

Friday, 14th April, 1939

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THE
COUNCIL OF STATE DEBATES

VOLUME I, 1939

(23rd January to 18th April, 1939)

FIFTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1939

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CONTENTS.

	PAGE.
Monday, 23rd January, 1939—	
Members Sworn	1
Questions and Answers	1—9
Motion for Adjournment <i>re</i> Railway disaster near Hazaribagh, E. I. R.	9—10
Amendments to Ottawa Trade Agreement Rules, 1932, laid on the table	10—11
Message from His Excellency the Governor General	11
Committee on Petitions	11—12
Congratulations to recipients of Honours	12—13
Governor General's Assent to Bills	13
Bills passed by the Legislative Assembly laid on the table	13
Messages from the Legislative Assembly	13—14
Death of Nawab Sir Muhammad Muzammil-Ullah Khan and Khan Bahadur Hafiz Muhammad Halim	14
Motor Vehicles Bill—Motion to consider, adopted	15—37
Statement of Business	37—38
Thursday, 26th January, 1939—	
Questions and Answers	39—46
Motion for Adjournment <i>re</i> Constitution of the Indian Sandhurst Committee—Disallowed	46—48
Statement laid on the table <i>re</i> Draft Conventions and Recommendations adopted by the 21st (Maritime) Session of the International Labour Conference	48—50
Governing Body of the Indian Research Fund Association	50
Indian Tariff (Amendment) Bill—Considered and passed	50—55
Indian Income-tax (Amendment) Bill—Motion to consider— <i>not concluded</i>	55—90
Friday, 27th January, 1939—	
Indian Income-tax (Amendment) Bill—Motion to consider, adopted; consideration of clauses— <i>not concluded</i>	91—129
Motion for Adjournment <i>re</i> Railway disaster near Hazaribagh, E. I. R.—Withdrawn	129—139
Saturday, 28th January, 1939—	
Member Sworn	141
Indian Income-tax (Amendment) Bill—Considered and passed, as amended	141—189
Statement of Business	189—190
Monday, 30th January, 1939—	
Member Sworn	191
Questions and Answers	191—194
Messages from His Excellency the Governor General	194
Governing Body of the Indian Research Fund Association	195
Ajmer-Merwara Municipalities Regulation (Amendment) Bill—Considered and passed	195—196
Indian Cotton Cess (Amendment) Bill—Considered and passed, as amended	196—197

	PAGES.
Monday, 30th January, 1939—contd.	
Destructive Insects and Pests (Amendment) Bill—Considered and passed	197—198
Motor Vehicles Bill—Considered and passed, as amended	198—236
Statement of Business	236
Monday, 13th February, 1939—	
Members Sworn	237
Questions and Answers	237—246
Message from His Excellency the Governor General	246
Bill passed by the Legislative Assembly laid on the table	247
Messages from the Legislative Assembly	247
Presentation of the Railway Budget for 1939-40	247—253
Statement of Business	253
Wednesday, 15th February, 1939—	
Information promised in reply to questions laid on the table	255
Messages from His Excellency the Governor General	256
Indian Naval Reserve Forces (Discipline) Bill laid on the table	256—257
Bills passed by the Legislative Assembly laid on the table	257
Message from the Legislative Assembly	257
Indian Income-tax (Amendment) Bill—Consideration and adoption of amendments made by the Legislative Assembly	257—258
Indian Merchant Shipping (Amendment) Bill—Considered and passed	259—260
Saturday, 18th February, 1939—	
Member Sworn	261
Questions and Answers	261—268
General Discussion of the Railway Budget for 1939-40	268—320
Monday, 20th February, 1939—	
Questions and Answers	321—328
Ruling—That the question whether a Bill is <i>ultra vires</i> of the Constitution should be decided by the House	328—333
Resolution <i>re</i> Excluded and partially excluded areas—Negatived	333—360
Hindu Polygamous Marriage Restraint Bill—Withdrawn	360—364
Indian Succession (Amendment) Bill—Introduced	364—365
Resolution <i>re</i> Inland water communication, irrigation and prevention of floods—Negatived	365—367
Statement of Business	367
Thursday, 23rd February, 1939—	
Death of His Excellency Lord Brabourne, Governor of Bengal	369
Monday, 27th February, 1939—	
Questions and Answers	371—376
Resolution <i>re</i> Purchase of stationery, etc., of Indian make—Adopted	376—388
Resolution <i>re</i> Appointment of a Committee for undertaking legislation in regard to Hindu marriages—Negatived	388—409
Civil Procedure Amendment Bill—Motion to circulate, negatived	409—411
Parsi Marriage and Divorce (Amendment) Bill—Introduced	411
Shebaity Bill—Withdrawn	411—413
Indian Succession (Amendment) Bill—Motion to refer to Select Committee, adopted	413
Statement of Business	413

Tuesday, 28th February, 1939—

Bills passed by the Legislative Assembly laid on the table	415
Presentation of the General Budget for 1939-40	415—421

Tuesday, 7th March, 1939—

Questions and Answers	423—435
Information promised in reply to questions laid on the table	435—475
Standing Committee for the Labour Department	475
Standing Committee for the Department of Commerce	475
Standing Committee on Emigration	475
Indian Naval Reserve Forces (Discipline) Bill—Considered and passed	475—510
Employment of Children (Amendment) Bill—Considered and passed, as amended	510—514

Thursday, 9th March, 1939—

Bills passed by the Legislative Assembly laid on the table	515
General Discussion of the General Budget for 1939-40	515—566

Monday, 13th March, 1939—

Questions and Answers	567—576
Indian Succession (Amendment) Bill—Presentation of the Report of the Select Committee	576
Resolution <i>re</i> Prohibition of the sale of alcoholic liquors in railway refreshment rooms—Negatived	576—590
Resolution <i>re</i> Submission by employers of protected industries of annual wage bills—Withdrawn	590—594
Dissolution of Muslim Marriages Bill—Considered and passed	594—613
Delhi Masjid Bill—Introduced	613—614
Parsi Marriage and Divorce (Amendment) Bill—Motion to circulate, adopted	614—615
Dividends and Interest Returns Bill—Motion to circulate, negatived	615—619

Thursday, 16th March, 1939—

Members Sworn	621
Questions and Answers	621—627
Standing Committee for Roads, 1939-40	627
Standing Committee for the Labour Department	627—628
Standing Committee for the Department of Commerce	628
Standing Committee on Emigration	628
Resolution <i>re</i> Kenya (Highlands) Order-in-Council—Adopted	628—644
Resolution <i>re</i> Revision of pay of Indian commissioned officers—With- drawn	644—655
Delhi Masjid Bill—Motion to circulate, adopted	655—656
Resolution <i>re</i> Constitution of the Legislatures in India on a uni-cameral and entirely elected basis—Withdrawn	656—662
Statement of Business	662

Monday, 20th March, 1939—

Questions and Answers	663—668
Standing Committee for the Labour Department	669
Resolution <i>re</i> Contribution of railways to general revenues—Negatived	669—684
Resolution <i>re</i> Replacement of the Royal Air Force by an Indian Air Force—Negatived	684—707
Standing Committee on Emigration	693

	PAGES.
Wednesday, 22nd March, 1939—	
Central Advisory Council for Railways	709
Standing Committee for Roads, 1939-40	709
Standards of Weight Bill—Considered and passed	709—710
Indian Merchant Shipping (Second Amendment) Bill—Considered and passed	710—711
Insurance (Amendment) Bill—Considered and passed	712
Indian Patents and Designs (Amendment) Bill—Considered and passed	712—713
Workmen's Compensation (Amendment) Bill—Considered and passed	714
Cotton Ginning and Pressing Factories (Amendment) Bill—Considered and passed	714—715
Thursday, 23rd March, 1939—	
Question and Answer	717—718
Resolution <i>re</i> Increase in recruitment of Indians of pure descent to senior subordinate services on railways—Negatived	719—735
Central Advisory Council for Railways	735—736
Resolution <i>re</i> Expansion and protection of the Indian Mercantile Marine—Adopted	736—754
Resolution <i>re</i> Censoring or stopping of telegrams—Withdrawn	754—100
Indian Succession (Amendment) Bill—Considered and passed, as amended	758—762
Statement of Business	762—763
Saturday, 25th March, 1939—	
Messages from His Excellency the Governor General	765
Indian Finance Bill, 1939, laid on the table	765—766
Tuesday, 28th March, 1939—	
Member Sworn	767
Questions and Answers	767—770
Death of Khan Bahadur Syed Abdul Hafeez and Sir Ernest Miller	770—771
Standing Committee for the Department of Communications	771—772
Indian Finance Bill, 1939—Considered and passed	772—797
Standing Committee for Roads, 1939-40	797
Thursday, 30th March, 1939—	
Member Sworn	799
Questions and Answers	799—800
Central Advisory Council for Railways	800
Resolution <i>re</i> Indo-British Trade Agreement—Adopted	800—86 2
Statement of Business	832
Saturday, 1st April, 1939—	
Central Advisory Council for Railways	863
Standing Committee for the Department of Communications	863
Bill passed by the Legislative Assembly laid on the table	863
Message from the Legislative Assembly	864
Statement of Business	864
Monday, 3rd April, 1939—	
Presentation of a Mace to the Council of State by the Honourable Maharajadhiraja Sir Kameshwar Singh of Darbhanga	865—871

	PAGE.
Tuesday, 4th April, 1939—	
Questions and Answers	873—888
Registration of Foreigners Bill—Considered and passed	889—893
Statement of Business	894
Thursday, 6th April, 1939—	
Information promised in reply to questions laid on the table	895
Bills passed by the Legislative Assembly laid on the table	895
Tuesday, 11th April, 1939—	
Members Sworn	897
Questions and Answers	897—910
Indian Tariff (Second Amendment) Bill—Considered and passed, as amended	910—934
Statement of Business	934
Friday, 14th April, 1939—	
Member Sworn	935
Message from the Legislative Assembly	935
Questions and Answers	935—942
Information promised in reply to questions laid on the table	942—948
Statement laid on the table <i>re</i> Draft Convention concerning statistics of wages and hours of work, etc., etc., adopted by the Twenty-fourth Session of the International Labour Conference	943—949
Coal Mines Safety (Stowing) Bill—Considered and passed	949—969
Statement of Business	969
Saturday, 15th April, 1939—	
Messages from His Excellency the Governor General	971
Indian Tariff (Third Amendment) Bill laid on the table	971
Bills passed by the Legislative Assembly laid on the table	971—972
Message from the Legislative Assembly	972
Statement of Business	972
Monday, 17th April, 1939—	
Questions and Answers	973—977
Statements laid on the table	977—990
Sugar Industry (Protection) Bill—Considered and passed	990—1015
Chittagong Port (Amendment) Bill—Considered and passed	1015
Criminal Law Amendment Bill—Considered and passed	1015—1016
Indian Soft Coke Cess Committee (Reconstitution and Incorporation) Bill—Considered and passed	1016—1017
Tuesday, 18th April, 1939—	
Indian Tariff (Third Amendment) Bill—Considered and passed	1018—1048

COUNCIL OF STATE.

Friday, 14th April, 1939.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Shavax Ardeshir Lal (Nominated Official).

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following message has been received from the Secretary of the Legislative Assembly :

" I am directed to inform you that the Legislative Assembly at its meeting held on the 11th April, 1939, agreed without any amendment to the Bill to amend the Indian Succession Act, 1925, as respects intestate succession among Parsis, which was passed by the Council of State at its meeting held on the 23rd March, 1939".

QUESTIONS AND ANSWERS.

PROPOSAL TO GIVE INCREASED REMUNERATION TO ANGLO-INDIANS IN CERTAIN DEPARTMENTS.

280. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Have Government decided to raise permanently or temporarily the pay of any section of the Anglo-Indians employed in any of the departments under them ?

(b) If so, what are the departments concerned and what is the number of the Anglo-Indian employees in each of them whose salary will be raised ?

(c) What are the grounds on which Anglo-Indians have received preferential treatment and what are the exact provisions relating to the enhancement referred to above ?

(d) Will the additional expenditure entailed be included in the Army budget ? If so, under what head ?

(e) Was the attention of the Legislature drawn to the matter in the Budget Speech of the Finance Member or the Finance Secretary or in any of the budget papers supplied to the Members of the Central Legislature ? If not, why not ?

THE HONOURABLE MR. F. H. PUCKLE : (a) to (e). The matter is under consideration with reference to section 242 of the Government of India Act, 1935.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that no decision on any of the aspects of the question have been arrived at yet ?

THE HONOURABLE MR. F. H. PUCKLE : I have said the matter is under consideration.

THE HONOURABLE MR. HOSSAIN IMAM : Does it involve Railways as well as Posts and Telegraphs ?

THE HONOURABLE MR. F. H. PUCKLE : I am afraid I cannot add any more to the information I have given to the House.

OBJECTIONS TO TRANSFER INTERESTS IN FAMILY PENSION FUNDS TO COMMISSIONERS IN ENGLAND.

281. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table the information promised in reply to my question No. 216, dated the 21st March, 1938 in the Council of State regarding objections to the transfer of Family Funds ?

THE HONOURABLE MR. F. H. PUCKLE : I lay a statement on the table giving the required information.

Statement showing the value of the interests of the objections to the transfer of interests in Family Pension Funds to Commissioners in England.

	£	s.	d.
1. Indian Civil Service Family Pension Fund	1,029,769	1	0
2. Superior Services (India) Family Pension Fund	165,241	0	9
3. Indian Military Service Family Pension Fund	1,861,694	11	2
4. Indian Military Widows' and Orphans' Fund	147,426	0	6

INTEREST-BEARING OBLIGATIONS OF THE GOVERNMENT OF INDIA.

282. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement of Debts of the Government of India on 31st March, 1938 and approximate figures for 1939 on the lines of the information given in the Financial Secretary's Memorandum on the Budget of 1935 ?

THE HONOURABLE SIR ALAN LLOYD : A statement is laid on the table.

Interest-bearing obligations of the Government of India.

	(In crores of rupees.)	
	1937-38.	1938-39. Revised Estimate.
<i>In India—</i>		
<i>Public Debt.</i>		
Loans	438.40	437.86
Treasury Bills	38.01	44.71
Total—Public Debt	476.41	482.57

Interest-bearing obligations of the Government of India—contd.

	(In crores of rupees.)	
	1937-38.	1938-39. Revised Estimate.
<i>Unfunded Debt.</i>		
Service Funds	1.07	1.03
Post Office Savings Bank	77.55	82.31
Post Office Cash Certificates	60.21	59.59
State Provident Funds	69.68	72.36
Other items	9.65	10.18
Total—Unfunded Debt	218.16	225.47
<i>Deposits.</i>		
Depreciation Reserve Funds	22.78	27.92
Provincial Balance
Total—Deposits	22.78	27.92
Total—Obligations in India	717.35	735.96
<i>In England—</i>		
<i>Public Debt.</i>		
Loans	396.75	396.51
War Contribution	20.62	20.62
Capital portion of Annuities created in purchase of Railways	50.52	47.81
Total—Public Debt	467.89	464.94
<i>Unfunded Debt.</i>		
Service Funds	11.92	4.20
Total—Obligations in England	479.81	469.14
Grand Total	1,197.16	1,205.10

Footnotes—

- (a) The outstandings at the end of each year are shown in the statement.
- (b) Sterling obligations have been converted into Rupees at 1s. 6d. the rupee.

STERLING LOANS OF THE GOVERNMENT OF INDIA.

283. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing the following particulars of sterling loans of the Government of India :

- (a) Amount outstanding on the 31st March, 1938.
- (b) Rate of interest.
- (c) Dates of payment of interest.
- (d) Year of issue and the price.
- (e) Year and month of maturity.
- (f) Amounts cancelled by purchase of each during the last five years ending the 31st March, 1938 ?

THE HONOURABLE SIR ALAN LLOYD: A statement in respect of the regular sterling loans of the Government of India, that is, excluding the Debenture Stocks and the Annuities of the Railways, is laid on the table.

Statement.

Outstanding on 31st March, 1938.	Interest dates.	Year of issue and issue price.	Date of maturity.	Amount cancelled during the five years ending 31st March, 1938.
India 5 per cent. Stock, 1942-47	15th June and De- cember.	In 1932 at 95 per cent.	15th June, 1947 subject to Govern- ment's right, on giving 3 months' notice, to redeem at par on, or on any interest date after, the 15th June, 1942.	£ 1,120,380
India 4½ per cent. Stock, 1950-56.	15th May and November.	Partly in 1922 at 85 per cent. and partly in 1923 at 90 per cent.	15th May, 1955 subject to Govern- ment's right, on giving 3 months' notice, to redeem at par on, or on any interest date after, the 15th May, 1950.	583,397
India 4½ per cent. Stock, 1958-68.	1st June and De- cember.	Partly in 1928 at 91½ per cent. and partly in 1929 at 91 per cent.	1st June, 1968 subject to Govern- ment's right, on giving 3 months' notice, to redeem at par on, or on any interest date after, the 1st June, 1958.	..
India 4 per cent. Stock, 1948-53	15th June and De- cember.	In 1933 at 97½ per cent.	15th December, 1953 subject to Gov- ernment's right, on giving 3 months' notice, to redeem at par on, or on any interest date after, the 15th December, 1948.	645,000

India $3\frac{1}{2}$ per cent. Stock, 1964.	10,000,000	15th June and December.	In 1933 at 97 per cent.	15th December, 1959 subject to Government's right, on giving 3 months' notice, to redeem at par on, or on any interest date after, the 15th December, 1964.	..
India 3 per cent. Stock, 1949-52	9,500,000	1st February and August.	In 1935 at 98 per cent.	1st August, 1952 subject to Government's right, on giving 3 months' notice, to redeem at par on, or at any time after, the 1st August, 1949.	500,000
India $3\frac{1}{2}$ per cent. Stock	88,087,884	5th January, April, July, and October.	At various dates and various rates.	At any time subject to one year's notice.	600,000
India 3 per cent. Stock	76,784,185	Ditto	Ditto	At any time on or after 5th October, 1948 subject to one year's notice.	240,000
India $2\frac{1}{2}$ per cent. Stock	11,539,986	Ditto	Ditto	At any time subject to one year's notice.	..
Liability for British Government's 5 per cent. War Loan (1929-47) taken over by India.	15,466,928	Payment of interest and capital suspended.			

BONUS ACCRUING ON ALL OUTSTANDING POST OFFICE CASH CERTIFICATES.

284. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing the outstanding accrued Bonuses on Post Office Cash Certificates on the 31st March, 1937, 1938 and 1939 ?

THE HONOURABLE SIR ALAN LLOYD: Statistics of the accrued bonus at the end of each financial year are not compiled but the *pro forma* calculation of the bonus accruing as on the 1st of October for the last three years on all outstanding cash certificates is shown in the statement laid on the table.

Statement of the pro forma calculation of the bonus accruing on all outstanding Post Office Cash Certificates as on

	Rs. lakhs.
1st October, 1937	9,84
1st October, 1938	6,50
1st October, 1939	4,81

AMOUNT OF CAPITAL REPAID BY THE GOVERNMENT OF BURMA.

285. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the amount of Capital repaid by the Government of Burma in the years 1937-38 and 1938-39 ?

THE HONOURABLE SIR ALAN LLOYD: Rs. 57.48 lakhs in 1937-38 and Rs. 49.47 lakhs in 1938-39.

THE HONOURABLE MR. HOSSAIN IMAM: Why was the amount reduced ? The amount of capital should increase if payment is equated.

THE HONOURABLE SIR ALAN LLOYD: Sir, these payments for the first year or two are hardly to be described as equated payments. The final Report of the Committee concerned with the subject has been just recently published, showing an outstanding balance of something like Rs. 50 crores, and in future the payments will be equated for the recovery of the balance.

CAPITAL REPAID TO THE CENTRAL GOVERNMENT BY PROVINCES.

286. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing in detail the amounts of Capital repaid by different provinces in the years ending the 31st March, 1938 and 1939 ?

THE HONOURABLE SIR ALAN LLOYD: A statement is laid on the table.

Statement showing Capital repaid by different provinces to the Central Government during the financial years 1937-38 and 1938-39.

Provinces.	(In round thousands of rupees.)	
	Repayment	Repayment
	in 1937-38.	in 1938-39.
Madras	6,78,000	5,61,000
Bombay	74,76,000	60,13,000
United Provinces	36,03,000	21,79,000
Punjab	24,90,000	14,85,000
Central Provinces and Berar	50,33,000	2,45,000
Assam	30,65,000
North-West Frontier Province	35,00,000	..
Sind	24,06,000	7,45,000
Coorg	67,000	1,14,000

AMOUNT OF RUPEES RETURNED BY THE RESERVE BANK OF INDIA AND HEAD OF ACCOUNT IN WHICH CREDITED.

287. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the dates of receipt of Surplus Silver Rupees from the Reserve Bank of India from 1st April, 1935 to 31st March, 1939 ? In what Head of account are these sums credited, and on what pages of the Appropriation Accounts of the respective years were they entered ?

THE HONOURABLE SIR ALAN LLOYD : The Reserve Bank returned five crores of rupees on the 15th April, 1937 and a further five crores of rupees on the 14th April, 1938. The amounts were added to the surplus silver stock which is kept outside the Government Account. As the Appropriation Accounts for 1937-38 have not yet been issued and those for 1938-39 have still to be compiled, I am unable to refer the Honourable Member to the pages of the Appropriation Accounts where these receipts are entered.

THE HONOURABLE MR. HOSSAIN IMAM : Under what head will they be accounted ?

THE HONOURABLE SIR ALAN LLOYD : If the Honourable Member will refer to the latest published Appropriation Accounts, that is, those for 1936-37, he will find at page 204 an entry which is nil, "rupee coin returned by the Reserve Bank under section 36 (I) of the Act", and an entry will be made in the corresponding place in the coming issue of the Appropriation Accounts.

SILVER SALES.

288. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement showing the sales of silver in each of the years ending 31st March, 1936, 1937, 1938 and 1939 ?

THE HONOURABLE SIR ALAN LLOYD : I would refer the Honourable Member to the replies given in the Legislative Assembly to part (c) of question No. 361 and part (c) of question No. 816 on the 18th February, 1938 and the 7th September, 1938, respectively.

THE HONOURABLE MR. HOSSAIN IMAM : Does it give the accounts for the year ending 1939 ?

THE HONOURABLE SIR ALAN LLOYD : Sir, it is not in the public interest to give information of more recent developments.

THE HONOURABLE MR. HOSSAIN IMAM : Are these amounts entered in the Appropriation Account ?

THE HONOURABLE SIR ALAN LLOYD : I am afraid I shall have to ask for notice of that question, Sir.

BALANCE AT CREDIT OF THE SURPLUS SILVER RUPEES FUND.

289. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the debits and credits in each year to the Surplus Silver Rupees Fund and the balance on the 31st March, 1939 ?

THE HONOURABLE SIR ALAN LLOYD : The figures are given under the Grant for Currency in the Appropriation Accounts. Copies of the Appropriation Accounts for 1935-36 and 1936-37 are available in the Library of the House, those for 1937-38 are expected to be laid before the House shortly but those for 1938-39 will be available only next year.

BALANCES AT CREDIT OF THE SINKING FUND, DEFENCE RESERVE FUND, ETC.

290. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the balance on 31st March, 1938 of the following Funds :

- (a) Sinking Fund,
- (b) Defence Reserve Fund,
- (c) Naval Reserve Fund, and
- (d) Railway Reserve Fund ? How are they invested ?

THE HONOURABLE SIR ALAN LLOYD : (a) Rs. 13,04·89 lakhs.

(b) Rs. 80·33 lakhs.

(c) There is no separate fund. -

(d) Rs. 47·86 lakhs.

(a) and (b) are merged in the general balances of the Government and almost the whole of (d) is invested in the shares of Branch Line Companies.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways) : Sir, I lay on the table the information promised in reply to part (a) of question No. 13 asked by the Honourable Raja Yuveraj Datta Singh on the 5th September, 1938.

AMOUNT OF COMPENSATION PAID TO THE DEPENDENTS OF THE KILLED AND INJURED IN THE BIHTA RAILWAY DISASTER.

	Injured.			Killed.		
	Rs.	A.	P.	Rs.	A.	P.
(i) Total amount of compensation already paid	47,122	11	0	1,24,604	4	0
(ii) Offers of compensation accepted but payment not made pending receipt of Guardianship Certificate in case of minors	250	0	0	21,524	0	0
(iii) Offers of compensation made for which acceptances are awaited or under negotiation	16,712	0	0	9,988	0	0
(iv) Cases covering injured/killed still under investigation*	One.			Seven.		

*A boy of about 12 travelling with his family of seven persons (who are alleged to have been killed) was injured and is at present untraceable.

STATEMENT LAID ON THE TABLE.

DRAFT CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, ETC., ETC., ADOPTED BY THE TWENTY-FOURTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary): Sir, I lay on the table the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference and a Statement indicating the action which the Government of India have taken on the Draft Convention.

APPENDIX I.

Draft Convention adopted by the Conference.

Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fourth Session on 2 June 1938, and

Having decided upon the adoption of certain proposals with regard to statistics of wages and hours of work in the principal mining and manufacturing industries including building and construction, and in agriculture, which is the sixth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, and

Having determined that, although it is desirable that all Members of the Organisation should compile statistics of average earnings, and of hours actually worked which comply with the requirements of Part II of this Convention, it is nevertheless expedient that the Convention should be open to ratification by Members which are not in a position to comply with the requirements of that Part,

adopts, this twentieth day of June of the year one thousand nine hundred and thirty-eight the following Draft Convention which may be cited as the Convention concerning Statistics of Wages and Hours of Work, 1936 :

PART I.—GENERAL PROVISIONS.

Article 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes that :

- (a) it will compile as required by this Convention statistics relating to wages and hours of work ;
- (b) it will publish the data compiled in pursuance of this Convention as promptly as possible and will endeavour to publish data collected at quarterly or more frequent intervals during the succeeding quarter and to publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively ; and
- (c) it will communicate the data compiled in pursuance of this Convention to the International Labour Office at the earliest possible date.

Article 2.

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention :

- (a) any one of Parts II, III, or IV ; or
- (b) Parts II and IV ; or
- (c) Parts III and IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of the Part or Parts of the Convention excluded from its acceptance.

Article 3.

Nothing in this Convention imposes any obligation to publish or to reveal particulars which would result in the disclosure of information relating to any individual undertaking or establishment.

Article 4.

1. Each Member which ratifies this Convention undertakes that its competent statistical authority shall, unless it has already obtained the information in some other way, make enquiries relating either to all, or to a representative part, of the wage earners concerned, in order to obtain the information required for the purpose of the statistics which it has undertaken to compile in accordance with its Convention.

2. Nothing in this Convention shall be interpreted as requiring any Member to compile statistics in cases in which, after enquiries made in the manner required by paragraph 1 of this Article, it is found impracticable to obtain the necessary information without the exercise of compulsory powers.

PART II.—STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES.

Article 5.

1. Statistics of average earnings and of hours actually worked shall be compiled for wage earners employed in each of the principal mining and manufacturing industries including building and construction.

2. The statistics of average earnings and of hours actually worked shall be compiled on the basis of data relating either to all establishments and wage earners or to a representative sample of establishments and wage earners.

3. The statistics of average earnings and of hours actually worked shall :

- (a) give separate figures for each of the principal industries ; and
- (b) indicate briefly the scope of the industries or branches of industry for which figures are given.

Article 6.

The statistics of average earnings shall include :

- (a) all cash payments and bonuses received from the employer by the persons employed ;
- (b) contributions such as social insurance contributions payable by the employed persons and deducted by the employer ; and
- (c) taxes payable by the employed persons to a public authority and deducted by the employer.

Article 7.

In the case of countries and industries in which allowances in kind, for example in the form of free or cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of average earnings shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 8.

The statistics of average earnings shall be supplemented, so far as practicable, by indications as to the average amount of any family allowances per person employed in the period to which the statistics relate.

Article 9.

1. The statistics of average earnings shall relate to average earnings per hour, day week or other customary period.
2. Where the statistics of average earnings relate to average earnings per day, week or other customary period, the statistics of actual hours shall relate to the same period.

Article 10.

1. The statistics of average earnings and of hours actually worked, referred to in Article 9, shall be compiled once every year and where possible at shorter intervals.
2. Once every three years and where possible at shorter intervals the statistics of average earnings and, so far as practicable, the statistics of hours actually worked shall be supplemented by separate figures for each sex and for adults and juveniles ; provided that it shall not be necessary to compile these separate figures in the case of industries in which all but an insignificant number of the wage earners belong to the same sex or age group, or to compile the separate figures of hours actually worked for males and females, or for adults and juveniles, in the case of industries in which the normal hours of work do not vary by sex or age.

Article 11.

Where the statistics of average earnings and of hours actually worked relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 12.

1. Index numbers showing the general movement of earnings per hour and where possible per day, week or other customary period shall be compiled at as frequent and as regular intervals as possible on the basis of the statistics compiled in pursuance of this Part of this Convention.
2. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.
3. In publishing such index numbers indications shall be given as to the methods employed in their construction.

PART III.—STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK IN MINING AND MANUFACTURING INDUSTRIES.

Article 13.

Statistics of time rates of wages and of normal hours of work of wage earners shall be compiled for a representative selection of the principal mining and manufacturing industries, including building and construction.

Article 14.

1. The statistics of time rates of wages and normal hours of work shall show the rates and hours :
 - (a) fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards ;
 - (b) ascertained from organisations of employers and workers, from joint bodies, or from other appropriate sources of information, in cases where rates and hours are not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards.
2. The statistics of time rates of wages and of normal hours of work shall indicate the nature and source of the information from which they have been compiled and whether it relates to rates or hours fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, or to rates or hours fixed by arrangements between employers and wage earners individually.
3. When rates of wages are described as minimum (other than statutory minimum) rates, standard rates, typical rates, or prevailing rates, or by similar terms, the terms used shall be explained.
4. " Normal hours of work ", where not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, shall be taken as meaning the number of hours, per day, week or other period, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or custom of the establishment relating to the classes of wage earners concerned.

Article 15.

1. The statistics of time rates of wages and of normal hours of work shall give :
 - (a) at intervals of not more than three years, separate figures for the principal occupations in a wide and representative selection of the different industries ; and
 - (b) at least once a year, and if possible at shorter intervals, separate figures for the main occupations in the most important of these industries.
2. The data relating to time rates of wages and of normal hours of work shall be presented, so far as practicable, on the basis of the same occupational classification.
3. Where the sources of information from which the statistics are compiled do not indicate the separate occupations to which the rates or hours apply, but fix varying rates of wages or hours of work for other categories of workers (such as skilled workers, semi-skilled workers and unskilled workers) or fix normal hours of work by classes of undertakings or branches of undertakings, the separate figures shall be given according to these distinctions.
4. Where the categories of workers for which figures are given are not separate occupations, the scope of each category shall, in so far as the necessary particulars are given in the sources of information from which the statistics are compiled, be indicated.

Article 16.

Where the statistics of time rates do not give the rates per hour but give rates per day, week, or other customary period :

- (a) the statistics of normal hours of work shall relate to the same period ; and
- (b) the Member shall communicate to the International Labour Office any information appropriate for the purpose of calculating the rates per hour.

Article 17.

Where the sources of information from which the statistics are compiled give separate particulars classified by sex and age, the statistics of time rates of wages and of normal hours of work shall give separate figures for each sex and for adults and juveniles.

Article 18.

Where the statistics of time rates of wages and of normal hours of work relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 19.

Where the sources of information from which the statistics of time rates and of normal hours of work are compiled contain such particulars, the statistics shall at intervals not exceeding three years indicate :

- (a) the scale of any payment for holidays ;
- (b) the scale of any family allowances ;
- (c) the rates or percentage additions to normal rates paid for overtime ; and
- (d) the amount of overtime permitted.

Article 20.

In the case of countries and industries in which allowances in kind, for example in the form of free and cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of time rates of wages shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 21.

1. Annual index numbers showing the general movement of rates of wages per hour or per week shall be compiled on the basis of the statistics compiled in pursuance of this Part of this Convention, supplemented, where necessary, by any other relevant information which may be available (for example, particulars as to changes in piece-work rates of wages).

2. Where only an index number of rates of wages per hour or only an index number of rates of wages per week is compiled, there shall be compiled an index number of changes in normal hours of work constructed on the same basis.

3. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

4. In publishing such index numbers indications shall be given as to the method employed in their construction.

PART IV.—STATISTICS OF WAGES AND HOURS OF WORK IN AGRICULTURE.

Article 22.

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.

2. The statistics of wages in agriculture shall :

- (a) be compiled at intervals not exceeding two years ;
- (b) give separate figures for each of the principal districts ; and
- (c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.

3. The statistics of wages in agriculture shall be supplemented by indications as to :

- (a) the categories of agricultural wage earners to which the statistics relate ;
- (b) the nature and source of the information from which they have been compiled ;
- (c) the methods employed in their compilation ; and
- (d) so far as practicable, the normal hours of work of the wage earners concerned.

PART V.—MISCELLANEOUS PROVISIONS.

Article 23.

1. Any Member the territory of which includes large areas in respect of which, by reason of the difficulty of creating the necessary administrative organisation and the sparseness of the population or the stage of economic development of the area, it is impracticable to compile statistics complying with the requirements of this Convention may exclude such areas from the application of this Convention in whole or in part.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour

Organisation any areas in respect of which it proposes to have recourse to the provisions of this Article and no Member shall, after the date of its first annual report, have recourse to the provisions of this Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article.

Article 24.

1. The Governing Body of the International Labour Office may, after taking such technical advice as it may deem appropriate, communicate to the Members of the Organisation proposals for improving and amplifying the statistics compiled in pursuance of this Convention or for promoting their comparability.

2. Each Member ratifying this Convention undertakes that it will :

- (a) submit for the consideration of its competent statistical authority any such proposals communicated to it by the Governing Body ;
- (b) indicate in its annual report upon the application of the Convention the extent to which it has given effect to such proposals.

PART VI.—FINAL PROVISIONS.

Article 25.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 26.

1. This Convention shall be binding only upon Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28.

1. A Member which has ratified this Convention may denounce it, after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member, which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides :

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31.

The French and English texts of this Convention shall both be authentic.

STATEMENT.

The following statement indicates the action which the Government of India have taken in respect of the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference held at Geneva in June 1938 :—

As the competent authority for the collection of the necessary statistics is in all the industries concerned, except mining, the Provincial Government, and as the Convention does not require implementing by legislation, the Government of India have addressed the Provincial Governments, enquiring whether they wish to give effect to the provisions of the Convention.

COAL MINES SAFETY (STOWING) BILL.

THE HONOURABLE MR. M. S. A. HYDARI (Labour Secretary) : Sir, I beg to move :

“ That the Bill to make further provision for safety in coal mines, as passed by the Legislative Assembly, be taken into consideration.”

The reasons which have impelled Government to put forward this measure have been fully stated in the Statement of Objects and Reasons and I do not think that Honourable Members will want me to take up the time of the House by a long disquisition on the need for this measure. It may, however, be of use to Members if I were to illustrate the need and the urgency of this measure by a few facts. It was estimated in 1936 that there were 47 fires in 29 different collieries. It is now estimated that the total number of fires in these coal-fields has risen to 74 fires in 56 mines, two of which are situated in the Central Provinces. These fires constitute a source of grave danger not only to the mine in which they are raging but also to adjoining mines, as owing to the thinness of the barriers between properties fires spread from one mine to another. I would like to give an example. A fire broke out at Khas Jharia colliery in 1931 after a collapse of the old workings had occurred. Shortly afterwards, this property was relinquished. This fire traversed the adjoining mines of Khas Jharia, Sonalibad and New Khas Jharia and is at present burning vigorously near the Dhanbad-Jharia East Indian Railway and Surat and branch lines. The Railway authorities have already spent over Rs. 50,000

[Mr. M. S. A. Hydari.]

in an endeavour to safeguard the railway and railway station, but further protective measures are necessary to prevent the fire spreading to the railway, into adjoining properties and extending further towards Jharia town.

Well, Sir, I think the figures I have given are proof, if proof were needed, that this measure is both necessary and urgent. The two main provisions of this Bill are, first, the enforcement of stowing in the interests of safety, and secondly, the levying of a cess to assist in paying for it. Government have been subjected, when the Bill was under discussion, first in the press and then in the other House, to three criticisms. One criticism was : it is all very well—you have taken one part out of the recommendations of the Coal Mines Committee and you are making a great deal of fuss about it. That is not so. In reply to Mr. Satyamurti given in another place, a full statement was given of the action taken on the recommendations of the Coal Mines Committee.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member give the reference of that question ?

THE HONOURABLE MR. M. S. A. HYDARI : It was question No. 215 asked on the 8th February, 1939.

The position in regard to the recommendations is that there are about 29 recommendations, out of which Government have already acted on 17 and the other 12 are under consideration. So that I do not think that the criticism that we have slept over the Report of the Coal Mines Committee is well taken.

The second criticism is that in this Bill we do not provide for conservation—we provide only for safety. But it has been shown that in taking measures for safety we will incidentally provide for a certain measure of conservation. The main reason why we have not included provision for stowing for conservation is that we must in a measure like this obtain some experience of how this plan of ours is going to work. The immediate need is to protect the miners. Also the immediate need is to protect mine owners who are guiltless in this matter to be saved from the action or inaction of the owner of a mine adjoining. The third reason is that conservation would very considerably extend the expensiveness of this scheme. Whereas we could probably at the commencement do with even a lower rate of cess than the maximum put forward in this Bill, if we included conservation also as one of the objects for which stowing could be ordered, we would very largely increase the expensiveness of this measure to the owners of mines, who are not all big people—most of them are rather small people.

The third criticism which has been levelled against us, which I rather like as a matter of fact, is that Government have hustled the Legislature and the country into passing this Bill. Well, Sir, surely the urgency and the need for this measure demanded a certain degree of expedition ? But we have not overlooked the need for the fullest discussion with the interests concerned and with the Provincial Governments concerned. It was, I think, in July last that we issued our letter to the Provincial Governments concerned stating what our views in this matter were. We received their replies by November. One Provincial Government did not reply till January. And all during this time we carried on informal conversations with those concerned with the industry. We could not wait very much longer and in January we summoned a conference of the representatives of the industry and placed before them

our tentative ideas as to what we proposed to do. It was as a result of that conference and as a result of the agreement achieved in that conference that we placed this Bill before the Legislative Assembly. I do not think that anybody can blame us for hustling without due consultation.

Before I sit down, I would like to pay a tribute to the public spirit which those representing the coal industry have shown in this matter. I must say that towards the end of last year, when we were overwhelmed with opinions raising all sorts of points, I began to feel a bit pessimistic as to our being able to stick to our programme, but when we faced the industry with definite proposals I must confess that they showed a great deal of co-operation and public spirit. I should also like to tender our acknowledgments to the Railway Board. They do not often come in for praise, but I do not think I am giving away any secret when I say that in our original proposals we had meant to exclude railway collieries from the operation of the cess. But when the Conference of representatives of the industry met in January, it was their unanimous opinion that railway collieries also should bear their share of the general expense and I am very happy to say that the railways agreed to the general wish of the industry. I think their action has greatly facilitated the acceptance of this measure by the industry as a whole.

Sir, I move.

THE HONOURABLE THE PRESIDENT : I would like information on one or two points before you sit down. I would like to know what provision has been made for contracts already made with the railways and with the public? Have you provided anything for that?

THE HONOURABLE MR. M. S. A. HYDARI : No, Sir. We have made no provision in the Act for pending contracts but I would like to give the assurance that before putting the Act into operation, we will take into account difficulties that there may be for people who have already entered into contracts.

THE HONOURABLE THE PRESIDENT : In other words, you won't bring the Bill into operation till the 1st April next?

THE HONOURABLE MR. M. S. A. HYDARI : I am sorry I cannot bind myself to a date. All I can say is that it will be considered.

THE HONOURABLE THE PRESIDENT : Which are the two collieries in the Central Provinces on fire, to which you referred in your speech?

THE HONOURABLE MR. M. S. A. HYDARI : I am sorry I have not the names with me.

THE HONOURABLE THE PRESIDENT : Thank you.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern Non-Muhammadan) : Sir, whatever criticism I might have to offer against the Bill, there is one criticism that I shall not offer and that is that Government have been rushed into this legislation. Sir, the Bill provides for safety in mines by taking measures to facilitate or require therein the carrying out of the operation known as stowing, and to provide for the creation of a fund

[Mr. P. N. Saprū.]

for the assistance of such operation. The Bill is based upon the recommendations of a Committee which reported in 1937. After the publication of the Report, the Government of India called a Conference for the purpose of considering the Report of the Committee, and as far as I have been able to find out, employees working in mines were not represented at this Conference. I am supporting the Bill, but my first complaint is that employees in mines were not represented at the Conference. After all, employees who work in mines are interested in their own safety. Surely, they know from experience what measures are necessary for their safety. I therefore regret that representatives of the miners were left out of this Conference.

Coming to the Report, I find that it is a very comprehensive Report. In fact, if you read it, you will find that there are two reports. There is the supplementary minute of the two Indian members who advocate nationalisation of royalty rights and nationalisation of the coal industry itself. And there is the report of the other members who, as far as I can gather, are not opposed to nationalisation but who do not consider nationalisation a practicable proposition today. The main object of the Bill is to secure the safety of the worker. Its provisions would also incidentally, as stated in the Statement of Objects and Reasons, result in a certain amount of conservation. Safety is, however, the primary objective of the Bill. So far as the Coal Committee are concerned their recommendations were of a very exhaustive character. They recommended measures not only for the safety of the miners but also for the conservation of these mines. They recommended measures for improving the condition of the industry. One of their recommendations was that there should be more facilities for research. They also recommended that there should be some control over leases given for mining. They point out that no country can afford to have such a valuable asset as coal wasted and that the prevention of waste is necessary as the asset is limited in quantity. They point out in paragraph 61 of their Report that some accidents are directly connected with wasteful methods and practices. The Report says that the average total waste of coal *in situ* is about 50 per cent. of which all but 10 per cent. would be saved by stowing. It needs therefore no argument to stress that national interests require that all kinds of available waste should in future be controlled and as far as humanly possible eliminated. One of the measures they have suggested is to be found in paragraphs 331 and 332 of their Report. They suggest that the State Authority should be empowered to arrange voluntary amalgamations if possible and then proceed to compulsory amalgamation if the owners will not come to terms. I know that Government have dealt with some of the recommendations of the Coal Mining Report but I should like to know what the attitude of Government towards this compulsory amalgamation is? I should like to know whether they have arrived at any decision with regard to this suggestion in paragraphs 331 and 332 of the Report.

Then, Sir, the Report suggested the establishment of a coal research fund financed partly by Government contributions and partly out of the cess fund at the disposal of a statutory authority which they would like to see set up. I should like to know whether any decision has been arrived at in regard to the establishment of this coal research fund?

Then, so far as safety provisions are concerned, they suggest that owners and agents of mines should be held responsible for accidents. Their precise

recommendations on this point are to be found in paragraph 59 of the Report. I will just read out that paragraph.

“ So far as Government is concerned, the measures of State control suggested later in this Report must tend to eliminate gradually most of the disastrous consequences of past policy and present conditions. Even so, steps should also be taken to enforce more practically the responsibility imposed on owners by section 16 (1) of the Indian Mines Act. They are supposed to be responsible that all operations are conducted in accordance with the provisions of the Act, regulations, rules, bye-laws and orders, and are also supposed to be equally guilty of all contraventions unless they have taken reasonable measures to prevent them. Actually, provisos (a), (b) and (c) almost completely divest both owners and agents of legal liability, and we would therefore amend these provisos so as to make it clear that they are legally liable if it can be proved that the offence or contravention has been committed in order to comply with an owner's or agent's general or particular instructions regarding reduced costs or increased outputs. We would also require that, as agents are superior to managers under section 3 (a), all agents must have at least the qualifications of the managers working under them. These qualifications are prescribed in section 15 of the Act and in Permanent Regulations 23 and 33 to 37 ”.

Sir, coal mining is a most dangerous occupation and therefore the Committee were not wrong in recommending that qualifications should be laid down for agents and owners who undertake the management of coal mines. Now, I should like to know what Government has done with this particular recommendation which is to be found at page 31 of the Report ?

Then also the Committee have made certain recommendations in regard to the education of miners which are to be found at page 180.

THE HONOURABLE THE PRESIDENT : The Honourable Mr. Hydari said that 12 recommendations are under consideration.

THE HONOURABLE MR. P. N. SAPRU : What we should like to know is whether the recommendations which have been carried out are of a minor or of a major character. Supposing a report makes 30 recommendations and you carry out 24, and if those 24 are of a minor character then you have not carried out substantially the report. There are some basic recommendations and I would like Mr. Hydari to enlighten us on the character of the recommendations which have been carried out by the Government. I have not been able to see the answer to Mr. Satyamurti's question. I hope Mr. Hydari will enlighten us on this point. I am making these observations not in any critical spirit ; I am making them, if I may say so, in an informative spirit. I will not go any further into the recommendations. I have made my point, I think, clear.

So far as the cess is concerned, I have got nothing to say about it. Speaking for myself I would have preferred the original proposal of a four-anna maximum cess per ton. The Committee had recommended 8 annas per ton and the other House reduced the proposal in the Bill from 4 annas to 3 annas. I may also indicate that I agree that the cess should be on all the coal produced and that it is not easy to discriminate between mines which are working at a loss and mines which are not working at a loss.

THE HONOURABLE THE PRESIDENT : There is no discrimination in this Bill.

THE HONOURABLE MR. P. N. SAPRU : What I am saying is that I agree that there should be no discrimination between mines working at a loss and those not working at a loss. It is not practicable to have such discrimination, and therefore so far as these proposals in the Bill are concerned they have my support.

[Mr. P. N. Sapru.]

Now, Sir, I will come to the proposal with which I find myself in partial disagreement. The Bill proposes to constitute a Coal Mining Stowing Board to administer the fund. I would like to invite the attention of the House to the constitution of this Board. The Board will consist of the following members. A person in the service of the Crown who is to be appointed by the Central Government and who is to be the Chairman of the Board. Then the Board will have a Chief Inspector or an Inspector appointed by the Central Government in this behalf. Then it will have two persons nominated by the Indian Mining Association. Then it will have one person nominated by the Indian Mining Federation. Then it will have one person nominated by the Indian Colliery Owners Association. Therefore the Board will have four representatives of employers, one official and one official Chairman, and no labour representative. Therefore, my first complaint against the constitution of this Board is that labour has been left out. It is wrong to give too much representation to the parties concerned. The parties concerned, that is the employers, will be judges in their own case. It is the function of this Board to decide what help is to be given to a particular mine and when and where sand stowing is to be recommended. Sir, the mine owners would like less money to be spent as they would like a case for the reduction of the cess to be made out. Miners will be judges in their own cause. The constitution of this Board is contrary to the recommendations of the Mining Committee. The Coal Committee had suggested a statutory authority with wider powers than those entrusted to it. At page 144 they point out the constitution that they would like to have. That is the constitution of the statutory authority that they recommend.

"The first question in connection with the constitution of the Statutory Authority is whether it should be a representative or an expert body. If the Statutory Authority were representative"—

and here the Government has made the Statutory Authority a representative body—

"If the Statutory Authority were representative, the following interests could claim representation, namely, Government, the Mines Department, the Geological Survey, the Railway Board, royalty receivers, mine owners, colliery managers, labour and consumers. Some of these interests are represented by various Associations all of whom would have to be consulted, while 'consumers' is a general term covering railways, iron and steel industries, shipping firms and other industries such as cotton, jute, etc. A fully representative body would therefore be very unwieldy, and most of the members would be concerned primarily with the particular interest they represented rather than with national and mining interests. It is because the Government of India saw little or no prospect of unanimity among those interested on the important issues involved that our Committee is an expert and not a representative one.

"We are, therefore, definitely in favour of an expert Statutory Authority constituted as follows :

- (1) an independent Chairman,
- (2) the Chief Inspector of Mines,
- (3) one commercial expert,
- (4) three mining experts

with power to co-opt the Director of the Geological Survey or the Chief Mining Engineer to the Railway Board, or both, when the Chairman considers this necessary".

Therefore, Sir, the recommendation of the Coal Mining Committee was in favour of an expert body. They have given reasons why they think that an expert body is to be preferred to a representative body. A representative

body would have to be unwieldy if it is to be completely representative of all the interests and unanimity in such a body would be difficult. Therefore they say that an expert body would be preferable. Now, Sir, the first criticism that I have to offer against the Bill is that it has rejected the recommendation of the Coal Mining Committee and substituted a representative body for an expert body. But assuming you are going to have a representative body, why have you excluded labour from this representative body? After all, Sir, the object of this measure is safety of the miners and who is more interested in the safety of the miners than the mine workers themselves, than the mine employees themselves? Are the coal owners more interested in the safety of the lives of the men who work in the mines or are the men who work in the mines more interested in their own lives? Sir, I think labour had a right to be represented on this Committee and I am sorry that labour goes without representation on this body.

Then, Sir, the second complaint that I have is this. If you compare the constitution of this body with the constitution of the Mining Board under section 10, you find that there is a difference. The Mining Board is to consist of a person in the service of the Government, the Chief Inspector or an Inspector, two persons neither of whom shall be the Chief Inspector or an Inspector nominated by the Local Government, of whom one shall be a person qualified to represent the interests of persons employed in mines, two persons nominated by owners of mines or their representatives in such manner as may be prescribed. So, under this section 10 employees get at least one representative on the Mining Board.

THE HONOURABLE MR. M. S. A. HYDARI : On a point of explanation, Sir. I think section 10 of the Indian Mines Act has relevance to the Committee under section 11 of the present Bill, not to this Stowing Board. You are now on the composition of the Stowing Board.

THE HONOURABLE MR. P. N. SAPRU : I know that sections 10 and 11 go together. But I was pointing out that the principle of representation of the miners was accepted in the Committee constituted under the Indian Mines Act.

THE HONOURABLE THE PRESIDENT : But the functions of the two Boards are entirely different, which you have not realised.

THE HONOURABLE MR. M. S. A. HYDARI : If there were any analogy the analogous committee is the one under section 11 of the present Bill, and not the Board under section 3.

THE HONOURABLE MR. P. N. SAPRU : The function of this Board will be to administer the cess and for the purposes of stowing. Now, Sir, the objective of this Bill is the safety of the miners. The argument that I advance is that people who are most interested in safety are the miners themselves. Therefore, the class which is most interested in its own safety should not have been left out. It cannot be said that you cannot get some men from the mining industry, from the mine employees, to sit on a Board of this character and therefore I think, Sir, the objection remains.

Now, Sir, coming to the other point, under section 11 there is to be a Committee which will be a sort of tribunal and this Committee will hear appeals from orders of the Chief Inspector in regard to the stowing of coal mines. What is going to be the composition of this Committee? Here, again, I find myself in disagreement with the Bill. The Committee here will consist of a

[Mr. P. N. Saprú.]

Chairman, four Members selected by the Chairman of the Board as follows : two from a panel of eight persons nominated by the Indian Mining Association ; one from a panel of four persons nominated by the Indian Mining Federation ; one from a panel of four persons nominated by the Indian Colliery Owners' Association ; and one member appointed by the Central Government to represent the interests of persons employed in coal mines. That is to say, employees get only one representative. In a committee of six, the employees get only one representative. This tribunal will hear appeals from the Chief Inspector of Mines. Now, the composition of the tribunal is such that I fear that the Inspector will not be able to discharge his duty properly. What Inspector will dare recommend stowing when he knows that his appeal will go before a Board the composition of which will be preponderatingly in favour of the employers ? The character of the tribunal will determine the decisions in most cases that the Chief Inspector will make. The Chief Inspector will therefore not be able to act with impartiality. I think, Sir, that the composition in the Indian Mines Act is better. There section 11 provides that—

“ Where under this Act any question relating to a mine is referred to a committee, the committee shall consist of a chairman nominated by Government, a person nominated by the chairman, two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned and the other shall be nominated by the Local Government to represent the interests of the persons employed in the mine ”.

Sir, these are the objections that I have to these two provisions of the Bill. Subject to these reservations I generally support the Bill.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhamadán) : Sir, the Coal Mining Committee was appointed to inquire into two matters,—one to secure the safety of those who work in the mines, and secondly, to conserve the coal assets of the country by improving methods of extraction and preventing avoidable waste. Sir, the Committee devoted a great deal of attention and much space to the consideration of the second question, namely, the conserving of the coal assets of the country. But I regret to find that its main recommendations have not been implemented by legislation and this Bill is a very halting and unsatisfactory measure viewed in the light of the recommendations of the Coal Mining Committee. Sir, the Coal Mining Committee has drawn pointed attention to the fact that coal is being raised now as cheaply as possible by risky and wasteful methods in utter disregard of national interests and making commercial profits the sole consideration in the working of these mines. They have also pointed out that the system of managing agents under which the industry is carried on has a great deal to do with the evils of wasteful mining. Many of the managing agents are interested in factories and the industrial concerns which benefit by cheap coal. Therefore, they contributed their share to the risky, unbusinesslike and wasteful methods of raising coal. Sir, the Committee have drawn attention to the fact that there is an impression among the owners of coal mines in this country that they are at liberty to work the mines in their own interests irrespective of regard to any other interests concerned. I may be permitted to quote one passage from the Report which cites the evidence given by the Chairman of the Bengal Coal Company. Or rather it is an extract from a speech made by the Chairman of the Bengal Coal Company at the general meeting of the Company in December, 1936. He is reported to have said :

“ It appears to me that the public as a whole do not sufficiently appreciate the importance of the principle involved in this question of conservation. It resolves itself into this. Are you, and all other shareholders of coal companies, quietly and peacefully to enjoy your

properties as laid down in your leases with your landlords, or are you only to enjoy them subject to what Government decide you may or may not do in the presumed interest of posterity a hundred years hence? To me there can only be one answer—Government have no cause in this matter to trespass upon your rights, and I hope that upon reflection you and the public, as a whole, will agree with me”.

That is the kind of exclusive right that they have asserted, and some of the managers of mining concerns have given evidence before the Committee to the effect that if they wanted to introduce some improved methods of extracting coal and preserve coal from wastage, they were pulled up by the owners and some of them were on the point of losing their jobs. That is referred to on page 28. The Indian Mine Managers' Association tendered evidence of their chief officer who said :

“ The managers do not at present have enough scope because they are controlled by people who have no sufficient knowledge of mining and are liable to be dismissed if they refused to carry out the orders of an owner even though the carrying out of these orders would mean unsound and unsafe working. Others told us in confidence that they have on occasions been faced with the alternative of adopting unsound mining methods or losing their livelihood, and that though they are held legally responsible, they do not actually have control, management and direction of the mine as is contemplated by section 15 of the Indian Mines Act ”.

So, Sir, the whole position seems to be that the mine owners' attitude is that they are the sole proprietors of the mines and that Government has no right to control. The impression that is created by reading this Bill is that Government is on the whole inclined to concede the extravagant claims made by the mine owners. The Statement of Objects and Reasons, to which Mr. Hydari has already referred, says :

“ The Government of India feel that for the present at any rate the main objective of any proposals should be to secure the safety of the worker ”.

I quite agree that safety and conservation are linked together and that measures to improve safety would have also the effect of improving conservation and that measures which improve conservation will also improve safety. I quite agree. But I think it is a very indirect and ineffective method of approaching the question of conservation on which so much stress is laid by the Committee.

Sir, the Committee—I am not speaking of the minority report—the majority of the Committee have discussed alternatives. Nationalisation of mines and nationalisation of royalty rights and rationalisation. They pointed to the difficulties in the way of carrying out nationalisation schemes and I am inclined to agree with them that perhaps the time has not come for the nationalisation of mines and the nationalisation of royalty rights. But the time will soon come when Government will have to tackle this question. But, Sir, they have also discussed the question of nationalising undeveloped properties, that is to say, mines which are not properly and efficiently worked by owners who are incompetent or who have not got the capital or the resources to work the mines. With regard to that, they have made a very definite recommendation on page 171 of the Report, that the Statutory Authority be empowered to take over such properties and work them themselves or transfer them to others to work. That is one of the useful recommendations they have made. But on the whole they were inclined to content themselves for the present with rationalisation by a more detailed and effective state control over the working of these mines. And, Sir, they have made some specific recommendations with regard to the rationalisation of coal mines by greater and more detailed control of the State over the mines to which I will merely

[Mr. Ramadas Pantulu.]

refer. In Chapters XII and XIII I find they have suggested an amendment of the 1923 Act and Regulations. They say that some of the provisions which are there are ineffective. For instance, section 16 of the Indian Mines Act, 1923, which lays down certain obligations, practically wipes them out by saying that where a manager of a mine is under the orders of the owner and is not personally responsible for the acts done by him the penalties do not attach to him. Every manager is virtually under the control of the owners to whom profit is the main concern, and they have not got the initiative or the liberty to work mines in an economical and unwasteful manner. Therefore, section 16 practically wipes out the penalties. This and other defects have been pointed out. The Committee have also suggested various other remedies, but I do not find any attempt to implement those remedies. For instance, it is said that the Inspector of Mines in India issues numerous orders for the simple reason that there are no regulations in a comprehensive form which will prevent mine owners from working mines in an improper manner. They drew attention to that fact that in England the regulations are comprehensive and that gives safety to the workers as well as to the mine owners. They pointed out that in India numerous but imperfect regulations in a scattered manner were to be found, and the Inspector of Mines finds it very difficult to enforce them. These are also defective. They refer to the evidence of the Chief Inspector of Mines, who says :

“ Regulations are the proper way to tackle dangers. Whenever a possible danger can be guarded against by regulations, that should be the method applied. The primary duty of the Inspectorate in Great Britain, as it should be the primary duty here, is to see that regulations are carried out. The reason why it is hardly ever necessary to issue orders in Great Britain is that the regulations there cover very fully the known dangers in British mines. The regulations at present in force in this country do not cover all the known dangers nor do they guard against the fundamental cause of bad working.”

They have also recommended certain specific measures for conservation and improvement of the coal industry and the coal trade. For instance, they have suggested the formation of a State-controlled and State-guided central marketing agency. They have also suggested measures for amalgamation of property because the economics of production wants comparatively large mining units and they have said that the Board must be vested with powers to bring about voluntary amalgamation, and where owners do not come to terms, to be vested with even powers of compulsory amalgamation of uneconomic and small units. These suggestions are very valuable and there has been no attempt to implement them. I hope that the question of rationalisation on the lines suggested by the Coal Committee, if not nationalisation, will be reconsidered by the Government of India at an early opportunity and that the more useful recommendations with regard to conservation and rationalisation of the coal industry will be implemented by legislation at an early date.

I have only one more subject to deal with, and that is, the constitution of the Board. Sir, the Coal Mining Committee discussed the relative merits of a representative authority and an expert authority. My learned friend, the Honourable Mr. Sapru, has already drawn attention to their discussion of the subject. My complaint is that the Board now constituted under this Bill is neither representative nor expert.

THE HONOURABLE MR. HOSSAIN IMAM : It is *ad hoc*.

THE HONOURABLE MR. RAMADAS PANTULU: I am rather surprised to find in this Bill that this Committee is to consist mainly of representatives nominated by the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owners Association. These three big Associations have non-co-operated with the Coal Committee. They refused to answer the questionnaire. The Committee sent a questionnaire to them and they declined to answer the questionnaire. They also declined to send representatives for examination by the Committee. There was a long correspondence between the Coal Mining Committee and these three Associations. It is not as if these Associations had no definite views to put before the Committee or they had no proposals of their own in the matter. It is pointed out by the Committee that these three Associations sent round a circular to their member companies concerned asking their chief officers to give evidence in a particular manner. These witnesses sent their answers to the Committee individually and these people, when they came to give evidence, gave evidence in the manner suggested by the Associations. The Committee point out that these answers were stereotyped in the form suggested by these Associations, but in oral examination the witnesses have considerably changed their views and practically given up many of the positions which they took up in their written answers in response to the circular issued by these Associations. So, these three Associations had their answers ready, and instructed the witnesses to give evidence in a particular manner, but would not answer questions themselves, and would not send their representatives. This is an attitude which is most surprising. I may be permitted to read one passage in the Report dealing with these Associations. This is what the Coal Committee say :

" We have considered it necessary to cite the above correspondence (the correspondence between the Associations and the Committee) somewhat fully because we believe that this is the first time that such important Associations have declined to take the responsibility of dealing, as representative bodies, with questionnaires relating to any trade or industry issued by an official committee. So far as we are concerned, these Associations have voluntarily waived both their right to be heard as representative bodies, and their claim to speak with any authority on the various problems connected with the coal trade and industry. This is unfortunate from every point of view, but the choice has not been ours. Having declined to be heard as sources of information subject to examination, these bodies could hardly expect to be heard in discussion as representative or authoritative ".

The psychology of these Associations has been described by the Committee in these very significant words :

" The psychology of the trade is still too individualistic for concerted action even in its own interests, and we think that, if there is to be any constructive move in this direction, the initiative and guidance will have to come from the Statutory Authority after it has surmounted the initial difficulties of control and conservation ".

Therefore, I should have thought that these three Associations would be the first to be excluded from any Board, for they did not deserve to be there. Their whole conduct has shown that they are a selfish lot, who have got neither the interests of the employees nor of the nation at heart and that commercial profit is the be-all and end-all of their profession. I hope that some light will be thrown on this question as to why Government have specially chosen a Board consisting of the very three Associations which have not only non-co-operated with the Committee but have shown utter unfitness to be considered as proper persons to be represented on any Board like this. Therefore, I think the Board is really not representative. It is representative of the one interest which ought not to be there. But I am not very much oppressed by the fact that employees are not there. In fact, I want neither the employees nor the

[Mr. Ramadas Pantulu.]

employers as such to be on the Board. I think the consumer may be there if necessary. But I think the employee is sufficiently protected by the composition of the Committee under clause 10. This is really what matters so far as they are concerned. Any order made by the Inspector will be referred to this Committee and this Committee can safeguard the interests of the employees and employers. The Employers Association finds a place there ; that is appropriate. Then the employees are there also appropriately. Therefore, I like the composition of the Committee constituted under clause 10 and it is an improvement on the Committee under section 11 of the Indian Mines Act. That provided for a chairman appointed by the Provincial Government and a nominee of the chairman, besides one representative each of the employers and workers. The present Bill is certainly an improvement over the old Indian Mines Act in this matter. Therefore, the absence of an employee's representative in the Board is not a serious drawback though the overwhelming representation given to the employers is certainly a bad feature. That is my comment on the composition of the Board.

Sir, the Bill on the whole marks an advance on the present position and it carries out some of the recommendations of the Indian Coal Mining Committee. And what makes for safety will no doubt to some extent make for conservation as both are allied. So to that extent it is beneficial. With these words and in the hope that the Government will re-examine the whole position in the near future in the light of the Committee's Report, I give my support to the Motion made by Mr. Hydari.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, I welcome this measure as showing the intention of the Government to listen to the public demands. I also welcome the very significant statement of the Leader of the Congress Party in this House in which he questioned the *bona fides* of the managing agents to deputise and be the sole representatives of the coal interests.

Mr. President, it is surprising that a Committee which should have given such a comprehensive report should be dealt with in so cursory a manner as the Government have thought fit to do. The reply of the Honourable Member to the question of Mr. Satyamurthi is before me in No. 5 of Volume I of the Assembly Debates. Most important recommendations have been rejected without assigning any reason for their rejection. That is why I say the Government have not treated the Committee with the respect which was due to them. Ordinarily, when Committees report, a volume is issued by the Department concerned showing the action taken on the recommendations ; the reasons for any different action from that recommended, and for the rejection of the recommendation. This Department has not shown that courtesy to this Committee. Leaving aside the question of the minority report, the majority report is definite on two or three things. About the managing agents the Committee has stated as follows in paragraph 57 :

" Apart from the notorious lack of co-ordination or co-operation in the coal trade as a whole, or even in the various groups into which it is divided, the managing agency system, though it may have answered the requirements of the coal trade as distributors and profit producers, has not been an unmixed advantage to the coal industry "

They have shown how the very basis of our demand has been attacked by the managing agents. They say in the same paragraph at the end :

" The Chairman of the Bengal Coal Company on the 18th December, 1936 (which was a few days before the signing of the Report) stated :

'It appears to me that the public as a whole do not sufficiently appreciate the importance of the principle involved in this question of conservation. It resolves itself into this. Are you, and all other shareholders of coal companies quietly and peacefully to enjoy your properties as laid down in your leases with your landlords, or are you only to enjoy them subject to what Government decide you may or may not do in the presumed interest of posterity a hundred years hence? To me there can only be one answer—Government have no cause in this matter to trespass upon your rights, and I hope that upon reflection you and the public, as a whole, will agree with me.'

Now, Sir, there is a difference between the enjoyment of ordinary and natural wealth. Natural wealth is irreplaceable and ordinary wealth is not so. If one year's produce is destroyed, the next year you can produce more. But where natural resources are concerned, the interests of the community as a whole are paramount and must override all private interests; whether they be of the owners, leaseholders or managing agents. Every private interest is subordinate to the national interest and betterment of the country. From that standpoint I find that the entire Report of the Committee has been rejected, because the proposals of the Government are inadequate for even the provision for stowing as far as safety is concerned without any regard for conservation. That, Sir, is basically wrong and takes away all the good points out of this Bill. It is a very small affair considering what was aimed at. The recommendation of the Committee was that the maximum rate should be one rupee per ton, whereas this Bill provides for a maximum of 3 annas or 18·75 per cent. That is most inadequate. About 22 million tons are raised from all the collieries for all purposes. So that the cess will not produce more than Rs. 40 lakhs. How far can such a small sum go when we know that the cost of stowing for each ton of coal extracted from pillars comes to Rs. 1-9-0. That shows the Government is not in earnest. It is only trying to accommodate the managing agents and not to do anything in the interests of the conservation of the coal resources of the country. It is because it would have adversely affected the earning capacity of the managing agents that the maximum was fixed at a lower rate than it ought to have been.

I find that the present position of the industry has been very graphically stated by the Committee itself on page 30 at the end of paragraph 58 :

"In short, to use a sporting metaphor, the coal trade in India has been rather like a race in which profit has always come in first, with safety a poor second, sound methods an 'also ran', and national welfare a 'dead horse' entered perhaps but never likely to start".

This is the state of affairs. They have done nothing even to revive the "dead horse", and still they hope that we will acclaim this measure as a great advance. Then the Committee's indictment is :

"Neither Government nor the landlords can escape responsibility for allowing this state of affairs to prevail for so long, but this does not alter the facts, nor still less, will it justify further inaction on the part of all concerned".

My submission, Sir, is that it is a very hasty measure in this respect,—not in the matter of time because Government have taken two years to put through this measure,—but hasty in this respect that they have tried to come to a compromise with the mining interests on whatever terms the managing agents offered. It is an open secret that the terms were dictated by the coal interests and it was the Government which gave in and not the coal interests. All along the line they have dictated the policy and the amount that they were prepared to take out of their pocket. Although as a matter of fact, as was referred to by Mr. Sapru and probably by the Leader of the Congress Party, the Committee recommended that there should be a public company to undertake this stowing business, there is no provision for this, neither is there any statement that the

[Mr. Hossain Imam.]

Government contemplate taking action on those lines. Even the amount which they pay I am sure they will try to get round and recover it by the back door.

THE HONOURABLE MR. RAMADAS PANTULU : Only the maximum cess has been fixed.

THE HONOURABLE MR. HOSSAIN IMAM : It may be even less than that. What the Committee recommended was a pucca house and Government would be satisfied with a sort of shed made of leaves, and they ask us to believe that it is a good house, because it gives a little bit of shade.

Now, Sir, I have always said that legislative responsibilities should not be thrown on the executive without adequate provision. There is no provision in this Bill about the line of action, about the quota of help which would be given for compulsory or voluntary stowing. You give *carte blanche* to the executive to make rules and to sanction whatever they like. This power to sanction must rest with the executive, but the lines must be laid down by the Legislature and the Legislature should not be asked to vacate its position and abdicate in favour of the executive ; as is being done every day by the legislative measures brought forward by the Government of India. Here it is the Government which frames these Acts ; still they do not wish to bind themselves down to anything. In their capacity of a Government they would do whatever they like ; but in their capacity as constitutional advisers of this House they would not like to have their powers restricted.

THE HONOURABLE THE PRESIDENT : You think that the Board will act like puppets ?

THE HONOURABLE MR. HOSSAIN IMAM : We think nothing of the kind, Sir. But, as has been very ably shown by the Leader of the Congress Party, the Board consists mainly of the interests which has non-co-operated with this Committee ; which had always made profits its first principle and denied our right to conserve. What have they done to justify the confidence that the Government have reposed in them ? I would ask Government what is the basis of this confidence, except that they have got a long purse and they can get round the press, the platform and everything else. That is the only asset they have at their command and I know it is a very great asset which nothing can override. But the Government has not made out a case that they deserve our confidence, the confidence either of the Government or of the public or of labour ; they deserve the confidence of none. Because of their power to command publicity, their power to dictate their own views as those of representative associations, they give the lead and that is why this Committee has described that profits are the first horse, the winner. I am sorry I do not see the Chief Commissioner for Railways here ; I would have liked him to have enlightened us when he gave this assurance that the railways will buy two-thirds of their requirement from private collieries. It has been referred to by this Committee. We do not know when and why the railways gave their consent to pay this levy. This Committee after discussing this matter at great length came to the conclusion that the railways have up till now been charging a commission of 10 per cent. as collection charges for the levies that they collect on soft coke and other items, and on the same lines they would have been entitled to debit a 10 per cent. charge from the amount collected on account of this cess and its waver should be their only contribution. But the Government spokesman has not enlightened us about the lines of the future arrangement, whether the

railways are to deduct the 10 per cent. charge or not. No reasons were given for this consent that the railway collieries will be subjected to this cess. Railways are not a private company run for the benefit of the individuals but a public utility service run for the benefit of the general travellers as well as the taxpayers ; inasmuch as it contributes a part of this profit to the general funds it should have been treated in a different manner than private companies. Again, the collieries of the railways are mostly situated in the areas in which this Report has not taken much interest. The Committee has concentrated its attention to Raniganj and Jheria ; Bokharo and Giridih have been only treated by the way. Railway collieries are mostly concentrated in these two fields. One is in the south at Talcher and the others are round about Giridih and Bokharo. There the conditions are different. In one at least I know the working is altogether different, it is quarrying, not mining. So the justification for placing this cess on railway collieries is non-existent. The facts that they are public utility companies, that conditions obtaining in those parts are different, that their working is better, they conserve their resources, and profits are not their sole guides, all these afford justification for not imposing a cess on railway coal, at least on the coal raised from railway collieries. You might have been justified in imposing a cess on the raisings of private collieries, but the raisings from railway collieries themselves should not have been subjected to this cess, because of the difference in the conditions and to the fact that they are a public utility concern. (*An Honourable Member* : "What about company railways ?") Company railways are only lease-holders ; the bulk of the money, about 90 per cent., is from the State ; they are like managing agents, where money is of shareholders and the management is in the hands of a microscopic minority of shareholders. Government have stated that they have taken safety of life as the first principle and deferred the consideration of conservation till they had got some experience. On that basis, Sir, I am prepared to give the Government time to see and find out after a few years whether they are ready to implement their promise. Otherwise, if I had not this conviction, I for one would have opposed this measure.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I rise to give my support to this Bill and in doing so I do not lose sight of the fact that there are a number of other matters for which also legislation is necessary. But I am induced to give my support to the Bill on account of the fact that the object for which this legislation is intended is effectively provided by the provisions of this Bill. As will be obvious from the Statement of Objects and Reasons, the main object for which this measure is intended is to provide for the safety of miners in order to protect them from the dangers involved in the present methods of extraction in the main coalfields in which a stage has already been reached where a further extraction of coal would involve risk to the lives of the people working in those mines. So far as this object is concerned, I feel that the Bill has made sufficient provision. Now, as regards the question of providing for other matters, for instance, conserving of coal and making provision to prevent wastage of a substantial amount of coal, I feel that the Government should try to take some effective steps in regard to providing for these matters. But I feel, Sir, that it is just possible that at present it was not quite a feasible matter to be tackled since from reading the reports of the proceedings in the other House I see that there was an outcry against this very small amount of cess which has been levied. It was said that this cess which was proposed to be

[Saiyed Mohamed Padshah Səhib Bahadur.]

levied on all coal mines, this rate of cess was not quite fair to some of those mines which were really very efficiently worked and as against which there was no charge of working the mines in a manner which would endanger the lives of people employed therein. It was on that account and again, Sir, there was also a protest against the amount proposed to be levied by the Government and the result of this protest was that the amount of 4 annas which was originally proposed was reduced to 3 annas. In view of this fact, I feel that the Government was perfectly justified in giving an amount of cess which would be accepted by the Legislature. And so far as the safety of the miners is concerned, I am glad to find, Sir, that even the Leader of the Congress Party has stated that he is perfectly satisfied with the provisions made in the Bill in that regard. He feels that section 11, which provides for the personnel of the Board proposed, effectively gives representation to all the interests concerned and makes sufficiently effective provision for the safety of the miners working in the mines. Therefore, Sir, in view of these facts, I give my support to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I think that the two main criticisms which have been put forward against our proposal are, first, that we have not gone far enough and have not included conservation also within the range of the Bill, and secondly, that we have not given adequate thought to the other recommendations of the Coal Mines Committee. Of course, Mr. Hossain Imam has put forward a third criticism, that we are entirely in the hands of the mining interests. I shall deal with these three criticisms as briefly as possible.

In regard to conservation, Sir, I think Government's position is that we have not shut the door against any further action in this regard. The Statement of Objects and Reasons shows that—

“The Government of India feel that for the present at any rate the main objective of any proposals should be to secure the safety of the worker”.

And I think, in the course of my opening speech, I said that we would like to obtain some experience of how the arrangements for stowing for safety will work before we consider their wider application.

Then, Sir, my Honourable friend Mr. Sapru said : “Oh, yes, you say there are 29 recommendations and action has been taken on 17, but they may be the less important ones and some of those that you have considered you may have rejected”. I will give one or two instances of the action we have taken. I think he referred to the recommendation that the legal liability of owners and agents for methods of working should be made clear. We have rejected this recommendation for the following reason. Section 16 of the Mines Act provides that in the event of any contravention of any of the provisions of that Act or of the regulations, rules and bye-laws and any orders made thereunder, the owner, agent and manager of the mine shall each be deemed to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention : provided that the owner or agent shall not be so deemed if he proves—

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine ; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties ; and

(c) that the offence was committed without his knowledge, consent or connivance.

Presumably, the Coal Mining Committee thought that because of these three provisos, the people concerned would escape responsibility. We rejected this recommendation because we found that in fact they did not escape responsibility and therefore there was no need for an amendment of the Act.

He then referred to the question of amalgamation and adjustment of mining properties. Action on this recommendation will be taken after the main recommendations relating to stowing have been implemented.

I think Mr. Sapru also said : " What have you done about research ? " I would draw attention to clause 8 (7) (i) of the Bill which says that one of the objects is meeting the expenses in connection with the administration and the furtherance of the objects of this Act. Now, this particular provision does not exclude, in fact it allows, the financing of research in regard to safety. As to whether there should be research with a different objective like fuel research, that is a matter which we will take up subsequently. We have not lost sight of it and we have not rejected the proposal.

Then I think Mr. Sapru asked : " Why has a Labour representative been left out of the Stowing Board ? " The reply is that the Board will be mainly concerned with the administration of assistance towards any measures required to be taken by mine owners under order under clause 9 (3) of the Bill and it does not seem to be particularly necessary that miners should have a voice in the administration of assistance towards stowing. This will be the Governing Body of the Fund, having the spending of money. We did not think it necessary for the miners to have representation on this Board. But we have given miners representation on the Board which will deal with the question as to whether an order for stowing was or was not necessary. That directly interests the miner. We wanted to keep this Board as small as possible and that is the reason why we have restricted representation as far as we can. We had to give representation to the people who were putting up the money.

The Honourable Mr. Pantulu also spoke about conservation, but in that regard, I need not repeat what I have already said. I think he criticised Government for giving way to mining interests, who had shown, according to the Coal Mining Committee, an extreme individualistic psychology. I think that was the term. What happened before the Committee, I do not know. But surely, if the interests show a different tendency when the matter is laid before them by Government, we should not hold some previous action of theirs against them. I do not know if the Honourable Member has seen the replies of these three Associations, the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owners Association, which we got through the Provincial Governments, to our letter. Their replies were extremely critical of the proposals which we had made in that letter. As I said in my opening speech, we then summoned a Conference in January. To that Conference we put in essence the same proposals as we had put in our letter of July, to which we had received a whole mass of criticisms. The substantial acceptance of our proposals does not show that Government gave way to the mining interests. On the contrary I think it shows that the mining industry at last realised that Government were absolutely determined to do something in the interests of safety and that they were not going to give up stowing for safety because of this objection or that, and I think they were wise in coming to terms with us. I think it is the last accusation that can be made against Government that they

[Mr. M. S. A. Hydari.]

gave way to the mining interests. We showed a certain amount of consideration to them in return for the consideration they showed to us in making the passage of this measure easy. After all, it is not a small thing for an industry to agree to tax itself in the interests of the common good.

I do not know if I need deal with the remarks of the Honourable Mr. Hossain Imam—he is not here in the House—I do not think I really need go into some of his tirades against us. There are, however, some points in his remarks to which I would like to refer. He asked why Government had not put down in the Bill the quantum of help or the principles on which help will be given to the various mines, on whom orders have been served to stow. We considered very carefully whether it was desirable in a Bill which has to be in general terms to lay down details of what may be done in this circumstance or how much shall be given in that circumstance. On the whole, we came to the conclusion, after very considerable discussion, that it was better to leave matters to be settled by regulations which could be changed from time to time as circumstances arose. It was not due to any desire on the part of the Executive to arrogate to itself something which should be with the Legislature. It was purely a practical consideration.

Another point that the Honourable Mr. Hossain Imam made was that we were throwing dust into the eyes of people and that the levy even at the rate of 3 annas would not be sufficient to attain the objects in view. I do not want to be dogmatic on that point. Three annas may not be sufficient. However, the present calculation is that even a levy of 2 annas will bring us about Rs. 20 lakhs per annum. An annual income of Rs. 20 lakhs is not a small one. Why should we tax an industry from the very beginning up to the maximum limit till we have had experience whether the amount which we are raising is sufficient or not? We feel, and those who have practical experience agree with us, that to start with an annual income of Rs. 20 lakhs will be sufficient. If it is not sufficient, we might come again to the House to raise the cess. Even with 3 annas we have one anna to spare.

Another point which the Honourable Mr. Hossain Imam raised was why the railway collieries had decided to come into the scheme. It is not for me to answer that question. The railways are a commercial concern and I expect on the balance they found—I do not say balance of commercial advantage only but on a balancing of all factors—that it would be just as well if they came into line with the rest of the industry—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member repeat what he said on the last point? We could not hear him.

THE HONOURABLE MR. M. S. A. HYDARI : It is very difficult to understand what his grievance against the Railway was. As far as I could understand, he blamed them for undue generosity.

THE HONOURABLE MR. HOSSAIN IMAM : From our money.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Committee accused them of that.

THE HONOURABLE MR. M. S. A. HYDARI : I think I have traversed all the points which were raised in the course of the debate. There is only one further observation which I would like to make. I think the criticism was

made—I think it was Mr. Hossain Imam again—that in the reply to Mr. Satyamurthi, we did not state the reasons for accepting or rejecting this or that recommendation of the Committee. He will understand that in answering a question, one cannot go into pages and pages of reasons, but if that is the desire of the House, and if the Honourable Member will ask a question, I shall be happy to lay all the reasons which have actuated us in regard to each recommendation.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member accept a short notice question ?

THE HONOURABLE MR. M. S. A. HYDARI : The Honourable Member must know that there is no need for any urgency. I think an ordinary question will do.

THE HONOURABLE MR. HOSSAIN IMAM : There is no time for an ordinary question.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I commend my Motion,

THE HONOURABLE THE PRESIDENT : The Question is :

“ That the Bill to make further provision for safety in coal mines, as passed by the Legislative Assembly, be taken into consideration .”

The Motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 3.

THE HONOURABLE MR. P. N. SAPRU : Sir, I move :

“ That after item (v) of sub-clause (2) of clause 3 of the Bill, the following item be inserted, namely :

‘ (vi) One person nominated by the Central Government to represent the employees at collieries’ ”.

Sir, I have pointed out to the House the composition of this Board in my speech at the consideration stage and I shall not repeat what I said then. The point is that there is no representative of the employees on this Board. The main objective of the Bill is to provide for the safety of the worker, and therefore even in the administration of this cess the worker ought to have some representation. It has been pointed out by the Honourable Mr. Ramadas Pantulu that the Board is to consist of certain Mining Associations and representatives of those Associations refused to co-operate with the Coal Mining Committee. Now, Mr. Ramadas Pantulu has been a non-co-operator and he knows that non-co-operation these days pays. Non-co-operation means the Treasury Bench in the provinces these days, and therefore I was glad to get the support of one who understands non-co-operation, and I wonder why employees should have been left out. It has been said that the effective committee is that visualised in section 11 and the composition of that committee is satisfactory. Well, I do not agree with the view that the composition of the Committee under section 11 is satisfactory. It will consist of six representatives—

THE HONOURABLE MR. M. S. A. HYDARI : On a point of explanation, Sir, I did not say "the effective committee". I said the Committee in which workers may be said to be interested.

THE HONOURABLE MR. P. N. SAPRU : Well, Sir, in this Committee, this Board, the workers are interested also, because the profits of the cess will be used for sand stowing and sand stowing is necessary for safety. What more interest can a man have than his own life? The Committee is neither representative nor expert. The Mining Committee suggested an expert Committee. I personally think the Mining Committee was right in recommending that. But this particular committee is neither an expert nor a representative committee. It is a committee dominated by the non-co-operating section of the mining industry, and as a disbeliever in non-co-operation I think I must register my opposition to the constitution of this committee. I therefore, Sir, move my amendment.

THE HONOURABLE MR. M. S. A. HYDARI : I have already in my reply explained the reasons which prompted Government not to include a representative of the workers on this Board and I will not repeat these.

There are only two points of explanation which I would like to make. The Honourable Mr. Sapru says that we have given representation to the non-co-operating section of the industry. But, actually, these three associations comprise the whole of the industry. There is nobody else. So that it is not as if we have given representation to only a particular section.

Secondly, I do not see how in a body which will not raise the funds—because the funds are going to be raised by a duty of excise put on by Government—but a body allocating funds, I do not see what particular use—I do not say he would do any harm—a labourers' representative would be, and we wanted to keep the Board as small as possible.

Sir, I oppose.

The Motion was negatived.

Clause 3 was added to the Bill.

Clauses 4 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. S. A. HYDARI : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE MR. RAMADAS PANTULU : Sir, before I vote on this Motion, I would like to have information on one point, which I might perhaps have mentioned in my speech at the consideration stage. The Committee has recommended that the landlords should also contribute to the cess proposed by the Bill. In paragraph 268 of the Report they say :

"We are of opinion also that the landlords should contribute directly to the cess because the life of their properties will be increased, royalties will be paid to them on coal which would not otherwise be worked, and the State will, by controlling methods of working in various ways, assure the proper working of their mines".

They have also pointed out that the landlords are trying to shift their liability on to other shoulders, providing in leases that if the Government

imposes a cess then some other interest will pay it and not the landlord. In regard to that they say :

"It is most important also that, whatever may be fixed as the contributions which should be made directly to the cess funds by landlords, it should be laid down by law that this contribution will be payable by the landlords themselves irrespective of such terms in existing leases which say that any taxes, cesses, or other demands imposed by Government or any local authority in connection with the leased property will be payable by the lessee and not by the lessor".

What I wish to know is this. Under clause 12 there is a rule-making provision. Item (e) of sub-clause (2) of clause 12 says that rules may be made for "regulating the levy, collection and payment of the duty of excise; and the imposition, collection and payment of the duty of customs". I wish to know whether the recommendation of the Committee in paragraph 288 regarding levy of the cess from landlords can be brought under this rule-making power; if not, whether the Government have considered that proposal and whether they agree with it or not?

THE HONOURABLE MR. M. S. A. HYDARI : Sir, in the Bill as introduced
 1 P. M. in the Legislative Assembly there appeared a clause 10 which allowed for deduction out of royalties on account of stowing, but this clause was deleted by the Select Committee, because the Committee said :

"We feel that the proposal to make deductions out of royalty is not a practical proposition".

As a matter of fact even before the Select Committee stage, when this draft Bill was discussed by the representatives of the industry they themselves, though they stood to benefit to a certain extent, said it would be quite unworkable in practice, because of the number of landlords: it is not one landlord who is concerned in the case of a single mine but often there are many; and further the amount raised from them would be so small that it was not worth while to adopt the proposal. That is why when the Select Committee proceeded to delete it, we did not mind it.

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, in view of the trend of business in the other House, I suggest that it would be preferable for this House to meet at 5-30 tomorrow afternoon to lay on the table such Bills as may have been disposed of by the other House in the meanwhile.

The Council then adjourned till Half Past Five of the Clock on Saturday, the 15th April, 1939.
