



राष्ट्रीय खान मजदूर फेडरेशन (इंटुक)
INDIAN NATIONAL MINeworkERS' FEDERATION (INTUC)

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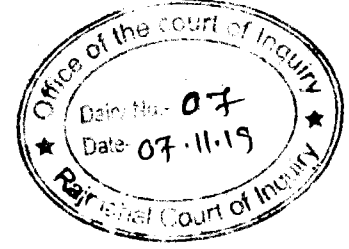
President
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By Regd. Ad and Email

Date : 07-11-2019

To,
Sri Venkanna Banothu,
Member Secretary to Rajmahal Court of Inquiry &
Dy. Director of Mines Safety,
C/o Office of the Director General of Mines Safety,
Main Building, Hirapur
Dhanbad-826001 (Jharkhand)



Sub : Filing of Affidavit of behalf of Indian National Mineworkers' Federation in the matter of Court of Enquiry of Rajmahal Coal Mines Accident.

Dear Sir,

We are sending herewith duly Notarised the Affidavit dated 07.11.2019 duly affirmed by the undersigned and notarized which may kindly be taken on record.

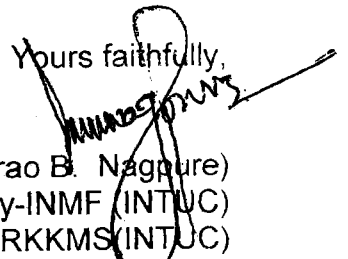
It is requested that a copy of the procedure of enquiry laid down by the Chairperson be supplied to us for our future reference.

It is requested that the copies of the Affidavits filed by other parties participating in the Court of Enquiry be supplied to us in order to enable us to file additional Affidavit covering further submissions, with the leave of the Chairperson.

The Affidavit of the undersigned is being posted by Registered Post and duly scanned Affidavit is being sent to you on your given Email address for your information.

Thanking you,

Encl : Original Noteried Affidavit in Six Pages.

Yours faithfully,

(Girirao B. Nagpure)
Asst. Genl. Secretary-INMF (INTUC)
C/O RKKMS (INTUC)
WCL Head Qtrs Complex
Telankhedi Road, Civil Lines
Nagpur - 440001

NOTARIAL REG. 10496
ENTRY NO. 12176.....
DATE 07/11/2019

BEFORE SMT. RASHMI VERMA HON'BLE CHAIRPERSON, COURT OF ENQUIRY APPOINTED UNDER SUB-SECTION 4 OF SECTION 24 OF MINES ACT, 1952 INTO THE ACCIDENT OCCURRED ON 29.12.2016 AT ABOUT 7.30 PM TO 8.00 PM IN RAJMAHAL OPENCAST COAL MINE OF EASTERN COALFIELDS LTD. DISTRICT GODDA IN THE STATE OF JHARKHAND.

AFFIDAVIT

I, Girirao S/o Bhimraoji Nagpure, aged about 66 years, Assistant General Secretary, Indian National Mineworkers' Federation, presently resident of Nagpur in the State of Maharashtra do hereby state as under on solemn affirmation.

- 1) That I am the Assistant General Secretary of Indian National Mineworkers' Federation having its Hd. Qtrs at Dhanbad in the State of Jharkhand and I am competent to affirm the Affidavit in respect of the matter referred to this Forum of Court of Enquiry. The Indian National Mineworkers' Federation is one of the Industrial Federations of Indian National Trade Union Congress (INTUC in brief) and the said Federation looks after the Welfare & Safety of all the persons employed / engaged in the mining activities of all Minerals in India.
- 2) That I am holder of competency certificate of Overman granted to me by the Secretary, Board of Mining Examination, Dhanbad, Office of the Directorate General of Mines Safety, Dhanbad and the said certificate was granted to me in the year 1981.
- 3) That I am conversant with Opencast Coal Mine working activities and was discharging the functions of Overman – a competent person under Coal Mines Regulations, 1957 revised in the year 2017.

I had worked as Overman in Opencast Coal Mines for more than two decades and full conversant with the subject.

Subsequent to the said occurrence of the above accident on 29.12.2016, I had regular interaction with the constituents of Indian National Mineworkers' Federation and gathered the information from which it was revealed that the site of accident and the coal mining operation activities sanction / approval along with the Rules and Orders were not obtained by the Colliery Manager, Agent and the Owner of Rajmahal Opencast Coal Mine thus they have resorted to illegal mining activities since



prior to about three years of occurrence of the accident of Rajmahal Opencast Coal Mine Project.

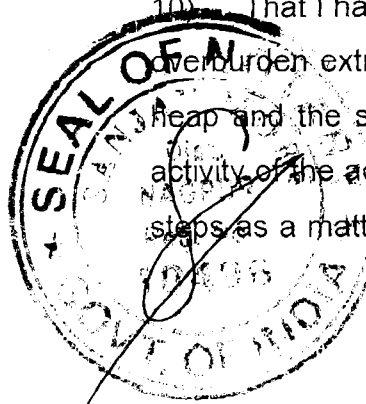
6) I have to further state that according to the information gathered by me the entire coal mining activities such as removal of overburden (top soil of coal seam) contractually and there was acute shortage of statutory supervisory personnel such as Mining Sirdars, Overman, 2nd Class Certificate Holder Assistant Manager, 1st Class Certificate Holder Assistant Manager and neither the management of Eastern Coalfields Ltd nor the outsourcing agency had not maintained the records of Form-'B' register under Mines Rules, 1955 and none of the outsourced employees were imparted Basic / Initial Training under Mines Vocational Training Rules, 1966 and no certificates of Vocational Training were granted to the outsourced workers by the Vocational Training Officer of the Rajmahal Coal Mines, Eastern Coalfields Ltd.

7) That I have to further state that it is also gathered that neither the outsourcing agency nor the Coal Mine Manager of Rajmahal Project maintained the attendance register about entry into workplace and exit in workplace in Form-'D' register under Mines Rules, 1955.

8) That I have to further state that the Colliery Manager, Agent and Owner of Rajmahal Opencast Coal Mine did not obtain the sanction of Chief Inspector of Mine (Director General of Mines Safety) to carry out the safety management plan based on risk assessment and no prior sanction was obtained to carry out the scientific approval from the Directorate General of Mines Safety by submitting the design thereof which is a mandatory requirement under the statute as stated by the then Director General of Mines Safety, Dhanbad (Sri Rahul Goha).

9) That I have to further state that no prior approval of the working plan of the accident area for removal of over burden and extraction of coal was obtained by the Colliery Manager, Agent and Owner of Rajmahal Opencast Coal Mine.

10) That I have to further state that the site of the accident area was earlier filled with overburden extracted from other site of the said opencast mine which was found as a heap and the said heap was lying in loose form and before initiating the coal mining activity of the accident site the Colliery Manager, Agent and the Owner did not take any steps as a matter of abundant mine safety precaution by leveling the said over burden



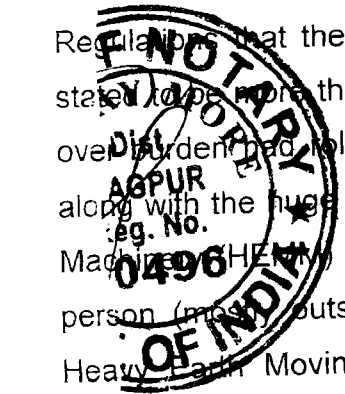
dump having a height of about 150 meters from the ground level and no leveling of the overburden dump by spreading the over burden dump with mechanical means by way of dozing the area, heavily water sprinkling of the dozed area and rolled out the water sprinkled area with road rollers so as to undue that the entire over burden dump was strongly settled and stranded and because of not taking the above stated mines safety precaution the accident occurred due to spalling of the over burden dump consisting of large size hard stone boulders which had hit the working heaviest moving machinery engaged for removal of over burden and extraction of coal.

11) That I have to further state that it was also gathered that no proper benching of over burden area was prepared having the width of atleast not less than 30 feet of each bench and the height of each bench was not maintained as required under Coal Mines Regulation that the height of the over burden bench from the coal mining site was stated to be more than 60 feet and the large size hard stoned boulders dumped in the over burden had rolled down from over burden dump to the coal mining activity site along with the huge quantity of loose soil dumped on the working Heavy Earth Moving Machinery (HEM) engaged in the coal mining area resulting into loss of lives of 23 person (mostly outsourced workers) and the entire debris had totally fallen on the Heavy Earth Moving Machinery consisting of Dumpers, Dozers and Coal loading machines (which are known as Excavators).

12) It is also gathered that the Colliery Manager, Agent and the Owner of Rajmahal Coal Mine were carrying out the activities of removal of over burden and extraction of coal from nearby site departmentally against the permission granted by the Directorate General of Mines Safety.

13) That I have to further state that the Mining Sirdar as well as the Overman engaged in the accident site to supervise the coal mining activity being the statutorily authorized supervising personnel had recorded in their Daily Report Books for the last many a days that the height of the over burden bench from coal extracting area was much-much-much higher than the permissible limit under the statute and also stated that further continuing the activity of coal extraction from the coal seam should be stopped.

It is also gathered that the above statutory supervisory personnel had also recorded in their daily reports that wide cracks are developed in the high benched over burden area which may spall heavily at any time.



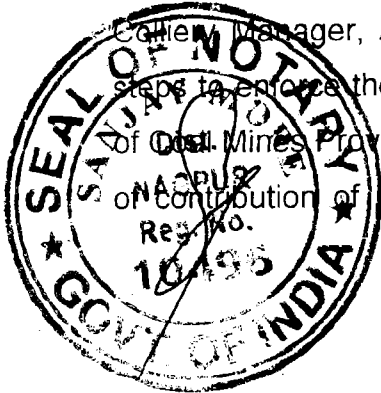
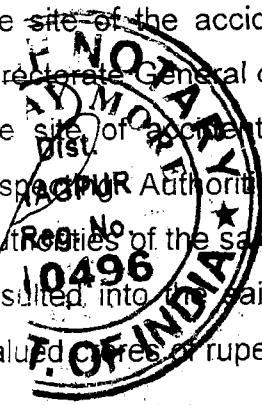
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14) That I have to further state that the daily report of the Mining Sirdar and the Overman of each shift is required to be examined by the Colliery Manager every day and take necessary steps to rectify the irregularities pointed out by the said supervisory personnel but the Colliery Manager is reported to have not perused the daily reports of the Mining Sirdars and Overman thus the Colliery Manager did not discharge his statutory duties which resulted into the accident leading to loss of lives, damaged of machineries etc.

15) That I have to further state that the local officials of Directorate General of Mines Safety are required to carry out inspections of the coal mining activity periodically and appraise the violation to the Colliery Manager, Agent and the Owner for its rectification within the prescribed time. It is further gathered that no such periodically inspections of the site of the accident was carried out by the Competent Inspecting Authorities of Directorate General of Mines Safety, inspite of the facts that the coal mining activities in the site of accident was being carried out was brought to the knowledge of the Inspecting Authorities of the said Directorate. Thus the concerned Competent Authorities of the said Directorate had failed to discharge their statutory functions which resulted into the said mine accident causing loss of 23 lives, damage to machinery valued in rupees.

16) That I have to further state that the Colliery Manager, Agent and the Owner of Rajmahal Coal Mine Project were allowed to carry out the coal mining activity in the accident site by the Competent Authority of Directorate General of Mines Safety by removing the notice issued under Section 22 of Mines Act, 1952 without properly inspecting the area and also without having obtained the scientific study report of the accident area which is a serious lapse on the part of the concerned officials of said Directorate.

17) That I have to further state that the outsourced workers who lost their lives in the accident and other remaining outsourced workers engaged in the said mining activity were not enrolled as members of the Coal Mines Provident Fund (CMPF) and the Colliery Manager, Agent and Owner of Rajmahal Opencast Project neither take any steps to enforce the outsourcing agency to enroll the outsourced workers as members of Coal Mines Provident Fund nor the said Colliery Manager did not recover the amount of contribution of Coal Mines Provident Fund from the bills of payment paid to the

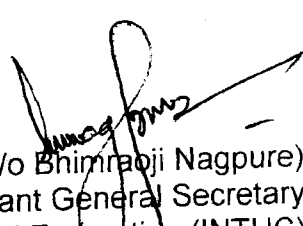


contractor from time to time thus the Colliery Manager of Rajmahal Opencast Coal Mine failed to discharge his statutory duties under Coal Mines Provident Fund Act, 1948.

18) That I have to further state that the eligible dependant of the outsourced workers should be given employment by the Eastern Coalfields Ltd in their Mines and Establishments and place them under the scales of pay and allowances prescribed under National Coal Wage Agreement-X as was done in respect of a mine accident of explosion occurred in Chirimiri Coalfields in the District of Koriya (Chhattisgarh) about 4 to 5 years back of Rajmahal Mine Accident and the dependants of the said outsourced workers should be given employment commensurate to their qualification.

19) That I have to further state that the subject matter mine accident occurred due to negligent discharge of their duties and functions by the Managerial Personnel of Rajmahal Coal Mine of Eastern Coalfields Ltd such as 2nd Class Assistant Manager, 1st Class Assistant Manager, Mines Safety Officer, Colliery Manager, Agent, Owner, Outsourcing Agency Company including its Directors and concerned Inspectorate of Directorate General of Mines Safety and they should be held guilty.

Whereby seek leave to file additional Affidavit on receipt of the copies of the Affidavits to be filed, already filed by other parties / persons including the Colliery Manager, Agent, Owner, Outsourcing Company and Directorate General of Mines Safety to incorporate any left out important points.


(Girirao S/o Bhimraoji Nagpure)
Assistant General Secretary
Indian National Mineworkers' Federation (INTUC)
Camp: Nagpur

Nagpur;

Dated: 07/11/2019

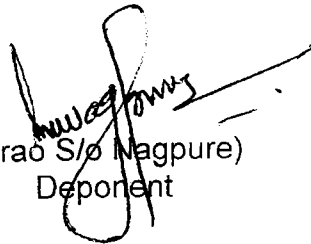
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SOLEMAN AFFIRMATION

I, Girirao S/o Bhimraoji Nagpure, aged about 66 years, C/o Rashtriya Koyla Khadan Mazdoor Sangh, Coal Estate, Nagpur in the state of Maharashtra do hereby state on solemn affirmation that the contents of this Affidavit from Para nos. 1 to 19 are gathered from the available records and also from gathered information which are believed to be true and correct. Hence, verified and signed on November, 2019 at Nagpur.

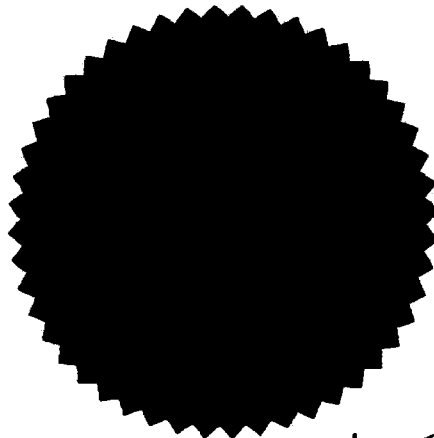
Nagpur;

Dated 07/11/2019


(Girirao S/o Nagpure)
Deponent



SWORN Solemnly affirmed
by Girirao B. Nagpure
who is Personally known
to me / identified by
Sanjay More
before me this the 07/11
day of 2019 at Nagpur.

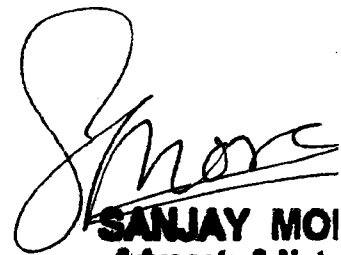


Dated 07/11/2019

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SANJAY MOI
Advocate & Notary
Congress Nagar, NAGPUR