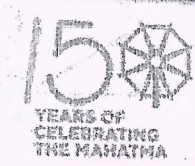


ई.सी.एल, ECL

प्राप्ति सं. तिथि 04.09.20

Received No. Dt.

सतकर्ता विभाग, VIGILANCE DEPTT



ईस्टर्न कोलफील्ड्स लिमिटेड
EASTERN COALFIELDS LIMITED

(कोल इंडिया लिमिटेड की अनुषंगी)

(A Subsidiary of Coal India Limited)

सांकातोड़िया, पोस्ट : डिसेरगढ़, जिला : पश्चिम बर्धमान
पश्चिम बंगाल-713333

Sanctoria, P.O. Dishergarh, Dt. Paschim Bardhaman
West Bengal - 713333

CIN-U10101WB1975GO1030295

Ref: ECL/SEC/COS/SOP/20/ 586

Dated:02.09.2020

To,
The General Manager,
.....Area ECL.

Subject:-Circulation of Standard Operating Procedure (SOP) approved by the Empowered Committee of FD'S in 08th meeting of 2020 on 08.08.2020 .

Dear Sir,

Please find a hardcopy, containing 36 pages of the SOP (Standard Operating Procedure) for action plan to prevent illegal mining and pilferage of coal in ECL, which has been approved by empowered committee of FD'S in 08th meeting of 2020 on 08.08.2020.

This is for your implementation and action by all officials under your command as described in the approved book (SOP).

This is as per communication of company secretary ECL, vide ref no.ECL/D(T)P&P/Illegal Mining/234 Dated:-24.08.2020


(Capt. Tanmay Das)
Chief of Security, ECL

Copy to:-

1. TS to CMD (for information of CMD)
2. TS to DT (P&P)
3. TS to D (P)
4. TS to DT (O/P)
5. TS to D (F)
- ✓ 6. CVO ECL
7. Commandant CISF ECL, Seetalpur
8. Manager Security, ECL HQ
9. Maj. Raja Paul Manager Security, (Task Force I/C)

ACTION PLAN

ILLEGAL MINING AND COAL THEFT.

④

INDEX

Ser No	Subject			Page Nos
01	Role of Chief of Security , ECL			2-3
02	ROLE of Commandant, CISF			4-8
03	Role Of Task Force IC			8-9
04	Methodology to be followed of Curbing Illegal Mining and Coal theft.			9
	(i)	General Action Points		9
	(ii)	Illegal Mining		10-11
	(iii)	Coal Theft		11-12
	(iv)	Lodging of FIRs and Raids		12-13
	(v)	Strengthening of Security Setup		13-14
05	IT Initiatives for preventing and curbing illegal mining and pilferage of coal.			15
06	Appendices			
	i	A	SOP as per CMD ECL direction ref no ECL/CMD/42/74 dated 14.11.2017. CISF will be operating in its Jurisdiction/leasehold Area of ECL	16-25
	ii	B	Reporting System of Security Department	26
	iii	C	Flow Chard to Lodge Complaints Ensure that they are Converted to FIR and Comes to a Conclusive Result in the Court of Law.	27
	iv		Methodology to be followed while seizing of coal, cycles, heavy machinery and equipment by departmental security setup/CISF or Home Guards	28
	v		Format of ZIMANAMA	29
	vi	D	Format of FIR U/S 154 CrPC	30
	vii		Sample Complaint	31
			Sample FIR (HINDI)	32
	viii	E	Appointment of Deemed Agent with terms of Regulation No. 8(A) of Coal Mines Regulation , 1957 (Amended up to date) letter ref no ECL/D(T)OP/Deemed Agent/923 dated 03.07.2017	33
	ix	F	1. Important points of Standard operating Procedure(SOP) of VTS , circulated vide letter no. 0920/2/17, dated 19/12/2017 by G.M.(System). 2. Important points of Approved SOP for IT initiatives implemented in CIL & Subsidiaries , (letter no. CIL/VIGIL/16/14/0002/2018/1710-1729 ,dated, 29/03/2018, by C.V.O.,CIL 3. Important points of Action Plan for prevention of Illegal Mining and Pilferage /theft of Coal ,letter no. ECL/CVO/2018/Action Plan/1005, dated, 17/01/2018, by G.M.(Vig) ,ECL 4. Important points of Draft Action Plan to prevent Coal Pilferage / Illegal Mining in ECL (Ref No.. ECL/VIG/PKJ/18/NS-596,dated, 29/11/2018, by G.M.(Vig) ,ECL	34-36

5

ACTION PLAN ON ILLEGAL MINING AND COAL THEFT.

Role of Chief of Security , ECL

1. To ensure security deployment for safety and security of ECL property(Which includes Coal).
2. Chief of Security/HOD of ECL HQ will conduct or will direct his subordinates for surprise security inspection checks of ECL Areas/Units.
3. To ensure security guards are deployed as per respective Area duty deployment chart.
4. To ensure deployment of Security Guards including departmental security & contractual security at their respective security duty posts.
5. To check the attendance register and security guards' Arms/ammunitions and their identity card for physical verification.
6. To check whether CCTVs and GPS based VTMS system properly working or not.
7. ECL HQ Security department will do various surprise security inspections at various Area of ECL and forwarded to Competent Authority regrading recommendation and rectification of security loopholes for better security management.
8. To visit one to two Areas in a month.
9. To do surprise checks on the duty of the Areas and mark absent against persons who is not present on duty at the time of inspection.
10. To ensure proper supervision on security persons deployed and devise systems and controls for proper safeguard of Company's assets.
11. To ensure re-survey of deployment and rotation of CISF personnel as per norms.
Meeting of Board of Directors of ECL ref no ECL:CS:3(289-C)/06 dated 13 June 2016.(Pts 1 to 11)
12. Effective deployment of Quick Reaction Team (QRT) of HQ to conduct surprise raids and also to support the Areas.
13. The HQ team under the direction of Chief of Security will conduct surprise raids and seizures.
14. The Chief of Security, ECL will supervise and direct the Areas and Area Security Officers/Area Security In Charges to ensure that all illegal mines & OCPs are filled up.
15. The Chief of Security , ECL HQ is to intimate all the Principal Secretary, Senior State Authorities , Senior Police Authority and Authorities of NH1A of both West Bengal and Jharkhand, in regards to the formation of the Committee (*vide letter ref no ECL/CMD/42/74 dated 14.11.2017*) to prevent Coal pilferage and check industries involved in coal as well as to set up surprise check post at various points. Liasoning with all officials to be done by the Security Department, by personally meeting the officials. (*committee headed by concerned FDs or his rep, committee consisting of COS, ECL or his rep , Commandant, CISF or his rep or any member appointed by CMD, ECL*)

6

16. Chief of Security/HOD Security, would also gather information from the ground and do a mapping of all areas under the command area of ECL including details of all the industries taking coal, soft coke industries, illegal coal depots, DO holders etc.

17. The Chief of Security/HOD Security would check the details on ground of illegal mining, coal theft and illegal OCPs through ASO (Security)/Area In Charges and verify the facts. The Chief of Security/HOD Security will prepare a preliminary investigation report and the report will be submitted to the Competent Authority.

18. Chief of Security/HOD Security will provide all due support and manpower and coordinate with Commandant, CISF. Security teams of the adjoining areas will also be employed for combatting illegal mining, coal theft and illegal OCPs in a particular Area ,

Ref letter no ECL/HQ/SEC/COS/2017/887 dated 21-22 Dec 2017 of COS as approved by Competent Authority

19. Chief Of Security/HOD Security will ensure that no information is leaked to any outsider.

20. Will ensure formulation of Training Manual of Security Personnel at different levels.

21. Will ensure formulation of Security Manual and to endorse the responsibilities of different ranks and hierarchy of the Security department.

22. To take necessary action to institutionalise the training of Security department either through Police Training Centres or through CISF training Centres.

23. The COS will ensure that the Security Central Control room should be upgraded in ECL HQ and the area of the existing control room and establish connectivity and coordination among them.

24. Ensure creation of intelligence cell to undertake such activities of stopping Coal theft , illegal Mining and illegal OCPs. The cell will have a vehicle for 24hrs exclusively (along with 05 Security Personnel with arms) with fuel as per requirement for which log book will be maintained and will be signed only by an Officer.

25. To ensure that there is no new encroachment or illegal occupation in the ECL Quarters or ECL Properties and take daily reports from all the areas under the jurisdiction of ECL.

27. To Conduct resurvey of CISF and Security manpower in consultation and endorsement of Area Authorities, Area Security heads/Area Security Incharges and the Area General Manager of the respective area .

28. Will be the Nodal Officer for Khan Prahari and will share information and alerts generated with the respective Area, CISF and Task Force.

Note:- All the complaints/FIR lodged in various Areas with the concerned police station has to be specially followed by the COS, on a monthly basis through a criminal lawyer for reaching conclusive ending of the case . Further proper following up of GD to FIR will be ensured by him and his office .(Letter of CMD, ECL ref no ECL/CMD/27/57 dated 02.06.2018)

7

ROLE of Commandant, CISF

Sl.No	Name of Camp	Pattern of Duty	Distance from STP HQrs
01	Chitra	Static	80Kms.
02	Rajmahal	Static	220kms
03	Seetalpur	Static	00 Km
04	Sonepur Bazari	Static	51 kms.
05	Pandaveswar	Mobile	60 kms.
06	Mugma	Mobile	30 kms
07	Sripur	Mobile	30 Kms.
08	Kunustoria	Mobile	48 Kms.
09	Kalidaspur	Mobile	40 Kms.
10	Bhanora	Mobile	35 Kms
11	Mohanpur	Mobile	28 Kms
12	Sidhabari	Static	24 Kms.
13	Dhemo Main	Static	10 kms.
14	Shankarpur	Mobile	50 Kms.
15	New Kenda	Mobile	35 Kim.
16	Kenda	Mobile	38 Kms.

1. To provide support to ECL management as per Memorandum of Understanding under Commandant, CISF letter ref no E-12013/CISF/ECL(S)/18-1805 dated 16 May 2018.

2. CISF RULES, 2001 Published in the Gazette of India dated, 05.11.2001 GSR No. 825(E) (As modified vide GSR No. 462(E) and 533(E)).

Sub Sec 9. Duties of Managing Director and General Manager - The Force deputed to an Undertaking shall work under the general supervision, direction and control of the Managing Director of that Undertaking. The Unit Commander of the Force shall keep the Managing Director fully informed of all developments including the state of the Force. The Managing Director shall inspect the posts of the Force situated in his Undertaking atleast once a year.

Sub Sec 10. Duties of Commandant-

Sub Sec (1) The Commandant shall be the head of the Unit. He shall be responsible for the efficiency, discipline and morale of the Unit and for the proper management of each branch of the Force under him. He shall periodically inspect the Units of the Force under his command. All orders to the Force under him shall emanate from him and all communications from the Force under him shall pass through him.

Sub Sec (2) The Commandant shall regularly inspect the detachments of the Force posted outside the headquarters and ensure that they remain in a high state of efficiency. He shall ensure that all members of the Force under him

8

attend parade and refresher courses in turn according to a programme. When at headquarters, he shall attend the parade every Monday and Friday and hold the Orderly Room every Friday.

Sub Sec (3) The Commandant shall be responsible for the security of the Undertaking in which the detachment of his Units are posted. For that purpose he shall remain in close touch with the district as well as Police authorities and the heads of the various departments in the said Undertaking. He shall keep the Managing Director and the General Manager of the said undertaking as well as the Deputy Inspector General fully informed of all the developments and send them regular fortnightly reports as prescribed. Matters of urgent nature, however, shall be brought to their notice by the quickest possible means. He shall pay his personal attention to the working of the Intelligence wing and ensure that intelligence is efficiently collected and conveyed promptly to the Managing Director, General Manager and the Deputy Inspector General.

3. THE CENTRAL INDUSTRIAL SECURITY FORCE, ACT, 1968 (50 of 1968) (As modified vide Act No.14 of 1983, 20 of 1989, 40 of 1999 and 22 of 2009).

Sub Sec 10. Duties of member of the Force:- It shall be the duty of every member of the Force -

(a) Promptly to obey and execute all orders lawfully issued to him by his superior authority;

(b) to protect and safeguard the Industrial Undertaking owned by the Central Government together with such other installations as are specified by that Government to be vital for the carrying on of work in those Undertakings, situated within the local limits of his jurisdiction: Provided that before any installation not owned or controlled by the Central Government is so specified, the Central Government shall obtain the consent of the Government of the State in which such installation is situated;

(c) to protect and safeguard any joint venture, private industrial undertaking and such other Industrial Undertakings and installation for the protection and security of which he is deputed under section 14;

(d) to protect and safeguard the employees of the Industrial Undertakings and installations referred to in clauses (b) and (c).

(e) to do any other act conducive to the better protection and security of the industrial undertakings and installations referred to in clauses (b) and (c) and the employees referred in clause (d);

(f) to provide technical consultancy services relating to security of any private sector industrial establishment under section 14A.

(g) to protect and safeguard the organizations owned or funded by the Government and the employees of such organizations as may be entrusted to him by the Central Government.

(h) any other duty within and outside India which may be entrusted to him by the Central Govt. from time to time.

(9)

(Section 14. Deputation of the Force to industrial undertaking in public sector, joint venture or private sector:-(1) Subject to any general directions which may be issued, by the Central Government, it shall be lawful for the Director General on a request received in this behalf from the Managing Director concerned, of an Industrial Undertaking in public sector, joint venture or private sector, showing the necessity there of to depute such number of members of the Force as the Director General may consider necessary for the protection and security of that industrial undertaking and any installations attached thereto and the members of the Force so deputed shall be at the charge the Managing Director.)

3. 1. ACTION REQUIRED TO BE TAKEN IN DIFFERENT SCENARIOS (Commandant , CISF letter ref no E-42099/CISF/Misc/ECL(S)/PA/17-5165 dated 27 Nov 2017): -

(a). On getting information regarding attempt of theft of coal from mines which are fully operated by ECL:-

> ROLE OF CISF: - CISF team will rush to the spot and chase away the miscreants who entered into the coal mines with intention of stealing coal. They will seize the illegally acquired coal and arrest the apprehended coal pilferers and hand them over to the concerned local Police for further legal action.

(b). On getting information regarding attempt of theft of coal from outsourced patches of mines where mining operation is fully or partially outsourced to private company :-

> ROLE OF CISF: - Camp commander will assess the situation and shall act accordingly. Role of CISF would be of Second Responder. CISF team will provide necessary support and reinforcement to the ECL Security in case there is any attempt of assault on ECL employees or damage/loss to the ECL machineries/properties.

(c). On getting information regarding attempt of theft of coal by illegal mining inside ECL owned land (leasehold area with surface rights of ECL)

> ROLE OF CISF: CISF team will rush to the spot and chase away the miscreants who entered into the ECL owned land with intention of stealing coal by carrying out mining activities. They will seize the illegally acquired coal along with machineries and equipment's involved in such activities and arrest the apprehended miscreants and hand them over to the concerned local Police for further legal action.

(d). On getting information regarding attempt of theft of coal inside ECL owned land (leasehold area with surface rights of ,ECL) involving Heavy /Light vehicles:-

> ROLE OF CISF: - CISF team will rush to the spot and detain such vehicles and enquire about relevant documents. In case valid documents are not produced by the driver/owner of the vehicle, they would immediately arrest the driver/owner, cleaner of the vehicle and hand them over to the concerned local police alongwith the detained vehicle for further legal action.

(e). On getting information regarding attempt of theft of coal inside ECL owned land (leasehold area with surface rights of ECL) involving bicycles/carts etc

> ROLE OF CISF: CISF team will rush to the spot and confiscate the bicycles/carts and arrest persons involved in such illegal transportation of coal and hand them over to the concerned local police alongwith the seized items for further legal action.

10

(f). On getting information regarding attempt of theft of coal from Coal Depot of ECL

> ROLE OF CISF: CISF team will rush to the spot and chase away the miscreants who entered into the coal depot of ECL with intention of stealing coal. They will seize the illegally acquired coal and arrest the apprehended coal pilferers and hand them over to the concerned local Police for further legal action.

(g). On getting information regarding illegal coal depot inside ECL owned land (leasehold area with surface rights of ECL)

> ROLE OF CISF: - CISF team will rush to the spot and seize the illegally acquired coal and arrest the apprehended coal pilferers and hand them over to the concerned local Police for further legal action.

(h). On getting information regarding attempt of theft of coal from Railway Siding of ECL:-

> ROLE OF CISF: CISF team will rush to the spot and chase away the miscreants who entered into the coal depot of ECL with intention of stealing coal. They will seize the illegally acquired coal and arrest the apprehended coal pilferers and hand them over to the concerned local Police for further legal action.

(j). On getting information regarding illegal coal depot inside a village in ECL owned land (leasehold area with surface rights of ECL):-

> ROLE OF CISF: CISF team along with local police will rush to the spot and seize the illegally acquired coal and arrest the apprehended coal pilferers and hand them over to the concerned local Police for further legal action,

(k). On getting information regarding theft from machines or stores of ECL

> ROLE OF CISF: CISF team will immediately rush to the spot and cordon the area. Thereafter, search operation will be undertaken to retrieve the stolen material and apprehend the culprits. The apprehended culprits alongwith the seized stolen material shall be handed over to the local police for further legal action.

Ref no ECL/VIG/PKJ/SOP/18-19/2018/NS-289 dated 05/06/2018 as approved by the Competent Authority.

4. CISF has a crime and intelligence branch which will carry out continuous surveillance of all locations of illegal pilferage of Coal. Commandant, CISF Sheetalpur Camp to provide intelligence report to Management. (For Leasehold Area)

5. Requisition for CISF support will be sent in hard copy as well as through e-mail. In emergency requisition can be sent to CISF in message as well as in e-mail. Requisitions for surprise raids will also be given to the CISF personnel in writing or in Email mode or on telephone and the time will be noted. (For Leasehold Area.)

6. To provide security cover to the team/raid party. The QRT team will comprise of one Inspector and 05 Other Ranks equipped with small arms. One QRT at ECL HQ and at CISF Sheetalpur Camp will be in standby mode when it is about 20-25 kms away from the raid location. The CISF located in the nearest Area will also provide security cover to the team/raid party. In case of assault like situation or emergency, backup will be called for and



will take all measures to protect the party . The situation report along with, action report taken by the CISF party will be endorsed by the Head of the Joint Action Team and Chief of Security. (For Leasehold Area)

7. The CISF personnel will assist the team/raid party in providing support to the Joint action team. They will work on directions of the Commandant, CISF and the Joint Action team will be responsible for all bonafide actions taken by CISF . (For Leasehold Area)

8. The responsibility of CISF is to provide security cover to the raid team , assist the raid team and provide intelligence backup when asked for specifically in any type of cases. (For Leasehold Area).

Note : 1. The Managing Director means CMD or his authorised representative.

2. Management means CMD or his authorised representative & Area General Manager.

3. In cases of outside lease hold area, specific Court Orders will be required for search and seizure.

4. CISF will not be going out or operating out of its jurisdiction.

Role Of Task Force IC:-

Office Order ref no ECL/D(P)/47/534/3595 dated 02nd September , 2019 & FDs Ref no ECL/CS/27(Z-5)/5th of 2019/12 dated 20.09.2019. Also as per the guideline of the Standing Committee on Steel & Coal.

1. The task of the task force formed will be to gather intelligence input, to prevent illegal mining and coal theft in the leasehold areas,
2. The Task Force will conduct surprise raids, conduct seizures on the direction of the Functional Director and put up due report to the concerned Functional Director.
3. The head of the Task force will liaison with the Police Authorities and State Authorities.
4. The Task force will be the first respondents and will call for additional help of CISF or Police as required. CISF will come to the support of the Task Force as and when required.
5. The task force can take proactive steps and suggests improvement in Security system. They can also check weigh bridges, Railway sidings ect also can ask for any document which requires examination.
6. The action of the Task Force will be to aid and help the Area as a force Multiplier .The task force will not be used in case of any IR issues where regular administrative and security setup of the HQ/Area will act. The Force can also be used to provide support to Vigilance department on directions of the Competent Authority. The task force will perform any other task as assigned by the FDs.

112

Ref letter no ECL/D(P)/668 dated 27.04.2020 (Confidential).

7. To submit weekly report to Dir(Pers), ECL showing details of work performed daily on the issue in the following format:-

Date	Time of Visit	Location of Visit	Action Taken	Seizure details	Remarks

8. Additional vehicle and manpower will be provided as and when needed from the Areas by the Task Force I/C. Moreover there will be no restriction to the use resources of these areas, to be used in curbing the illegal mining and home guards also can also be used as additional manpower as required.

(Note : Task Force is not a Quick Reaction team and it needs time to assemble the members of the Task Force. Only specialised job will be assigned to the Task Force as and when required by the FDs)

Methodology to be followed of Curbing Illegal Mining and Coal theft.

General Action Points

1. The HQ team under the direction of Chief of Security will conduct surprise raids and seizures. The Chief of Security, ECL will supervise and direct the Areas to ensure that all illegal OCPs are filled up.
2. The main role of all the raids and actions to be taken is of the Area Security Officer/Area Security In Charges, Area Authorities under the respective Chief of Security, ECL and under Area General Managers.
3. All information of the respective Area regarding illegal Mining and Coal theft and action taken thereof will be given to the Chief of Security and Area General Manager in writing by the Area Security Officer/Area Security In Charges/Colliery Security In Charges.
4. During Seizures and Raids as well as to fill up illegal mining OCP and Rat holes it will be the responsibility of the Area under the respective Area General Managers to provide resources like Payloader, Dumper, Dozzer, JCB, Hywas, tractor etc as required by the raiding teams.
5. If in case the team has to stay at the location of the raid, the responsibility of providing refreshments will be with the Area . The Force level required to fill up the illegal OCP and Illegal Mining will be done by the Chief of Security. He will Call for CISF support , wherever required.
6. If any incidences of illegal mining/pilferage of coal takes place within the lease hold and the matter is not reported to higher authorities (ie from colliery to the Area GM or Area Security In Charge to Area GM and COS) or no action or effort is taken to prevent it and then filling it up. Thereafter action against the concerned mine management officials including security in charges/security in charges of the colliery has to be initiated.

13

Illegal Mining

1. Illegal Mining in form of Rat holes were prevalent in the Leasehold Area of ECL but in the last 02years illegal Mining in form of OCP has emerged as a big challenge. Some of these illegal OCPs are in the leasehold Areas of ECL and even in locations where ECL has surface rights.
2. The Mine area as well as near about lease hold area to be scanned for any illegal mining activities by the patrolling team of the Area. Even information is also received from Khan Prahari app as well needs to be verified.
3. Intelligence network has to be devised by the Areas Security Officers and Inspector In charges as well as Area In Charges to get the names of the persons/mafias behind illegal mining.
There is a requirement of an intelligence cell needs to be formed at the ECL HQ level with resources and manpower from nearby areas which should be headed by an Officer/Executive preferably of Security department with a track record of having high integrity and honesty or any other Officer from any department to be nominated by the Functional Directors and will function directly under the concerned Functional Director. This will be a part of the TASK FORCE.
4. The photographs of the location of the illegal mining to be taken and also the location to be identified physically. Most of the land details are digitised. So details to be documented from digitised records can be accessed as well. The illegal mining locations will be surveyed jointly by the respective General Manager, through his colliery representatives along with Area Survey Officer/Colliery Survey Officer, CISF and Area Security Officer/Area Security In Charge. The joint inspection report to be submitted to the concerned FD for perusal. The security verticals mentioned will in turn physically verify the documents and the locations as well as analyse the joint inspection reports .
5. Along with photographs and documentation the following is to be initiated:-
 - (a) A Complaint to be lodged in the Police Station by Area In Charge (Security)/Inspector in Charge, at the instruction of the Area GM/Agent/Manager with a copy to the respective DCP/SP/ADCP along with a copy of the same to the Chief of Security. It has to be ensured that the complaint is registered as an FIR. If Complaint is not received by the Police then it has to be e-mailed or the complaint has to be sent in speed post. In Jharkhand jurisdiction complaints can be lodged on-line and after lodging the complaint a printed copy should be sent to the DM, SP/SSP & DMO(District mining Officer) U/S 154(3) of CrPC.
 - (b) In case there is no action taken a Magisterial Complaint to be lodged in the concerned District Court u/s 156(3) of CrPC.
 - (c) If illegal mining is being done where surface rights are not with ECL then (a) & (b) will be done along with it an application in form of a petition for police help has to be filed in the SDM Court. If SDM on the application does not take due action then the same has to be filed in the respective District criminal court.
 - (d) A criminal lawyer has to be engaged to peruse each case to the logical conclusion and see that the persons so named are convicted.
 - (e) In case there is no police help provided then a direction for Search Warrants has to be applied for in the respective SDM Court or District Court and in specific cases of police inaction a Writ has to be filed in the Hon'ble High Court as per the jurisdiction.
6. Under Mine Safety head, funds are made available where in SPOT hiring of JCB has to be done in all areas where departmental resources are not available moreover Pay loader is not very successful in filling up illegal mining. The hourly rate of engaging the JCB can be

14

determined by a committee through market survey. Before filling up a rat hole it should be ensured that no one is inside the rat hole.

7. When there is extensive illegal mining in a vast area and needs to be filled up then departmental dozers, payloaders and other heavy machinery has to be provided by the Area. The filling will be done under the supervision of the security department (Area Security In Charge), CISF and the Police and the completion of work should be endorsed by the Police and Security department of the Area along with the Agent, Manager and Surveyor and should be counter endorsed by the Area General Manager.

8. Places where illegal mining has been done are subsidence prone and there is a need to put up sign boards etc to make the general Public aware of the hazards of illegal mining.

9. The illegal coal near the illegal mining site will be seized and handed over to the Police on spot and the following are to be prepared by the Area In Charge/Inspector In Charge:-

(a) Complaint has to be registered and it has to be ensured that complaint has been converted into an FIR. FIR should be specific in nature clearly mentioning the name of the accused.

(b) Seizure List will be prepared by the Area In Charges under direct supervision of the Area Security Officers.

(c) Zimmanama of the seized coal will be taken by the respective colliery officials in which it is being deposited and accordingly the record will be maintained in the stock register.

(d) Gradation of the Seized Coal must be done by the respective Areas. Whether it is seized by the Area Security department or CISF.

(e) Any seizure or action taken by CISF will be followed up by a Complaint. The complaint has to be done either by the Area Security In Charges/Inspectors or CISF personnel and if complaint is lodged by Area Security In Charges then CISF personnel will be the witness. When CISF personnel are lodging a complaint the Area Security In Charges/inspectors will be the witness.

Note : The details of all the searches, seizures and complaints/FIR has to be submitted daily to the Area General Manager with a copy to the COS. Monthly report in a consolidated form to be submitted to the concerned FD for perusal.

10. If in case any person or vehicle is found transporting illegal coal will also be seized and action will be taken as per point no 10.

Coal Theft

1. It has been seen that many miscreants especially women and children come inside the mines and steal coal from the coal faces. There is a requirement to take two pronged approach in this regard:-

(a) Prevent the coal from being stolen.

(b) Reduce demand of coal by raiding coal depots and illegal Factories or factories taking illegal coal (SOP for the same has also been formulated and approved. Legal vetting has also been done is attached at Appx 'A').

2. Continuous patrolling of the area needs to be done by the Area Security Team under Area Security In Charge. Continuous raids have to be conducted for seizure of bicycle/Motor cycle/Bullock cart/ unauthorized trucks/ tractors etc. Some of the miscreants need to be apprehended and handed over to the Police which is a major deterrence factor. This will be done by the concerned Area Security Team along with CISF which is located in the units.

(15)

3. The location from where coal is being stolen should be kept under surveillance, it should also be photographed and properly documented for evidence/proof after which the following is to be initiated:-

(a) A Complaint to be lodged in the Police Station by Area In Charge (Security)/Inspector in Charge, at the instruction of the Area GM/Agent/Manager with a copy to the respective DCP/SP/ADCP along with a copy of the same to the Chief of Security. It has to be ensured that the complaint is registered as an FIR. If Complaint is not received by the Police then it has to be e-mailed or the complaint has to be sent in speed post. In Jharkhand jurisdiction complaints can be lodged on-line and after lodging the complaint a printed copy should be sent to the DM, SP/SSP & DMO(District mining Officer) U/S 154(3) of CrPC.

(b) In case there is no action taken a Magisterial Complaint to be lodged in the concerned District Court u/s 156(3) of CrPC.

(c) If illegal mining is being done where surface rights are not with ECL then (a) & (b) will be done along with it an application in form of a petition for police help has to be filed in the SDM Court. If SDM on the application does not take due action then the same has to be filed in the respective District criminal court.

(d) A criminal lawyer has to be engaged to peruse each case to the logical conclusion and see that the persons so named are convicted.

4. Security department should carry out liaison with OC & ICs as well as SSP/SP/ADCP as well as DM/ADM/SDM ie both with Police authorities as well as State authorities. At Area GM level, liaison should be done with senior officers of the State as well as Police.

5. Even after repeated reminders and complaints if the Police or the State fails to act then a Writ to that effect to be filed in the Hon'ble High Court for direction to the Police and State authorities.

The security hierarchy and reporting System is attached as Appx 'B'.

Lodging of FIRs and Raids

1. Area Security team along with CISF will raid the illegal mining and coal theft going on in leasehold Area of ECL. Wherever there is a chance of Law And Order issues Police will be requisitioned beforehand. The raiding team will seize all the illegally extracted coal, Hywas, machinery, pumps and other items in the locations on a seizure list to be prepared on spot and hand over the same to the Police Authorities. Thereafter lodge a complaint and ensure to convert it to FIR. The procedure thereafter has been discussed in the subsequent points.

2. The FIRs will be lodged by the Area and seizure list will be prepared and is the main responsibility of the Area Security In Charges/Area Inspectors of the Area. Police can also take suo moto cognizance of the cases and prepare seizure list and lodge FIR. Then in case where Police is acting, there Area Security In Charges/inspectors and are authorities will sign as witness in the seizure list and FIR lodged.

3. For all Illegal Mining and Coal theft the Area General Manager and his representative of the respective colliery as well as the Area Security In Charges and colliery security in charges of the respective collieries will be responsible.

4. All the raids are the responsibility of the Area authority. All raids will be directly monitored by the Chief of Security, ECL HQs and the respective Area General Managers, who will give directions to the Area Security Officer and Area

16

Security In charges and CISF will support the area in all raids that are conducted (CISF is well within their jurisdiction of conducting raids independently but the information has to be given to the respective Area Management and complaint on seizures has to be done)

5. Most of the complaints lodged are not specific and are superfluous. The following needs to be examined at every area:-

- *Whether Complaints are being converted into FIRs? If not Why?*
- *Whether complaints are being written as per law, whether it is specific complaints or not or is it just a formality being followed?*
- *Whether writing complaints are a way to cover-up the facts?*
- *If FIR is being lodged, under what sections Police is lodging the FIRs?*
- *Whether these FIRs are properly charge sheeted and are the persons being convicted by the court?*
- *In has been observed a joint report is prepared for seizure with a signature of the Police CISF etc. Such practice should not be followed, as such joint reports cannot be a base for prosecution of theft. So complaint has to be lodged compulsorily.*
- *Whether the FIRs are being pursued in the Court of law to their conclusive end.*

Note: The following up of complaints and FIRs as well as ensuring a conclusive result to the cases will be the responsibility of the Area Personnel Manager of the respective Area, who will be assisted by the Area Security In Charges/ Inspector In Charges of the Colliery. In cases of HQ , by GM(Legal), ECL HQ.

An independent and reputed criminal lawyer with proven background should be given the task of putting up a report on this matter after considering all the complaints being written by the Areas. (already a notesheet has been approved by the Competent Authority)

*A flow chart of lodging FIR and taking legal Action along with Methodology in Seizures and Zimanama is attached in Appx 'C'.
Sample complaint and FIR is attached in Appx 'D'.*

Strengthening of Security Setup

- Creation of Security Manual along with Training and Specialisation of each post and Rank should be clearly defined and demarcated.
- Security Department is a specialised stream (Skilled and High Skilled as per Govt Gazette Notification... In Banks security is a SPECIALIST ARM) and with evolution of time it cannot be placed under personnel department as it an operational arm to curb illegal mining and coal theft
- Security department is manpower intensive and quality of manpower is determined by continuous training. So training of Security personnel has to be done in intervals. So therefore a security training manual should be devised and the training of the security personnel to be conducted by Police or CISF training institutes.
- The security setup needs to be based on vehicle based Quick Reaction Teams with static posts deployment to be placed for vital locations only.

- Strengthening of infrastructure facilities and introduction of modern equipment's/gazettes.
 - *In ECL there are 10nos .22 Pistols and 501 nos .12 bore weapons which are not being used effectively. 06 nos .12 bore weapons can be replaced by shot guns which will have rubber bullets and 04 . 22 Pistols be provided to the Task Force as a Pilot Project. Pepper sprays and pepper bomb which does not explode but sprays the pepper in the air automatically which causes irritation in the eyes causing the miscreants to run. This has also been tested successfully in Salanpur Area at Dabar and Mohanpur Colliery.*
- Joint Control rooms to be established at Area level and to be connected to the HQs for centralised monitoring.
- Possibility of providing legal status to the Security Executives as deemed agents under Coal Mines nationalisation ACT and Estate Officers (Quasi-Judicial) to treat the lease hold area as an Estate and Protect it from illegal mining and Coal theft., shall be sought. (Ref No: ECL/D(T)OP/Deemed Agent/923 dated 03.07.2017 attached at Appx 'E')
- Explore possibilities of setting up of all Women Security Force as most of the illegal miners and coal miscreants are Women and Children. There is a requirement to induct Lady Home Guards in Jharkhand Jurisdiction.
- Explore possibilities of raising of own DOG Squads (Pilot Project was done in Salanpur Area and found to be effective). The advantage of Dog Squad is that they are like trained bullets which will go and do the needful and are also not bound by law. As a Government Company one Dog squad can be raised with 04 dogs to be a part of the Task Force.
- The whole Security Setup (Departmental Security, CISF, SISF, Other Security Agencies ect) should be centralised/should have a centralised setup with a Joint Command headed by the respective Functional Director under whom the Chief of Security and Commandant will function. Any case of CISF coordination problem from any area, the respective General Manager will address it to the respective Functional Director and it should be the prerogative of the Functional Director to take up the matter.
- Complaints, seizures, surprise checks, continuous filling of rat holes and raids are done. But there should be legal follow-up of the cases, which will be assisted by the Area Personnel Managers of the respective Areas along with the Area In Charges of the respective Area. In the HQ the Security agencies (ie HQ Security Department, CISF, Task Force, Home Guards etc.) will be assisted by respective Area Personnel Managers in case of Area specific cases and in all other cases which cannot be dealt by the Area, GM (Legal), ECL HQ and his team will assist in filing criminal cases in the District Courts and also in the Hon'ble High Court .

IT Initiatives for preventing and curbing illegal mining and pilferage of coal:-

- IT initiatives to be enforced with Zero tolerance with integration:-
 - Installing of CCTV at all sensitive locations and **connecting** it with HQ.
 - Installing of RFID & Boom barriers and integrating it with Vehicle Tracking System.
 - Vehicle tracking system to be installed in all coal transporting vehicles.
 - Integrated fuel management system to be introduced to stop fuel theft in major mines.
 - BIOMETRICS to identify legitimate persons entering the mines.
 - Management Information system for Security (automatic generation of complaint, requirements of manpower, filing systems etc to be automated)
 - Use of Khan Prahari – This app needs to be widely publicised.
 - **Use of Drones needs to be implemented (One Drone needs to be provided to task force).**
 - **Movement of QRT/Security Vehicles tracking through GPS.**
- IT initiatives to be properly connected to Central Control Room of each Area and HQ with data storage facility.

CCTV to be compulsorily installed in all Mines exit and entry points, coal dumps and vulnerable points as well as all weighbridges.

A Nodal IT Officer preferable from Security Department who has some IT acumen and knowledge should be nominated by the Functional Directors and will function directly under the concerned Functional Director to enforce the SOP, coordinate with Vigilance department, conduct surprise raids and checking in the areas..

The important points to be followed in approved SOP on VTS(Vehicle Tracking System), IT initiatives implemented in CIL & Subsidiaries, Vigilance points is attached as Appx 'F'

It is to be considered that enforcement of Security aspects is a continuous process and illegal mining/coal theft can only be controlled gradually. Security department of ECL is not a Force but a part of the Management which is enforcing security measures.

The Action Plan has been formulated keeping in consideration of order of the Hon'ble Court's Judgements and have drawn the necessary footprints accordingly. Strengthening own security setup will help in fighting the menace of illegal mining, coal theft and provide safety and security of the employees and properties of ECL.

19

APPX 'A'

Standard Order Procedure to be followed and Steps to be taken by the Committee as formed to check cases of Coal pilferage for all types of Coal and Smokeless Fuel within enclosed premises, transportation of coal and factories under the jurisdiction of ECL, lease hold area and around, CMD, ECL directions ref no ECL/CMD/42/74 dated 14.11.2017

1. The definition of Area would encompass lease hold area and around and any location/area beyond which is far off from the geo-fencing boundary will require intervention of the State Authorities. Thereafter action will be taken as per point no 2.
2. The Chief of Security , ECL HQ is to intimate all the Principal Secretary, Senior State Authorities , Senior Police Authority and Authorities of NH1A of both West Bengal and Jharkhand, in regards to the formation of the Committee to prevent Coal pilferage and check industries involved in coal as well as to set up surprise check post at various points. Liasoning with all officials to be done by the Security Department , by personally meeting the officials and thereafter brief CVO, ECL in all aspects Meeting of the committee members will be held once in a month or as decided by CVO, ECL or GM(VIG) in this regard to discuss courses of action.
3. CISF has a crime and intelligence branch which will carry out continuous surveillance of all the industries and locations of illegal pilferage of Coal. Commandant , CISF Sheetalpur Camp to provide intelligence report to CVO, ECL and Chief of Security, ECL. Chief of Security to coordinate with IB and other external intelligence agencies with information to CVO,ECL.
4. Chief of Security/HOD Security, would also gather information from the ground and do a mapping of all areas under the command area of ECL including details of all the industries taking coal, soft coke industries, illegal coal depots, DO holders etc. The Chief of Security/HOD Security will also coordinate with GM (Sales) as well as GM (QC) to gather all information. The Chief of Security/HOD Security would check the details on ground through ASO (Security)/Area In Charges and verify the facts. The Chief of Security/HOD Security will prepare a preliminary investigation report and the report will be submitted to the vigilance department. The matter will be put up to the CVO, ECL and thereafter will be put up to the committee for needful action.

Contd...Page 2

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Chief Vigilance Officer
ईस्टर्न कोलफिल्ड्स लिमिटेड
Eastern Coalfields Limited


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5. A Senior Criminal Lawyer who is experienced and has undertaken similar type of jobs at any of the Areas, to be engaged at District Court and also in Jharkhand jurisdiction, who will assist Security Department to get Search warrant issued from the DC/SDM Office. The application will be put up by the Chief Of Security/HOD Security or he may delegate the responsibility to Dy Chief of Security and it will be his responsibility to coordinate the whole process. The Chief of Security/Dy Chief of Security will be at liberty to employ all means to get favourable decision. (Shri S C Kundu, Sr Criminal Lawyer Asansol Court, assisted by his junior Smt Priti Sinha, both outside panel lawyer, has done similar cases for Salanpur Area, the fees list is attached at Appx 'A' and any outstation cases expenses as actual) A petition to the Hon'ble High Court regarding formation of the Committee on the Office Order of CMD, ECL ref no ECL/CMD/42/74 dated 14.11.2017 and as per the Hon'ble Supreme Court Judgement by filing a supplementary affidavit in the case of Partha Ghosh Vs CIL and others. The Specialised Lawyer will be employed to carry out the following task:

- (a) Put up petition at DM/DC/SDM office for issue of search warrant along with direction to the police.
- (b) Keep a track of the Cases being filed in the Court of law.
- (c) Monitor the progress of lodged complaints in the respective PS as well as lodge FIR U/S 156 wherever required.
- (d) As the jurisdiction of ECL is in two States of WB and Jharkhand, the lawyer will ensure to coordinate the cases also in the respective High Courts.

6. On getting a report of illegal coal possession in enclosed premises like any factory, coal dump etc, a preliminary enquiry will be conducted by the Dy Chief of Security along with representative of CISF and photography of the area around along with photography of inside will be done. The preliminary report will be signed by the Security representative and a representative of CISF will endorse it as witness. A preliminary complaint will be lodged at the respective police station along with copy of information to Commissioner of Police, DCP/ADCP if in West Bengal jurisdiction and DC, SSP/SP at Jharkhand jurisdiction. Online Complaint can also be lodged at Jharkhand jurisdiction. Thereafter complaint will be again lodged after two to three days by Dy Chief of Security/ Area Security Officer/Area In charges along with witness of CISF representative.

7. A comprehensive report would be made and all the complaints along with coloured photographs to be enclosed and to be prayed for issue of search warrant to the SDO, Bardhaman (Pashchim), in West Bengal, jurisdiction and DC in Jharkhand jurisdiction.

Contd...Page 3

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Eastern Coalfields Limited

CVO, ECL

8. After receipt of search warrant, search is to be conducted as per procedure and to seize all documents for examining and report along with criminal case to be filed in the Court of Law. In case of non-issuance of search warrant the matter will be taken up in the Higher Courts as per jurisdiction and as per authority following the legal course of law. Minimum of two complaints will be lodged.

9. For surprise checks, setting up of road check points Security department under the leadership of Chief of Security/HOD Security along with Commandant, CISF. CISF will provide all due support and manpower. Security teams of the adjoining areas will also be employed. Area GMs will provide necessary support. Any discrepancy will be brought to the notice of CVO, ECL through Chief of Security/HOD Security. The committee members will be present to check all trucks carrying coal and will determine its source.

10. Requisition for CISF and Police support will be sent in hard copy as well as through e-mail. In emergency requisition can be sent to CISF in message as well as in e-mail. Same will be done for police help and the respective DCP/ADCP/SSP/SP will be informed by the Chief of Security, ECL and Commandant, CISF also.

11. Any truck is found with illegal coal will be seized and handed over to police under proper seizure list and complaint. The matter will be followed up in the Court of Law by the lawyers engaged under supervision of the Security Department.

12. The gradation of the seized coal is to be done under GM(QC), EC HQ in the lab, to determine the grade of coal and to find out from where the coal has been stolen. The report will be confidential and will only be in the knowledge of the Committee Members. Chief Of Security/HOD Security will ensure that no information is leaked to any outsider. The gradation of Coal can be done at the Lab setup of Salanpur Area at the Barachawk House and in exceptional cases the gradation can be forwarded to Forensics Lab and will be in prescribed format.

Contd...Page 4

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22

4

13. A detailed report of such raid will be prepared by all the members of the committee and after due deliberation, proper note sheet will be put up to CVO, ECL for further necessary consideration.

14. The SOP will be revised from time to time and as the situation demands.

Methodology of Conducting the Operation and assigned responsibility:-

- (a) The Committee will meet and discuss the information received. The target will be assessed and decided.
- (b) A preliminary comprehensive report will be prepared by the COS, ECL and submit to the committee.
- (c) On the basis of the merits of the report a search warrant petition will be placed by the Lawyer in the DM/DC/SDM Court.
- (d) After issuance of the warrant the Security department will serve the copy of the warrant to the respective PS.
- (e) The very next day the raid or inquiry is to be conducted in the suspected premises.

The responsibilities of the Raid party is as follows:-

- (i) Wherever there is lock in the establishment it will be broken by the Security Department.
 - (ii) The Vigilance rep will scrutinise the documents and seize the files/document as per the seizure list attached. The Security department will assist the Vig Dept in conducting checks and scrutinising the document.
 - (iii) Prima-facie evidence are to be collected including any CCTV footage if available to be seized. Seizure list will be as per format annexed at 'B'.
 - (iv) GM(QC) or his representative will collect the sample of the Coal in a sealed box get it signed from any person in the location as per the format of the seizure list.
- (f) A comprehensive report along with the Gradation of Coal, seizure items and seized list will be placed before the committee for further course of action. On getting substantial evidence and when there is enough ground a formal complaint will be lodged with the respective PS and if the respective PS fails to lodge the complaint, then Magisterial Complaint will be filed along with the comprehensive report and gradation of Coal.

Contd...Page 5

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CVO/ECL/6/11

23

5

(g) The Gradation of Coal will be checked in the Coal testing Laboratory at Barachak house and will be provided to the Committee in the format annexed at 'C'. In cases the same gradation can be sent to forensics department at Kolkata.

Responsibility of CISF.

1. To provide security cover to the team/raid party. The QRT team will comprise of one Inspector and 05 Other Ranks equipped with small arms. One QRT at ECL HQ and at CISF Sheetalpur Camp will be in standby mode when it is about 20-25 kms away from the raid location. The CISF located in the nearest Area will also provide security cover to the team/raid party. In case of assault like situation or emergency, backup will be called for and will take all measures to protect the party. The situation report along with, action report taken by the CISF party will be endorsed by the Head of the Joint Action Team and Chief of Security.
2. The CISF personnel will assist the team/raid party in providing support to the Joint action team. They will work on directions and the Joint Action team will be responsible for all bonafide actions taken by CISF.
3. Requisitions for such surprise raids will be given to the CISF personnel in writing or in Email mode.
4. The responsibility of CISF is to provide security cover to the raid team, assist the raid team and provide intelligence backup when asked for specifically in any type of cases.

Responsibility of Chief of Security/HOD Security.

Security Central Control room would be upgraded in ECL HQ and the area of the existing control room to be increased along with a creation of cell to undertake such activities. The cell will have a vehicle for 24hrs exclusively (along with 05 Security Personnel with arms) with fuel as per requirement for which log book will be maintained and will be signed only by an Officer, two IT systems ie computer with printer, one coloured printer for printing of photos, fax facility, scanner, photocopier machine, access control system, two cameras, Communication system (land line as well as mobile along with connection to be kept permanently in the control room) and internet connection along with required setup. The room internally and externally will be under CCTV surveillance with access control system for only authorised persons to enter. All the documents of this cell will be classified as "CONFIDENTIAL". No one including executives not authorised will not enter the room. Such control room will have one security rep to be provided by Chief of Security/HOD Security and CISF rep to be provided by Commandant, CISF.

Contd...Page 6

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24

CHECK POINTS TO BE REMEMBERED

1. INFORMATION OF FACTORIES FROM GM(SALES) TO CHIEF OF SECURITY
2. CONDUCT OF PRILIMINARY ENQUIRY
3. CHECKING OF PAPERS OF THE SUSPECTED FACTORIES
4. TESTING OF GRADE OF COALCOAL FROM THE STOCK TO BE SEIZED AND SIGNATURE OF THE FACTORY REPRESENTATIVE TO BE TAKEN
5. ON THE FINDINGS OF THE DOCUMENTS AND GRADE OF COALCOMMITTEE WILL DECIDE FURTHER COURSE OF ACTIONS
6. IN CASE OF ANY DEVIATION LODGING OFGENERALFIR ON THE FACTORY
7. LEGAL PROCEEDINGS TO BE INITIATED FOR OBTAINING SEARCH WARRANT
8. CONDUCT OF RAID (CISF TO PROVIDE PROTECTION)
9. SEIZING AND CHECKING OF PAPERS OF THE FACTORY ALONG WITH COAL STOCK
10. LODGING OF SPECIFIC FIR ON THE FINDINGSAND SEIZING ON SEIZURE LIST
11. PROCEDURE FOR TAKING ADMINISTRATIVE ACTION OFCANCELLING DO/BLACKLISTING/BARRING
12. FURTHER LEGAL PROCEEDINGS WILL BE TAKEN UP BY THE APPOINTED LAWYER UNDER THE MONITERING OF THE CASE BY ECL SECURITY DEPARTTMENT ALONG WITH A REPRESENTATIVE OF VIGILANCE

CVO, ECL

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Format of the F.I.R./COMPLAINT

25

Book No. _____

FORM NO. 24.5 (1)
FIRST INFORMATION REPORT

First Information of a Cognizable Crime Reported under Section 154, Criminal Penal Code

Police Station District No

Date and hour of Occurrence

- 1. Date and hour when reported
- 2. Name and residence of informer and complainant.
- 3. Brief description of offence (with section) and of property carried off, if any. — To be filled by PS
- 4. Place of occurrence and distance and direction from the Police Station.
- 5. Name & Address of the Criminal.
- 6. Steps taken regarding investigation explanation of delay in regarding information. — To be filled by PS
- 7. Date and Time of despatch from Police Station. — To be filled by PS

Signature

Designation

(First information to be recorded below)

Signature

Designation

The above is the format and below is the law on the basis of which the cognizable crime is recorded

F.I.R. ON AUTHENTIC INFORMATION

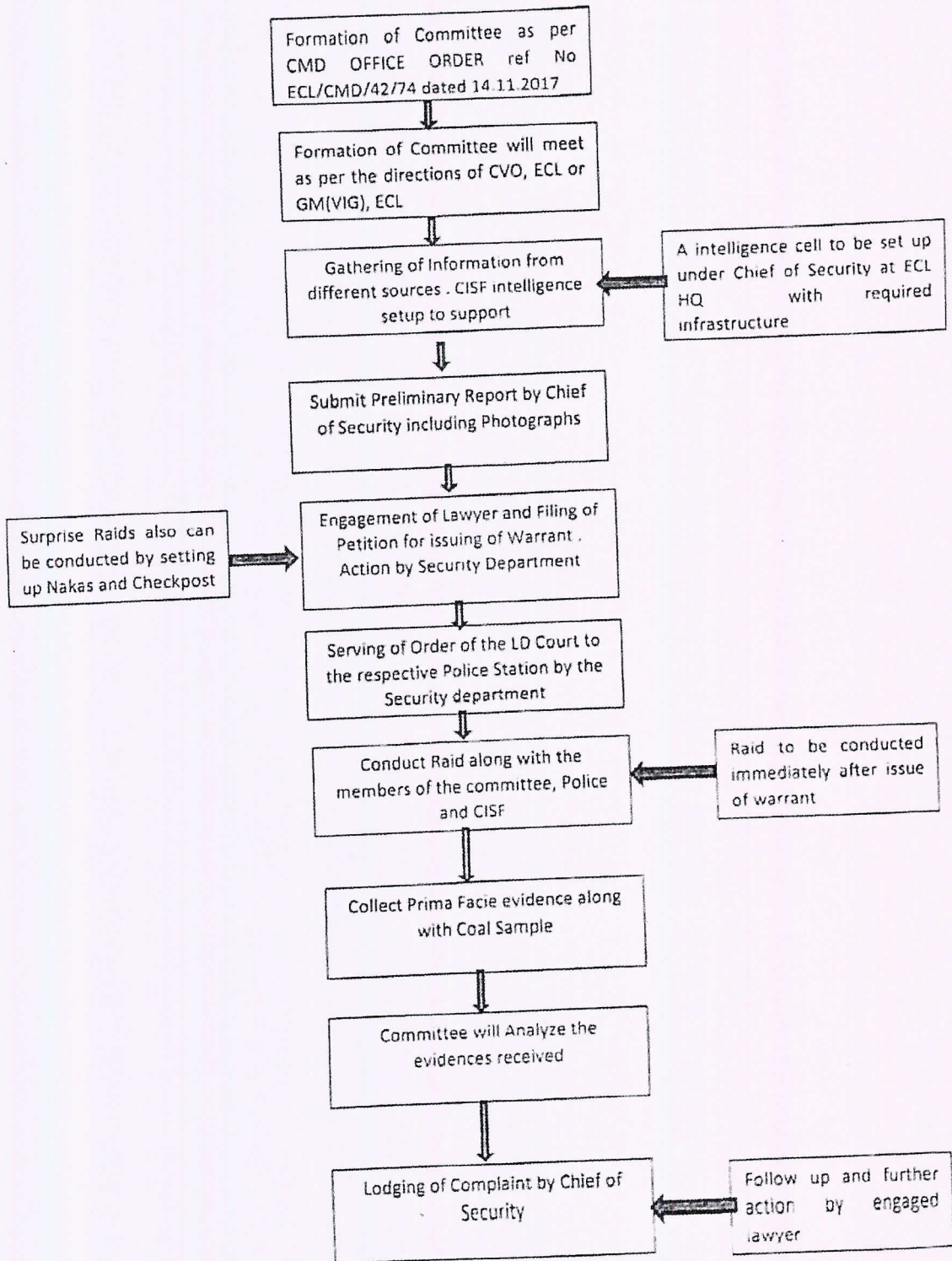
The information given to the Police Officer for registration of a case must be authentic. It should not be gossip but should be traced to an individual who should be responsible for imparting information. It may be hearsay but the person in possession of hearsay should mention the source of information and take responsibility for it. An irresponsible rumour should not result in registration of F.I.R.

CVO, ECL

..... Limited

(26)

FLOW CHART FOR FUNCTIONING OF THE COMMITTEE & CONDUCTING RAID



(27)

This letter is on behalf of Eastern Coalfields Ltd, Salanpur Area and has the sanction of the Competent Authority

23.
P-189

SEIZURE LIST

1. Date & Time of Seizure :

2. Place of Seizure :

3. from whom Seized from :

4. Name of Witnesses: :

5. List of Seized Articles 1.
2.
3.
4.

6. Signature of Witnesses

1.

2.

Seized/Prepared by Me

Name _____

S/O _____

Address _____

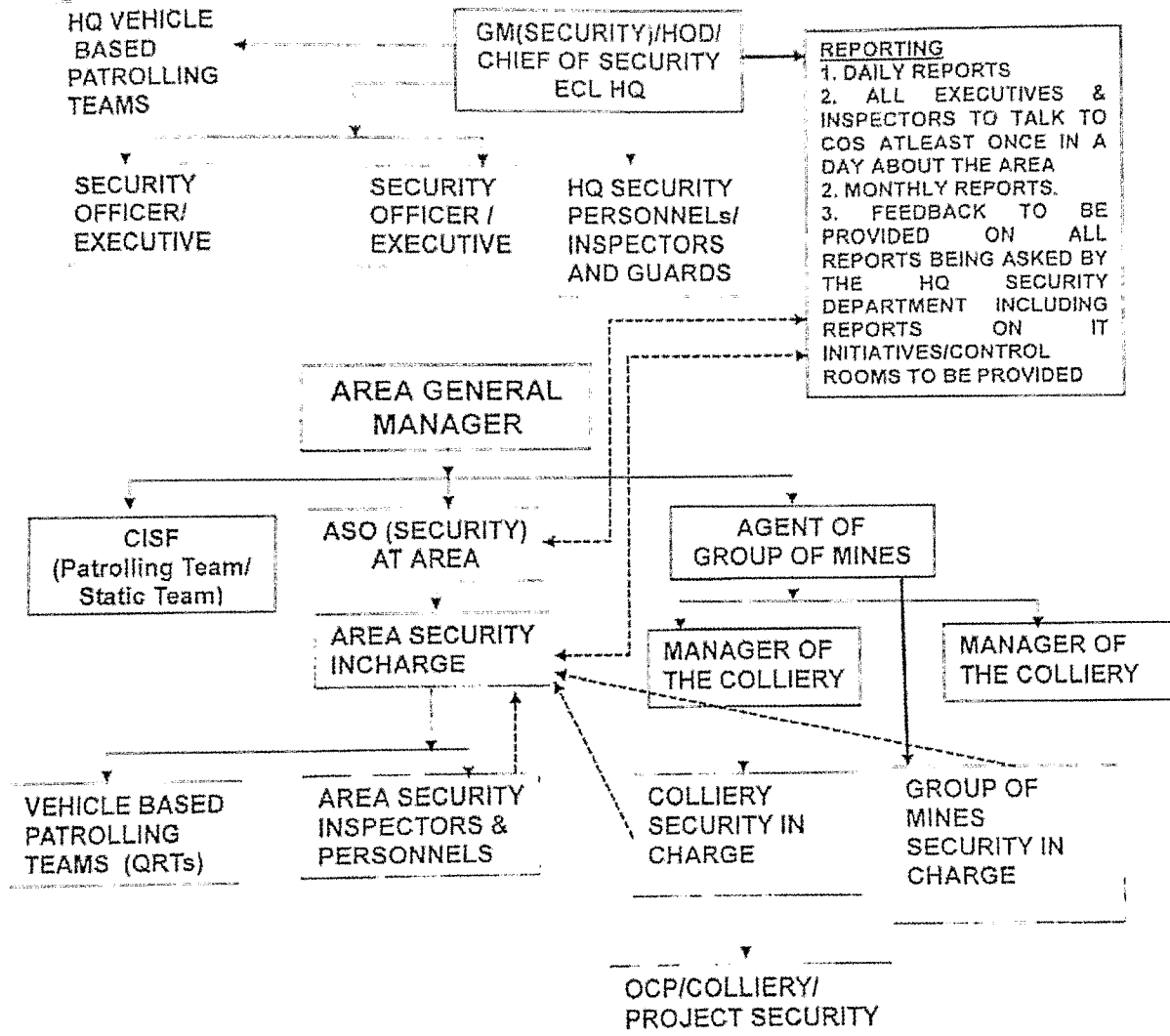
PS _____

This letter is on behalf of Eastern Coalfields Ltd, Salanpur Area and has the sanction of the Competent Authority

Eastern Coalfields Limited

(29)

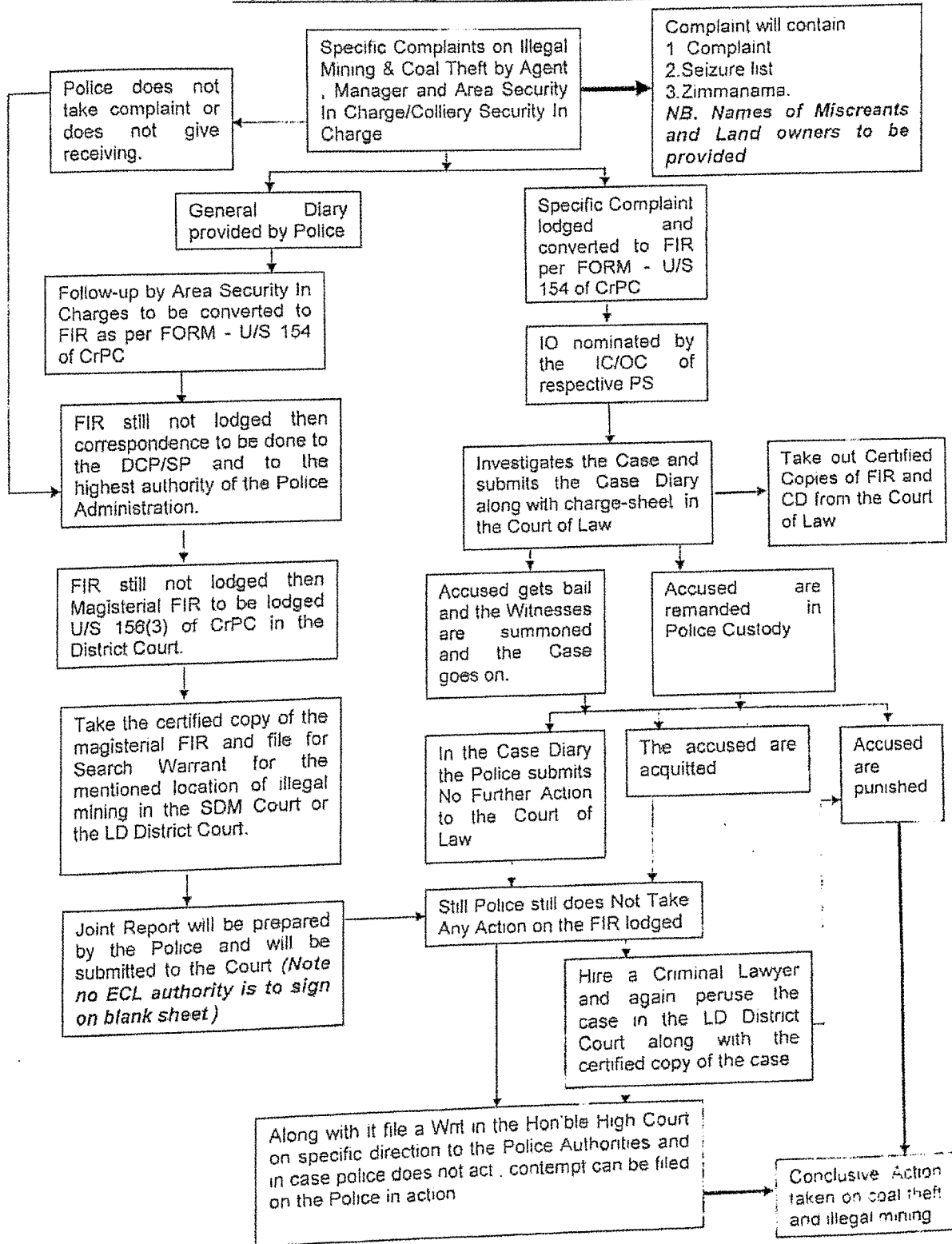
REPORTING SYSTEM IN SECURITY DEPARTMENT



1. THE ADMINISTRATIVE OPERATIONS AND OTHER ASPECTS OF THE AREAS WILL BE UNDER THE RESPECTIVE AREA GENERAL MANAGERS.
 2. ALL ACRs OF THE SECURITY PERSONNEL WILL BE VETTED BY THE CHIEF OF SECURITY FOR THE FINAL CONFIRMATION OF THE GRADINGS WHICH WILL BE DONE YEARLY
 3. ALL INTER AREA TRANSFERS OF THE SECURITY PERSONNEL WILL HAVE THE ENDORESEMENT OF THE AREA GENERAL MANAGERS BECAUSE ALL THE DOP OF THE AREA LIES WITH THE AREA GENERAL MANAGER AND HE IS ALSO RESPONSIBLE TO ADMINISTER HIS AREA SMOOTHLY
 4. THE CHIEF OF SECURITY HAS TO BE KEPT INFORMED BY THE AREA SECURITY OFFICER/AREA IN CHARGES IN THE MATTER OF COAL THEFT AND ILLEGAL MINING AS WELL AS DAY TO DAY DISRUPTIONS IN THE FUNCTIONING OF THE AREAS
 5. NO DATA REGARDING COALTHEFT AND ILLEGAL MINING WILL BE CONCEALED BY THE AREA AND IN CASE ANY OF THE SECURITY EXECUTIVES/SECURITY INCHARGES SECURITY ARE BEING WRONGLY IMPLICATED THE FINAL DECISION WILL BE OF THE CHIEF OF SECURITY WITH THE APPROVAL OF THE CONCERNED FDs.
 6. IN ABSENCE OF DESIGNATED AREA SECURITY OFFICER AREA IN CHARGES IN AREA . WILL BE SOLEY RESPONSIBLE
- NOTE: THE DOTTED LINES AND ARROWS SHOWS THE REPORTING OF THE SECURITY PERSONNEL TO THE CHIEF OF SECURITY ECL HQ WHICH WILL BE STRICTLY FOLLOWED. ANY DIRECTIONS OF THE FDs WILL BE INCORPORATED ACCORDINGLY IN THE REPORTING STRUCTURE.

30

FLOW CHART TO LODGE COMPLAINTS ENSURE THAT THEY ARE CONVERTED TO FIR AND COMES TO A CONCLUSIVE RESULT IN THE COURT OF LAW



(31)

METHODOLOGY TO BE FOLLOWED WHILE SEIZING OF COAL, CYCLES, HEAVY MACHINERY AND EQUIPMENT BY DEPARTMENTAL SECURITY SETUP/CISF OR HOME GUARDS

A. Seizure of Coal

1. The seizure of coal can be done by Departmental Security, CISF, Police either individually or jointly. However as per procedure the item of seized coal is to be handed over to the police in place of occurrence. It can be transported to the Police Station on request by the Police Administration.
2. Complaint will be lodged and converted to FIR U/S 154 CrPC and a seizure list will be prepared as per the format in Page 23. In case of unclaimed coal a zimanama will be prepared. The zimanama will be provided to the respective Police Station and the seized coal will be deposited in the nearest colliery. The Coal will be weighed in the weighing bridge and the weighment slip will be provided and attached to the complaint. The seized coal details will be maintained by Area Surveyor/colliery Surveyor in a register. During stock taking the same will be endorsed by the ECL authorities and Security Head of the Area.
3. Gradation of the Coal seized should be done by the Security Department of the Area to ascertain from which colliery the coal has been seized and what is the valuation of the Coal Seized. It should be attached with the complaint to establish occurrence of Criminal Trespassing of the Mines and Theft of Property(Coal).
4. Generally in unclaimed cases Police Submits report of "Nothing Found". In some of the cases Petition can be filed before the District Court for re investigation of the case. The owner of the Coal is the Central Government or A Government Company to whom the matter has been delegated. In this aspect it is ECL under CIL. So the coal which has been seized can be despatched as there it is the stolen coal from the Colliery.
5. In case of specific FIR has been lodged, where the name of the accused has been mentioned in the FIR, the gradation of the coal will be done and it will be despatched. The Points no 1 to 4 will be followed. In cases when the coal has to be returned back as per the order of the LD Court. The certified copy of the District Court order has to be analysed and it has to be determined that all procedures has been followed to get the release order of the Coal. In cases lapses are observed then the order of the District Court should be challenged in the Hon'ble High Court.

Note: In Point no 5, it is not important as to the quantity of the coal which has been seized and order challenged in the Hon'ble High Court, but it gives a message to the miscreants that once it is seized, it will be difficult and a lengthy process to get it back.

B. Seizure of trucks, Cycles and other Items

1. Points no A, 1 to 5 as mentioned will be followed.
2. Here only change is that the items and mode of transportation of coal (like trucks, dumpers etc), heavy machinery (drill machines, pocklains, hywas etc), pumps, generator sets, wires seized etc will be deposited with the respective Police Station on a seizure list.
3. Small items like cycles, submersible pumps, small generator sets etc can also be seized and kept in the ECL Security stores under proper register which will be signed by the Area Inspector Incharge and the Area Security Officer or the any Officer nominated, in absence of a designated Area Security Officer.

32

ZIMANAMA

Ref :P.S. Case No..... Date.....

U/S.....

I Srl S/O.....

Of village P.S.

Dist At/Pre

being called upon by the investigation / enquiring officer of the case referred to above I received the following articles seized by him in connection with the case from Officer-in-charge P.S. in my zima and there by enter upon agreement to produce the same before the Hon'ble Court or Police Officer as and when required whenever so called upon at a specified place and time. In case of my making default herein, I find myself to undergo any punishment imposed on me in accordance with law.

Signature of Zimadar

LIST OF ARTICLES WITH DESCRIPTION IN ZIMA

Signature of I.O.

Signature of Zimadar

33

APPX 'D'

**Proforma for Reporting the First Information (FIR)
of a Cognizable Offence**

(Under Section 154 of the Criminal Procedure Code)

An FIR must include the following items

Police Station.....

District

1. Personal details of the Complainant / Informant:

(a) Name

(b) Father's / Husband's Name

(c) Address

(d) Phone number & Fax

(e) Email:

2. Place of Occurrence:

a) Distance from the police station

b) Direction from the police station

3. Date and Hour of Occurrence:

4. Offence:

a) Nature of the offence (e.g. murder, theft, rape, etc.)

b) Section- (To be decided/written by Office only)

c) Particulars of the property (in case one has got stolen):

5. Description of the accused:

6. Details of witnesses (if any).

7. Complaint: Briefly lay down the facts regarding the incident reported in an accurate way.

Note: At the end of the complaint, the complainant's/informant's signature or thumb impression should be there.

Important: Write your FIR in Hindi only

34

Sample FIR

1

From

(Applicant's Name), Father's/Husband's Name

(Applicant's contact address)

(Applicant's contact mobile number/Phone number)

Applicant's e-mail id. (If any)

Date. _____

To,

The Police Officer In charge

Address (Name of Local Police station)

Sub. : (mention subject e.g. your lost document/phone name and Number)

Respected Sir,

I would like to bring the following facts to your kind notice:

(Include details/contents 1-7 as given in Proforma)

I seek your help and request you to kindly register my F.I.R in the subject matter.

For your ready reference I enclose herewith

(a) Copy of [Complainant/Informant] I.D. proof.

Hope you will do the needful favourably at the earliest.

Thanks and regards

Yours Sincerely

_____ (Complainant/Informant Signature)

_____ (Complainant/Informant Name)

Note : You should make 2 copies of the Application.(1 copy for police station record, 1 copy for your own record)

35

110

Sample FIR (Hindi)

एफ0 आई0 आर0 का प्रारूप

सेला में,

श्रीमान थाना प्रभारी निरिक्षक महोदय,
थाना सधिल लाइगस/बवार्सी/बन्ना देवी
अलीगढ।

विषय :

द्वारा : श्रीमान प्रोक्टर महोदय, अलीगढ मुस्लिम विधविद्यालय, अलीगढ।

महोदय,

निवेदन यह है कि
.....(ऊपर दिए गए एफ. आई. आर . प्रोफोर्मा के अनुसार विवरण दे).....
.....।

अतः श्रीमान से निवेदन है कि इस सन्दर्भ में एफ. आई. आर दर्ज करने कि कृपा करें ।

प्रार्थी

दिनांक.....

(नाम.....)

पुत्र/पुत्रि श्री

पत्नारस.....

एनरोलमेंट नं0

हाल/पता

रनिंग मोबाईल नं0

सलगन: आई0 डी0 कार्ड फोटो कॉपी।

36

APPX 'E'



Eastern Coalfields Limited
(A Subsidiary of Coal India Ltd.)
Sanctoria, Po. Dishergarh, dist. Burdwan (WB).

Ref No. ECL D(T)OP Deemed Agent 923

Date: 03.07.2017

10
Capt. Anmay Das
Chief Manager (Security) HOD Security,
ECL, Sanctoria

प्राप्त किया / Received
पत्र, संख्या, दिनांक
Office of the
दिनांक
ECL, Sanctoria
क्रमांक / Serial No.
दिनांक / Date

Dear Sir,

Sub: Appointment of Deemed Agent.

In compliance with the terms of Regulation No. 8 (A) of the Coal Mines Regulation, 1957 (Amendment up to date), you are hereby authorized to act as Deemed Agent on behalf of the owner in respect of Management, Control, Supervision and direction for functioning of service in respect of your department.

You will hold responsibilities as laid down in Section 18 of the Mines Act 1952 and exercise powers delegated to you by the Company for ensuring and enhancing the Security in Mines.

Yours faithfully,

(Signature)
Nominated Owner Director (Technical) OP

Copy For favour of kind information to

- i) Director General of Mines, DGMS, Dhanbad-826001
- ii) Dy Director General of Mines Safety, Eastern Zone, Sitarampur
- iii) Director of Mines Safety, Region No., Eastern Zone, Sitarampur

Handwritten notes and signatures in the bottom left corner.

(37)

1. Important points of Standard operating Procedure(SOP) of VTS , circulated vide letter no. 0920/2/17, dated 19/12/2017 by G.M.(System).

Sl. No	Guidelines	Responsibility
1	All VTS control room to be kept operational round the clock (24X7) under a Security In-charge of Area and HQ	Area Security In-charge HQ Security In charge
2(a)	Coal transport vehicles/tippers operating in the areas to be fitted with GPS devices	Agent/Manager of /Area Nodal Officer(VTS)
2(b)	GPS devices to be fitted/dismantled by authorized persons only	Area Nodal Officer(VTS)
2(c)	Coal transport vehicles/tippers operating in the area shall not be allowed to run in another area	Area Security head/ Area Nodal Officer(VTS)
3	Transport vender to get any vehicle to transporting of Coal will submit application to Area Authority with relevant document	Transport Contractor/ GM/Agent/ Area Nodal Officer(VTS)/ Project Engineer/ Area Security In-charge
4	Periodic reports shall be generated every 15 days for analysis and shall be sent to Area GM and HQ Control room	Area Nodal Officer(VTS)/ Area Security In-charge
5	No coal carrying vehicles shall violate the authorized Geo-fence boundary of the area	Transport Contractor/Area Security In-charge
6	Transporter shall not cross Geo-fencing without permission of the Agent One standby QRT vehicle based kept for the purpose of VTS control room in all 3 shifts	Area Security/Agent/Nodal Officer
7	Every case of Geo-fencing violation shall be reported by VTS Control room to security In-charge and Nodal Officer VTS	Area Security In -charge/VTS Control room Area Nodal Officer(VTS)
8	If any vehicle violates the Geo-fencing boundary or any other violation, action shall be initiated for disallowing the vehicle	AGM/Area Security in-charge /GM/HQ Control room
9	Control room shift in-charge shall verify the cases of Geo-fencing violation and any others violations and inform the same to Area Security, Nodal Office VTS, GM, AGM	Area Control Room In-charge
10	Requirement of additional GPS devices – to be assessed by Area & submitted to HQ	Area GM/ GM(Systems)
11	Break-down of GPS systems including GPS devices to be reported to Service Provider & Nodal Officer of VTS HQ, GM(Systems) and HQ Security	Area Nodal Officer (VTS)/Area Security in-charge
12	In case coal caring vehicle fitted with GPS devices is no longer in use, such devices shall be surrendered, otherwise penalty will be imposed. If such vehicle goes any were else without surrounding GPS system, FIR of theft will be lodged and same will circulated to all area & HQ	Agent/GM/ Area Nodal Officer(VTS) VTS/Transport contractor /HQ Control Room
13(a)	If the transporter intends to get any vehicle disallowed, he will apply to the concerned Agent & to Nodal Officer & Security In-charge of the Area for removal of GPS devices. Intimation shall be sent to HQ Control room	Transport Contractor /Agent/Area Nodal Officer(VTS)/Area Security In- charge
13(b)	Such dismantle GPS devices shall be checked by Service Provider and shall be handed over to Area Control room. Record of devices fitted/dismantled/Under repaired is to be maintained at Area Control Room	Service Provider/Area Nodal Officer(VTS)/Area Security In- charge
14(a)	Area/HQ Control room shall ensure proper functioning/ maintenance of GPS devices. Agent of the concerned unit will ensure availability of the vehicle with GPS devices.	Agent/Area Control Room/HQ Control Room
14(b)	Penalty shall be imposed on Service provider for failing to ensure maintenance of required number of GPS devices	Area Nodal Officer(VTS)/ transport Contractor
15	Control room will generate shift wise report as per the circulated format & shall submit the same Area/HQ control room on regular basis. HQ Control room will monitor violation and shall sent a Compile report to CIL	Unit Control Room/Area Control Room/HQ Control Room
16	Monthly report shall by submitted by Area GM to the Director in –	Area G.M.

	charge, highlighting the incidences observed through surveillance system during the month and action taken there on.	
16	<p>The punitive action to be taken as under: For alert on undue stoppage- with coal theft-FIR to be lodged and the Vehicle shall be blacklisted. Over Speeding –Shall be warned in first instance; in second instance to be barred for three days; third instance it shall be blacklisted. Geo-fencing violation-incase of coal theft-shall be barred and blacklisted with FIR. Geo-fencing violation-running in other Area-to be barred and the cost of device to be recovered. Such vehicle can be allowed after 10 days on discretion of the Management of the Area</p>	Manager/Agent/GM

2. Important points of Approved SOP for IT initiatives implemented in CIL & Subsidiaries ,(letter no. CIL/VIGIL/16/14/0002/2018/1710-1729, , dated, 29/03/2018, by C.V.O.,CIL

Sl. No	Guidelines	Responsibility
1	<p>Geo Fence</p> <ul style="list-style-type: none"> Mine boundary to be identified with coal transport route. Mine boundary and coal transport route to be approved by Agent, will forward the same to Area GM for creation of virtual GEO fence. Geo fence boundary shall be created by E&T/System/ Nodal Officer assigned for the job for all mines of the area. Any change in Geo Fence boundary shall be processed again in the above manner. Security officer of the area shall be responsible for acting upon violence of Geo fence boundary/route. 	<p>Manager</p> <p>Agent/GM</p> <p>Area E&T Manager/ Area System Manager/ Area Nodal Officer (VTS)</p> <p>As above</p> <p>Area Security In-charge</p>
	<p>CCTV:</p> <ul style="list-style-type: none"> Strategic location shall be identified by the Project officer in consultation with Manager of the Mines, Security personnel etc. requirement of CCTV may be assessed accordingly. This should include Mine entry, Mine exit, Weigh Bridge, Stores Premise specifically. Procurement may be made preferably centrally. Effective use and proper functioning to be ensured by the mines Management. Record of clippings of CCTV to be maintained for one week. Integration of all CCTVs through proper networking to be done. Area Security officer shall be responsible for prevention of illegal activities so observed with due assistance form local police as well as mines official. CCTV to be installed near coal heaps. 	<p>Manager/Agent/Area Security in-charge</p> <p>HQ System Department Agent/Manager</p> <p>Area Security in-charge</p> <p>Area Security In-charge</p> <p>Agent/Manager</p>
	<p>WEIGH BRIDGE WITH RFID & BOOM BARRIER.</p> <ul style="list-style-type: none"> Every Road Weigh Bridge needs to be equipped with CCTV Cameras, RFID Reader & Boom Barrier. RFID Tag should be pasted in all coal carrying vehicle with details information of the vehicle. Provisions to be made for capturing registration number of vehicles with tare weight, gross weight and for display of weighment outside the cabin. No body should be allowed to enter in the cabin to avoid any outside interference. CCTV camera should be position that the weigh bridge staff can see positioning of the truck number plate drivers cabin and loaded area from his seat. 	<p>GM (System) Area Gms/ Agents</p> <p>Area Nodal Officer</p> <p>Area Nodal Officer</p>

(39)

	<ul style="list-style-type: none">Weighbridge staff shall be responsible for instantaneous reporting of any failure during his period to in charge coal sale who in turn to the appropriate authority immediately.	Weighbridge staff/Area Sales Officer
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3. Important points of Action Plan for prevention of Illegal Mining and Pilferage /theft of Coal ,letter no. ECL/CVO/2018/Action Plan/1005, dated, 17/01/2018, by G.M.(Vig) ,ECL

Sl. No	Guidelines	Responsibility
1(d)	The whole Area should be WAN i.e. even the collieries should be connected there after the Area should be connection to HQs for centralized mentoring. There should be secondary network besides the Railtel	GM(System)
1(e)	Both side weighment should be made compulsory with the integration with RFID, VTS with a server based software for automatic reconciliation and central monitoring	GM(Systems)
1(f)	Fencing of OCPs, construction of boundaries , entry ,exit points and other infrastructure should be planned along the security department by CMPDI.	Area GM/Area Security in-charge /CMPDIL
1(g)	While filling up of illegal mining ratholes , policy should be devised to give permission to the Security department for spot hiring of JCB/Pay Loaders to take action immediately without wasting due time and effort.	DOP of Agent/G.M. to be exercised as per Rules
1(h)	Manpower dependency in security department should be reduced and static manpower should only be provided at all Railway Siding. Coal Depots, Work Shops and other vulnerable and sensitive areas. Security Surveillance should be in small teams and vehicle based.	HQ Security in-charge /Area Security in-charge

4. Important points of Draft Action Plan to prevent Coal Pilferage / Illegal Mining in ECL (Ref No.. ECL/VIG/PKJ/18/NS-596,dated, 29/11/2018, by G.M.(Vig) ,ECL

Sl. No	Guidelines	Responsibility
2	FIR should be lodged in each and every cases of incidence of illegal mining and pilferage of coal and it should be religiously forwarded till conclusion of the case	Agent, Colliery Manager, Personnel Manager and Area Security In -charge
3	The Block Level, District Level and State Level Coordination meetings with officials of ECL management have to be carried out periodically. The ECL management officials should be specially assigned for carrying out above mentioned meetings.	Area GMs/HQ Security In-charge
4.	If any incidence of illegal mining/pilferage coal takes place within the mine lease hold, the action against concerned mine management officials has to be taken	BY appropriate Level authority.