

There was a request made by Shri Nand Lal Sharma that his Bill regarding the prevention of cow-slaughter should be upgraded from B to A. A similar bill was brought by Seth Govind Das and it was discussed in this House sometime back. The House has already expressed its opinion, and so the discussion of the same Bill and spending time on that was not thought to be necessary. Therefore, it was put under B category. A request was made by him again sometime before that it should be upgraded from B to A. But that was rejected on the ground that I have already stated, namely, that the same Bill was discussed in this House. He has again made the request. No additional ground is there for taking the Bill from B to A. It has already been consigned to category B, and there is no necessity to upgrade it from that category.

**Mr. Chairman :** The question is :

"That this House agrees with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th May, 1956".

*The motion was adopted.*

#### INDIAN PENAL CODE (AMENDMENT) BILL\*

(AMENDMENT OF SECTION 494)

**Shri S. V. Ramaswamy (Salem) :** I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

**Mr. Chairman :** The question is :

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860".

*The motion was adopted.*

**Shri S. V. Ramaswamy :** I introduce the Bill.

**Mr. Chairman :** Shri M. L. Dwivedi is absent. We shall pass on to the next business.

#### MINES (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 33 AND 51)

**Mr. Chairman :** The House will now resume further discussion of the motion moved by Shri T. B. Vittal Rao on the 4th May, 1956 :

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

Out of 1½ hours allotted for discussion of this Bill, 29 minutes have been taken up on the 4th May, 1956, and one hour and one minute are still available. Shri T. B. Vittal Rao will continue his speech. He has already taken 29 minutes and so he will be brief.

**Shri T. B. Vittal Rao (Khammam) :** The other day, I was narrating at great length the working and living conditions of workers in the mines. There is an invidious distinction even in the present Act, with regard to two categories of workers. While the monthly rated workers get 14 days of annual leave with wages, the daily rated workers are given only 7 days. So, by the amending Bill, I seek to remove this distinction. Even the grant of this facility is conditional. During the whole year the workers in the mines should not go on any illegal strike. Even if they go on an illegal strike for an hour, what they have earned during the whole year through hard work is taken away. Such is the position in the Mines Act.

I have brought this Bill before the House because today there does not exist any other forum for representation. For instance, we have got various committees in the Ministry of Labour. The various industrial committees which have to meet regularly do not meet regularly. This is due to the inefficiency of the Ministry of Labour. These committees should meet regularly according to the International Labour Organisation's directions and instructions, especially when we are a member of that organisation. But we are not carrying out those regulations. If we take the industrial committee on mines, it has not met since 1952. Four years have elapsed, but there is no meeting. There are several problems which we could have thrashed out in a tripartite meeting and we could have tried to improve the working and living conditions of the miners.

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[Shri T. B. Vittal Rao]

Another indifferent attitude shown by the Ministry of Labour is in regard to the recommendations that have been made by the courts of enquiry which have been appointed to go into the Amlabad explosion and the mine disaster in Parasia, where 122 workers were killed. The court of enquiry in regard to the latter, after a thorough enquiry, have recommended that a high-powered commission should be appointed to go into the safety measures in the mines. But up to this day, no action has been taken. The report was submitted ten months ago by the Sen Court of enquiry. The Jamuar Court of enquiry submitted its report last September, and the recommendations have not been implemented. We are given to understand by the Ministry that they have accepted the recommendations but that they have not been implemented.

How far we lag behind the other industrially developed countries in the matter of production will be realised when I quote some figures now. While we produce only 38 million tons of coal in India, in the United States of America they produce 458 million tons annually, which is 12 times more than ours. In the United Kingdom, they produce six times more. In Germany,—such a small country—it is 123 million tons, which is three times ours. In the USSR it is 391 million tons, which is ten times more than ours. In Poland it is 84 million tons. In China it is 80 million tons, which is more than double that of ours.

If you look into the production of gold, the USSR produces 10 million fine ounces of gold. In the Union of South Africa, they produce 15 million fine ounces. So, in order that we develop our mineral resources and catch up with these advanced industrial countries, there is great necessity and immediate urgency to improve the conditions of the miners. Until and unless you improve the living conditions and the working conditions of the miners, you are not going to induce them to work for the production which you want to achieve. There is a chapter in the second Five Year Plan on minerals. It is stated there that the way in which we exploit the mineral resources in the country and the way in which we utilise those resources are the indicators for the economic development of our country. So, I earnestly urge our Minister for Labour who has been a veteran trade union leader to accept this amending Bill.

Today advantage may be taken by the employers and the Government because we are disunited. There are many workers not organised and there are two or three federations. But, the time will come when we will be united. We are uniting the working class and they will not tolerate this intolerable condition any longer. Therefore, I urge upon the Government to do something quickly. I expect the Government which has as its sole objective a socialist pattern of society to accept the small amendment I have brought in. With these words, I commend my motion to the acceptance of the House.

**Mr. Chairman :** Motion moved :

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

**Shri H. N. Mukerjee** (Calcutta North-East) : I commend this Bill to the House with all the earnestness at my command. The Bill does not ask for any revolutionary change, but noly for certain facilities for our mine workers that appear to be very much more than overdue.

The work of these employees in the mines is, as everybody knows, hard as well hazardous and it is a tale of daily heroism, unostentatious but very real heroism, that comes from these mines. For those greathearted toilers, six lakhs of them, who go down to the bowels of the earth and collect treasure of which they only get a most infinitesimal part, and which often goes to fill foreign pockets, the Bill provides that instead of seven days' leave in the year, they should have a month and that when they work over-time on the surface, they should, like factory workers, get double their normal wages instead of 1½ times. This, therefore, is a very modest Bill which makes to our Government a very reasonable request which can be satisfied with very little effort on their part.

In this House we often hear learned legal arguments about discrimination. But I am sorry that the services of our legal luminaries, of whom there are so many in this House, are not so much at the disposal of the toiler as they are at the disposal of the tycoons in difficulty over some half-hearted social legislation. In regard to annual leave with pay and in regard to over-time, the minor gets less than the workers in factories and even in the plantations. Not

that conditions in the factories and the plantations are satisfactory—they are gloomy enough—but even so, the minors are at a disadvantage in comparison with them and the Bill only seeks to correct the anomaly.

The mover has made on the last occasion as well as today a characteristically well documented speech. He has shown how in regard to wages, hours of work, provisions for safety and amenities available to miners, compared to all go-ahead countries, we are very far behind. He has shown how in respect of the recent boom in the coal industry—it is not for nothing that the coal mine-owners are fighting tooth and nail against nationalisation—the worker has not only not profited from it, but today he gets as real wages less than in 1926, not to speak of 1939. Mr. Vittal Rao has also referred to the loot which has been going on for years now in Madhya Pradesh over our manganese ore. He has drawn our attention to the conditions in the Kolar Gold Fields, an El Darado for foreign capital which sticks like a leech to its arena of exploitation. He has reminded us of something of that grimness that overpowers this House from time to time, every time a mine accident is reported to us, and of the fact that the accident rate, both fatal and serious is nine times greater than in factories and has increased from .79 per month in 1947 to .90 in 1951 and 1.19 in 1954. We know how labour protection laws are haphazard, inadequate and often unenforced in our country. We have found out in this House from time to time how inspection of mines is sometimes an irony as far as workers are concerned. We have been told in Parliament that moneys allotted for the construction of residential accommodation for miners very often lapse and we know how owners get out of the obligation of constructing habitations for their workers by paying a few hundred rupees as fine for non-compliance with the law. The House knows how the miners continue to be treated, like the majority of our country's toiling population, as subhuman beings. This Bill, therefore, only asks for a few crumbs and I ask Government not to respond with stones. Surely, the miner can expect a Government which is proceeding with pompous proclamations about the socialist pattern of society to allow him a few more days of rest, of recuperation and recreation and at least as much over-time as other factory workers get.

I may also refer to a point which I wish us all here to bear in mind. A considerable proportion of our miners belong to what are called aboriginal tribes, the adivasis of our land, people who have to toil through the millennia to build the concrete base of our civilisation, people who have evolved their own charming forms of culture, but who have lived, as it were, beyond the pale of Indian life; they have been treated at best with a sort of superior indifference and at worst with callous contempt. But, like all who work to keep the world going, they are the salt of the earth. If today when Government talks glibly of the socialist pattern of society, we cannot even give them the barest minimum of what they badly need, it will be a shame for Parliament and for the country. I feel, therefore, that in regard to this Bill, Government is on its trial. It is a very simple Bill and if Government is on its trial, Government can get out of it with flying colours. How long will you just talk socialism and every time the workers' interests are represented, reject them as misguided or unnecessary or motivated by party considerations? Therefore, I ask—the Labour Minister is not here, but his Deputy is here—Government to come forward and to make a gesture, which it would not cost the Government very much to do. Government can make this gesture very easily; Government can afford to do it. That is why I earnestly appeal to Government to come forward and accept this Bill.

It may be that the principle of the Bill is accepted by the Government. It may be that Government may take over the Bill and bring it in as a Government measure. That would be the barest act of justice which we can and should do for the miners of the country.

**Shri N. Sreekantan Nair** (Quilon *cum* Mavelikkara): Sir, it would have been much better if we knew the reaction of the hon. Minister to the suggestions. If he intends to accept any portion, it would have been much better. Anyhow, now that you have allowed me to continue the talk, I would like to make a few remarks on this small Bill.

The Bill relates to two kinds of discrimination. One is discrimination between a factory worker and a mine worker. It has been pointed out that a factory worker is not living in bliss, certainly not enjoying his life even as workers in other countries do.

[Shri Sreekantan Nair]

But, the coal miner, whether coal miner or gold miner, whatever he is, in spite of the fact that coal is dirty and gold is attractive when finished, is entirely in the most harassed position. He has to do a very hazardous job, has to go underground and fight the elements of nature, with all the callousness of the mine owners, with all the callousness of the supervisory and governmental staff, and get killed or get injured, and when alive earn a pittance. These mines generally are run by big vested interests who have got the Government—especially the State Government—in their control. You would be surprised to hear certain facts. I had gone to Dhanbad area in Bihar and even as a Member of Parliament, I was in danger of my life when I went to these areas. I am speaking honestly when I say that rowdies or goondas and the police are in league and the police department of the Bihar Government is cent per cent. behind these employers. There have been several letters which I wrote to the . . . . .

**Shri Abid Ali :** It is very unfair on the part of the hon. Member to refer to the action of the Bihar Government and the Bihar police. I have no information about that. They are not here to defend themselves. Therefore, this reference is not proper.

**Shri N. Sreekantan Nair :** I only casually mentioned . . . .

**The Deputy Minister of Labour (Shri Abid Ali) :** It has been so ruled previously on many occasions . . . . .

**Mr. Chairman :** I am not sure whether it is absolutely barred under any point of order. It is a general statement. If a specific statement is made, I would have asked the hon. Member to produce some sort of evidence. But, general statements it is very difficult to bar absolutely. But, anyhow, objection has been taken by the hon. Minister. The hon. Member . . . . .

**Shri N. Sreekantan Nair :** I was narrating my own experience only in a general way. No accusations against any officer or Minister.

**Mr. Chairman :** General statements, it is very difficult to understand.

**Shri N. Sreekantan Nair :** I can understand the objection of my hon. friend over there. I sympathise with that and I shall not proceed on these lines.

I wanted to point out that the life of a miner is much more hazardous and much more difficult, but his remuneration is comparatively less than an ordinary factory worker. But, he is differently treated in the matter of leave. He is doing the most hazardous work on a lesser pay, and he is not getting as much leave as a factory worker. That is one aspect. Another aspect is the differentiation between the monthly paid staff and daily-rated staff. This invidious distinction has been the bane of our industrial life. In every industry workers come forward with the demand that they must be monthly paid. That demand by itself is not a very illegal one. That would be something good to them; at the same time, we find it very difficult to press their demand. Because they are not monthly paid workers, they are undergoing a lot of suffering. Their services are to be recognised, their tenure should be fixed and all the privileges that accrue to the monthly workers must be given to ordinary workers also. Unfortunately, because of the question of leave and other amenities, the distinction between daily-rated staff and monthly paid staff is creating a lot of trouble for the trade unions, for the employers and for the Government.

Why should this invidious distinction be continued? Why cannot some more fixity of tenure be granted to these workers? Why not the same kind of leave be granted? Those who do less physical work, much less dirty work than these labourers, get much more leave. Why? In the context of leave, a mistake conception regarding leave has been created, that production will go down or the annual output will be less. That is not the case. There may be some additional expenditure involved. But, the leave is utilised by the worker to recoup his health, so much so, he becomes rejuvenated with greater health to carry on his work. Then, production improves. Suppose one month's leave is given to every worker, naturally one-twelfth of the total number of workers will have to be recruited. So that, the cycle goes on and the continuous work goes on. There is no loss of production. Only a slight increase in the cost of production will be there. That must be undertaken certainly to keep the working classes fit and to maintain them and to make life safe for them. Otherwise, after one or two generations, we may not be able to find workers. We must maintain these working classes so that in our expanding industries in the next Five Year

Plans, we may have a more and more strong body of workers to build our nation.

As regards overtime, I for one would never wish any worker to do any overtime. They are paid double or  $1\frac{1}{2}$  wages as the case may be. In the factories, they are paid double rates. A miner, if he goes underground, if he takes the risk of his life, he is paid double wages. If he works on the surface, he gets only  $1\frac{1}{2}$  wages. In the factory, the worker does not go underground, but he gets double rates. The miner should get as much as the factory worker gets. I do not understand this distinction as to why he gets a lesser amount. As a matter of fact, why should a worker do overtime work when all his energies are taken away, when almost he is like a man in sleep after 8 hours of work. Why should he continue to work? Because the employer wants something urgent to be done, wants to exploit him still more. He must be paid to compensate for the additional physical strain and for the additional mental strain he has to undergo. That is why the Parliament in its wisdom decided that he should be paid much more, double rate in the factory. That amount should be paid to the miner also. This is the argument in favour of the amendment.

I would make a general proposition to the hon. Minister. He himself must have realised these difficulties and what havoc these differences between monthly paid workers and daily-rated workers are causing to the working classes in this country. At least as a beginning, I hope he will accept this small amendment in the Bill. The work is done by the real miners. They must get as much benefit as the white-collared people or other sections of the monthly paid staff who do not actually put in physical labour, get. At least, let us make a beginning. Let us bring the monthly paid staff and the daily-rated workers on a par in the matter of leave. I hope that if this is conceded, my hon. friend Shri T. B. Vittal Rao may probably be willing to bring down 30 days to 15 days' leave for both. I hope the hon. Minister will at least agree to my suggestion and accept this small Bill regarding the question of leave and overtime wages.

4 P.M.

**Dr. Jaisooriya (Medak)** : I wish to support this amendment which Shri Vittal Rao has brought in for two reasons. There is no uniform law as applicable

to all the coal mines. There are small coal mines, big coal mines. Some are very badly run, some are fairly well run.

There are two things I have noticed. The shift of eight hours of a worker is not calculated in some coal mines from the time the man reports himself at the pit-head to the time he returns to the pit-head, as it should be. Very often he has to go down a shaft and proceed as far as one mile or  $1\frac{1}{2}$  miles, and then his eight hour shift is supposed to begin, so that actually he does not put in only eight hours, but much more than eight hours. That is now not noticed. That is one point.

Secondly, the British coal mining industry is one of the most backward in Europe. It has not yet mechanised as is the case, for example, on the Continent or in America or even China, and the health problem of the coal miners or those who work underground is not paid that attention as, for example, is done in China and Russia. For instance, it is a law in Russia and also China that nobody should be underground for more than six hours. In heavy chemical industries, poisonous chemical industries, nobody should work for more than four hours. That is counted as a whole day. In our socialist pattern of society about which I have just been reading, a lot of fine, pious resolutions and proposals are being made. They are pious wishes, but we can translate them into reality. I think our Second Five Year Plan has already begun, is it not?

**Shri Kamath (Hoshangabad)** : The period has begun, not the Plan.

**Dr. Jaisooriya** : A very good thing. Let us start straight off with this proposal and make these pious wishes a reality. We are going to discuss it long and broad, but here is a simple proposition. I am going to judge this Government's sincerity, whether it means really something serious with this fine Second Five Year Plan, by the test whether it is going to reject Shri Vittal Rao's proposal, a mild, simple proposal, or not. From today I will judge your *bona fides* by the test whether you accept it or reject it.

The life of the coal miner is much shorter due to silicosis and anthracosis which generally fill the lungs and make him susceptible to tuberculosis and other diseases. And therefore, in China and

[Dr. Jaisoorya]

Russia they are forced to go to a health sanatorium every year, fully paid. Is there any such thing here? The hon. Minister has disappeared.

**An Hon. Member:** There is another Minister standing over there.

**Dr. Jaisoorya:** Is there any such health resort here where it is compulsory for coal miners or those working underground to go at Government expense to recuperate their health? You are not going to give him a sanatorium. At least give him one month's leave to go and recuperate his health. What is wrong with that? What is stupid about it? What is criminal about it? You do not want this, you do not want that, and then you give me a summary so big with pious wishes. Let me see you fulfil it from today.

**Shri Satyendra Narayan Sinha (Gaya West):** I also rise to support the amendment of my friend Shri Vittal Rao. It has a limited objective, to remove the discrimination between the factory workers and the workers in the coal mines and other mines. I do not suppose the Government should have any difficulty in accepting this most reasonable and modest demand as contained in this measure.

My knowledge of the coal mine workers is not as wide or intimate as that of Shri Vittal Rao who has made a very elaborate speech in moving the Bill. He has shown to the House how the production has increased, how the colliery owners are making huge profits and how the workers' wages have not kept pace with the rise in profits. My knowledge of the colliery workers is confined to one single colliery where I also happen to be connected with a labour union, and I can tell you with my own little knowledge of things that even the little bit of welfare measures for which obligation is laid upon the colliery owners and managers is not being carried out. The inspection is most perfunctory and infrequent. I will not go as far as Shri Rao has gone, but the inspector of mines or the chief inspector of mines is ineffective in the matter of reporting breaches of the rules and by-laws or non-fulfilment of the obligations imposed upon the colliery owners. I do feel from my own knowledge of things that they have not been able to carry out the obligations imposed on them. Perhaps the inspection has not been as thorough or detailed or as vigilant as it ought to be.

My own experience is that even in respect of sanitation, supply of drinking water, good housing etc., the colliery owners are absolutely indifferent. I found that the manager of the colliery must have water supply for his gardens, but he was not making arrangement for supply of drinking water to the colliery workers. This was something which was heart-rending when I saw it. On enquiry from my friends who are working there all the 24 hours I found that it was brought to the notice of the inspector, but no action seems to have been taken either because the inspectors find themselves ineffective against the big bosses of the collieries or because they found that their reports were not acted upon. Something of the kind must have happened. That is why this flagrant breach of the obligations on the part of the colliery owners is committed.

What is demanded in this Bill is quite simple. It wants this discriminatory treatment to go, and I believe that the Government would not find any difficulty in accepting this amendment.

**Shri N. Rachiah (Mysore—Reserved—Sch. Castes) rose—**

**Mr. Chairman:** How much time will the hon. Deputy Minister take?

**The Deputy Minister of Labour (Shri Abid Ali):** Twenty minutes.

**Mr. Chairman:** How much time does the hon. Member want?

**Shri N. Rachiah:** Whatever time you allow.

**Mr. Chairman:** Three or four minutes.

**Shri N. Rachiah:** I am glad to support this Bill because this is a very simple Bill aimed at giving leave and also tenure of employment for the poor workers in the mines. I have also moved with some mine workers. As Shri Vittal Rao has said, in other countries they have been very considerate. Apart from this relief which is sought by this Bill, they have been given lots of other social protection and encouragement.

So far as this Bill is concerned, it seeks to provide:

“Every person employed in a mine who has completed a period of twelve months' continuous service therein shall be allowed, during the subsequent period of twelve

months, thirty days' leave with full pay or wages based on the average pay or wages for the twelve months immediately preceding the leave, as provided in section 52".

This provision is very simple, but its implications will be very helpful to the poor workers in the mines.

In this connection, I would like to controvert one statement made by my hon. friend Shri T. B. Vittal Rao. I know that he is one of the great champions of industrial labour. But he charged the Ministry with having been inefficient and indifferent to the workers' interests. There, I do not agree with him. The Ministry has been efficient, and it has been doing its work. But I have one criticism to make against this Ministry and that is this. While this particular Ministry at the Centre has been fully utilising all the funds and giving great attention to the encouragement and protection of industrial labour, it has not paid sufficient attention to agricultural labour. Even under the Second Five Year Plan, our Government have not done full justice to the agricultural labourers.

**Shri T. B. Vittal Rao :** They also come under this Ministry.

**Shri N. Rachiah :** Even if all the industrial labour is put together, it would not be equal to even one-tenth of the agricultural labour. And yet this Ministry has been more sympathetic and considerate and liberal in the matter of giving amenities to the miners and other industrial workers, than to the agricultural labourers. I hope every hon. Member in the Opposition will appreciate my point.

If you compare the position of the common man with that of a labourer in any field including agriculture, in other countries, you will find that the common man is always economically better off than the worker. That is what I have seen in other countries. But here in this unfortunate country, where according to me, the common man is the agricultural labourer, it is not so. I hope the whole House will agree with me on this point.

**Mr. Chairman :** The hon. Member should conclude now, because there is no time left.

**Shri N. Rachiah :** I am concluding presently. In our country, the common man has not been given his due or fair share or place in our society.

I am interested in the workers in general and particularly in the agricultural labourers, and I therefore wanted to speak some more things about the agricultural workers. But since the time is short, I shall conclude with the hope that our friends opposite will give more attention hereafter to the emancipation of agricultural labourers. Now that the Second Five Year Plan is in the offing. I would appeal to the Minister to take some more interest at least from now in the matter of giving protection to the agricultural labourers. With these words, I support the Bill.

**Shri S. C. Deb (Cachar—Lushai Hills) rose—**

**Mr. Chairman :** I am afraid there is no time now. Already, we have exceeded the time-limit. The Minister requires about twenty minutes for his reply.

**Shri Abid Ali :** I am also aware of the hazardous nature of the work which the miners have to do. It is popularly said that when a pilot or a miner leaves his home, he does not say good day to his relations, but he says good-bye to them. If he comes back, it is an accident, and of course, his people are happy. Keeping that in view, and keeping also the economic condition of the country in view, we are doing all that is possible not only for the miners but also for the workers in other industries.

But I was very much surprised when I heard the hon. Members opposite quoting certain figures. I do not know wherefrom they have got these statistics. On a previous occasion, the hon. Member, Shri T. B. Vittal Rao, had said something about accidents in the mines of Russia. I could not find any reference to them in any book. I wrote to my hon. friend requesting him to let me know the source from where he obtained those figures. I sent him a reminder also, but he was not good enough to oblige me.

**Shri T. B. Vittal Rao :** I told you.

**Shri Abid Ali :** It is easy to make a statement on the basis of some figures which have no foundation from any reliable source. My hon. friends opposite have still got that habit, and they go on persisting in that.

[Shri Abid Ali]

As regards accidents in mines, the hon. Member from Bengal had quoted some figures. I compared them with the figures that I have got, and I was really astonished. The figures that I have here—they are published from time to time—show that there has been a little increase in earlier years; but that increase was because the mines in the former Indian States had been amalgamated and brought under the Indian Mines Act. Formerly, the Indian Mines Act was not applicable to them. But subsequently, there has been a consistent decrease in the number of accidents in mines. Of course, in 1954, there was a little increase because of the accident in the Newton Chikli colliery. But in 1955, in spite of the big accident in Amlabad, the figure has gone down to 0·66.

**Shri T. B. Vittal Rao :** Is that figure in respect of coal mines?

**Shri Abid Ali :** Yes. I am reading from a statement showing accidents relating to mines. I am saying, mines generally.

**Shri T. B. Vittal Rao :** Not coal mines, but all mines put together.

**Shri Abid Ali :** When I compare this figure with that in other countries, this is what I find. Of course, so far as the Russian figures are concerned, the hon. Member has been quoting them, but I could not put my hand on the figures from that country. But so far as the other countries are concerned,—I have given the information on many previous occasions—I find that we compare very favourably with even the most advanced countries. In Germany, the figure is 1·35, in Australia 1·09, and in USA 1·46, and in the Union of South Africa 1·56. When I compare our figures with the figures of these countries in respect of accidents, I am happy to find that our figure is small. I shall be happier still if there is no accident at all. But as I have said previously also, we are trying our best to minimise the number of accidents and their severity. To say that accidents will be completely stopped in the mines is impossible. Just as long as there are automobiles in the streets, and people walk, and there are cyclists, accidents are bound to take place, similarly so long as mines are there, accidents are bound to take place. Only we have to make efforts to minimise their severity and their number.

**Shri T. B. Vittal Rao** had said that we have done nothing with regard to the reports which were submitted to us following the two accidents. I do not know on what basis he has made this statement. Substantial work has been done. More staff have been engaged, and special enquiries have been conducted, and some actions also have been taken. But unfortunately, even Members of Parliament, not only from this side but from every side of the House, the moment an action is taken against any employee or an officer belonging to any cadre of government service, come forward and say, please do not be so harsh. If no action is taken, then there is complaint. I would request hon. Members to believe that we also do go very much deep into the facts concerning this matter, and whatever is done is done with honest intentions and in the interests of the workers who are engaged in these operations, and therefore, let not any Member be enthusiastic enough to support anyone without knowing what the facts of the case are, and thus try to influence us by saying that the action which has been taken is wrong.

As regards over-time payment in other countries, hon. Members have made certain statements. But I find that nearer home, in Pakistan, the miner has to work for 10 hours per day, and even in Russia I find that the miners have to work for eight hours.

**An Hon. Member :** No, no.

**Shri Abid Ali :** Yes. So far as over-time payment figures are concerned, these also compare very favourably. In USA, it is 50 per cent. of the normal wage, in UK it is 25 per cent. for the first two hours, in USSR it is 50 per cent. for the first two hours and in India, we pay to underground miners 100 per cent. extra overtime, that is, double.

**Shri H. N. Mukerjee** said that Government should prove that they are going towards the goal of socialistic pattern of society by accepting this suggestion.

**Shri T. B. Vittal Rao :** Not socialistic, but socialist.

**Shri Abid Ali :** If this much done by us will convince him that certainly we are going towards socialism, then I am sure he would be happy.



So far as the difference in overtime payment as between underground workers and those working on the surface is concerned, we ourselves have been thinking of making these labour laws uniform for the workers in various industries and sections of them. About the difference between fortnight's holiday or leave with pay, and the provision about one week, we want to remove that also. We have made a statement about this several times during question hour. Wherever shorter holidays are given, we want to bring them up to the standard laid down in the Factories Act. As regards the disability regarding workers becoming entitled to leave, if the number of days of presence is not sufficient, so far as mines are concerned, we want to reduce it also to the standard laid down in the Factories Act.

But as far as illegal strike is concerned, I cannot accept the suggestion made, because the workers should not go on illegal strike. They should not go on strike, except if it becomes absolutely necessary for them to do so, we except them to keep that right in their pocket for the time being, but they should not go on illegal strike. So far as that deficiency is concerned, I am afraid I may not be able to help.

So far as wages are concerned, it was said that there was no increase. During the budget discussion, I had quoted figures, and I hope hon. Members who were present then—Shri T. B. Vittal Rao was not present then—must have been convinced, that wages have increased not from Re. 1 to Rs. 2, but the actual wage in terms of the increase in the cost of foodstuffs, cloth etc. has increased. The award which has been delivered by the Tribunal is being printed and it will be out within ten days. I am certain that miners will be very much happy that they have got a substantial increase in the wages.

One hon. Member referred to the care of the workers. I may submit that we have already inspectorate so far as the health of the workers is concerned. It is for the prevention of industrial diseases in mines, which in most cases are connected with the nature of work, with the lay-out and equipment of mines. The object is to promote the general health of workers by improving the environment, to conduct research and investigation in occupational diseases with a view to preventing their incidence and to enforce legislation affecting the

4—131 Lok Sabha

health and efficiency of workers in mines. So an inspector with the designation of medical inspector has been appointed for the mines. He has already started work. Many more inspectors are being appointed. We ourselves are sufficiently alert so far as this matter is concerned. They should have potable water supply. It is not that any obligation is being done to them, but it is our duty; we should do it, and we are doing it. It is not that we have got a magic stick with the help of which something can be done immediately. But I am sure friends who are honestly in touch with what is happening will be convinced that all that is possible under given circumstances is being done.

I have explained the position as it is and I expect that hon. Members opposite, when they deal with these subjects, should be nearer the reality. Of course, it is, I should say, their duty also to criticise, but that criticism should remain within reasonable limits and should not be far away from facts. Our miners, I am sure, will be substantially benefited so far as the award is concerned.

So far as these small disabilities are concerned, we want to bring these mine workers also in line with other workers. I am sure that will satisfy the hon. Member. So far as the suggestion regarding one month is concerned, that is not acceptable, because there will be a substantial difference between the factory workers and miners. Those who are in clerical and other sections are paid monthly and they will continue getting one month's paid leave for every year. We are not touching that. Those who are working on the weeks basis will get the benefit on the same basis as provided in the Factories Act.

With these words I oppose the Bill, as it stands, and if the hon. Member is not prepared to withdraw it, I will request the House to reject it.

**Dr. Jaisoorya :** On a point of information. The Deputy Minister said that health inspectors were appointed. Are these health inspectors conducting periodic mass radiography?

**Shri Abid Ali :** I have mentioned the functions of the medical inspector and his department. They will be doing that. Of course, so far as silicosis and other things are concerned, they are being attended to.

**Dr. Jaisoorya :** At present, nothing is being conducted.

**Shri Abid Ali :** So far as coal is concerned, that is being attended to. We have a regular department. There is no silicosis in coal mines, as the hon. Member knows.

**Dr. Jaisoorya :** Anthracosis also.

**Shri Abid Ali :** It is in gold and mica mines.

**Dr. Jaisoorya :** Silicosis is there.

**Shri T. B. Vittal Rao :** I am very glad that at least now I have got an opportunity to reply to the Minister.

It is a fact that I quoted from one of my articles about some figures about the Soviet Union. They were given to me by the Chairman of the Soviet Miners' Trade Union. I could not get at any publication and I informed the Minister accordingly.

About the conditions referred to in mines in Bihar, I would only make a passing reference. If Shri Asoka Mehta had been here, he would have borne me out. He was prevented from entering a mine for four hours by the *goondas*, by the police and all those people.

**Shri Abid Ali :** On a point of order. I would like to know how this is relevant—the reference to *goondas* and others. The proposition here is about leave, overtime payment and so on. Of course, I am not afraid of *goondas*. I can face them. But all this is irrelevant. (*Interruptions.*)

**Shri Kamath :** *Goondas* are everywhere.

**Shri Abid Ali :** That I know.

**Mr. Chairman :** This is a reply by the Mover. The hon. Minister has not mentioned anything about *goondas*. So why does the hon. Member refer to all these things? Let him please reply shortly to the points.

**Shri T. B. Vittal Rao :** Shri Asoka Mehta has told us that the conditions obtaining in these mines are barbarous.

Then again, he quoted the figures for America and Germany. It is very easy to quote figures. The accident rate is given for a thousand workers. Even if

the B States have come under the Mines Act from 1st July, 1952, the accident rate will be for thousand workers employed. There cannot be any decrease. It has been increasing. I am quoting the I.L.O. figures. In the United States of America where the production is 458 millions tons per year, that is 12 times more than what we produce, the number of miners killed is 547, whereas here, the annual number works out to 330. I can prove these figures. If the hon. Minister was sincere enough, he could have given the figures of number of workers killed per million tons. That would have been correct.

**Shri Abid Ali :** Let him quote it: that report is with me here.

**Shri T. B. Vittal Rao :** I said that no action has been taken about the recommendations of the Court of Enquiry. The appointment of a high-power commission has been recommended by the courts of enquiry to go into the safety measures in the mines. In the United Kingdom, this is being done once every 5 years. Here, it has never been done even once though we have been working our gold and coal mines for 60 to 70 years. The reports were submitted 10 months ago. Let us be frank; the hon. Minister asked me to be near the reality. I ask the hon. Minister to be near the reality. (*Interruption.*)

There was a Court of Enquiry appointed to go into the accident at Sawang colliery, a Government colliery. The Chief Mining Engineer, in collusion with the Chief Inspector of Mines, delayed the prosecution with the result that the case was dismissed as being barred by limitation of time.

**Shri Abid Ali :** Which colliery?

**Shri T. B. Vittal Rao :** The Sawang colliery where Bhattacharya and the other man were held responsible for the accident, for killing 11 people.

**Shri Abid Ali :** Then, what happened?

**Shri T. B. Vittal Rao :** Nothing.

**Shri Abid Ali :** I am glad. (*Interruption.*) I wanted to know whether he knows what is being done.

**Mr. Chairman :** This is not the time to bring in new matters.

**Shri T. B. Vittal Rao :** Eleven persons were killed and the manager was held responsible by the Court of Enquiry in which there was a Congress M.L.A. The prosecution was deliberately delayed by the Chief Inspector of Mines and the case was dismissed.

What I demand is this. There has been an increase in the productivity of the labour; there has been an increase in the production of national wealth; but, there has not been a corresponding increase in the wages, nor even in the amenities of the workers. When we come and ask for.....

**Shri Abid Ali :** Wait for 10 days; you will get plenty.

**Shri T. B. Vittal Rao :** Even for the small increase recommended by the Tribunal, they have appointed a committee to go into the cost structure and report. If they are going to get anything, it is at the cost of the consumers and the employer's profit will remain. This is the sort of socialist pattern of society that our Government is going to build.

**Mr. Chairman :** The question is :

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

*The motion was negated.*

**Mr. Chairman :** The next item stands in the name of Shri V. P. Nayar; he is absent. So, we take up the next item.

#### INDIAN ADOPTION OF CHILDREN BILL

**Shrimati Jayashri (Bombay-Suburban) :** I beg to move :

"That the Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents, be taken into consideration."

Last year, there was a news item in the *Statesman*, *Cradle saves babies from dustbin*. The news said that six years ago a new-born baby was found in a dustbin in New Delhi, a little girl, a pretty baby but only barely alive. She was rushed to a hospital and willing nurses cleaned her of the filth of the

dustbin and she was given expert medical attention. The baby lived and was later quietly adopted by a well-to-do couple, who had no children. She is now in foreign country where her parents are posted.

We all know that there are so many institutions where such unwanted children are sent. In some of the juvenile courts also, I know that many destitute children are brought before the courts. It is a difficult question where to send these children. We have not got enough homes and even if we have got homes, the best thing that a child should have is the love of the parents. That is the most natural thing.

At present, I know that in our Hindu law there is adoption procedure. But, there, the object of adoption is two fold, spiritual and secular. The spiritual aspect consists in offering ablutions by the adopted son to the adopter and his ancestors, while the other aims at perpetuation of the family. In my Statement of Objects and Reasons, I have said that there is what they call at present the *Dattakavidhan*. That does not fulfil the present needs of a Welfare State. We should have such legal procedure which will safeguard the interests of the adopted child as well as the parents, natural as well as adoptive. In the Hindu law, only the husband has the right, and if the widow wants to inherit, she must have had the previous consent of her husband. So, the right is not allowed to a woman to adopt. In the Hindu law, only male children are adopted and girls are not adopted. In the Hindu law, they can adopt children of their nearest kith and kin and not of any other community. The Hindu law prevents adoption to parents if they have any children. But according to my view, even if adoptive parents have children, if they want to have a child, they can adopt. In Hindu law the widow adopts the child sometimes much older than herself. It is from the point of view of giving them the hereditary line. But according to this law, I have given more emphasis to the humanitarian point of view. If the parents want to adopt children because they have no children or they feel sympathy for the child who is homeless, who is parentless or who is neglected, they can do so. At present, as I stated, such children come before so many juvenile courts. Through the Indian Council of Child Welfare, I had requested the Director of the Children's Bureau to get the opinion of magistrates