

07/11/2019

To,

Sri Venkanna Banothu,
Member Secretary, Court of Inquiry
Office of DGMS
Main Building
Directorate General of Mines Safety
Hirapur, Dhanbad - 826001 (Jharkhand)

Sub: Submission of Affidavit related to Court of inquiry - Rajmahal
Opencast Mine Accident.

Dear Sir,

We are enclosing the Affidavit sworn in by us on the matter relate to
Court of Inquiry - Rajmahal Opencast Mine Accident.

You are requested to kindly do the needful at your end.

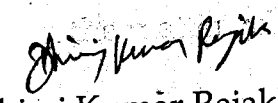
Thanking you.

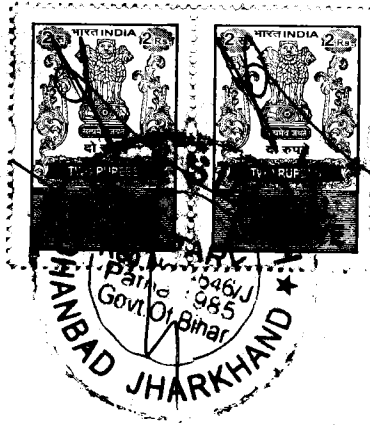
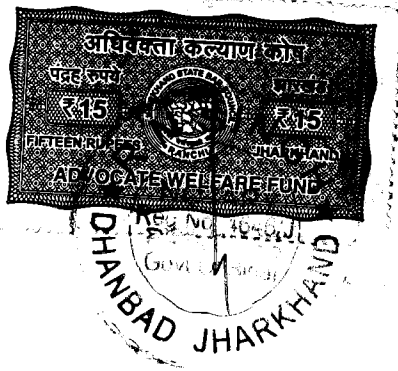
Faithfully Yours

Enclosure :-

Original Affidavit as details
above.


(Ashok Kumar Sharma)


(Dhiraj Kumar Rajak)



**NOTARY
DHANBAD**

**AFFIDAVIT IN THE MATTER OF COURT OF INQUIRY
FOR RAJMAHAL OPEN CAST MINE ACCIDENT**

We, i) Ashok Kumar Sharma, aged about 67 years, S/o Late Anteryami Sharma, R/o Basant Vihar, PO-BCCL Township, Koyla Nagar, Dist-Dhanbad (Jharkhand) and ii) Dhiraj Kumar Rajak, aged about 39 years, S/o Rajendra Kumar Rajak, R/o Flat No.V02/14 Coal Board Colony, Dhanbad (Jharkhand), do hereby solemnly affirm and state in the matter of Rajmahal Open Cast Mine accident as follows :-

1. That, We have gone through the notification dated 20th September, 2019 signed by the Chairman Hon'ble Court of Inquiry Constituted by Govt. of India U/s Sec 24 of the Mines Act - 1952 in compliance with the order of the Jharkhand High Court at Ranchi dated 5th April 2019 in W.P. No.66 of 2017 (Md Sarfaraj V/s State of Jharkhand and others).
 2. That, (i) I, Ashok Kumar Sharma was a senior manager in BCCL and retired in Oct, 2012.
(ii) I, Dhiraj Kumar Rajak, am a Manager Mining, in Chandmari GVTC, Bastacolla Area BCCL and still working. I am serving coal industry since 13 years.
 3. That, (i) I obtained 1st Class Manager Certificate of competency from DGMS in the year 2000.
(ii) I obtained 2nd Class Mine Manager Certificate of competency in the year 2008 and obtained B.E from Jodhpur in Mining.
- That, (i) I have served coal industry for over 35½ years in different capacity out of which 15 years as safety officer.

07 NOV 2019
Time
S. No. 4 Date

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Dhiraj Kumar Rajak



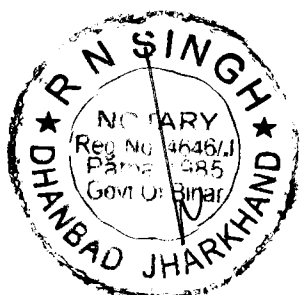
I served All India Mining Personnel Association as active office bearer since 1984 and presently I officiating as Organizing Secretary of the association.

I sincerely participated in different Court of Inquiries i.e. Gajlitand Court of inquiry, Bansgraha Court of inquiry, Bagdigi, Bhatdih etc.

5. That, soon after the unfortunate disaster at Rajmahal OCP on 29/12/2016, We called a executive committee meeting of the association and decided to file a writ in Jharkhand High Court for Court of inquiry under Section 24 Mines Act.
6. That, as it came to know that one Mr. Sarfaraj has filed a PIL at Jharkhand High Court for CBI inquiry; we after discussion with office bearers of the association decided to file a separate PIL for inquiry in details about the cause and circumstances leading to accident under sec, 24 of the Mine Act, 1952, by a COURT OF INQUIRY.

But as because a PIL was already filed for similar reasons, our petition was tagged as intervenor 2379 of 2017 in WP (PIL) 66/2017 in Jharkhand High Court on dated 18/03/2017.

We are thankful to the Jharkhand High Court, Ranchi and accordingly Central Govt. for constituting Court of inquiry for safety improvement in OCP in future as morethan 80% of coal is now producing by OCP.



R N Singh
Organizing Secretary


7. That, as per recommendation of 5th conference on safety in Mines held at New Delhi in December, 1980., Government of India in the Ministry of Labour decided that a comprehensive review should be undertaken of the Role & Functions of the Director - General of Mines Safety. Accordingly, vide office Order No.545/1981 dated the 17th November, 1981, Ministry of Labour constituted a Committee for this purpose. The composition of the Committee and its terms of reference are indicated as under :-

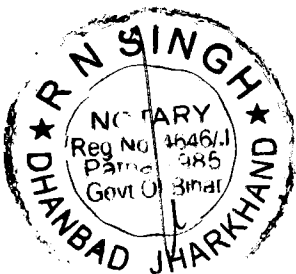
1) Composition of the Committee

- i) Shri J. G. Kumar Mangalam, Chairman, Executive Board, Indian School of Mines-Chairman.
- ii) Shri K. L. Sehgal, Adviser (Production), Bureau of Public Enterprises, (Ministry of Finance) - Member.
- iii) Shri D. N. Bhargava, Controller-General, Indian Bureau of Mines, (Ministry of Steel & Mines), (Deptt. Of Mines) - Member - Secretary.

2) Terms of reference :

- i) To review the role and functions of the Directorate-General of Mines Safety with reference to changes and developments which have taken place in the mining industry in the recent years.
- ii) To review the policy regarding inspections, approval to workings and equipment by the Director-General of Mines Safety; and


Shri J. G. Kumar Mangalam



iii) Any other matter which Government may entrust to the Committee, mentioned in Sub-Para-2.8.2 of Para-2.8, "Safety management & enforcement". 2.8.2 While the onus for providing for and ensuring safety in mines rests with the mine management, the State has a responsibility to see that the laws of the country are complied with and to take action in case of default. Increased production of minerals is necessary for the country's economic growth, but it cannot be at the cost of safety of workmen employed in mines. Mine management, in their zeal for production or profits are likely to be complacent about safety-in fact, even the workmen on account of anxiety to earn higher wages are likely to be complacent about their own safety. It is for this purpose that an enforcement agency is necessary and hence DGMS established.

8. a) That, the accident could have been avoided if DGMS properly reporting the violation during inspections specially excessive height & high angle of dump slope.
- b) That, if DGMS could have been taken strict action as per power given by Section 22 & 22A of Mines Act, 1952.
9. That, any document as mentioned in our submission shall be placed if needed at the time of proceeding of inquiry.
10. We urge that the following persons may be summoned to be present during proceeding of the inquiry to make their

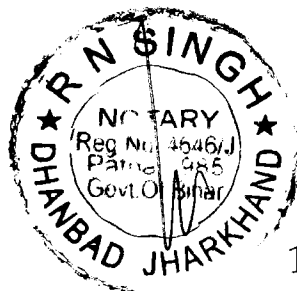
R N Singh
Shri R N Singh



statement on oath and put for cross examination - as witness.

- i) Sri P. K. Sarkar, the then DGMS.
- ii) The Ten Secretary Labour & Employment Govt. of India.
- iii) Sri Uttpal Saha, the then Dy. DGMS.
- iv) Sri Niranjana Sharma the then Director Reg. No.3 Sitarampur.
- v) Rest of the Members of Inquiry Committee conducted by DGMS.
- vi) Sri R. R. Mishra CMD WCL the then acting CMD ECL.
- vii) Sri B. N. Sukla CMD MCL the then DT (OP) ECL.
- viii) Sri Sanjai Kumar Singh - The then Agent & GM Rajmahal Area (ECL).
- ix) Promod Kumar the then Manager of OCP.
- x) Sri Sekhar Saroen - CMD CMPDIL Chairman of High Power Committee.
- xi) Dr. V. K. Singh Chairmen of slop stability Division CIMFR.
- xii) Dr. Falguni Sen Prof IIT (ISM) Dhanbad.
- xiii) Prof. I. Roy BIT Meshra.
- xiv) Owner of the MIPL - NKAS (J.V.) (Contractor).
- xv) The then CGM Safety - CIL & ECL.
- xvi) Area safety officer - Rajmahal (ECL).
- xvii) Safety Officer of the Project.
- xviii) Shift ACM.
- xix) Shift Overman.

11. That, we have given our brief submission about our link with coal industry and request to provide sufficient time



R. N. Singh

to us for argument and presentation before the Hon'ble Court of Inquiry and request to provide documents in relation to working permission, blasting permission, inspection report of DGMS & Senior officials of management of CIL & ECL, geotechnical study report of Mine strata, and any other documents which may be required or any other person who me be required for witness etc., for finding the actual fact of the cause and circumstances of the accident.

12. We intended to place facts before the Court of inquiry as per our ability so that responsible of the disasters can be explored and accordingly measures can be suggested for preventing such occurrence in future.

[Handwritten signature]
Shri K. S. Sharma

Yearly No. 538 Date 07 NOV 2019 Time

Verification

Solemnly affirm before me by the deponent, who is duly identified by S. K. Sharma Advocate, Dhanbad.

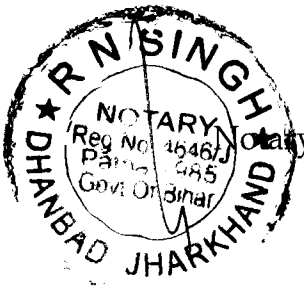
The statements made above are true and correct to the best of my knowledge, belief and information, and I sign this verification here at Dhanbad on 07/11/2019

✓ 1. *[Handwritten signature]*

✓ 2. *[Handwritten signature]*

Deponent

Identified by *[Handwritten signature]*
07/11/19
S. K. Sharma
Advocate



[Handwritten signature]
07/11/2019
NOTARY
DHANBAD

Notary Public of the State of Jharkhand
Dhanbad & its District
Act No. 1 of 1952
The Notaries Act, 1952
Act No. 52 of 1952