



Ref. No. MCL/HQ/LEGAL/2019/ 1340

Dt. 18-10-2019

To  
All General Manager, MCL  
IBVA/OA/LKPA/B&G/Talcher/Bharatpur/Hingula/Jagannath/Lingaraj/Kaniha Area/NSCH Talcher.  
CMS I/c, NSCH Talcher.  
General Manager, Central Workshop, Talcher/ IB Valley.

Sub: Following Standard Operating Procedure (SOP) in case of Disturbance/ Bandhs in MCL.

Dear Sir(s),

On the above subject, though the guidelines has already been circulated to follow the Standard Operating Procedure (SOP) in case of Disturbance/ Bandhs in MCL & to take follow up action, in some the Areas/ Offices the procedure is not followed uniformly, which has been taken seriously by the Competent Authority.

You are requested to please instruct down the line in the Area/ Office to follow the Standard Operating Procedure (SOP), which is again circulated herewith for your perusal/ reference and necessary action. Also, submission of the Daily Disturbance Report & Monthly Disturbance Report in proper format be ensured in time/ date.

Encl:As above

Yours Faithfully

(S. K. Sarangi)

General Manager (Pers) / HOD (Legal)  
MCL.

Copy to:

All Area Personnel Manager, for strict compliance.

IBVA/OA/LKPA/CWS, IBV/B&G/Talcher/Bharatpur/Hingula/Jagannath/Lingaraj/Kaniha Area/ CWS(X)/  
NSCH Talcher

CC to:

TS to CMD / DT(O) / D(P) / DT (P&P), MCL, for kind information.

विभाग

Deptt.

D(P) Sect.

फाईल संख्या

File No. MCLSBP/D(P)/Sect./4777/27/04/19

पृष्ठ संख्या

Sheet No.

CONFIDENTIAL

सम्बन्धित सहायक

Dealing Asst.

अधिकारी का नाम

Name of Officer

विषय

Subject

SOP in case of disturbance/bandhs  
in NCL.

An SOP has been prepared by  
to deal with disturbance/bandhs in NCL,  
which is enclosed herewith.

CM(P-dept) may kindly  
examine the draft SOP before it is  
circulated to All Area CMs.

CM(P-dept)

Jasid  
27/11/19

## STANDARD OPERATING PROCEDURE (SoP) IN CASE OF DISTURBANCE/BANDHS IN MCL

Since recent past, Coal Mines/Projects, Administrative Areas etc. of the Mahanadi Coalfield Ltd have been facing sudden stoppage of work/bandhs adversely affecting all categories of mining and allied work, including transportation, dispatch of coal, regular office work & also functioning of Hospitals/Schools and other essential services/activities.

After detailed deliberations on the subject and in order to ensure proper legal recourse for avoiding such exigencies, it was felt necessary to formulate and devise a Standard Operating Procedure (SOP) for streamlining the entire process for the convenience of all concerned which should ordinarily be followed uniformly by the units/Areas of the other establishment of the subsidiaries of coal companies.

The SOP is accordingly underlined in the following manner: -

1. The SOP would apply to stoppage of work/Bandhs/Strike involving any category of mining work of a coal mine, washery, any other establishment of a mine/unit/area including transportation, dispatch of coal, office work, work at hospitals/Schools/water supplies and all other establishment & other essential services of a mine/establishment and the adjoining areas.
2. The stoppage of work mentioned above may be on account of any reason whatsoever including grievances of land outsees; their lineal descendants; the proposed/ (under consideration) beneficiaries for compensation/employment; grievances of dependents in respect of claims towards dependent employment; monetary compensation and for extension of immediate monetary benefit; in the event of any accident taking place within the mine or in the periphery of the mine area etc.
3. In the event of demands being raised by a gathering of persons, mob threatening to close down the work and paralyzing the entire working, the General Manager/Agent/Project Officer concerned and/or any other person deputed by them should immediately request the agitated mob to desist from taking law into their own hands, rather their demands be sought in writing so that the same could be forwarded to the Competent Authority to understand the situation and in case the same can be redressed, all efforts be made to take necessary remedial action to avoid disruption of work.
4. In addition to the above, all possible efforts may be made to record the incident/protest being made by the employees/non-employees (outsiders). Audio/Video recordings may be made to gather evidences of occurrence of offences taking place. All efforts may be made for collecting CCTV footage of the incident. In all the entrances of the Mines and the offices of the MCL, IP enabled CCTV camera may invariably be installed in operative condition and the data must be available at a remote location for use as and when required.
5. In the event of unlawful assembly of persons/mob making an effort to stop the normal functioning of the mine and all other works/part of the work, and the mob

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also hurls abuses/threatens or even assaults any person of the management, the entire incident may be neatly reduced to writing by the Project Officer in-charge of the mine or by any other officer of the unit witnessing the incident.

6. If the Project Officer or the in-charge/ APM/In-charge is of the opinion that the incident/occurrence has resulted in criminal offence, a written report may be prepared. The said report may comprise of a clear picture of the place of occurrence, time of occurrence and as far as possible the details of the accused persons. The report may contain the ingredients of the sections of the more common offences under the Indian Penal Code as contained in the list **Annexed herewith (Annexure-A)**, which is only indicative and not exhaustive.
7. The Written Report of the incident may be submitted with the Officer In-charge of the police station under signature and seal of Project Officer in-charge of the mine/ APM in-charge by giving clear details and particulars of the accused persons and if some of the persons are unknown, then the approximate number of persons of the unlawful assembly must be specified.
8. Every effort may be made for submitting the written report which may contain the details of damages to the property and also the estimated loss caused to the unit / Area/Establishment **without undue delay** as there is a likelihood of registering a false counter-case by the accused persons implicating the officers and employees in a false case.
9. As the dharna/protest/bandh by the unlawful assembly may continue, separate written reports of distinct and subsequent incidents taking place may also be filed giving specific detail of each of such subsequent incidents.
10. For the same occurrences, both civil and criminal liabilities may occur simultaneously. Therefore steps for institution of both criminal prosecution and suit for damages can be instituted against the erring persons. The Project officer and the officials of affected departments would be responsible for computation of damages and thereafter the suit for damages should be instituted before the appropriate court having necessary pecuniary jurisdiction. The suit should be instituted with all due care and caution, as Ad-Valorem court fee is required to be deposited at the time of institution of the suit.
11. Under section 154 of the Code of Criminal Procedure, 1973 the police is duty bound to register an information/complaint submitted orally or in the form of a written report in all cognizable offences subject to the providing of necessary information by the informant. Once the written report is submitted and the officer In-charge of the police station registers the same as FIR, a copy of the information so recorded must be obtained.
12. On account of refusal by the office In-charge of the local police station to register an FIR, the Project Officer (for the Mine/Project) or APM of the Area or the Area General Manager/Officer may immediately take up the matter with the concerned Superintendent of Police (SP), the DIG/IG within 24 hours of occurrence of a cognizable offence. A written complaint under due acknowledgement, may be sent to the District Superintendent of Police, with copy to District Magistrate & Collector, and the Range DIG/IG. Additionally, a new FIR can be lodged online at

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the registered email id /web portal and the same can be sent through the Speed-Post as well.

13. If, however, the police refuses to register and investigate the information of a cognizable offence, the informant should submit complaint to the magistrate who is competent to receive the same and examine the complainant u/s 200 Cr. PC. If, however, the magistrate is satisfied that the complaint is in respect of a cognizable offence, he may direct the officer In-charge to register the complaint as FIR and investigate u/s 156(3) CrPC.
14. The outcome of the lodging of the written report can be ascertained from the concerned Court of the Magistrate. A certified copy of the FIR should also be obtained and placed in the record of the unit for future need/requirement.
15. Action taken by the unit/area should be in consultation with the Personnel/Administration/Legal department(s) of the unit/area concerned where such an incident has taken place.
16. Once an FIR has been lodged and investigation u/s 161 CrPC is undertaken by the police/Thana, it would be responsibility of the Project Officer of the Project/Unit concerned to get the statement of the witness recorded in the case diary so that charge sheet is submitted by the police upon investigation u/s 173 CrPC, The statement U/s 164 Cr. P. C. from a government servant will have the maximum strength as a prosecution witness which must be ensured by Project Officer in-charge of the mine/colliery, the Personnel head of the Unit/Project Office in case of Project Office/Establishment, the APM in case of Area Office/Establishment. It would also be duty of the abovementioned Officials of the Unit/Area to pursue follow up action of the proceedings of the criminal case and at the time of trial/recording of evidence the informant and other witness whose names appear in the Charge sheet as Charge sheet witness, should be produced promptly so that the criminal case instituted by the unit/area end in conviction.



Some of Relevant Sections of the IPC:

- I. Section 107 of the IPC for the abetment (instigation) of any crime.
- II. Section 120 'S' of the IPC for conspiring to committing of any crime.
- III. Section 143 IPC for the offense being a member of an un-lawful assembly.
- IV. Section 144 IPC joining an unlawful assembly armed with any deadly weapon.
- V. Section 147 IPC for rioting.
- VI. Section 148 IPC rioting, armed with a deadly weapon.
- VII. Section 151 of the IPC for the disturbance of public peace and tranquility
- VIII. Section 152 IPC assaulting or obstructing public servant when surpassing riot, etc.
- IX. Section 160 of the IPC for the affray (fighting at public places by 2 or more persons).
- X. Section 278 of the IPC for the public nuisance.
- XI. Section 323 IPC for voluntarily causing hurt.
- XII. Section 341 IPC wrongfully restraining any person.
- XIII. Section 353 IPC Assault or use of criminal force to deter a public servant from discharge of his duty.
- XIV. Section 427 IPC Mischief, and thereby causing damage to the amount of Rs 50 or upwards.
- XV. Section 506 IPC Criminal Intimidation.
- XVI. Section 511 of the IPC for attempt of any of the offences abovementioned
- XVII. Details of any other offence specific to the incident may also be added.



## Annexure-B

### Explanatory Note on the Standard Operating Procedure for Action to be taken in case of Disturbance Bandh in Mines Offices in MCL

1. Recording/Reporting/Noting of the incident by the Officer concerned witnessing the incident, before the Project Officer/Authority in Mine/Project/Area/Others. (For this purpose it is advisable to install CCTV camera in all mines' entrance/Office entrance points in operative condition and the data must be available at a remote location for use as and when required.)
2. Formal written complaint is to be sent to local police station under the signature and seal of the Project Officer in-charge of the mine/colliery and under the signature and seal of the Personnel head of the Unit/Project Office in case of Project Office/Establishment and under the seal and signature of the APM in case of Area Office/Establishment. (For this purpose the details of Protestors are to be incorporated such as name, father's name, age, address etc.)
3. The lodging of FIR (Register) at local Police Station U/s 154 of CrPC may be the responsibility of the Officer Concerned as stated at point no 2 (two) above, and to obtain a copy of the Registered FIR.
4. If the Local Police does not lodge FIR or refuses to register the FIR, the following steps are to be taken:
  - a. To write immediately to the Superintendent of Police of the District along with a copy of the written complaint sent to the Police Station seeking his intervention in matter and a copy of the same to be sent to the Collector/District Magistrate.
  - b. If no police case is registered within a month of the complaint, then file a complaint case before the Magistrate U/s 156 (3) of the CrPC against Police inaction.
  - c. To assess the loss of the production/damages to the property of the company during to such incidents and to quantify the loss/damages in rupees by involving finance executive of the Unit/Area and to prepare the Loss/Damage Statement.
  - d. To file a Damage Suit/ Money Suit in an appropriate Court against such persons responsible for such loss/Damages to the company by giving their full details and paying appropriate Ad-Valorem court fee towards such losses.
5. To follow up the action taken on the issue and it is the duty of the Project Officer at Project/Unit and Personnel Head at the Project Office and APM at the Area Office to get the witness examined once the case is registered by the Police or the Damage Suit/Criminal Case/Money Suit filed against the miscreants. The statement U/s 164 CrPC. from a government servant will have the maximum strength as a prosecution

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witness that should be ensured by above Officials. The CCTV footage should be used as evidence. If at any stage it is felt necessary to properly draft the complaint or the FIR and Petition for Complaint Case/Damage Suit/Money Suit, an advice from the Advocate may be sought.

Action to be taken in case of Disturbance/Bandh etc. in Mahanadi Coalfields Ltd

The following Standard Operating Procedure (SOP) may be followed in case of agitations/disturbances/stoppage of work/Bandh/Strike etc in MCL. The SOP will apply to all cases of Agitations/Disturbances/Stoppage of work/Bandh/strike etc. in establishment of MCL, but not limited to, Mines, Units, Areas, Offices, Hospitals, Schools, Workshops, Railway Sidings, etc. and in all related works of MCL including, but not limited to, Mining, Transportation, dispatch, works in above mentioned establishments, etc.

Sr No	Steps to be taken	Responsible Officer	Remarks
1	If any information about any such likely incident is gathered, the same shall be immediately brought to the notice of the Project Officer/responsible Authority in Mine/Project/Area/Others.	Any Officer/Staff who has gathered such information	Quick action shall be taken to avoid any such occurrence and disturbance of work
2	Intimate and seek necessary intervention of Local Police, District Administration and Security	Project Officer in Project/Mine/ Personnel Head in Project Office/Area Personnel Manager in Area Office /Responsible Officer I/C in other establishment	All communications with authorities be kept in record through dedicated register
3	If incident take place, record the incident and report the same to the project officer/responsible authority in Mine/Project/Area/ Others	Any Officer witnessing the incident or who has gathered such information	(i) Requires installation of CCTV Cameras at all Mine/Office entrances and other strategic points . (ii) Data must be online, properly backed up and available at remote locations simultaneously.

INITIATING CRIMINAL PROCEEDINGS	
<p>A). Send formal written complaint describing the incident in detail to local police station and acknowledgement thereof be obtained. In case of difficulty in obtaining acknowledgement, due proof of delivery may be established by way of obtaining and safe keeping necessary proof of delivery, etc.</p> <p>B). Further, insist lodging of FIR under section 154 of Cr.P.C at local police station and obtain a copy of registered FIR</p>	<p>Under the seal &amp; Signature of: Project Officer in-charge of the Project /Mine/Colliery in case of Project/Mines; or Personnel head of Unit/Project Office in case of Project Office/establishment; or APM in case of Area office/Establishment; or Responsible Officer In-Charge in case of other</p>
<p>If the Local Police does not lodge FIR or refuses to register the FIR within 24 hours of filing complaint; (i) Write immediately to the Superintendent of Police u/s 154 (3) of Cr.P.C annexing the copy of the written complaint sent to the police station. (ii) Send a copy of the same to the Collector/District Magistrate. (iii) File a complaint case before the Judicial Magistrate having jurisdiction u/s 156 (3) of the Cr.P.C against police inaction.</p>	<p>Under the seal &amp; Signature of: Project Officer in-charge of the Project /Mine/Colliery in case of Project/Mines; or Personnel head of Unit/Project Office in case of Project Office/establishment; or APM in case of Area office/Establishment; or Responsible Officer In-Charge in case of other</p>
<p>(i) Description of incident shall contain the ingredients of offences. An indicative list of offences of IPC is mentioned in Annexure-A.</p> <p>(ii) Request shall be made to initiate action by quoting relevant sections of IPC from the indicative list given in Annexure-A and sections 3 &amp; 4 of the Prevention of Damage to public property act 1984</p> <p>(iii) Maximum available details of protestors shall be gathered and incorporated in complaint . (Name of the Protestor, fathers name, age , address etc).</p> <p>(iv) Details of main perpetrator / abettor/ conspirator(s), including any leader(s) of the group, though non-present at the time of incidence, must incorporated in the complaint.</p> <p>(v) Details of damage of property/loss of production shall be incorporated.</p> <p>(vi) Separate FIRs may be lodged for each individual instance of destruction of property/loss of production/other stoppage of work</p>	<p>*While writing to SP/DM/Magistrate, proof of service of such written complaint to local police station including all proof etc. shall be annexed</p>

INITIATING CIVIL PROCEEDINGS

6	<p>(i) Assess and quantify the loss of the production/damages to the property. (ii) Prepare Loss/Damage Statement</p>	<p>Under the seal &amp; Signature of: Project Officer in-charge of the Project /Mine/Colliery in case of Project/Mines; or Personnel head of Unit/Project Office in case of Project Office/establishment; or APM in case of Area office/Establishment; or Responsible Officer In-Charge in case of other establishment along with Finance Executive of the unit</p>	
7	<p>File a Damage Suit/Money Suit in an appropriate Court against responsible persons including any perpetrator/abettor/conspirator (s), including any leader (s) of the group, though not present at the time of incidence</p>	<p>Under the seal &amp; Signature of: Project Officer in-charge of the Project /Mine/Colliery in case of Project/Mines; or Personnel head of Unit/Project Office in case of Project Office/establishment; or APM in case of Area office/Establishment; or Responsible Officer In-Charge in case of other establishment along with Finance Executive of the unit</p>	<p>(i) Full details of damages/losses be given.                  (ii) Full details of responsible person be given.                  (iii) Appropriate court fee be paid for filing the suit</p>

INITIATING DISCIPLINARY PROCEEDINGS

8	<p>In case, employees of MCL are found to be involved in the incident, suitable disciplinary actions be also initiated against them</p>	<p>Competent authority with respect to the delinquent employees</p>	<p>The disciplinary actions would be in addition to above remedies</p>
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9	In case of illegal Strikes/Bandh/Dharna, stoppage of work etc., suitable actions under Industrial Disputes Act, 1947 be initiated.	Competent authority with respect to the delinquent employees along with Unit/Area Personnel Manager	Action to be completed in schedule time limit of Certified Standing Orders/Law applicable
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**IN CASE A CONTRACTOR IS INVOLVED IN SUCH INCIDENT**

10	In cases where a person organization who is having a contract with MCL and if he is involved or has role in such incidences, all commercial dealings with such Contractor must be stopped immediately in entire MCL as well similar recommendation be made for all the subsidiaries of CIL.	Competent authority with respect to such contracts	<p>(i) Information of such incidences must be shared with all the Areas of MCL immediately.</p> <p>(ii) Such Contractor may blacklisted from entering any further contract with MCL.</p> <p>(iii) A suitable Provision to this effect has to be added in all future NIT/Contracts of MCL across the departments</p>
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**Note:**

- i The matter shall be regularly followed up and it shall be the duty of the Project Officer at Project/Unit and Personnel Head at the Project Office and APM at the Area Office and to send report to Area General Manager where the Area GM shall have a review of the situation and send report to HQ to the authority concerned to be decided at MCL HQ level for review
- ii The responsible officers mentioned at (i) above shall ensure that witnesses are examined in both criminal as well as civil proceedings. The statement u/s 164 Cr.P.C from a government servant will have the maximum strength as a prosecution witness which should be ensured by the above Officials
- iii All electronic including CCTV footage should be used as evidence. (It shall be responsibility of Colliery/Unit/Establishment and E&T Officer In-Charge) to ensure working of such electronic devices round the clock and to keep the data so recorded safe for use at any point in time)
- iv If at any stage it is felt necessary to properly draft the complaint or the FIR and petition for Complainant case/damage suit/money suit, an advice from the Advocate may be sought.
- v Monthly Disturbance Report from each Area must reach the MCL HQ (Chief of Security, MCL, copy to DT (OP) & GM (Production) by 11th of each month in respect of previous month in following proforma duly signed by authorized officer and consolidated report to be sent to the CIL by 15th of the Month by the Chief of Security, MCL . At each level due review is to be done.

**Summary of Disturbance Report due to illegal Strike/Stoppage of work/Bandh etc in (Name of the Area) during month of..... 2019**

Month/Year	Total Number of Incident	Number of Written Complaints sent to Police Station by Name	Number of FIR registered in police station by Name and copy obtained from PS	Number of complaint case filed by name in local court when police did not take any action on the complaint so sent to PS with reference no of such cases	Number of damage suits filed by name against persons responsible for damage/loss to company/Government with their reference no and amount involved (Attach separate sheet with details)
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Signature of Authorized Officer /Designation

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