

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1935**

**The Indian Mines (Amendment)
Bill**

List of Reports of Joint and Select Committees
presented to the Legislative Assembly in 1935.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks
1.	The Indian Mines (Amendment) Bill.	5. 3.1935.	
2.	The Payment of Wages Bill.	2. 9.1935.	
3.	The Code of Criminal Procedure(Amendment)Bill (<u>Amendment of Section 406</u>).	4. 9.1935.	
4.	The Code of Civil Procedure(S Second Amendment) Bill(<u>Insertion of New Section 44A</u>).	18. 9.1935.	
5.	The Cantonments (Amendment) Bill.	24. 9. 1935.	

LEGISLATIVE ASSEMBLY.

WE, the undersigned, members of the Select Committee to which the Bill further to amend the Indian Mines Act, 1923, for certain purposes was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Dr. D. Penman, Chief Inspector of Mines in India, attended the first meeting of the Select Committee and gave us valuable assistance.

3. The main changes made in the Bill are explained in the following comments on the clauses affected.

4. *Clause 3.*—A proposal was made that the representatives of the workers should be chosen by organizations where they existed and elected in other cases. But the majority of us considered that the method of election by the miners is impracticable and that as representative organizations are almost unknown among miners it was preferable to make no change.

Clause 4.—We think it desirable that there should be a record of accidents which involve incapacitating persons for 48 hours or more and in addition to altering the proposed section 20 (2) accordingly we have added a section providing for the periodical submission to the Chief Inspector of the entries in the register.

Clause 6.—We consider that it is desirable that those working above ground should have a statutory rest interval of at least one hour and we have made provision for this in the proposed section 22B(2) and have increased the spread-over accordingly.

The proposed section 22B (3) has been transferred from clause 8 of the original Bill and has been modified. In its original form it would have enabled mines working not more than 11 hours a day to fix different periods for the beginning and ending of work for the persons employed above ground. This might have led to evasion and the clause as now drafted* ensures that the hours for beginning and ending work for each set of persons employed on the same work shall coincide.

Proposals were made for a further reduction in the hours of work below ground. The majority of us however consider that the reduction proposed in the Bill in respect of workers employed by relays is as large as is desirable in the interests both of the miners and of the industry. The effect of the proposed section 22C is that the period of nine hours commences at the moment

fixed for the first worker of the relay to leave the surface, and all the other workers of the relay, at whatever time they enter, must be got out of the mine within nine hours of that moment. In consequence, for the average worker the time elapsing between his leaving the surface and his emerging again will be nearer eight hours than nine, and within that period he has to find his way from the surface to the working place, put in his hours of work and reach the surface again. Thus the hours actually available for work in any large mine are likely to be less than eight and only a proportion of these hours can be spent in actual work.

We have, however, altered the provisions relating to workers not working in relays so as to bring them into line with those working on a system of relays and have thereby reduced appreciably the average hours for underground workers of the former class.

Clause 8.—Section 23A of the Act is proposed to be repealed for reasons stated in our remarks in connection with the proposed section 22B(3).

Clause 9.—The amendment in section 23B(3) is designed to ensure that notices of changes in the system of work are invariably sent to the Chief Inspector.

Clauses 10 and 11.—The changes are consequential.

New clauses 12 and 13.—Following the principle adopted in the Factories Act, we have introduced provisions designed to ensure that persons between the ages of fifteen and seventeen are not employed below ground before they are fit for such work.

New clause 14 (formerly clause 12).—In view of the amendments we have made in the proposed section 22C, it is no longer necessary that the time when each person goes below ground should be recorded and the only object to be served by the register for which the proposed sub-section 28(4) provides is to ensure that there shall be a record showing at any time which persons are below ground. The other changes made in section 28 are meant to secure the better enforcement of the law.

New clause 15 (formerly clause 13).—The amendment is consequential on the introduction of the new clause 12.

5. The Bill was published in the Gazette of India, dated the 26th January, 1935.

6. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

N. N. SIRCAR.
F. NOYCE.
*G. MORGAN.
A. G. CLOW.
J. M. CHATTERJI.
A. H. GHUZNABI.
H. P. MODY.
*LALCHAND NAVALRAI.
*RAM NARAYAN SINGH.
*V. V. GIRI.
*N. V. GADGIL.
*N. M. JOSHI.
*N. G. RANGA.
R. D. DALAL.
*ABDUL MATIN CHAUDHURY.

NEW DELHI,

The 26th February, 1935.

MINUTES OF DISSENT.

I dissent from the change made in section 20(2) of the Act. I consider 48 hours is too short

a period as it would entail an amount of work incommensurate with the result to be obtained.

G. MORGAN.

The 23rd February, 1935.

We hold that the representation of persons employed in mines on Mining Boards should be by some method of election preferably by Trade Unions where they exist. We do not think election is impracticable. Proposals for the future Constitution of India provide for the representation of Labour interests in Legislatures by election.

We also suggest that section 11 of the Indian Mines Act should be similarly amended to make provision for the election of the miners' representative on the Committees to be appointed under that section.

2. We hold that the weekly and daily maximum limit for employment for surface work should not exceed 48 hours and 9 hours respectively and for employment underground, 48 hours and 8 hours respectively. We are not satisfied by the arguments used by the majority against our proposals.

3. We feel that the Government of India should have undertaken a more thorough revision of the Indian Mines Act especially including the provision for guaranteeing an adequate minimum wage and for the establishment of a Welfare Fund.

N. M. JOSHI.

N. V. GADGIL.

V. V. GIRI.

N. G. RANGA.

ABDUL MATIN CHAUDHURY.

RAM NARAYAN SINGH.

I do not agree that election is impracticable. I would like the election preferably by Trade Unions where they exist and at other places by some suitable method.

2. I am in favour of maximum limit for employment for surface work not to exceed 48 hours a week and 9 hours a day, and 48 and 8 hours respectively for underground work.

LALCHAND NAVALRAI.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A

BILL

*Further to amend the Indian Mines Act, 1923,
for certain purposes.*

WHEREAS it is expedient further to amend the Indian Mines Act, 1923, for the purposes herein- **IV of 1923.**
after appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian
Short title and com- Mines (Amendment) Act,
mencement. 1935.

(2) It shall come into force on the 1st day of
October, 1935.

2. In section 3 of the Indian Mines Act,
Amendment of section 1923 (hereinafter refer- **IV of 1923.**
3, Act IV of 1923. red to as the said Act),—

(a) for clause (c) the following clause shall
be substituted, namely :—

“(c) ‘ child ’ means a person who has not
completed his fifteenth year ; ” ;

(b) clause (cc) shall be re-lettered as clause
(ccc) and before that clause as so re-
lettered the following clause shall be in-
serted, namely :—

“(cc) ‘ day ’ means a period of twenty-four
hours beginning at midnight ; ” ; and

(c) after clause (j) the following clause shall
be inserted, namely :—

“(jj) where work of the same kind is car-
ried out by two or more sets of workers
working during different periods of
the day, each of such sets is called a
‘ relay ’ ; ”.

3. For clause (c) of sub-section (1) of section
Amendment of section 10 of the said Act the
10, Act IV of 1923. following clause shall be
substituted, namely :—

“(c) three persons (none of whom shall be
the Chief Inspector or an Inspector)
nominated by the Local Government, of
whom two shall be persons qualified to
represent the interests of persons em-
ployed in mines, and chosen after con-
sultation with the organisations, if any,
representing persons employed in
mines ; ”.

4. Section 20 of the said Act shall be re-number-
Amendment of section ed as sub-section (1) of
20, Act IV of 1923. section 20 and to that sec-
tion as so re-numbered
the following sub-sections shall be added,
namely :—

“(2) The Local Government may, by noti-
fication in the local official Gazette,
direct that accidents other than those
specified in sub-section (1) which cause
bodily injury resulting in the enforced
absence from work of the person injured
for a period exceeding *forty-eight hours*
shall be entered in a register in the pres-
cribed form or shall be subject to the
provisions of sub-section (1).

(3) *A copy of the entries in the register referred to in sub-section (2) shall be sent by the owner, agent, or manager of the mine, within fourteen days after the 30th day of June and the 31st day of December in each year, to the Chief Inspector.*

5. In section 22 of the said Act, for the word "or" the words "and shall cause every report submitted" shall be substituted.

6. In Chapter VI of the said Act, before section 23 the following sections shall be inserted, namely :—

22A. No person shall be allowed to work in a mine on more than six days in any one week.

22B. (1) A person employed above ground in a mine shall not be allowed to work for more than fifty-four hours in any week or for more than ten hours in any day.

(2) The periods of work of any such person shall be so arranged that, along with his intervals for rest, they shall not in any day spread over more than twelve hours, and that he shall not work for more than six hours before he has had an interval for rest of at least one hour.

(3) *Persons belonging to two or more relays shall not be allowed to do work of the same kind above ground at the same moment :*

Provided that for the purposes of this sub-section persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

22C (1) * * * * A person employed below ground in a mine * * * * shall not be allowed to work for more than nine hours in any day.

(2) *Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than nine hours in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than nine hours.*

(3) *No person employed in a mine shall be allowed to be in any part of the mine below ground except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 28.*

22D. Where a worker works in a relay whose period of work extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and the hours he has worked after midnight shall be counted towards the previous day."

7. For section 23 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 23, Act IV of 1923.

"23. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding twelve hours."

Prohibition of employment of certain persons.

mine who has already been working in any other mine within the preceding twelve hours."

8. Section 23A of the said Act is hereby repealed.
Repeal of section 23A, Act IV of 1923.

9. In section 23B of the said Act,—
Amendment of section 23B, Act IV of 1923.

(a) in sub-section (1),—

(i) for the word "shifts" the word "relays" and for the word "shift" the word "relay" shall be substituted, and

(ii) after the word "relay" as so substituted the following sentence shall be inserted, namely :—

"The notice shall also state the time of the commencement and of the end of the intervals for rest fixed for persons employed above ground." ;

(b) in sub-section (3), for the word "shift" the words "relay or in the rest intervals fixed for persons employed above ground" shall be substituted, and the comma and all the words after the words "before such change" shall be omitted ; and

(c) after sub-section (3) the following sub-section shall be inserted, namely :—

"(4) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1)."

10. In section 24 of the said Act, for the words,
Amendment of section 24, Act IV of 1923. figures and letter "section 23 or section 23A" the words, figures and letters "section 22A, section 22B, section 22C, section 23, * * or sub-section (4) of section 23B" shall be substituted.

11. In section 25 of the said Act, for the words,
Amendment of section 25, Act IV of 1923. figures and letter "section 23 or section 23A" the words, figures and letters "section 22A, section 22B, section 22C, section 23, * * or sub-section (4) of section 23B" shall be substituted.

12. Before section 27 of the said Act the following section shall be inserted,
Insertion of new section 26A in Act IV of 1923. namely :—

"26A. No person who has not completed his seventeenth year shall be allowed underground without certificates of fitness. any part of a mine which is below ground, unless—

(a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine, and

(b) he carries while at work a token giving a reference to such certificate."

13. In section 27 of the said Act, after the word "child" the words
Amendment of section 27, Act IV of 1923. "or has not completed his seventeenth year" shall be inserted.

14. For section 28 of the said Act, the following Substitution of new section shall be substituted for section 28. ed, namely :—
Act IV of 1923.

" 28. (1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing, in respect of each such person,—

- (a) the nature of his employment,
- (b) the periods of work fixed for him,
- (c) the * intervals for rest, if any, to which he is entitled,
- (d) the days of rest to which he is entitled, and
- (e) where work is carried on by a system of relays, the relay to which he belongs.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register.

(4) For every mine to which the Local Government may, by general or special order, declare this sub-section to be applicable, there shall be kept in the prescribed form and place a register which shall show at any moment the name of every person then working below ground in the mine."

15. In section 30 of the said Act,—

Amendment of section
30, Act IV of 1923.

(a) after clause (a) the following clause shall be inserted, namely :—

" (aa) for prescribing the form of the register referred to in sub-section 2) of section 20 ;"

(b) in clause (e), for the words " to be more than thirteen years of age " the words " to have completed their fifteenth year " shall be substituted ; *

(c) after clause (e) the following clause shall be inserted, namely :—

" (ee) for prescribing the form of the certificates of fitness required by section 26A and the circumstances in which such certificates may be granted and revoked ;" and

(d) in clause (f), for the word " register " the word " registers " shall be substituted.

16. In sub-section (3) of section 31 of the said Act, after the words " British India " the words " which is, in the opinion of the Governor General in Council, concerned with the subject dealt with by the regulation " shall be inserted.

17. Section 38 of the said Act shall be re- numbered as sub-section (1) of section 38, and

(a) in the said section as so re-numbered, after the word " provisions " the words, brackets and figure " of sub-section (1) " shall be inserted ; and

(b) to the said section as so re-numbered and amended the following sub-section shall be added, namely :—

“(2) Whoever in contravention of a direction made by the Local Government under sub-section (2) of section 20 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with fine which may extend to five hundred rupees.”

18. In sub-section (1) of section 46 of the said Act, after the word “exempt” the words “either absolutely or subject to any specified conditions” shall be inserted.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Indian
Mines Act, 1923, for certain purposes,
with the Bill as amended.