

**Shri Paliwal:** I have no other option except to withdraw it. It is no use. *(Interruption).*

**Mr. Deputy-Speaker:** There are two amendments. Amendment No. 1 is by Shri Sidheshwar Prasad. He is not here.

**Shri Paliwal:** I have accepted the amendment already.

**Mr. Deputy-Speaker:** Still, I have to put it to the vote. He may accept it but the House may not accept it. I shall now put the amendment of Shri Sidheshwar Prasad to the vote. The questions is:

"The Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1963."  
(1).

*The motion was negatived.*

**Mr. Deputy-Speaker:** The other amendment is barred.

Now, has Shri Paliwal the leave of the House to withdraw his Bill?

**Several Hon. Members:** Yes.

*The Bill was, by leave, withdrawn.*

16.17 hrs.

#### MINES (AMENDMENT) BILL

*(Amendment of sections 12, 64, 66, 67, 70, 72C and 73) by Shri S. C. Samanta.*

**Mr. Deputy-Speaker:** The House will now take up the Mines (Amendment) Bill. One hour and a half has been set apart for this. Shri S. C. Samanta.

**Shri S. C. Samanta (Tamluk):** Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill further to amend the Mines Act, 1952 be taken into consideration."

I seek to amend sections 12, 64, 66, 67, 70, 72C and 73 of the Mines Act, 1952. I must express at the beginning that this is not a new measure. I have given the reasons, in the Statement of Objects and Reasons, which actuated me to bring this piece of legislation. It appears from the report about the working of the penal provisions of the Mines Act, 1952, that the courts have generally taken a very lenient view of the offences under the Act. Consequently, the enactment has not had the desired effect. Hence, these provisions have been proposed for prescribing the minimum sentence.

16.19 hrs.

[DR. SAROJINI MAHISHI *in the Chair*]

Opportunity has also been taken to amend section 12 of the Act so as to provide that the Mining Board meets at least twice a year and takes decisions speedily.

This is a thing which was expressed by the hon. Minister, Shri Nanda, while he moved for the amendment of the Mines Act in 1959. While he was moving and while he was replying to the Members of this House who were so viceferous against the increase in penalty, any increase in the fines and other things, they protested—he was adamant, and he put forward so many reasons for the proposals he brought before the House.

In the course of his speech, he said:

"Having observed the working of the Act, i.e., the Mines Act, and the outcome of the prosecutions according to the Act, has been felt that considering the serious nature of the risks involved and the stakes of a large number of workers engaged in the industry, it is very necessary that the sanctions should be strengthened—sanctions for more penalties."

You will be astonished to hear that at that time the penalties were proposed to be increased two-fold and

three-fold even and he defended that by saying these words.

In this respect, he gave some statements also. He said:

"But before I proceed to show what exactly is the perspective regarding the statistics about accidents, I may just draw attention to one very important fact. In relation to the question of penalties, I have a table here indicating the amounts of fine imposed in rupees. I have figures for 1954, 1955, 1956, 1957, 1958 and part of 1959, as far as I could obtain. There is a very striking revelation here. The figures show that the large bulk of decisions on the prosecutions resulted in fines of Re. 1 to Rs. 100. If you include fines from Rs. 101 to Rs. 200, that will possibly constitute the overwhelming majority of those cases. Then there are some cases between Rs. 201 and Rs. 300 and more. Above Rs. 500, there may be in the whole course of these six years not more than 8 or 9. Between Rs. 401 and Rs. 500, there are in all about 25 or so. Between Rs. 301 and Rs. 400 also, there is practically almost the same number and the rest are mostly below Rs. 200 and some between Rs. 201 and Rs. 300."

These are the figures about fine.

What about imprisonment? There is hardly any case of imprisonment of an owner or manager, the Minister told us. If that is the case that even by increasing the punishment in the form of fine and imprisonment, the condition as was apprehended by the Labour Minister at that time did not improve, it is the duty of the Government now to look to it. So, I have prescribed the minimum sentence of fine or imprisonment.

There are sections 64, 66, 67, 70, 72 (3) and 73. It will be found from

the body of the Act that in every case I have tried to prescribe the minimum sentence. There should be some minimum sentence. It should not be a fine of one rupee. Madam, you know how hazardous, how risky the life of a mine worker is. He is risking his life, he is risking accidents, and where the mine-owners or managers neglect the rules and regulations which may save the lives of miners, what is the fine that has been provided? Whatever may be the offence, how can it be a fine of one rupee? I am not saying this; it has been told by the hon. Minister in this House that the fine may be one rupee also. So it is our duty to prescribe this fine. It should have been the duty of the Government. They should have brought this enactment to prescribe a minimum sentence, a minimum fine and a minimum imprisonment. They have not done so. I have now brought it. It is the duty of the Government to accept. I am going to help them in this respect.

Madam, the other day, when a non-official Bill was accepted by this House I requested the Government that where the Bills that are brought forward by non-official Members have some demerits or defects the Government should call the Members and advise them how to do the thing. Sir, I accuse none. If there be any defect or any flaw in the Bill, why should not that have been detected by the Government earlier. If the Government now comes forward and says that my Bill has this defect or that defect and that is the reason why it cannot be accepted then what my hon. friend said just now that because this is a non-official Bill and therefore it cannot be accepted by Government will come true. I think Government has given thought over this matter.

**Shri Warior (Trichur):** The Government can bring forward amendments.

**Shri S. C. Samanta:** Let us wait and see what the Government says about it. Sir, in 1959, when the Mining Bill was being discussed, at that time I was against this penal provision and I asked why it should be increased two-fold or three-fold. I wanted that instead of increasing the punishment if the Government could spend some money on the training of the workers they would know how to avoid accidents and what are their duties and thereby the number of accidents will become less. When we were going to increase the period of incarceration and punishment, I said I was not against it but, at the same time, those who were the victims of accidents should be trained. I pleaded for training. I accepted the penal provisions that were brought before us, but, at the same time, I wanted training to be given to the miners. I would like to know from the hon. Minister what has been done since 1959 for the training of miners.

At that time, Shri Aurobindo Ghosal, while moving his motion for reference of the Bill to a Select Committee said:

"Even the hon. Labour Minister said in the Informal Consultative Committee that in 90 per cent of cases the magistrates impose very small punishments on the persons who violate mining regulations."

It was not contradicted by the hon. Minister. When he accepts it that the magistrates award small punishment for the violation of rules and regulations even when the life is in danger, I feel that we must prescribe a minimum penalty.

I apprehend some difficulty in this also. My lawyer friends might say that by this provision we are interfering with the powers of the judiciary. Especially when a layman proposes a Bill, they will come forward with such arguments. I would respectfully beg of them to consider another aspect. When we say in an

Act that the maximum punishment will extend to that much, are we not restricting the discretionary power of the magistrate to go beyond that? In every Act you will find it mentioned that the punishment will extend to so much fine or imprisonment. If that is not interfering with the discretion of the judiciary, why should it affect the discretion, prestige or independence of the judiciary when we fix a minimum limit also? I simply cannot understand it is a layman. Those friends of mine may feel that they are confronted with some difficulties in prescribing a minimum limit, but I find no difficulty. Though I have gone through many Acts, I have noticed that only the maximum penalty is prescribed everywhere. I would request the hon. Minister to consult the Law Ministry and accept this proposal, or let us know the difficulties they are faced with. I would rather request the House to consider whether the inherent power of the Legislature will not be interfered with if this provision is not accepted by the Law Minister. So, in my view, this is a simple Bill.

My next amendment relates to the Mining Board. According to section 12 of the Mines Act, the Mining Board has been formed. But what do we find? One year it sits and next year it cannot find time to sit. So, I have proposed by my amendment Bill that every Mining Board, constituted under this Act, shall meet at least twice a year, which is neither in the rules, nor in the regulations, or in the body of the Act. So, now they can do as they like; they may sit or may not sit. Therefore, I have proposed an amendment to section 12.

Last time we were told that we are very harsh towards the managers, towards the mine-owners. Still, I claim that there should not be intermediaries. We have abolished zamindari in the country. Why? Because, it is in our interests not to have so many intermediaries.

It is a fun to know that the owner of the mine can escape. The manager is the man who gets the punishment and not the owner. The owners pay much heavy amounts to the managers. When accidents and infringement of laws and other things come, the managers come forward and save the owners. So, however, strict provisions we may make—we may increase the period of imprisonment or the amount of the fines—the owners are left out. Therefore Government should consider this whether the intermediaries should not go. There should be Government or mine-owners and labour so that there will be no risk of accidents, there will be less accidents and there will be good relations between the workers and the owners and we will not have to increase the quantum of punishment in the Acts.

I think, I have expressed my feelings before you and the House which compelled me to bring forward this piece of legislation and I would request the Government and my hon. friends here to see that this is taken up by Government and is turned into action.

With this, Madam, I move.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Mines Act, 1952 be taken into consideration."

**Shri S. M. Banerjee:** (Kanpur): Mr. Chairman, I rise to support the Bill moved by my hon. friend, Shri Satis Samanta. The amendment of the Act which he has suggested is based on his vast experience which he had at the time when he acted as an assessor in the worst mine disaster known as the Chinakuri mine disaster. I have watched the various amendments put forward by him at the time of any discussion on the working of coal-mines and, I am sure, the hon. Minister who comes from an area where there are mines will accept this harmless amendment which, I am sure, is going to minimise, if not eliminate, the growing accidents in the mining area.

This morning in reply to a calling attention notice the hon. Deputy Labour Minister who is to reply to the debate said that two accidents took place in mines in the Raniganj area when in a particular mine Safety Week was being observed. The mine cage was overloaded—that is my information; I speak subject to correction—and naturally as a result of this overloading the mine cage hit the ground in a way that one worker was seriously injured and, I am told, two workers died.

**The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya):** In another accident and not that one.

**Shri S. M. Banerjee:** In another accident two workers died. Just before that there was another accident in Balihari mine where six workers, I am told, died. Now you will appreciate the sentiments expressed by my hon. friend, Shri Samanta, or by us when we discuss the various aspects of this Bill. We have discussed in this House as to how the conditions of the mine workers could be improved. Accidents have become a regular feature in these mines. The hon. Deputy Minister, while he addressed a conference in the Dhanbad area said something about safety measures. It was surprising that at the time when safety week was being observed in that particular area, these accidents took place. These are not the only instances. A proper analysis, a yearly analysis will reveal that accidents in the mines, whether major or minor, are on the verge of increase. The hon. Minister may deny and quote statistics. In the 7 or 8 days in that particular area,—Dhanbad area—nearly 5 accidents took place. What is the reason?

During the emergency, when the call was given by our Prime Minister and the Labour Minister, the mine workers increased production. I am told by the leaders of the mine wor-

[Shri S. M. Banerjee]

kers, who were here recently that they have increased production to the maximum. Taking advantage of the cold and callous attitude of the Mining Inspectors and the Labour Ministry,— I am sorry to use this expression— they started taking more work from the workers. They did not care about their fatigue and when the workers refused to work or expressed their unwillingness, reported the matter to the various unions and they were threatened with dire consequences that there will be dismissals or discharges. I want to know from the hon. Minister whether during the emergency, production has gone up, whether with the rise in production, accidents have also gone up. Actually, the mine-owners have been requesting the Government—I am sorry to use this expression—they are actually using bullying tactics and every time they demand a price increase. I was told in this House many times that at the time when price is likely to be increased by the Government, proper steps will be taken to see that wages also are increased and the working conditions also improved. Nothing has been done so far. Bi-partite and tripartite agreements have been openly flouted by the mine-owners without the least respect either to the unions or the Government and they are doing whatever they like. This can only be checked if the penal clauses are improved upon. Here is my hon. friend Shri S. C. Samanta who has moved certain amendments.

What are these amendments? Page 2, clause 3:

"In section 64 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

"shall be punishable with imprisonment for a term which may extend to three months but shall not be less than one month or

with fine which may extend to one thousand rupees but shall not be less than three hundred rupees, or with both."

In the same manner, he has also suggested certain other amendments. For the information of the House, I would like to read with your permission one or two more. In the original Act, the provision was:

"which may extend to two years or with fine which may extend to five thousand rupees".

The following shall be substituted:

"which may extend to two years but shall not be less than six months, or with fine which may extend to five thousand rupees but shall not be less than one thousand rupees".

In another amendment, he has also suggested "which may extend to one year but shall not be less than three months or with fine which may extend to Rs. 3000 but shall not be less than Rs. 1000".

These are the few amendments which the hon. Member has proposed to move in this Bill, and I am sure that if the hon. Minister is interested in seeing that the accidents in mines are minimised, if not eliminated, he should have no ground and shall have no basis to reject these amendments.

Another amendment which he has proposed in this particular Bill is this. He has provided here that every mining board constituted under the Act shall meet at least twice in a year. He has mentioned clearly that sometimes there is no quorum, and because there is no quorum, the meeting does not take place. So, there is no purpose in having this board. So, he has suggested a provision that provided that if there is no quorum at the adjourned meeting, all questions shall be decided by the majority of the persons present and voting. Now, what is the composition of this board? The composition of the board is that there are representatives, and there can be representatives of the workers. If there

are one or more registered trade unions having in the aggregate as members not less than one-quarter of the miners, the said persons shall be nominated by such trade union or unions in such manner as may be prescribed. I want to know from the hon. Minister how many Members are there on this particular board on behalf of the trade unions, that is, on the existing board which is known as the mining board, and whether the representatives of those unions which command the confidence of the majority of the workers have been taken on this board.

I am sure, that at present, taking advantage of this emergency, the mine-owners are not at all ready to discuss any matter across the table or round the table, with the result that there is a growing discontent in the mining area which is resulting in more accidents, and this may also result in many more accidents if proper action is not taken.

Since there are other hon. Members who would like to speak I would not say anything further except to say that I support this Bill and I hope that Government will not hesitate to accept this Bill which has come from Member who has had much experience in this particular matter and who has seen much disaster in mining.

**Mr. Chairman:** Now Shri Dinen Bhattacharya.

**Shri Mohammad Elias (Howrah):** I wanted to speak. Shri Dinen Bhattacharya has sent my name for speaking.

**Shri C. K. Bhattacharyya (Rai-ganj):** There is a Bhattacharya to your left and a Bhattacharya to your right also.

**Mr. Chairman:** It was Shri Dinen Bhattacharya whom I had called. If

Shri C. K. Bhattacharya wants to speak he will also get a chance.

**Shri C. K. Bhattacharya:** Thank you.

**Shri Mohammad Elias:** I congratulate my hon. friend Shri S. C. Samanta for having brought forward this Bill to amend the Mines Act. I need not speak much about the life and conditions of living of the mine-workers. The hon. Deputy Minister himself comes from this field, because he is a very experienced trade union leader of mine-workers and he himself knows very well what the conditions of the miners in our country are. In our country, the conditions of the miners most probably are the worst in the world. I have got my personal experience of the life of the mine-workers in other countries. Recently, I visited Czechoslovakia and I had an opportunity to go to the mines and see the life of the miners of Czechoslovakia. There, day and night, the authorities are working on how to prevent accidents in the mines, and it is only on a rare occasion that accident takes place in those countries. You will be surprised to hear that in regard to the salaries and other things, the highest paid workers are the miners in Czechoslovakia. They are given even more salary than what a Minister of that country would get. But as far our country, the position is well known, and I am not going to discuss the question of wages and other things in any detail now. But with regard to safety measures, in our country the employers never observe those measures. All the time, they violate the minimum safety measures which are there. If I had drafted this Bill, I would have proposed a more severe punishment for employers because they are responsible for the death of hundreds of miners of our country. But in the provision which my hon. friend has made, he has taken a lenient view and has proposed only a little enhancement in the punishment. I hope the hon. De-

[Shri Mohammad Elias]

puty Minister will not hesitate to accept this minimum amendment.

I would here draw the attention of the hon. Minister to the functioning of the board of inquiry, the mining inspectors' office. Hundreds of complaints are being received by Government regarding the functioning of the mining inspectorate.

16.52 hrs.

[MR. SPEAKER in the Chair].

These people go to the mines. I do not know what happens in their office. After inspection, they come to the office. They have some talks with the employers and the inspectors remain silent. They do not take any action against those employers, knowing full well that very soon there would be a major disaster or accident. Even knowing all that, the inspectors do not take any action against the employers.

So it is necessary to overhaul the mining inspectorate. There should be some measures devised to ensure the proper functioning of the inspectorate so that accidents can be prevented.

At the same time, we would like to know from the hon. Deputy Minister what particular measures are being taken in the research section of the mining industry to prevent accidents in our country so that we may understand that Government is doing something in that regard.

With regard to representation in the Mining Board, it is provided in the Act:

"if there are one or more registered trade unions having in the aggregate as members not less than one-quarter of the miners, the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed".

This is very much necessary because if the representatives of the workers are not represented on the Board, the inquiry cannot be conducted properly. Here although there is some provision in the present Act to the effect that the Government can appoint any trade union representatives in the Board, sometimes we find that inter-union rivalry stands in the way. That is why many real representatives are not taken on the Board. So I would request the hon. Deputy Minister to see that the real representatives of workers are taken on the Board and that inter-union rivalry does not come in the way of that being done.

With these words, I support the Bill. As I said in the beginning, the hon. Minister has himself got vast experience about the life of the mining workers and I hope he will not hesitate to accept this small amendment to the Act.

**Shri C. K. Bhattacharyya:** I was much impressed by the emotion and fervour with which my hon. friend, Shri S. C. Samanta, was moving his Bill. Usually, he is not given to emotion, but in this case when I found him speaking with such emotion, I thought he must have felt the dire need of moving a Bill like this. In fact, the provisions of the Bill as drafted here do not make any change in the Act itself, so that it should not be difficult for the Government to straightaway accept it. In fact, what he does is to prescribe a minimum sentence in every case. I have gone through all of them. Whenever there is a penalty clause provided, instead of merely stopping with the statement that the penalty may extend to a certain term of imprisonment or a certain amount of fine, he has prescribed the minimum, he has stated not less than this term or this amount of fine.

From this I feel that a close student that he is of the mines, their working, their difficulties and the difficulties of the workers, he must have

felt that the mining law as administered by the courts is not sufficient to prevent what the law intends to prevent, because the penalty imposed on the breakers of the law is not such as would deter them from repeating what they did. That is why he has prescribed in this Bill the minimum penalty that should be there in the penal clauses of the Act.

But at one place I believe he has missed providing a part of it. In amending section 73 which says, "for a term which may extend to three months or with fine which may extend to one thousand rupees", he merely makes the minimum term three months, but does not amend the portion relating to fine. There also the minimum fine should be prescribed as not less than Rs. 300, as he has done in other cases. If the Government is of a mind to accept the Bill, they may fill in this lacuna themselves.

There is another clause which amends section 12 of the Act. It only provides that the Mining Board should meet at least twice a year. I have not the experience of my hon. friend Shri Samanta to know what the Mining Board does, how long it meets, whether it meets or not, whether at its meetings it does any effective work. But he has made provision for a quorum and stated that in the case of a second adjournment, the decision should be taken by a majority of those present and voting. From this I believe that what the Mining Board does is that it meets and for want of quorum it adjourns, and no work is done. I believe that is what he wants to prevent. That is why he has provided that if there is no quorum the meeting shall be adjourned, but added another proviso that if there is no quorum at the adjourned meeting, all questions shall be decided by a majority of the persons present and voting. When the Mining Board meets, it should do some effective work as enjoined upon it by law. That, I believe, is the intention of the Bill. There is nothing in the intention or

in the provisions of the Bill which would put any difficulty in the way of the Government accepting it and putting it into effect.

17 hrs.

**Shri K. N. Pande** (Hata): Mr. Speaker, Sir, whatever may be the wording of the Bill which has been introduced by Shri Samanta, the purpose for which he has brought forward this Bill is justified. Serious accidents are taking place in the mining areas. That shows that the present Act is not competent enough to punish the responsible persons or it is not being implemented well and properly. To remove this, this Bill has been brought forward. I fully agree with Shri Samanta that effective measures are needed. We know that the workers have to work under the earth in order to have coal or any other thing from mines. They are surrounded by danger at every step and much more protection should be given in order to safeguard their interests and their lives. If Government finds it difficult to accept this Bill, they should see that the present Act is implemented in such a way that the workers' interests are served. That will serve also the purpose of the hon. Mover. If the present Act is not enough to meet the requirements of the workers, the Ministry should bring a comprehensive amendment so that these dangers may be avoided. I have seen coal mining areas myself; sometimes 20—40 people die under the earth. Often roofs collapse and the Government say here that they are taking every possible measures to stop these things. So, something has to be done in this regard. The Mover deserves our support. Maybe, some technical difficulty is there for the Ministry to accept it or not to accept it. But I hope they will take into account the proposal made in this Bill and they will bring forward a comprehensive amendment taking all these factors into account.

**Shri R. K. Malviya:** Mr. Speaker, my hon. friend, Shri Samanta has sought to amend the Mines Act with respect to two sets of problems. He finds some difficulty in the procedure and he seeks to add certain amendments to section 12 of the Mines Act. Other part of the amendment deals mainly with penalties. My hon. friend wants minimum penalty to be fixed. My hon. friend has probably forgotten that along with the Act there are also rules framed under the Act which cover provisions for all the amendment to section 12 of the Act.

I will take first the clauses one by one and will try to explain that every one of the provisions which he seeks to incorporate through the amendments is already present in the rules, and sometimes it is present in a better form and provides a better relief. I will draw the attention of the House to the rules which have been framed under Chapter II of the Act which deals with the Mining Board. My hon. friend wants in sub-clause (a) that "every Mining Board constituted under this Act shall meet at least twice in a year." I will draw his attention to rule 11 of the Mines Act which reads as follows:

"The Board shall meet at such places and times as may be appointed by the chairman."

So, there is no restriction on the number of meetings which may be held by the Mines Board during the year. My hon. friend wants to restrict it to two meetings a year.

**Shri S. C. Samanta:** At least two in a year.

**Shri R. K. Malviya:** Then it meets his requirements. There can be more than two meetings also. So, rule 11 meets the requirements of my hon. friend. It gives full scope to the chairman to call any number of meetings during the year.

**Shri S. C. Samanta:** In spite of this rule, the Board is not sitting, as a matter of fact. So, I have been forced

to specifically mention that at least two meetings should be called. The chairman has the power. But he is not calling. That is the position. So, I have brought this amendment.

**Shri R. K. Malviya:** The amendment of hon. Member in sub-clause (b) is as follows:

"The chairman or, in his absence, any person chosen by the said persons shall preside at a meeting of a Mining Board."

I will draw his attention to rule 13 of the Mining Rules. It reads thus:

"The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent from any meeting, the members present shall elect one of them to preside over the meeting and the member so elected shall at the meeting exercise all the powers of the Chairman."

**Dr. M. S. Aney** (Nagpur): Who will convene the meeting? Who has got the right to convene the meeting?

**Shri R. K. Malviya:** The chairman. The members can approach the chairman; they can write to him and press him to have a meeting.

Then, sub-clause (c) of clause 2 of the amending Bill reads as follows:

"All questions at a meeting of a Mining Board shall be decided by a majority of the votes of the persons present and voting."

I will draw the attention of the House to clause 15, (2), (3) and (4) of the Mining Rules.

Rule 15 reads as follows:

"(1) Every question referred to the Board by circulation of papers shall, unless the Chairman in pursuance of sub-rule (2) of rule

10 reserves it for consideration at a meeting, be decided in accordance with the opinions of the majority sending their opinions within the time allotted.

(2) All questions referred to a meeting of the Board shall be decided by a majority of votes of the members present and voting on that question.

(3) In the case of equal division of votes or opinions, the Chairman shall exercise an additional vote or opinion.

(4) Any member disagreeing with the decision of the Board may enter a note of dissent, which shall form part of the record of the proceeding."

So, the majority decision which the hon. Member seeks by the amendment is already provided for under rule 15. Over and above that, there is provision even for record of the minutes of dissent. I feel that this meets the requirements of the amendment which is sought by my hon. friend.

17.12 hrs.

[MR. DEPUTY-SPEAKER *in the Chair* ]

Clause 2(d) of the amending Bill reads:

"(d) The quorum to constitute a meeting of a Mining Board shall be, as near as may be, one-third of the total number of the said persons;"

I draw attention to rule 14, which reads:

"No business shall be transacted at a meeting of the Board unless at least 4 members are present. Provided that at any meeting in which less than 4 members are present, the Chairman may adjourn the meeting to a date not less than 14 days later and inform the members present and notify

the other members that he proposes to dispose of the business at the adjourned meeting, irrespective of quorum and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending."

So, there is provision of quorum. I may also point out the advantage which this clause has got over the amending Bill. The amendment seeks a quorum of one-third. The Board is generally constituted of 7 members, out of whom 3 are Government representatives, 2 are representatives of the workers and 2 are representatives of the employers. If the quorum is provided in accordance with the amending Bill, it would come to 3 persons. In that case, the Government members alone can form the quorum and take decisions. But in making a provision for 4 persons, even if all the 3 Government representatives attend, there must be at least one representative either of the employers or of the workers. Without them there cannot be any meeting. So, this is an added advantage under this clause. So, I hope that the provision which has been made in the rules is a better provision than what is sought by my hon. friend in the amending Bill.

So far as clause 2 is concerned, the provision to cover all amendments is there already in the mining rules and it serves all the purposes for which clause 2 of the amending Bill is sought to be made.

Now, Sir, clauses 3 to 8 seek amendment of sections 64, 66, 67, 70, 72C and 73 of the Act which provide for penalties. These sections deal with offences such as falsification of records, omission to make or furnish plans, returns etc., required under the Act, contravention of the provisions regarding weekly rest day, hours of work etc., failure to give notice of accidents, contravention of laws resulting in loss of life or injury and contravention of provisions for which no specific

[Shri R. K. Malviya]

penalty has been provided in the Act. What my hon. friend has suggested is to provide a minimum punishment under these sections. My hon. friend is feeling that the purpose of the Act will not be served unless a minimum penalty is provided. Our experience has been the same. Under the previous Mines Act, when we found that the higher penalties were not being imposed upon the defaulters, in 1959 we sought to amend the Bill. The feelings that were working then are contained in the quotations which my hon. friend has made from the speech of the hon. Minister, and we brought about the amendment by the Act which came into effect from 15th January, 1960.

After the amendment, a study of the cases has been made and the decisions which we have examined show that the penalties awarded by the courts are very much lower than the maximum permissible under the Act. I confess that there is justification in what my hon. friend Shri Samanta has said, and the Government themselves are thinking of bringing forward a Bill to amend the Act in certain respects including the provisions for a minimum penalty after due consideration.

I may, however, submit that the Government has adopted a certain procedure which we follow before bringing any labour legislation. There is hardly any labour legislation on the statute-book which has not been enacted after consultation with the representatives of the workers and employers. We hope to call a meeting of the tripartite committee of the workers and employers where we will consider all the amendments to the Mines Act, which cover a wide range, including penalties, and after due consideration a comprehensive amending Mines Bill will be brought forth by Government. In these circumstances, I feel that the wishes of not only my hon. friend, but of those other

friends and of labour in general will be adequately met.

Certain other observations have been made by my friends with regard to training and the steps which are being taken by Government to reduce the number of accidents. I may submit that the Government is very much alive and alert to accidents and it has considered various measures for training the miners, including education and propaganda, so that the rate of accidents may go down.

**Shri P. R. Chakraverti** (Dhanbad): Sir, on a point of information. Is there any idea of introducing deterrent punishment for deaths resulting from these accidents?

**Shri P. K. Malviya**: I have already said that the penalties will be considered when we are going to amend the Act, and they will include accidents by deaths also.

I was talking of the training. So far as training is concerned, we have already taken a decision and statutory rules are being framed, making it obligatory on mine management to provide vocational training for workmen. The draft rules will be published for comments very shortly. Besides the coal mines a new code of safety regulations for all mines is being framed. The code has already been drafted and it will be published shortly.

There have been some comments about safety. There have been accidents which could not be avoided. Even then, though it is not a matter for very great satisfaction, it is of some consolation that the rate of accidents has gone down comparatively.

**Shri S. M. Banerjee**: Has it gone down in 1963?

**Shri R. K. Malviya**: 1963 figures are not available with me.

**Shri S. M. Banerjee**: How do 1962 figures compare with those of 1961?

**Shri R. K. Malviya:** They are almost the same.

**An Hon. Member:** Then, it has not gone down.

**Shri R. K. Malviya:** There is reduction in comparison to 1960. Also, the figure has also gone down very much in comparison with 1951 to 1955, when it used to be 94 per thousand. In 1961 and 1962 it was 65.

**Shri S. M. Banerjee:** How does the 1962 figure compare with that of 1961?

**Shri R. K. Malviya:** It is the same.

**Shri S. M. Banerjee:** Then, it seems it has not gone down.

**Shri R. K. Malviya:** It is 65 per thousand I am glad to state that the Government have announced the constitution of a National Council for Safety in Mines with the main objective of providing all sort of safety for the mine workers. This will come into force very soon and will operate. So far as the main Bill is concerned, I have already replied and I will request the hon. Member that under the circumstances which I have narrated he may kindly withdraw the Bill.

**Dr. M. S. Aney:** What arrangements are there for training?

**Shri R. K. Malviya:** I have just now said that statutory rules are being framed making it obligatory on mine management to provide vocational training for workmen before they enter the mine. The draft rules will very soon be circulated for comments.

**Shri S. C. Samanta:** Who will bear the expenses?

**Shri R. K. Malviya:** That will be decided.

**Shri S. C. Samanta:** I am glad and, I hope, all the hon. Members of the House will be glad to know that Government has decided to amend this Act again. I think, when Government is going to amend the Act further, not only these penal provisions but other things also—I mean, the opinion of the general public, specially trade unions—should be taken into consideration to see how the amended Act of 1959 has worked so that Government may bring forward another exhaustive amending Bill which will be fruitful for the country and for the industry.

**Shri R. K. Malviya:** In the tripartite meeting it will be considered. That will include representatives of trade unions.

**Shri S. C. Samanta:** I would request the hon. Minister to bear in mind the points that I have made out so that they may also be included. I was also feeling diffident because I had brought forward the amendment of some penal sections only. There are other penal sections also which should be included. So, we are thankful that Government has decided this and I would request the House, through you, to permit me to withdraw the Bill.

**Mr. Deputy-Speaker:** Has the hon. Member the leave of the House to withdraw the Bill?

**Some Hon. Members:** Yes.

*The Bill was, by leave, withdrawn.*

17.28 hrs.

INSURANCE (AMENDMENT) BILL

(Amendment of section 31A and 40C)

Shri Indrajit Gupta

**Shri Indrajit Gupta** (Calcutta South West): Mr. Deputy-Speaker, Sir, I beg to move:

“That the Bill further to amend the Insurance Act, 1938 be taken into consideration.”