

# ALL INDIA MINING PERSONNEL ASSOCIATION



We should not expect production without motivation productivity  
without safety, quality, without conservation and profitability  
without pleasure - AIMPA

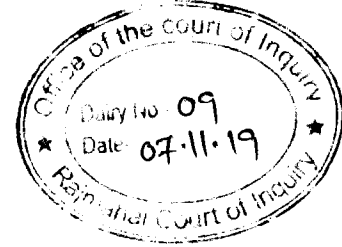
Registration No. 2790  
M.R.S. DHANSAR (Dhanbad)  
Regd. under T.U. Act.  
Estd. 1982

Ref. No. AIMPA/Affidavit/2019-55

Dated 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 :-

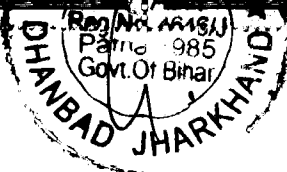
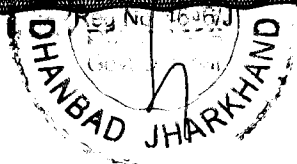
Original Affidavit as details  
above.

Balmiki Prasad Singh

(Balmiki Prasad Singh)

Jitendra Kr. Singh

(Jitendra Kumar Singh)



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

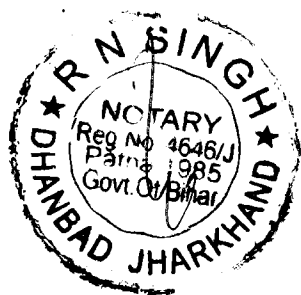
We, i) Balmiki Prasad Singh, aged about 63 years, S/o Late Lakhani Singh, R/o B2, OM Tower-1, Nawadih, PO-B.Polytechnic, Dist-Dhanbad (Jharkhand) and ii) Jitendra Kumar Singh, aged about 51 years, S/o Late Ganga Dyal Singh, R/o Vindiyachal Apartment, Saraidhela, Dhanbad (Jharkhand), do hereby solemnly affirm and state in the matter of Rajmahal Open Cast Mine accident as follows :-

1. That, We have gone through the notification dated 20<sup>th</sup> 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 5<sup>th</sup> April 2019 in W.P. No.66 of 2017 (Md Sarfaraj V/s State of Jharkhand and others).
2. That, (i) I, Balmiki Prasad Singh was a senior manager in BCCL and retired in Jan, 2016.  
(ii) I, Jitendra Kumar Singh, am a Manager Mining, in Kenduadih Colliery, PB Area BCCL and still working.
3. That, (i) I obtained Manager Certificate of competency from DGMS in the year 1983 and Diploma in Rail Transport Management in the year 2003.  
(ii) I obtained 1<sup>st</sup> Class Mine Manager Certificate of competency in the year 2015 and obtained Diploma in Mining and mine surveying Form VNP, Nagpur.

Balmiki Prasad Singh

Jitendra K. Singh

07 NOV 2019  
S.No. 03 UAT



4. That, (i) I have served coal industry for over 37½ years in different capacity out of which 8 years as safety officer. I participated in 10<sup>th</sup> National Safety Confercion in New Delhi in the year 2013.

I served All India Mining Personnel Association<sup>on</sup> as active officer bearer since 1984 and presently I officiating as vice president of the association.

I sincerely participated in different Court of Inquiries i.e. Bagdigi Innundation (29 Killed); Bhatdih Explosion (50 Kills).

(ii) Jitendra Kumar Singh - Served Coal Industry for about 21 years in different capacity and presently I am sect of the association.

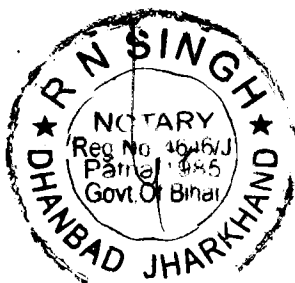
5. That, soon after the unfortunate disaster at Rajmahal OCP on 29/12/2016, We alongwith five office beavers of the association visited the site of accident on 31/12/2016 and were shocked to observe such a large intensity of OB/Land Slide, in which claimed to loss at least 23 valuable lives and large no of HEMM also.

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 beavers 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

Balmiki Prasad Singh

Jitendra K. Singh

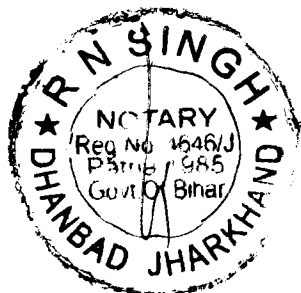


2017 in WP (PIL) 66/2017 in Jharkhand High Court on dated 18/03/2017.

7. That, it was a matter of surprise that the DGMS persistently prayed before the Hon'ble Court for not constituting Court of Inquiry in their affidavit no.2 with a lame excuse that, inquiry Under Sec-23(2) of the Mines Act 1952 has already been going on/completed and complaint case has initiated against DT (OP) and 16 others in the Chief Judicial Magistrate Court At Godda (Jharkhand).
8. That, it reveals that the DGMS was not of the view that an impartial inquiry should be conducted. He had fear about the failure of the officials of the DGMS, will come out, as they are the custodian of implementation of safety laws under Mines Act 1952. Means the DGMS authority is the enforcement agency of all safety laws under Mines Act 1952.
9. That, it is pertinent to note that the High Power Committee headed by Sri Shekhar Saran, CMD, CMPDIL Ranchi Clearly stated in his report, Para 6.2.8. that "Non reporting of violations during inspection by DGMS".
10. That, DGMS also failed to indicate out sourcing company (Contractor) M/s MIPL, MKAS (JV) about the Failure of their end. As it is clearly maintained in the agreement between, Management (ECL) and the contractor that " the contractor must ensure that all the workings are as per

*Balmiki Prasad Singh*

*Pitendoo K. Singh*



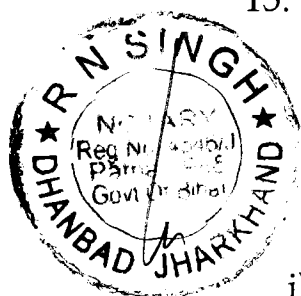
provision of Mines Act, Rules, Regulations, bye laws made there under (Clause - 18 Sec -1, Page - 51 of Chapter- VI)

Entire operations of removing over burden and raising coal, was carried out by the contractor.

11. That, Non Provision of mechanism for monitoring stability of excessive hight of OB Dump (140M) and high angle pit Slope, round the Clock { 24 X 7.}
12. That, in the above circumstances it is crystal clear that inquiry conducted by DGMS under sec 23 (2) of Mines Act 1952, is completely absurd, concocted & not impartial only with a view to save the face of DGMS organization and contractor engaged in operations of mining.
13. That, the DGMS have power to stop operations of Mines or prohibit employment in case if any apprehend danger is observed or not compliance of violations pointed out by DGMS by the management, under Sec-22 & 22(A) of Mines Act, 1952.
14. That, any document as mentioned in our submission shall be placed if needed at the time of proceeding of inquiry.
15. We urge that the following persons may be summoned to be present during proceeding of the inquiry to make their statement on oath and put for cross examination - as witness.
  - i) Sri P. K. Sarkar, the then DGMS.

✓ Balmiki Prasad Singh

✓ Jitendra K. Singh



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

16. That, we have given our brief submission about our link with coal industry and request to provide sufficient time 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 may be required for witness etc., for finding the actual fact of the cause and circumstances of the accident.

17. 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.

Verification

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

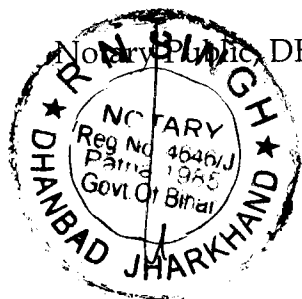
The statements made above are true and correct to the best of my knowledge, belief and information, and I sign this verification here at Dhanbad on 07/11/2019

07 NOV 2019  
5:32 Date  
ready No... Time

✓ 1. Balmiki Prasad Singh  
Vice president AIMP  
Mobile No - 8864040163

✓ 2. Jitendra Kr. Singh  
Secretary AIMP  
Mob: - 7970430664  
Deponent

Identified by  
S.K. Sharma  
07/11/19  
Advocate



07/11/2019  
NOTARY  
DHANBAD

Notary Public, DHANBAD  
Notarised  
As per provisions of the Act No. 1 of 1952 & Rules 1952  
of the Notaries Act 1952  
Act No 52 of 1952