

exception to it and then ask him or her to correct; and if that is done, the matter ends there. No further discussion will be allowed on the floor of the House on that. I do not know what further remedies there will be. The matter will be there on the records.

Now, we shall proceed with further consideration.....

**Shri T. B. Vittal Rao (Khammam):** May I make one submission?

**Mr. Speaker:** I think it is not in this connection. The hon. Member is not concerned in this.

**Shri T. B. Vittal Rao:** Not in respect of this, but I want to make a submission.....

**Mr. Speaker:** If any hon. Member wants to make a statement, let not the work of the House be interrupted. This is not a public meeting where anybody can get up at any particular time and then say that he wants to make a speech or a statement. We are governed by the Rules of Procedure. We have got an Order Paper. If the hon. Member wants to say anything further with respect to the Bill, then I shall take up the Bill first, and then call the hon. Member, and he may say what he wants to say.

12.27 hrs.

MINES (AMENDMENT) BILL—  
contd.

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri Nanda on the 8th December, 1959, namely:—

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

**The Minister of Labour and Employment and Planning (Shri Nanda):** Yesterday, I had just com-

menced my reply to the debate on the motion for consideration of the Mines (Amendment) Bill. I expressed my appreciation in the House....

**Mr. Speaker:** The time allotted for this Bill is 6 hours. The time taken already is 3 hours and 28 minutes. The hon. Minister is now replying to the debate on the motion for consideration. Now, 2 hours and 32 minutes remain. Even if the hon. Minister takes 32 minutes, still we shall have 2 hours left for the clause-by-clause consideration.

**Shri Nanda:** How much time is allotted to me?

**Mr. Speaker:** He can take about 32 minutes. There is ample time. If he wants fifteen or twenty minutes more, he can take.

**Shri Nanda:** There was a very wide and general appreciation of the need and the vital importance of the provisions of the amending Bill before the House. There was also, I recognise, a certain measure of opposition. A few members had expressed a sense of disquiet about some clauses of the Bill.

I think there is a very great deal of misapprehension about the intent and the effect of the provisions of this Bill, in the minds of those hon. Members and others who had expressed a kind of a feeling of alarm about what might flow from this Bill as a consequence of its provisions.

Now, what are the provisions to which exception is being taken? When we analyse all this criticism, we find that it ultimately comes down to those clauses which refer to penalties, that is, the enhanced penalties which are now proposed by this legislation. And those hon. Members have assumed that a string of consequences is going to follow from this. They have imagined much of it, that there is going to be a great deal of harassment to the managers in the mines, from what they call junior inspectors.

[Shri Nanda]

They have said that these inspectors have not got sufficient experience, and they want to foist on the management the responsibility for doing certain things which should be theirs. I do not really follow what exactly this means. But the point was that the managers would feel these conditions becoming oppressive; and they would be scared away; and people will not be attracted to the mines, that is, suitable people will not be attracted to the mines. We have big targets of productivity before us, and we do not have sufficient managers to run our mines, and, therefore, this sort of thing would be bad. That was the picture drawn. It was further said that there was no occasion really for such a drastic legislation. What has happened? According to them, if you analyse the statistics of accidents, you will find that a very large proportion of them is accounted for by what are called misadventures, and cases for which the management themselves are responsible form a relatively very small proportion. It is further being said that out of those cases also, when you see the results of the prosecutions, you find that the convictions possibly will show that only a third of those cases have been brought home. The inference is that there is not really any problem of a large magnitude and there is no serious situation which has developed to call for such severe measures and increase in penalties to such a large extent. It has been further stated that apart from the effect on the mines and the management—uneasiness, anxiety and all that—there is the further question of our volume of production. It is said the level of production, our targets and the plans will suffer and costs will rise.

This is the kind of picture that has been drawn. As I looked into these things, I am thoroughly convinced that there is really no basis at all for this kind of frightening picture. There is no foundation at all for the things which have been said. They have raised a super-structure on

practically no foundations at all. They have cited some figures. Since those figures have been taken from some of our own publications, I do not question them. But they have got the figures the wrong way. They have put wrong meanings into those figures.

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 the decisions on these prosecutions resulted in fines of Re. 1 to Rs. 100, and 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

What is the meaning of these figures? What are we quarrelling about? These are the fines imposed. And if they are doubled or trebled, what are they going to mean? I think they have no significance at all. So that to raise an outcry about the enhancement of penalties and to make it appear as if it is going to subject a large class of persons doing their useful work in the mines to certain conditions of panic almost—that they will be scared away as a result of the enhancement of the penalties—is unjustified. What have those penalties provided in the law so far done? As I said yesterday, as far as I could find

out, there are not many cases of imprisonment at all. There is hardly a case of imprisonment of an owner or manager.

The question of cancellation of certificates was raised. One of the objections related to that clause. Of course, we are now dealing with it in a manner which is acceptable. But what has happened even there? I do not know how many cases there will be. There will be hardly any case of cancellation. So let us take a reasonable view of the situation, and let us not try to create panic in the minds of those who do not understand the realities of the situation and the facts. So much about penalties.

Now I come to the other fact stated by them, the position regarding the number of accidents. How many of them are cases regarding which responsibility has to be shouldered by the owner or the manager and what proportion is of those cases where they may be called just misadventures, that is where the responsibility cannot be traced, where anything may have happened? I find that there is really no case at all. It does not do any good to take this as a kind of basis for opposing these innocuous provisions. It has been suggested that the figure regarding the fault of the management—the figure which they cited—was about 10 per cent or 11 per cent. To that has to be added the number of faults of the supervisory staff also which is, of course, under their control. I find that in 1954, it was 11·03 per cent. That is, the faults of the management. The figure of faults of the subordinate supervisory staff is 13·52 per cent. The total comes to 24·55 per cent. That is considerable, appreciable, big enough. But the worst of it is that this proportion has been increasing. That is an important thing which has to be borne in mind. In the next two years, it rose to between 30 and 33 per cent. In 1957, the figure was 42·15 per cent.

Now, if anything is alarming, it is this; it is not the penalties which we

are thinking of bringing into this legislation or the other provisions which we are making to strengthen our sanctions and to introduce more safeguards. The responsibility of the management for accidents has not declined, has not stayed at the same level, but has increased. The position has worsened in that respect. Therefore, possibly it may call for a reconsideration from another angle.

Regarding convictions, I have given as much information as I have. I had said that there was hardly a case of imprisonment. The information I have received is that there has been no case of imprisonment of an owner or manager so far. Regarding convictions, an effort was made to create the impression that the number of convictions was very small in relation to the number of prosecutions. As far as the statistics which are available to me from the reports of the Chief Inspector are concerned, I find that that percentage is fairly high—very high. I think some kind of wrong method of calculation has been adopted when it is stated that it is only about 33 per cent., or so. It is more than 75 per cent. Whatever figures I have been able to get relating to the period from 1951 to 1958, part of 1959 also, show this.

Having stated this I think I have destroyed the whole basis of that big outcry that what we were going to do might have very undesirable consequences for the managers, for the owners and for production and also for costs.

If production is desired safety is very much more so. It may also be realised that production and safety are not necessarily in conflict. I think the more we look after safety the more production we are going to have. I do not know whether any calculations have been made of the production we have lost on account of the accidents. If there is greater care shown for the avoidance of accidents, naturally, we are going to have better production. The only effect on production may be

[Shri Nanda.]

due to a certain clause—I believe 72A. The hon. Member who is not present here now, Shri Guha, said that such violations will grow and that we are now providing for penalties, such severe penalties of imprisonment for these violations. Perhaps, it was not realised that clauses 72A and 72B refer to cases where the Chief Inspector or the Inspector has gone and seen the conditions and are given certain directions about what should be done and what should not be done, and finally finds that the condition has become so dangerous that to continue the employment of the workers there will involve serious risk to the life of the workers. This arises when he says: 'Stop this work; do not employ these workers in this work; and still the workers are kept on the work. I do not think anybody will have the heart to say that such contraventions can be permitted and that they should not be discouraged to the utmost extent possible.

A point was raised about the Mines Department. I realise that we have not adequately manned it. But it is not because we have not made provision for it. We have not been able to secure a sufficient number. We have provided for an increase in the salaries of the number we have provided for and it may be that there is a greater demand on higher salaries in the private sector. Maybe that. Of course, arrangements are being made to increase the facilities for training so that we may have a larger supply. The qualifications of the inspectors are a degree and along with that some experience also. It may be 5 years. We have now laid down the conditions. The position is this; we cannot make it very much more strict at this stage.

But the point is that that inspector whom somebody calls a junior inspector has to be a competent person. In every place there will be some juniors and seniors, some at the top and some at the bottom. There are seniors and juniors everywhere. They

are only being asked to do things they are capable of and which they are competent to do. There are others, the Regional Inspectors, the Chief Inspectors and the Deputy Chief Inspectors who are looking after more responsible work. There is no point in referring to inspectors making things difficult or their harassing them. There are provisions for appeals and references to higher bodies. I do not think there is any reason at all for this kind of feeling.

But the real point is that so far as accidents are concerned—and I think some kind of reference was made to a positive approach about it—this has to be there. We have got to see all those things done which will make for the maximum safety not as a result of these penalties. I agree with that. It should be through the cooperation of the managers and the owners and workers and trade unions to which we may add now this training and other measures of research.

Some hon. Member has referred to research and I think it is very important. When an accident arises, this is not only to find out who is at fault—that must be done in order to create a deterrent effect—but it has also to be found as to what exactly was responsible for the accident. If any new knowledge arises, it should be translated into our regulations etc. If there are obscure facts, then our responsibility is to see that as a result of greater research—more intensive research—we are able to devise new ways of dealing with the situation.

As a result of the various happenings before and after this Chinnakuri Court of Inquiry, certain problems have been referred to the bodies which have been dealing with the question of research. The Central Mining Research Institute at Dhanbad and others are also engaged in some research in these matters. All the recommendations of the Chinnakuri

Court of Inquiry have been passed on to the Ministry of Scientific Research and Cultural Affairs for necessary action. I may inform the House that certain researches are being initiated. I have made specific mention of it because I thought this was an important matter on the positive side.

I may repeat that we are not relying on penalties alone for securing safety. That will be a very unsound approach and that is not going to be our sheet-anchor. Our sheet-anchor in this matter is the goodwill of the managers also very much. Therefore, it is going to be our sincere endeavour throughout and their points of view are fully appreciated and taken into consideration in the administration of the Mines Department. It should not simply become a routine matter because there are certain powers and they can be exercised irrespective of what the objective conditions are and what other positive measures have to be taken in order to get those results.

I have also explained to the managers who met me and I am stating it on the floor of the House that we will place much greater reliance on the cooperation and goodwill of the managers. I hope they will respond not because it is a kind of routine responsibility but it is a major responsibility. It is there because they are also exposed to risks. Nobody says that all the managers are wrong or many of them are; but there will be a few.

These penalties to which I referred are for the sake of those few who transgress all limits of ordinary safety. Most of the managers have not to think of this at all; they have only to think of discharging all their responsibilities in the best possible manner, which, I believe, would be all that could be expected of them.

Regarding the question of production, it was asked by one hon. Member here whether we had consulted the Ministry concerned with production in this matter, whether the consent of

the Ministry of Steel, Mines and Fuel had been secured. The answer of course is in the affirmative. Everything has been examined by them and others. There could be no doubt in the mind of hon. Members about it. It is the usual procedure. I have to emphasise this that before anything can be done there have to be a series of consultations, to and fro, consultations not only among the Ministries but with persons and the bodies concerned, trade unions, States, etc. That accounts for the time consumed in dealing with these matters. That is my answer to Shri Vittal Rao. If two years are taken for finalising some regulations, it must be understood that it is due to this. I have got the whole history of the various steps through which we have gone in regard to the regulations. Maybe, there could have been a little more expeditious handling; or there could not have been. But by and large, this time is inevitable. Sometimes the trade unions themselves take a lot of time. We ask them to send replies; we remind them also. These things contribute to the delays but the trade unions themselves contribute liberally too. Maybe, they are not properly organised and all that. But let us not say that the Government alone is responsible. Either the Government does not consult others with regard to these questions or it should consult before a law is passed or regulation is to be framed. There has to be maximum consultation. Once we decide, there has to be the most effective enforcement. Before that there should be no hurry. I am of that mind. There must be the fullest consultation with all concerned.

Now, regarding production, etc. some figures were quoted which were against the workers. In the United States, the output per man-shift is 6.6 tons or so. It was pointed out that in India it was only 4.1 or so. It shows that the Indian worker is exceedingly inefficient. But there are other figures. For the U.K. the corresponding figure is 1.28, Germany

[Shri Nanda]

1:11, France 0.8, etc. That means that these figures cannot be read in this way. They have to be related to the conditions in which work is carried on, to the extent mechanisation has gone and so on. I may add that I have seen the figures of the mining industry: I say that the production and productivity should increase much more than is the case now. But even as it is, there has been improvement in the output per man-shift. It was 0.34 at the beginning of 1957 and it is now 0.41 and for a part of the year 1959 it is 0.42. That has to be improved. I am not quite satisfied. I wish it were more. Let us do everything possible to improve this rate of productivity in this industry in a positive and proper manner.

Lest it be said that while we have been taking more work from the miners, we have not been doing anything to them at all, I shall say this. Possibly there were some impressions sought to be created like this. It was a wrong impression. From the index of real earnings—I am not talking of the money wages or the nominal wages—making allowance for the cost of living shows that they had a very good deal. I do not want to go into all the figures. I will content myself by stating the fact. Besides, we have to keep in view that we want more production fully consistent with the requirements of safety. Of course the costs are related to that and the workers have to be properly rewarded. Conditions are improving in this respect and should improve further.

I come to the part of the discussion in this House which found fault about certain omissions regarding this Bill. We have done several good things but some other things could also have been thought of in this connection. That was the argument. It should have been a more comprehensive Bill. I have already given an idea of the battle that has to be waged between making things comprehensive and

getting them done quickly. If we go on making it more and more comprehensive, maybe, it may take 3-4 years more. I believe it was in August 1956 that some provisions were agreed upon. Afterwards, certain big accident took place and then we had this. Everything that was known by this time has been provided for.

After that some new recommendations have arisen and some new ideas have developed. Should we bring them all in this Bill? What would be the result? For instance, there has been this conference on safety. Certain conclusions have emerged. Some of them have already been incorporated in this Bill and the hon. Member himself is aware of them. Some others which are accepted are not going to be put in the Bill because they are matters suitable for regulation. There are certain other recommendations which do not bring things to a final stage. It was recommended that some committees should be appointed. We have appointed them. I have got a list of the committees appointed. There are some committees: committee on mining industries requirement for safety equipment, committee for investigating into the fatigue factor among the mine workers, committee on safety education and propaganda, committee on lighting and ventilation in mines and standing safety advisory committees. As part of our recommendations, these were made and in the implementation of those recommendations, the committees have been appointed.

Shri D. C. Sharma (Gurdaspur): Have the committees done any work?

Shri Nanda: The safety conference was not held very long ago. These committees have been appointed as part of those recommendations. I am not constantly in touch with every committee. But in case the hon. Member is interested in the work of any particular committee, I shall get the details. Why I have said all this

is because a grievance was made of this by Shri Vittal Rao. I am showing how it cannot be done at this stage now. It means that these things will have to be done later on at the proper time. When these recommendations have come up and have been considered, there will have to be additional legislation in order to give effect to these recommendations to the extent such additional legislation is required.

There was the question of increase in hours.

Shri T. B. Vittal Rao (Khammam):  
Reduction in hours.

13 hrs.

Shri Nanda: These hours now are rather much more than what they should be. That was the point made. I explained to the hon. Members outside also that this is a matter on which we cannot just for the sake of reducing the hours bring in any new proposals abruptly. If a reduction in hours is justified and called for on the basis of a special enquiry into the fatigue factor and other conditions in this industry, well, that may be considered. That is what, possibly, one of the committees will deal with, though, apart from a real need on grounds of efficiency, fatigue etc., this is not the time to do something which will have the effect of retarding the increase in production and the fulfilment of our targets. But, as I have always said, the health and safety of the workers has to be the first consideration in all these matters.

There was another point raised about ambulances, the number of ambulances etc. I thought that hon. Members must have seen the provision. The provision there is "as prescribed". Therefore, the fixed figure will go, and it is now open to us to prescribe a kind of relationship which the hon. Member has in mind.

Then, he was very keen—some other Members also laid stress on this

matter—about training. I would like to invite the attention of hon. Members—I thought that, possibly, it would have been noticed—to clause 32 of the Bill which provides, among other things, for the insertion of a new clause under section 58 of the Act, clause 58 (fff) for rules to be framed. It enables the Government to frame rules for the imparting of instruction or training to workers and for prescribing schemes for such instruction and training. I may give this information to the House, without waiting for the passage of this Bill, that a scheme for training has also been prepared and in pursuance of a recommendation of an industrial committee on coal mining made in February, 1959, a tripartite sub-committee has been set up to examine that scheme. Therefore, the legislation contemplates that and, apart from that, action is also being taken.

There were a few other matters suggested by hon. Members in order to make the legislation more comprehensive, in order to enlarge the scope of this legislation. Well, to some of them, again, the reply will be, we will take them up later on. The matter has to be examined further. The idea with regard to worker inspectors is very much worth examining, and I think there is practical agreement about it. How exactly it is to be carried out will have to be further examined. About sick leave hon. Members have said something. We have to consider this in relation to the extension of the application of the Employees' State Insurance Act, and we will take it up along with the other proposals about extending the scope of that legislation.

I have, Sir, I believe, dealt with most of the points which were raised, either with a view to extend the scope of this legislation or with the object of having changes made in it. I have with me the list of amendments which have been proposed. I have gone through them. With the explanation that I have offered and with certain

[Shri Nanda]

changes which we are ourselves going to make, of which we have given notice, changes or alterations which would go to the utmost length for the purpose of satisfying any possible feeling of doubt or fear, I should hope that the amendments will not be pressed.

There is one amendment tabled by the hon. lady Member there, which also coincides with our thinking on the subject, about the question of enquiry into cancellation of certificate. I would be prepared to accept that amendment; for the rest, Sir, I do not see there is any need for having any other amendment considered. It is a question of taking up the time of the House, and in that way, I believe, if the other amendments are withdrawn we can go through the matter quickly.

**Mr. Speaker:** Is any hon. Member pressing his amendment? The amendments moved are: 1, 20 and 21.

**Shri S. C. Samanta (Tamluk):** I am not pressing my amendment No. 20, as the hon. Minister has given an assurance that training and other things will be taken up.

*The amendment was, by leave, withdrawn.*

**Shrimati Ila Palchoudhuri (Nabadwip):** I am not pressing my amendment No. 1.

*The amendment was, by leave, withdrawn.*

**Mr. Speaker:** Shri Ghosal is not here. He has moved his amendment. I will put it to the vote of the House. The question is:

"That the Bill further to amend the Mines Act, 1952, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely Shri Diwan Chand Sharma, Shri K. R. Achar, Dr. G. S. Melkote, Shri Satis

Chandra Samanta, Shri Yadav Narayan Jadhav, Shri Braj Raj Singh, Shri Naushir Bharucha, Shri Surendra Mahanty, Shri Bibhuti Bhushan Das Gupta, Shri T. B. Vittal Rao, Shri Chintamani Panigrahi, Shri Dharnidhar Basumatari, Shrimati Ila Palchoudhuri, Shri N. R. M. Swamy, Shri Ansar Harvani, Shri B. C. Kamble, Shri Ram Krishan Gupta, Shri Bahadur Singh, Shri T. Sanganna and Shri Aurobindo Ghosal and 10 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee." (21).

*The motion was negatived.*

**Mr. Speaker:** I shall now put the original motion to the vote of the House. The question is:

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

*The motion was adopted.*

**Mr. Speaker:** The House will now take up clause-by-clause consideration of the Bill.



**Clause 2.—(Amendment of section 2)**

**Shri T. B. Vittal Rao:** Sir, I beg to move:

Page 2, line 36,—

after "dressing" insert "screening, washing". (34).

Sir, the object of my amendment is to include the screening and washing plants as well in the definition. In every coal mine there are a large number of workers employed in the screening and washing plants. Whereas in the Bill they have included ropeways and other conveyors, they have failed to include these screening and washing plants. Screening and washing plants are ancillary to the coal mining industry. If these plants are also not clearly mentioned, there is every danger of these plants being exempted from the operation of the Mines Act. Workshop, power house and other things have been included but not screening and washing plants. I want to include them and bring them under the purview of the Mines Act so that the conditions of work there also may be regulated by the provisions contained in the Mines Act. This is a very simple amendment, Sir, and I think the hon. Minister would not have any objection to accept it.

**Shri Nanda:** I have got this question examined, and I have been advised, on technical grounds there is no need for this and there will be no difficulty arising on account of these plants not having been included.

**Shri S. C. Samanta:** Sir, I beg to move:

Page 1,—

after line 19, insert—

'(ii) "manager" of a mine means a person duly appointed and paid by the owner or agent of a mine and having qualifications as are required by the Coal Mines Regulations and will

be answerable to the owner or the agent of the mine;'. (22).

My amendment refers to the definition of "manager". I would request the hon. Minister to see that the definition of "manager" is added. Definitions of "managing agents" and other things have been given. I know that the manager's qualification has been defined in the regulations and other things. But in the body of the Bill, the definition of a manager must be put in. The manager is a prominent man, as has been mentioned by the hon. Minister himself. From the technical point of view, the manager is a key-man in the mine. So, I would request the hon. Minister to accept this definition as given in my amendment.

**Shri Nanda:** No, Sir. This is wholly unnecessary. All these things have been provided for. This is a question about the manager of a mine. The amendment says:

"'manager' of a mine means a person duly appointed and paid by the owner or agent of a mine and having qualifications as are required by the Coal Mines Regulations . . ." etc.

What the manager should be, has been fully provided for.

**Mr. Speaker:** The question is:

Page 2, line 36, after "dressing" insert "screening, washing". (34).

The motion was negatived.

**Mr. S. C. Samanta:** I am not pressing my amendment No. 22.

The amendment was, by leave, withdrawn.

**Mr. Speaker:** The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

**Class 3.—(Substitution of new section for section 3)**

Shri T. B. Vittal Rao: I beg to move:

- (1) Page 4, (i) in line 13, after "glass sand" insert "building stone, fullers earth, lime stone".
- (ii) in line 15, omit "building stone".
- (iii) in lines 15 and 16, omit "fullers earth and lime stone". (23).
- (2) Page 4, line 25, for "fifty" substitute "twenty". (24).

Some exemption is being given for those mines or excavations or quarries like building stones, fullers earth and lime stone, and to the number of workers. If the number of workers exceeds 50, then the Mines Act will be applicable to them. Firstly, I shall dispose of the numerical strength. As regards the Factories Act, any factory employing 20 persons, without power, comes under the purview of the Factories Act. I do not understand why in mining, which is a more risky operation, the figure should be 50, whether it is building stone, quarrying or lime stone, or fullers earth. Therefore, I wanted that the same facilities which are given in the Factories Act should be given to these miners also.

I do not know whether the Ministry has consulted the Department of Mines and Fuel when exempting fullers earth from the purview of this Act.

13.13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I do not know why certain conditions are precedent, for bringing fullers earth under the purview of the Mines Act. Fullers earth is a very good mineral. Large deposits of this have been recently found in Rajasthan. This

is very useful for the chemical industry. It is going to earn a lot. We are importing fullers earth under a different name. Unfortunately, this mineral is being imported into our country, but we find that large deposits of the same mineral are found in our country. Only it is imported under a different name.

Apart from that, in Rajasthan there are huge stone quarries and there is monopoly interest also. A large number of building stone quarries, especially red stone quarries, are excavated in Rajasthan—in Jaipur and Jodhpur. The workers there are already working under a great handicap. I know that the minimum wages for them have not also been fixed. Even if a person dies of an accident, the payment of compensation takes a very long time. Of course, there is the legal provision. They can go to the Commissioner for Workmen's Compensation and get things done. But, while they are working under a great handicap, I do not want them to be exempted from the Mines Act. You can exempt, if you want, the workers working in the sand stone and other quarries. But I do not want the Government to exempt those engaged especially in the mines, such as building stone, fullers earth and lime stone. Lime stone is a very hazardous thing. It is more hazardous than some other mines. For example, the workers there contract some sort of disease. Therefore, I would request the hon. Minister to accept my amendments including the amendment which seeks to substitute "twenty" for "fifty". The three minerals which I have mentioned should not be exempted from the purview of the Mines Act.

Shri Nanda: So far as the later part of the observations made by the hon. Member is concerned—the inclusion of certain other items—my answer is, if it is considered necessary that the Act should be applied to any particular item such as lime stone or other mine, notifications could be issued under this sub-section. In fact, the provisions now in force already

mention the names of such mines. Therefore, these amendments are not necessary.

**Shri T. B. Vittal Rao:** The exemptions are not in the same clause.

**Shri Nanda:** The exemptions are not in the same clause. Now, regarding the number, if it were applicable on a large scale to ordinary mines, it would be a different thing. Here is a special case where we are otherwise exempting small quarries especially for prospecting purposes. These are rather limited purposes. Therefore, I do not think that at this stage, at any rate, we need change the number.

**Shri T. B. Vittal Rao:** Sub-clause (2) refers to actual mining. It is not prospecting in this case.

**Shri Nanda:** The hon. Member referred to large excavations which are made for prospecting purposes only and not for the purpose of obtaining mineral for use or sale. Sub-clause (b) of clause 3 refers to "any mine engaged in the extraction of kankar," etc. The number which is mentioned as 50 comes under the proviso. Several provisos are there:

"the workings do not extend below superjacent ground; or (ii) where it is an opencast working—" etc.

Therefore, the fact has to be taken in combination with all the other provisions. I think, taking all these provisions together, ample provision has been made in this regard.

**Shri T. B. Vittal Rao:** I am not pressing my amendments.

**Mr. Deputy-Speaker:** That is all right.

*The amendments were, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 3 stand part of the Bill".

*The motion was adopted.  
Clause 3 was added to the Bill.*

**Clause 4—(Substitution of new section for section 6)**

**Shri S. C. Samanta:** I beg to move:

Page 5, line 22, *add* at the end

"and the respective Inspectors shall give information to owners, agents or managers of mines concerned about it". (25).

In the existing Act, in sub-section (2), the Inspector will give information to the owners, agents and managers of the mines. Here, the Chief Inspector is asked to declare those areas, and the mineowners may not be sufficiently informed about it. So, to make the provision clear and the responsibility being made clear as regards the mineowners, and because the mineowners must be informed correctly of their responsibility, I want to add:

"and the respective Inspector shall give information to owners, agents or managers of mines concerned about it."

So, it will be made more clear that the owners will be responsible.

**Shri Nanda:** The position is, in fact, that the jurisdiction of the inspectors is being circulated to the management by the Chief Inspector. This will continue to be done. So, there is no need for accepting the amendment.

**Shri S. C. Samanta:** I am not pressing my amendment.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill".

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 8 were added to the Bill.*

**Clause 9—(Amendment of section 18)**

**Shrimati Ila Palchoudhuri (Nabadwip):** I beg to move:

Page 5, omit line 35. (2).

**Mr. Deputy-Speaker:** Is the hon. Minister accepting the amendment?

**Shri Nanda:** No, Sir.

**Shrimati Ila Palchoudhuri:** The Minister has explained the position and I would not press the amendment very hard. But I think it must be borne in mind that if you do remove this line 35, it does not really hurt the Bill. But the managers are rightly apprehensive that there might be some harassment owing to minor offences. If you omit line 35, it would safeguard them. But if the hon. Minister feels that minor harassments would not be there, I would not press the amendment.

*The amendment was, by leave,  
withdrawn.*

**Pandit Thakur Das Bhargava (Hisar):** Sir, you will be pleased to see that clause 9 takes away the proviso to section 18. The proviso is given on page 42. A perusal of section 18 will show that this proviso is very great help and a sort of protection to the owner of the mines. I am impressed by the argument of those who want to make owners responsible in every respect, but at the same time, there is a limit even to the responsibility of the owner of the mines. Of course, the owner is the person who is benefited by the mines being worked; ultimately he is the person who reaps the greatest advantage and, therefore, there is good reason why his responsibility should not be restricted. But my whole apprehension is that people who want to make the owner responsible for the acts of contravention by any person whatever do not realise that the owner's vicarious responsibility fully extends to consequences of acts done by employees, under Civil Law.

The owner of the mine is liable for the damages caused by any of his servants, managers or anybody else. He is the owner and so, under the civil law, for anything done by any of his employees, he is responsible. But so far as criminal responsibility is concerned, my humble submission is, if criminal responsibility of every person in this land should be governed by the principles of criminal jurisprudence, the owner ought not be guilty if there is no *mens rea* or neglect. If he has not done anything wrong considering his ideas, thoughts and the background of his action and discharge of responsibility, he should not be held responsible. I would not mind if he is held responsible for his neglect also. But supposing a person has done 100 per cent. what is expected of him and everything in his power, yet to hold him responsible vicariously and say he is guilty is not correct. You look at the proviso to section 18:

“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 mines; 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.”

What else remains? Sir, I am reminded of a story of a merchant to whose shop a person went and purchased gur for one rupee. Ultimately the man did not like the transaction; the gur was given back and the man got the rupee back. Yet the purchaser said, “You have got something out of it”. If a person just performs 100 per cent. of the duties required of him and yet if he is guilty because he is the owner, then it will be ignoring all the principles of criminal jurisprudence.

If a man is to be held vicariously liable, it is absolutely necessary that some act or negligence must be proved. But here by this proviso and section, he has taken all reasonable means, by publishing and to the best of his powers enforcing the provisions of the Act. After all these things have been done, what else remains to hold him guilty passes my comprehension. I admit the owner should not be lightly let off, because he is the person who would gain ultimately. There are provisions in the civil law under which he is liable. The difficulty is those provisions are not enforced. Government have not appropriated any fund and do not pay any subsidy to any person to enforce the civil liabilities of a owner; only the criminal liability is enforced. Even though he is not liable under the criminal jurisprudence, he is still made liable under the provisions of this Act. In all circumstances, whoever may be guilty, to say that the liability is the owner's by virtue of the fact that he is the owner, is too much. You can say he is guilty in all possible circumstances, but do not make him guilty even if there is nothing which can be called to be wrong or if he is not guilty of rashness or negligence.

For these reasons, this proviso should be kept as it is. It has stood the test of time. This is the only protection for the owner; otherwise he will be guilty in all circumstances. If he is not liable in any way, he ought not to be made liable by virtue of the proviso to section 18 being taken away.

**Shri Nanda:** I am very grateful to the hon. Member for his interest in this piece of legislation. He has naturally picked up the proviso that is going to be removed. But possibly he has not taken notice of the earlier portion of the same section, viz. sub-section (2). That is already there in the nature of a safeguard and protection against any kind of mis-

carriage of justice. I will read that sub-section:

“(2) In the event of any contravention of any such provisions by any person whosoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing to the best of his power enforcing those provisions, to prevent such contravention.”

**Pandit Thakur Das Bhargava:** I have also referred to this in my argument. This and the proviso make him totally immune.

**Shri Nanda:** Possibly the hon. Member may also be knowing the further background of this matter. This thing was introduced at a certain stage in this legislation on the analogy of a similar provision in the U.K. Mines Act, 1911. Later on, as a result of the advice they received, that provision has since been deleted from the U.K. Act. A new section—section 76—has also been introduced. Section 76 enables a firm, association, public company or private company to nominate a particular person from among its partners, members, directors or shareholders to bear the responsibility of the owner. All other members, partners etc. can escape responsibility. Then, under section 77, if any person is the actual offender, the owner can escape liability by having that person summoned. We brought in these sections 76 and 77 earlier, but somehow we had not been able to bring them in line with the UK legislation. So, in respect of this matter we are only trying to bring an Act in line with that. And we have done it on the advice of some experienced people who have some reputation in this matter.

**Pandit Thakur Das Bhargava:** Sections 76 and 77 have no bearing, so far as criminal liability is concerned. This is only to provide for a contingency where a scapegoat is

[Pandit Thakur Das Bhargava]

brought forward. But this will not cover cases, so far as criminal liability is concerned.

Shri Namda: It has a bearing on criminal responsibility, as far as I can understand. I have examined and discussed it with many members. I have asked the question: if we delete it and the rest, whatever remains, is it not quite adequate for all purposes that can be thought of in reason? I have been given the answer. Suppose this proviso had not been there; then no one was going to tell us: why don't you bring in a proviso? It was there, as I have pointed out, as a result of the experience in the U.K. They deleted it and made some changes. We have made some changes but we had so far not deleted this.

I may also refer the hon. Member to something else which transpired in this House. It was pointed out by some hon. Members that in a number of cases what happens is that somebody is appointed, or nominated, to take responsibility. He goes on signing on their behalf. The object of this provision is that while an adequate measure of protection should remain, nobody should be hauled up for things which he has not done. Needless looseness in the provision, which may unnecessarily complicate the matter, that should not remain. The question is a simple one. If he proves that he had taken all reasonable precautions and steps in his power for enforcing these provisions and to prevent their contravention, he is free from all liability. Is it not enough?

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill".

*The motion was adopted.*

*Clause 9 was added to the Bill.*

*Clause 10 was added to the Bill.*

Clause 11. —(Substitution of new sections for sections 21 and 22).

Shrimati Ha Falchowdhuri: I beg to move:

Page 6, line 34,—

for "an Inspector" substitute "the Additional Chief Inspector or the Deputy Chief Inspector." (3)

Shri S. C. Samanta: I beg to move:

Page 8, line 13,—

add at the end—

"which shall submit its report within a month". (26)

Shri T. B. Vittal Rao: I beg to move:

(1) Page 8, line 13,—

add at the end "or Mining Board" (28).

(2) Page 8, line 18,—

add at the end "or Mining Boards" (29).

(3) Page 8, line 19

after "Committee" insert "or Mining Board" (30).

(4) Page 6, line 26,—

add at the end—

"The number of ambulance vans to be kept will be in proportion to the number of persons employed." (43).

(5) Page 7, line 40,—

add at the end—

"All such appeals shall be disposed of by the Chief Inspector of Mines within fifteen days from the receipt of such appeals." (44).

(6) Page 8, line 12,—

after "same" insert "as soon as possible" (45).

One of my amendments relates to reference to the Mining Board. Now, when an objection is made by the manager, that is, he does not agree with the instructions issued by the Chief Inspector of Mines, it is provided that it may be referred to a committee. In my amendment I have suggested that it may be referred to the Mining Board. One of the objects of moving this amendment is to obviate any delay in the disposal of appeals. Suppose it has to be referred to a committee. Then a committee has to be appointed by the Government of India, and they have to consider it. It will take some time. So, I suggest that whenever they think that it is a matter of not so very great importance they could refer it to the Mining Board. These Mining Boards have already been constituted in several States, and they are tripartite in nature. They could as well do this work. If the Government think that the Mining Boards are not competent enough, I think we should better do away with these Mining Boards. If the Government think that they are third-rate or fourth-rate bodies, Government could easily do away with it. Therefore, whenever the Government think it necessary, they could easily refer these matters to the Mining Board. Then, suppose there is an instruction by the Inspector of Mines that such and such safety measures should be undertaken in a mine and until those measures are taken, the owner cannot proceed with further mining operations. In such a condition, if the manager disagrees, a reference could be made to the Chief Inspector of Mines. What I have provided in my amendment is that the Chief Inspector of Mines should dispose of such appeals within a fortnight. I have specifically stated fifteen days because today the position is that we have to obtain the permission of the Chief Inspector of Mines when de-pillaring operations are carried on. The office of the Chief Inspector of Mines is situated at Dhanbad. Our past experience is that he

does not take into consideration the urgency of the situation and unnecessary delay is caused in granting permission. Even when reply-paid telegrams are sent by the manager, neither does he reply nor does he grant permission. After three or four months he says "yes, you can go ahead" without any alteration or modification in the proposal suggested by the manager. Now, if extraction is stopped, there is shrinkage of headings. Therefore, production is impeded. Workers in the particular mine have to be laid off because there is no heading. Therefore, I suggest that any appeal made to the Chief Inspector of Mines should be disposed of within fifteen days.

Then, Government want to refer disputed issues to a committee. To avoid delays in the matter, I have suggested the addition of the words "as soon as possible". Avoidance of delays will not impede production. At the same time, workers will not lose their earnings due to stoppage of work in some mines. I want that the safety measures should be observed; at the same time, disposal should be quick.

My another amendment relates to ambulance vans. There are well-developed mines which give very good production and very good profits. But ambulance vans are not provided there. Some form of stretcher is provided, which is quite insufficient. If a person has to come from 6,000 feet down and then go to the hospital it will take a long time. Further, an ambulance van will cost only Rs. 15,000 to 20,000. It can be easily bought. But, such facilities are not provided.

**Shrimati Na Palchoudhuri:** Are not ambulances provided?

**Shri T. B. Vittal Rao:** Ambulances are provided in some mines. They are not provided in some mines. I am quite aware of that position. In some

[Shri T. B. Vittal Rao]

mines where they are large number of workers working, if there are five mines under one group, there is one ambulance kept though there are 10,000 workers working. So, when one ambulance goes away or is commissioned in service, the other man has to wait for two or three hours in case of an accident or injury. If immediate attention is given that will save the life of a person. That is why I have moved this amendment. The question of ambulance vans should be related to the strength employed.

As regards the other minor amendments, I hope the hon. Minister will accept them.

**Shrimati Ila Patchoudhuri:** My amendment No. 3 is a very simple amendment. I do not think the hon. Minister should have any objection in accepting it. All that I want is that instead of 'an Inspector' the words "the Additional Chief Inspector or the Deputy Chief Inspector" be substituted. As I said in my speech yesterday, the posts of inspectors will now ultimately be filled by inexperienced people and granting them such wide powers of closing down mines and necessarily very often throwing people out of employment will, I think, cause some hardship not only to the owners but to the workers as well.

I also recommend that a committee to hear appeals of mine-owners be appointed as it does take very long to dispose of appeals. So, a standing committee may be appointed to hear appeals of the employers. In that case all the appeals could be done away with faster than today.

I would also like the hon. Minister to take note of the fact that inspectors who will be appointed now, will not be fully qualified. As you know, they have not got the five years' training that was recommended after the Amlabad explosion. You will also find that out of 30 cases of prosecution that have taken place, in actually

ten cases orders had to be withdrawn. That is in 33 per cent cases there was really misjudgment. So, when you leave it to inexperienced people, it will cause not only hardship to mine-owners but also by throwing into unemployment large numbers of people for a longer period of time would cause hardship to labour as well.

This amendment I do not think can hurt the Bill in any way but will also strengthen and widen its scope. I commend it for the acceptance of the hon. Minister.

**Shri S. C. Samanta:** According to sub-section (1) of section 22, the Chief Inspector will issue orders which may not be expressly mentioned in the Bill and the owner, agent or manager, on his part may prefer an appeal to the Government who will institute a committee for giving a report to the Government and the Government will finally decide the matter. This committee may take much time to come to a decision and submit its report. So, I am submitting that after 'Committee' the words "which shall submit its report within a month" be added. If this is done, it will be better for the Inspector and also for the management. I think the hon. Minister will accept it.

**Shri Nanda:** Sir, one of the amendments that have been urged here is about the number of ambulance vans to be kept in proportion to the number of persons employed. I have already made it clear that under the existing section, in every mine where more than 500 persons are employed ambulances have to be provided, restricting this requirement to mines employing more than 500 workers is considered inadequate. That is why it has been proposed in the amendment that in every mine they have to be made readily available and there should be such arrangements for conveyance of persons to hospitals or dispensaries as may be prescribed. It is left to the Rules to prescribe the scale of ambulance, which will no doubt be related



to the strength of workers. The rules will be laid before Parliament. The amendment is therefore not necessary.

Regarding amendment No. 26 and other amendments, our view is that the time taken by the Committee to submit its report will depend upon the nature of the problem referred to it, the condition of the mine for inspection, etc. It is therefore not practicable to specify any time limit within which the Committee should submit its report. The amendments may not therefore be accepted.

Regarding other amendments, from the composition of the committee specified in section 13 it will be seen that the Committee will be an *ad hoc* one specially competent to deal with the problem referred to it. The composition of the Mining Board is laid down in section 12. It will be seen that the Board is a standing body of a general nature. Reference of an order under section 22 to such a body may not be appropriate. The amendment is therefore not acceptable.

Regarding the amendments No. 3 and 6 moved by Shrimati Ila Palchoudhuri .....

**Mr. Deputy-Speaker:** No 6 has not been moved. Only No. 3 has been moved.

**Shri Nanda:** Only No. 3. This also we believe has reference to the Additional Chief Inspector. We find that there is an appeal against the Inspector's order to the Chief Inspector which they take against indiscriminate issue of orders against the latter's order, to the Central Government. During the last ten years there have been only three cases of appeal to the Central Government. Though the Inspector is empowered to issue orders in actual practice orders are issued only by the Regional Inspectors who are senior class I officers in the scale of Rs. 1300-1600 and that too after prior consultation with the Chief Inspector. In the circumstances there

is no real need for the amendment suggested by her which I would like to oppose. I think we should not accept it.

I may also add that the terms 'Additional Chief Inspector' or 'Deputy Chief Inspector' are not defined or mentioned anywhere in the Act and if her amendment goes through these terms will have to be defined. So it will cause administrative problems.

**Shrimati Ila Palchoudhuri:** May I just submit one thing? Since the hon. Minister says that it is a regional officer who passes the orders, what is the objection in embodying that in the Bill?

**Mr. Deputy-Speaker:** He says that sufficient protection is there because an appeal is provided for.

Have I to put any particular amendment to the vote of the House?

**Shri T. B. Vittal Rao:** Yes, Sir.

**Mr. Deputy-Speaker:** All these together?

**Shri T. B. Vittal Rao:** No, I withdraw amendment No. 43.

*The amendment was, by leave, withdrawn.*

**Shri T. B. Vittal Rao:** May I know if the hon. Minister is not willing to accept even this 'as soon as possible'?

**Shri Nanda:** There should be some substance.

**Shri T. B. Vittal Rao:** If they do not know the meaning of 'as soon as possible' then it is all right.

**Mr. Deputy-Speaker:** Have I to put amendments No 3 and 26?

**Shri S. C. Hamanta:** I am not pressing No. 26.

*The amendment was, by leave, withdrawn.*

**Shrimati Ila Palchoudhuri:** I will not press 3 either.

[Shrimati Ila Palchoudhuri]

The amendment was, by leave, withdrawn.

**Mr. Deputy-Speaker:** Then I will put amendments Nos. 28, 29, 30, 44 and 45 to the vote of the House.

Amendments Nos. 28, 29, 30, 44 and 45 were put and negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

Clause 13 (Amendment of section 24).

**Mr. Deputy-Speaker:** There are two Government amendments.

**Shrimati Ila Palchoudhuri:** I have an amendment to clause 13.

**Mr. Deputy-Speaker:** Which one?

**Shrimati Ila Palchoudhuri:** I have amendment No. 9 which is the same as Government amendment No. 16 partly.

I move:

Page 9,—

omit lines 28 to 35. (9).

**Mr. Deputy-Speaker:** Amendments Nos. 10 and 11 are not moved.

**Shri K. N. Pandey (Hata):** There is my amendment No. 41 also.

**Shri Abid Ali:** Sir, I beg to move:

(1) Page 9, (i) line 18, for "sub-sections" substitute "sub-section"; and

(ii) omit lines 28 to 35. (16).

(2) Pages 9 and 10,

Omit lines 39 to 41 and 1 to 7 respectively (17)

The hon. Member, Shrimati Ila Palchoudhuri, has also moved an amendment to this clause. My senior colleague will be accepting that amendment. Therefore, I move the rest of it:

Page 9, (i) line 18, for "sub-sections" substitute "sub-section";

It is formal:

Pages 9 and 10—clause 13—this is consequential because of the acceptance of the other—omit lines 39 to 41 and 1 to 7 respectively.

**Shri K. N. Pandey:** I beg to move:

Page 10—after line 7, add—

"Provided that the Central Government shall not pass any order to the prejudice of the person concerned without giving him an opportunity of being heard.

Provided further that any order passed by the Central Government shall not be a bar to his pursuing any other remedy open to him under the law." (41).

The purpose of my putting in this amendment is this. If as a result of this enquiry, a person of the supervisory staff who is not covered by the Industrial Disputes Act is dismissed, I have no objection. In case a workman is dismissed, when there is the Industrial Disputes Act, the remedy should not be denied to the persons concerned under the Industrial Disputes Act. This is my amendment.

**Shri T. B. Vittal Rao:** Which is the amendment that the Government propose to accept?

**Mr. Deputy-Speaker:** Number 9.

**Shri T. B. Vittal Rao:** That is also the Government amendment.

**Shri Abid Ali:** Yes; identical. In view of its acceptance, this goes.

**Shri T. B. Vittal Rao:** The Government should let us know what they are going to do?

**Shri Nanda:** I shall explain this position. This matter has been very thoroughly agitated and discussed whether the position as now being placed before the House is quite satisfactory. I am not quite sure. No more satisfactory arrangement at the moment is available. We had thought of this change in the Bill because we felt that the existing position was not good enough. But, when we came to this change, as now introduced, again certain other questions have arisen. There was a common feeling that it is not enough to have the same person enquiring into the question of the cancellation and leaving it at that. There was a general feeling that it should be again placed before some other authority, which means an appeal. We were willing to let the present thing as in the Bill to continue and make provision for an appeal. When I referred this to the Law Ministry, it was found that that would require a number of changes here and there. Therefore, at the moment, it was not possible to bring in those changes immediately. Therefore, the idea is, for the present, let the old arrangement remain and as soon as we are able to straighten out the question of appeal, where to go, we shall see. Because, at present, it is not a judicial proceeding; it is an administrative procedure. Therefore, the question of appeal does not fit in here. The enquiry report has to come to the Government. Where is the appeal? Because of these legal difficulties and drafting, etc., this has been left to remain as it is pending the straightening out of the question.

**Shri T. B. Vittal Rao** rose—

**Mr. Deputy-Speaker:** After he has replied?

**Shri T. B. Vittal Rao:** Was it a reply?

**Mr. Deputy-Speaker:** Yes; it was a reply. The amendment had been

moved by Shri Abid Ali. Anyhow, I will allow him.

**Shri T. B. Vittal Rao:** I have nothing to add. I agree with the hon. Minister about the legal complications. In the mean time, I would earnestly request you to see that this court of enquiry for the cancellation of certificate, if any, be set up as quickly as possible.

**Shri Abid Ali:** That we will do.

**Shri T. B. Vittal Rao:** Immediately, as soon as the finding is there, these enquiries should be concluded as quickly as possible. What is happening is this. I have got even now one court of enquiry holding. ....

**Mr. Deputy-Speaker:** Perhaps, the hon. Minister wants to move more quickly than as quickly as possible.

**Shri T. B. Vittal Rao:** He has not moved; that is the trouble.

**Mr. Deputy-Speaker:** The question is:

Page 9, (i) line 18, for "sub-sections" substitute "sub-section"; and

(ii) omit lines 28 to 35. (16).

Pages 9 and 10.—

omit lines 39 to 41 and 1 to 7, respectively. (17).

*The motion was adopted.*

**Mr. Deputy-Speaker:** In view of the acceptance of amendment No 16, lines 28 to 35 are omitted already. Amendment No. 9 is barred so it goes off. Then, there is amendment No. 41.

**Shri K. N. Pandey:** The hon. Minister did not say a word about my amendment.

**Mr. Deputy-Speaker:** I can only put it to the House.

**Shri Nanda:** May I explain, Sir? Has it been put to the House?

**Mr. Deputy-Speaker:** It has not been put as yet. The Member wants that some reply should be given to him.

**Shri Nanda:** The position is, we do not regard it as quite necessary. I may explain if the hon. Member wants.

**Mr. Deputy-Speaker:** Am I to put it?

**Shri K. N. Pandey:** No.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 13, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

**Clause 14—(Amendment of Section 30)**

**Shri T. B. Vittal Rao:** I beg to move:

Page 10, line 20, for "fourteen hours" substitute "twelve hours". (46).

I do not know how the Minister arrived at the figure 14 hours: spread-over to extend over a period not exceeding 14 hours. This spread-over question has been a matter of dispute every time in industrial relations between the trade unions and the employees. This spread-over question should have received the close attention of the Minister. I do not know how he arrived at the figure 14. Generally, it is 9 hours or ten hours or 12 hours. For example, in the case of wagon loaders, who go to load wagons, if the wagons are not there, they are asked to go away. From dawn to dusk, they stay there and then only, they are paid. For staying for 12 or 13 hours, he gets 8 hours' wages. This small amend-

ment, at least, the Minister may accept: instead of 14, let it be not exceeding 12 hours.

**Mr. Deputy-Speaker:** From dusk to dawn, it is night and not day.

**Shri T. B. Vittal Rao:** Yes; I am sorry. From dawn to dusk.

**Shri T. B. Vittal Rao:** For being not mean three or four hours. Spread over means eight hours or whatever is the normal period is extended over a larger period. Therefore, it cannot be 2 hours or 3 hours; it has to be more than 8 hours. A period of 14 hours that is specified in the proposed proviso is the same as in the existing proviso. The period of spread over specified in sub-section (2) is what is already there and there can be no question of substitution of 14 hours by 12 hours. The amendment is not necessary.

**Shri T. B. Vittal Rao:** For being there from 6 in the morning till 8, he will be paid for 8 hours.

**Mr. Deputy-Speaker:** The question is:

Page 10, line 20,—  
for "fourteen hours" substitute "twelve hours" (46).

The 'Noes' have it

**Some Hon. Members:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** It looks as if the 'Ayes' have it.

**Some Hon. Members:** The 'Noes' have it.

**Mr. Deputy-Speaker:** Nobody is attending. There is such a large number of Members who desire to support the Government; but they are not just attending. I shall put it again. The question is:

Page 10, line 20, for "fourteen hours" substitute "twelve hours". (46).

*The motion was negatived*

**Mr. Deputy-Speaker:** The question is:

"That clause 14 stand part of the Bill."

*The motion was adopted.*

*Clause 14 was added to the Bill.*

**Clause 15.—***(Substitution of new section for section 31).*

**Shri T. B. Vittal Rao:** I beg to move:

Page 10, line 33, for "forty-eight hours" substitute "forty-four hours" (31).

I have put in a limitation to the weekly hours of work and reducing it from 48 to 44 hours. In the mining industry, even in the very advanced industrial countries of the world, the number of weekly hours that a worker below ground has to put in ranges from 36 to 42. In the United Kingdom, it is 40. Here, in India, as an earnest of the Government's intention to improve the condition of the miners, I am only demanding a reduction of 4 hours out of 48 hours. That is, a worker has to put in only 44 hours. During the course of the last decade, in the First and Second Five Year Plans, we have done very well in mining. Production in the various sectors of the mining industry, whether coal or iron ore, has been very good, and the productivity, as just now stated by the Minister, has increased from .34 in 1951 to .41 and it is going to be .42—that is the coal miners have contributed considerably to the production.

14 hrs.

Now, what is the argument of the Minister? A committee is being appointed and it is going into the question of the working hours. The committee's recommendations may come, and Government is likely to take one year on them, and, consult other parties and other organisations, and it will take two years. I have confidence

that no committee worth the name can recommend hours more than what I have put in. No committee which goes into the question of fatigue in the mining industry will recommend more than what I have stated. I have put in a very modest amendment. The miners have been demanding a 36-hour week. Actually my amendment is a compromise between their demand and the stand of the Minister.

If we are keen on increased production, they can even now have 48 hours of work a week and pay the miners double wages for the extra four hours. There are people who say that reduction in the hours of work will reduce production. I may quote a concrete example. Before the Mines Act was enforced in July, 1952 in many coal mines the workers were working for seven days in the week, but after the enforcement they had to work only six days in the week with one day weekly off without pay. They accepted it, and what do you find now after that? Production has steadily increased. From 38 million tons in 1952 we have in 1958 come to 43.5 million tons and it is going to be 45 and 47 million very soon. That means the reduction in the hours of work has not resulted in lower production. And there has not been any large increase in the complement of the workers. Today also there are only 350,000 workers in the coal mines.

I need not press this point further, because the Minister himself has accepted that there is increase in production. No doubt we have not come to the standards of U.K., and Belgium, but there they are mechanised mines. Here there are mechanised mines, hand-drilling, hand-picking etc. If the average of all this is taken, compared to the foreign countries our workers and productivity are better off, that is quite clear.

In 1946 when the Factories Act was introduced providing a 48-hour week for the workers in factories, there were people who shouted that production would be reduced and that our

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economy would be shattered. There were employers and even members on the Treasury Bench, stating that such a thing would happen. But what has been the result of the enforcement of the Factories Act? There has been an increase in production as the whole economic development of our country shows.

A worker in a coal mine is exposed to risks nine times more than a factory worker; he is subject to various occupational diseases like silicosis, pneumoconiosis, manganese poisoning etc. Is it fair to put him on a par with a factory worker working for 48 hours a week? Is it not high time that the miner demands a just share in the increased production?

In every country in the world the miner is the highest paid worker. What is happening in our country? He is still the sixth or the eighth or the tenth. So, as an earnest of Government's intentions to enthrone him for better production, to contribute to the national income, to serve the country better, I only demand a reduction of four hours a week in the working hours of the miner. The Minister has stated that he is not going to accept this amendment. Still, I commend it to the House.

**Dr. Melkote (Raichur):** I support the amendment of Shri Vittal Rao and I commend his arguments to the attention of the hon. Minister.

He has argued out his point very well. I need add only this. Even in the U.K. and other countries, while in the other industries they have fixed 48 hours, so far as miners are concerned, they have brought it down to 44 or even 36. This is principally due to the fact that the miner has to work all the time underground where the pressure of air is greater than on the surface. In a cold country like U.K. it may be more comfortable to stay underground, and hence the number of hours may be 36 to 40 but in a country like India it becomes extremely stuffy and it becomes almost un-

bearable to stay for 48 hours underground. This is the reason why the number of hours in India should be less than what it is in foreign countries. While a committee may be set up to investigate the difficulties of the miners in this respect and their efficiency, their argument is that a cut may be accepted. I therefore press the Minister to accept the amendment.

**Shrimati Ila Palchoudhuri:** About Shri Vittal Rao's amendment regarding hours of work, I would also commend to the Minister that if four hours cannot be reduced, at least him let him accept a reduction of two hours for the time being. . . .

**Dr. Melkote:** Even a token reduction is welcome.

**Shrimati Ila Palchoudhuri:** . . . because when a committee goes into the question and recommends a reduction, I am sure the Minister will find it possible to reduce it. The conditions in the mines are very different from those in a factory, and also the conditions in the mines in India are much harder than in the mines in the western countries. Where we have open mines, if we have any in India, it may vary, but where it is underground I think some reduction in the hours of work, in view of the health of the miners, should be considered by the Minister.

**Shri Nanda:** I think my hon. friend Shri Vittal Rao has done his part very well. He has pleaded very eloquently, to such an extent that he has been able to move the heart of the hon. lady Member there who has been all along speaking on the other side in a way.

**Shrimati Ila Palchoudhuri:** I am always for the workers and for all just causes.

**Shri Nanda:** Of course, as representing the working class, he has to make that plea, but he also knows that there is a time for everything. He knows also the reply, which, he knows, is good enough. He knows that a

thing like reduction in hours of work cannot be done across the table over an amendment. It has such vast consequences. I have not said 'No' to it. I have not said that at no stage is there going to be any reduction. It may be near enough. I cannot say that at the moment. We have moved in the matter. We have left this matter to be taken up by a competent committee. If that committee, after looking into all the relevant facts, finds that there is an immediate need for a reduction, well, it will come before all of us, it will come before certain committees, and it will come before the House also.

Therefore, it is really premature for the hon. Member to move his amendment now. Of course, he has given very good reasons, but those reasons have to be tested now in the light of technical and other considerations. He has also explained that the work of the miners is a hard one. He has also pointed out that they have increased the production. In fact, I had given the figures, and he has used them with very good effect. I do not want to place the workers under any disadvantage as against the charges that were being made against them. But then, I have also pointed out, and I shall repeat now, that the workers have gained something out of it.

The index of real earnings, which was 100 in 1951, 109 in 1952, 120 in 1953, 156 in 1954, 171 in 1955, and 184 in 1956, is about 200 now. And this is after making allowances for the increase in cost of living. So, they have not done very badly.

**Shri T. B. Vittal Rao:** Is this figure 200 for 1958 or 1959?

**Shri Nanda:** It is very recent. This increase does not come out of nothing. It has to be paid by somebody. Either, it must be at the cost of any margin of profit which may be excessive—we absorb it, and give it to the workers—or it has to come out of the consumers. The consumers are the industries, because these are basic commodities. Already, in order to

give this increase, the price of coal has had to be raised. Therefore, let us consider all these things calmly. If the price has to be paid in these terms, then it may have to be paid. But it should not be lightly taken. Therefore, I do not accept the amendment.

**Mr. Deputy-Speaker:** Shall I put the hon. Member's amendment to vote?

**Shri T. B. Vittal Rao:** I would like to withdraw it.

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

**Some Hon. Members:** Yes.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is—

"That clause 15 stand part of the Bill".

*The motion was adopted.*

*Clause 15 was added to the Bill.*

**Clause 16—** (Substitution of new section for section 32).

**Shri T. B. Vittal Rao:** I beg to move:

Page 11, line 12,—

for 'twenty-four' substitute 'thirty-six' (32).

This amendment is very simple, and I suggest that it may be accepted. While moving this amendment, I have not to advance much of an argument. We want that whatever experience we have gained in the working of the railways should be applied here also. After a person has worked in a mine, when a weekly off has to be calculated, it is stated in the amending Bill that it should be only 24 hours, after his shift ends. Suppose, a person has worked in the mines and got out of the mine at 6 A.M., then, according to the amending Bill, he can be called

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for work only the next morning at 8 a.m.; he would have enjoyed by then only 24 hours, which is his weekly off. That means to say that he has to forgo twelve hours. After his shift ends he has got his legitimate due of 12 hours of rest, because he has worked the previous night. Therefore, I would suggest that this amendment may be accepted.

After all, this is nothing new. This is what is being done in the railways. According to the Hours of Employment Regulation, 36 hours should be given instead of 24 hours; that is, weekly rest means 24 hours plus the rest which is legitimately due after the work of the previous day.

**Mr. Deputy-Speaker:** The amendment is now before the House.

**Shri Nanda:** The hon. Member has cited the instance of the railways. I have not got immediately information regarding that. But possibly, there is difference in the structure of hours also. But I can cite for his benefit the Factories Act. This proposed provision is drafted on the basis of section 57 of the Factories Act. And, therefore, it does not require any change.

**Mr. Deputy-Speaker:** May I put this amendment to vote now?

**Shri T. B. Vittal Rao:** I would like to withdraw it.

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

**Some Hon. Members:** Yes.  
*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 16 stand part of the Bill".

*The motion was adopted.*

*Clause 16 was added to the Bill.*

*Clauses 17 to 29 were added to the Bill.*

**Clause 30—** (Substitution of new sections for sections 49 to 56).

**Shri T. B. Vittal Rao:** I beg to move:

(1) Page 16, line 5,—

for "sixteen" substitute "ten".  
(35).

(2) Page 16, line 8,—

for "twenty" substitute "fifteen"  
(36).

(3) Page 16,—

after line 8, insert—

"(1A) Every person employed in a mine who has completed a calendar year's service therein shall be allowed during the subsequent calendar year, sick leave with half the wages calculated at the rate of one day for every twenty days of work performed by him". (37).

(4) Page 17, line 11,—

for "fifteen" substitute "three".  
(38)

(5) Page 17,—

for lines 14 and 15, substitute.

"Provided that any such person who has applied for such leave with wages due to him to attend to some emergency may be granted such leave even if the application for leave has not been made within the time specified in this sub-section, at the discretion of the manager of the mine." (39).

My first amendment is with regard to annual leave with wages. It is true that the amendment contemplated in the Bill may be in accordance with the recommendations of the Industrial Committee which met in August, 1948.



I was also one of the delegates to that committee. But as I have pointed out already, this recommendation is a little out of date, because nearly three and a half years have passed since then. Therefore, what I have done in this amendment is to increase the number of days of leave which a worker is entitled to. The amendment brought forward by Government is to the effect that the leave will be at the rate of one day for every sixteen days of work. In a year, the number of working days in a mine are 302, because on the Sundays, the miners are not allowed to work. So, a miner will be eligible for 30 days in a year, if he works all the 302 days. But owing to the very nature of the work, nobody can work in the mines for all the 302 days. As a matter of fact, some of the workers cannot work for more than five days in a week. Therefore, in order that sufficient justice may be done to them, and in order that sufficient rest may be given to the miners, I have increased it to 30 days. I have correspondingly increased the number of days for those working above ground also by a very small extent.

About sick leave, the hon. Minister has stated that the Employees' State Insurance Scheme, is there, and that Government are thinking on those lines. Under that scheme, factory workers who are covered by it get a sickness cash benefit during a year to the extent of 56 days, whereas a miner does not get a single day's sick leave. This has been the position all along. Can anybody imagine that a worker can work all along without falling sick at all? Should there not be some provision at least for a worker when he falls sick, that he should get at least half wages? This has been the recognised practice everywhere, but in our country, it is not there. The argument may be advanced that he can commute the leave earned with full wages into sick leave. But that is not going to be enough.

Recently, I met five miners who were undergoing treatment for tuber-

culosis in a hospital in my place. They pointed out to me how nicely those covered under the Employees' State Insurance Scheme were being treated. They have got mosquito nets, and the workers get half the wages for the period, not only for 56 days, but under the liberalised scheme for another 18 days, which are also added to the credit of the TB patient.

Therefore, what I have demanded is a slight increase in the annual leave with wages and a very modest sick leave with half wages, which, if it is worked out, would not come to more than 15 days in a year, if a miner works all the days in a year.

Then there is a notice that has to be given for obtaining leave. I do not know how this Government has decided that 15 days' notice is to be given. That shows that the Industrial Relations machinery of the Government of India is not seized of this matter at all. A person, in order to get the leave which he has earned, must give 15 days' notice. What is this? Is this the experience of the industrial relations machinery in regard to the working of mines? This is a hopeless state of affairs. So I have said that the period of notice should be reduced from 15 days to 3 days, and wherever it is a case of emergency, the manager at his discretion should allow that leave waiving notice. These are the few amendments I have proposed.

Under the Employees' State Insurance, the worker has to contribute. Here in the case of coal mines, only for the welfare of the coal miners a cess is levied at the rate of 6 annas per ton on consumers for coal and 12 annas per ton for coke. This has been levied only with a view to utilising this amount for the welfare of the workers. That means, each worker, according to his productivity, contributes not less than Rs. 4 in a month. If you take the productivity at the

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rate of 0.41 per worker, it comes to Rs. 4 contribution to the fund. Therefore, there is no question of any other contribution. The sick leave could easily be given.

**Shri K. N. Pandey (Hata):** I have also an amendment, No. 42.

**Mr. Deputy-Speaker:** He did not rise earlier to move it. I was looking round then.—Anyway, he may move it.

**Shri K. N. Pandey:** I beg to move:

Page 17, lines 8 and 9,—for "to carry forward the unavailed leave without any limit" substitute—"to wages for such period of which leave was refused or not given".  
(42).

In order to get the leave, the worker has to apply to the management. In case that leave is refused, it will be added on the leave to his credit that he will avail of in future. Now, there is no assurance given to the worker that his leave will not be refused a second time. If the management goes on refusing leave, when will the poor fellow avail of that leave? That is why I have put in this amendment saying that in case leave is refused, he should be paid for that period. The worker does not apply for leave simply because he will get something in case of refusal. If his leave is refused, he cannot avail of it. So I have said that in case he applies and leave is refused, he should be paid for that period. If the hon. Minister can say that there is an assurance somewhere that the management will not refuse the leave a second time, then the position may stand as it is, but in case his leave is refused a second time also, how will the worker avail of his leave? I would like the hon. Minister to explain the position.

**Mr. Deputy-Speaker:** All these amendments are before the House.

**Shri Nanda:** This is on the same lines as the position in respect of the previous clause. The facts are well known to the hon. Member. In this amending Bill, we have now improved the position for the workers. That is not denied. If I may remind the hon. Member, under the parent Act, leave is calculated at the rate of 14 days for a period of twelve months in some cases and 7 days for a period of twelve months in others. He can himself make the calculation and see how much better is the provision that is being made in the amendment. We can go only thus far at the moment. I may also add that these provisions are on the lines of the consensus of opinion of a Committee on the subject. Therefore, it is not possible to do anything more at this stage.

Regarding the other amendments concerning the requirement of notice, the industry has also to run. If many persons ask for leave at a time, it may dislocate the whole work. Of course, it is not that they have necessarily to wait for 15 days. If it is possible to give the leave immediately, they will do that. In the case of sickness, a provision is made that no such notice is necessary. So that can be covered in that way. I do not think these amendments can be accepted. The provisions now proposed in the Bill are an advance on the present position and they are sufficient for the purpose.

I cannot also accept the other amendment moved by the hon. Member. If required, I can explain all that. We find that administratively it is not going to be practicable at all.

**Shri T. B. Vittal Rao:** I would like to press amendment No. 37 for division. The others may be put to vote together.

**Mr. Deputy-Speaker:** I will hold over amendment No. 37 for division later.

**Shri K. N. Pandey:** I would beg leave of the House to withdraw my amendment.

## Bill

**Mr. Deputy-Speaker:** Has the hon. Member the leave of the House to withdraw his amendment No. 42?

**Some Hon. Members:** Yes.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** I shall now put the other amendments, excluding amendment No. 37, to the vote of the House.

*Amendments Nos. 35, 36, 38 and 39 were put and negatived.*

I will hold over amendment No. 37 for some time and in the meanwhile, we shall proceed with clause 31.

**Clause 31—** (*Amendment of section. 57*)

**The Deputy Minister of Labour (Shri Abid Ali):** I beg to move:

Page 20, line 32,—

omit "agent or manager". (18)

The provision in the proposed section is necessary for preventing any danger to surface structures as also to neighbouring mines due to surface subsidence, inundation of water etc. It should be appreciated that the financial liability should be that of the owner alone and not of the agent or manager. Consequently, this amendment is proposed.

**Mr. Deputy-Speaker:** The question is:

Page 20, line 32.—

omit "agent or manager". (18).

*The motion was adopted.*

**Shri T. B. Vittal Rao:** Jharia town will sink now!

**Mr. Deputy-Speaker:** The question is:

"That clause 31, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 31, as amended, was added to the Bill.*

*Clause 32 to 39 were added to the Bill.*

**Clause 40—** (*Substitution of new sections for sections 73 and 74*)

**Shrimati Ila Palchoudhuri:** I beg to move:

(1) Page 23, lines 6 to 8.—for "with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both" substitute—"with fine which may extend to four thousand rupees". (12).

(2) Page 23, lines 11 to 13,—for "with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five thousand rupees" substitute—"with fine which may extend to ten thousand rupees". (13).

(3) Page 24, lines 8 to 10,—for "with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both" substitute—"with fine which may extend to two thousand rupees". (14).

(4) Page 24, lines 16 to 18,—for "with imprisonment for a term which may extend to six months, and shall also be liable to fine which may extend to two thousand rupees" substitute—"with fine which may extend to four thousand rupees". (15).

My amendment No. 15 is practically the same as Government's own amendment and I hope Government will not find any difficulty in accepting it. My one plea for the acceptance of these amendments is that in every case it has been provided there shall be imprisonment and fine. I want the fines to be greatly increased. Also there should be choice, as in any other penal punishment. If it is

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necessarily imprisonment, it will be rather hard on them. I do not want the managers to escape from the consequences of their misdeeds. I do not want that to happen. But let them pay heavily for it. But in respect of small contraventions, it is not always they who are directly guilty of such contraventions. For example, if they are supposed to provide 12 first-aid boxes and only 8 had been provided, as the provision stands now, the manager has to be sent to prison. I suppose the court would not take cognizance of a case like that; but according to the law it could do. So, I would say that necessarily imprisonment in every case should not be there. There should be the choice of punishment—imprisonment and fine or both. So, I have placed these amendments before the House and I want that the fines should be enhanced.

You will also see that I have not proposed any amendment to section 72C proposed in the Bill on page 23, because after all where it is a case of good deal of danger of loss of life every punishment that is possible should be given to the managers. But, where there is scope of this leading to harassment, I commend my amendments to the hon. Minister, particularly, No. 15. It is almost the same as *Shri Abid Ali's* amendment; and I hope he will certainly accept it.

**Mr. Deputy-Speaker:** Should he accept his own amendment or the hon. Member's amendment?

*Shrimati Ila Palchoudhuri:* Mine, Sir.

**Mr. Deputy-Speaker:** When it is the same and he is also moving?

*Shrimati Ila Palchoudhuri:* It depends on the Government. They never like to accept others' amendments. So, I would commend all these amendments to the Minister for his acceptance.

**Shri Nanda:** I am really accepting one of them where it is a question of punishment for repeated offences. We are accepting that and not the other ones.

**Mr. Deputy-Speaker:** Is the Government amendment No. 19 the same as amendment No. 15?

**Shri Abid Ali:** There is a slight difference, Sir.

**Mr. Deputy-Speaker:** Will the Government move 19 as well as accept 15?

**Shri Nanda:** No, Sir.

**Mr. Deputy-Speaker:** When amendment No. 19 is moved, amendment No. 15 is barred.

**Shri Nanda:** Yes, Sir.

**Mr. Deputy-Speaker:** What about Nos. 12, 13 and 14?

**Shri Nanda:** We are not accepting.

*Amendment made:*

Page 24,—

for lines 16 to 18, substitute—

"punishable for each subsequent conviction with double the punishment to which he would have been liable for the first contravention of such provision."  
(19).

[*Shri Abid Ali*]

**Mr. Deputy-Speaker:** Then, amendment No. 15 goes out. Does the hon. Member press amendments Nos. 12 to 14?

*Shrimati Ila Palchoudhuri:* I do not press, Sir.

The amendments were, by leave, withdrawn.

**Mr. Deputy-Speaker:** The question is:

"That clause 40, as amended, stand part of the Bill."

The motion was adopted.

Clause 40, as amended, was added to the Bill.

Clauses 41 to 43 were added to the Bill.

*New Clause 43A*

**Shri Abid Ali:** Sir, I move:

Page 25,—

after line 19, insert—

'43A. Insertion of new section 80A.—After section 80 of the principal Act, the following section shall be inserted, namely:—

"80A. Special provision regarding fine.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure 1898, it shall be lawful for a presidency magistrate or a magistrate of the first class to pass a sentence of fine exceeding two thousand rupees authorised by this Act on any person convicted of an offence thereunder." (40).

The amendment proposed by me is consequential because of the enhancement of fines and I hope it will be accepted.

**Mr. Deputy-Speaker:** The question is:

Page 25,—

after line 19, insert—

'43A. Insertion of new section 80A.—After section 80 of the principal Act, the following section shall be inserted, namely:—

"80A. Special provisions regarding fine.—Notwithstanding any-

thing contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for a presidency magistrate or a magistrate of the first class to pass a sentence of fine exceeding two thousand rupees authorised by this Act on any person convicted of an offence thereunder." (40).

*The motion was adopted.*

*New clause 43A was added to the Bill.*

*Clauses 44 to 47 were added to the Bill.*

**Mr. Deputy-Speaker:** Now, we turn to amendment No. 37 to clause 30 Is it being pressed to division?

**Shri T. B. Vittal Rao:** Yes, Sir.

**Mr Deputy-Speaker:** The question is:

Page 16,—

after line 8, insert—

"(1A) Every person employed in a mine who has completed a calendar year's service therein shall be allowed during the subsequent calendar year, sick leave with half the wages calculated at the rate of one day for every twenty days of work performed by him." (37).

Let the lobbies be cleared.

*The Lok Sabha divided: Ayes: 28; Noes: 128.*

**Division No. 9 ]**

**AYES**

**[ 14-36**

Banerjee, Shri Pramathamath  
Banerjee, Shri S. M.  
Brij Narayan "Brijesh", Pandit  
Chakravarty, Shrimati Renu  
Chandramani Kalo, Shri  
Deb, Shri Dasaratha  
Deo, Shri P. K.  
Dharmalingam, Shri  
Eliis, Shri Muhammad  
Ghosal, Shri Aurobindo

Ghose, Shri Bimal  
Gopalan, Shri A. K.  
Goundar, Shri Shanmuga  
Gupta, Shri Sadhan  
Kar, Shri Prabhat  
Majhi, Shri R. C.  
Matera, Shri  
Menon, Shri Narayanankutty  
More, Shri

Nair, Shri C. K.  
Panigrahi, Shri  
Patil, Shri Nana  
Rao, Shri T. B. Vittal  
Singh, Shri L. Achaw  
Sugandhi, Shri  
Supakar, Shri  
Tangamani, Shri  
Yadav, Shri

## NOES

Abdul Lateef, Shri  
 Abdul Salam, Shri  
 Aohar, Shri  
 Agadi, Shri  
 Agarwal, Shri Manakhhai  
 Ambalam, Shri Subbiah  
 Aney, Dr. M. S.  
 Anjanappa, Shri  
 Arumugam, Shri R. S.  
 Ayakkanna, Shri  
 Banerji, Shri P. B.  
 Basappa, Shri  
 Basumatari, Shri  
 Bhargava, Pandit M. B.  
 Bhattacharya, Shri C. K.  
 Biswas, Shri Bholanath  
 Brajwara Prasad, Shri  
 Chaturvedi, Shri  
 Choudhary, Shri C. I.  
 Chuti Lal, Shri  
 Dasappa, Shri  
 Deb, Shri N. M.  
 Deshmukh, Shri K. G.  
 Dindod, Shri  
 Dube, Shri Mulchand  
 Dwivedi, Shri M. L.  
 Gandhi, Shri M. M.  
 Gautam, Shri C. D.  
 Gupta, Shri Ram Krishan  
 Jbunjhunwala, Shri  
 Jindchandran, Shri  
 Jogendra Sen, Shri  
 Joshi, Shri Liladhar  
 Jyotishi, Pandit J. P.  
 Kedaria, Shri C. M.  
 Kiledar, Shri R. S.  
 Klatiya, Shri  
 Kotaki, Shri Laladhar  
 Krishna, Shri M. R.  
 Kureel, Shri B. N.  
 Lahiri, Shri  
 Laxmi Bai, Shrimati  
 Mahadeo Prasad, Shri

Majithia, Sardar  
 Menaen, Shri  
 Masuriya Din, Shri  
 Mathur, Shri Hariach Chandra  
 Mathur, Shri M. D.  
 Mehta, Shri J. R.  
 Melkote, Dr.  
 Mishra, Shri L. N.  
 Miata, Shri B. D.  
 Miara, Shri R. D.  
 Miara, Shri R. R.  
 Mohammed Akbar, Shaikh  
 Morarka, Shri  
 Munisamy, Shri N. R.  
 Murty, Shri M. S.  
 Muthukrishnan, Shri  
 Naidu, Shri Govindarajulu  
 Nair, Shri Kuttikrishnan  
 Neldurgar, Shri  
 Nellakoya, Shri  
 Nanda, Shri  
 Narasimhan, Shri  
 Narayanasamy, Shri R.  
 Nathwani, Shri  
 Nehru, Shrimati Uma  
 Neswi, Shri  
 Oza, Shri  
 Pandey, Shri K. N.  
 Panna Lal, Shri  
 Parmar, Shri Deen Bandhu  
 Pillai, Shri Thanu  
 Prabhakar, Shri Naval  
 Radha Raman, Shri  
 Rai, Shrimati Sahodrabai  
 Rajiah, Shri  
 Rau, Shri D. S.  
 Ram Shankar Lal, Shri  
 Ramaaswamy, Shri K. S.  
 Ramaaswamy, Shri P.  
 Ramaul, Shri S. N.  
 Rampure, Shri M.  
 Kane, Shri  
 Rangano, Shri

Reddy, Shri Ramakrishna  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Sahu, Shri Rameshwar  
 Semantsinbar, Dr.  
 Satyabhama Devi, Shrimati  
 Selku, Shri  
 Sen, Shri P. G.  
 Shah, Shrimati Jayaben  
 Sharma, Shri D. C.  
 Sharmas, Shri R. C.  
 Shaetri, Swami Ramanand  
 Shobha Ram, Shri  
 Siddananiappa, Shri  
 Siddiah, Shri  
 Singh, Ch. Rambir  
 Singh, Shri Babunath  
 Singh, Shri Birbal  
 Singh, Shri D. N.  
 Singh, Shri Daljit  
 Singh, Shri H. P.  
 Singh, Shri K. N.  
 Singh, Shri M. N.  
 Singh, Shri Raghunath  
 Sinha, Shri Anirudh  
 Sinha, Shri B. P.  
 Singhani Singh, Shri  
 Snatak, Shri Narden  
 Soren, Shri  
 Subbarayan, Dr. P.  
 Sumat Prasad, Shri  
 Tahir, Shri Mohammed  
 Tariq, Shri A. M.  
 Tewari, Shri Dwartkanath  
 Tiwari, Shri R. S.  
 Tiwari, Pandit D. N.  
 Uike, Shri  
 Upadhyay, Pandit Munishwar  
 Datt  
 Varma, Shri M. L.  
 Viswanath Prasad, Shri  
 Vyas, Shri R. C.  
 Wadiwa, Shri

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 30 stand part of the Bill."

*The motion was adopted.*

*Clause 30 was added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That Clause 1, the Enacting Formula and Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and Title were added to the Bill.*

**Shri Nanda:** Sir, I beg to move:

"That the Bill, as amended, be passed."

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill, as amended, be passed."

**Shri Prabhat Kar (Hooghly):** Sir, Government have rejected all the

amendments. I am really surprised at the way in which they have rejected the demands which, according to the statement of the hon. Minister himself, the employees could justifiably demand in respect of amenities to them, the question of their leave and the question of their working hours. I can understand that the question of an increase in the emoluments can wait because he may say that we have got to look to the prosperity of the industry and to the output. But when the question is raised about the amenities and privileges of the workers, and particularly of the workers working in mines where they are subject to so much of difficulties, I am surprised at the way the hon. Minister has rejected all these amendments. It was difficult for him to say that today the working hours in mines should not be reduced. The point was raised by Shri Vittal Rao and supported by Dr. Melkote and other hon. Members. He said he would look into the matter and take some time. It relates only to an increase of four hours in a week. I do not know why the Labour Minister says that some more thought should be given. According to the production figures given by him, production has increased in spite of reduction in some hours. It is because the workers work and good relation exists. When it is universally accepted that the workers in the mines always work less than the factory workers, I do not know why he should refuse to accept this universally accepted principle for the mine workers in India.

The House has voted down the provision relating to the sick leave. The demand was that they should be entitled to certain sick leave after one year's work. That has not been accepted by him. He says it is important. It will surely help the workers. It will not brook any delay. You can say that the increase in their wages can wait for certain time. You should not ask them to wait for these amenities. All the figures are with the Government and it was possible for

the Government to accept these amendments. But he wants to examine them. I would request hon. Minister to assure us that within the shortest possible time all these points on which he has agreed should be brought forward by the Government so that the workers may not be deprived of their legitimate rights and privileges which the workers in other parts of the world enjoy.

**Shri Sinhasan Singh** (Gorakhpur): Sir, the Bill as it is, is quite welcome but I want to add one or two things. The Bill has not taken note of the poor residential facilities of the employees. I had occasion to go around certain mines and see the poor conditions in which the labourers were residing. In one place I was dragged in by the labourers to see their quarters. 10 or 15 people were living in one room, 10X8 or 10X10. It was not even worth for animals to live in. At one place the mines were owned by no less a person than the Tatas. The fly nuisance was so much that there was almost a raid of flies on us when the Committee went there. When the Committee went for inspection that was the condition, the workers told us; they asked us to imagine the conditions at other times. No amenities are there. I could not move any amendment now. When the next Bill comes, some amenities should be provided to them in the matter of suitable residences so that they may not live in such conditions. At one place it was a good arrangement for the workers and we took food along with the workers. Similar arrangements could be made.

The Deputy Minister was with us at one place when a representation was made about the uniform. No uniform is given to the labourers in mines. I think these labourers should be spared of their poor cloth. These are the people who are the backbone of our economy and who help us to exploit our mineral wealth but no amenities are given to them. There should at least be one room to one

[Shri Sinhasan Singh]

man. Asking 16-20 people to live in one room when we talk of the socialist democracy is something very awkward. It should not be.

The educational facilities are not there. If at all, they are very meagre. Some of them live with their children and they find it difficult. The Government has levied duty on coal and there is a crore or there may be Rs. 2 crores in that welfare fund. From that levy, the officers want to build buildings or quarters but the mine-owners have to pay Rs. 2 per quarter or to pay something like that to the Government. They do not want to pay that money. There was a complaint by the officers about this. I think the Government will look into it. The company concerned should be made to pay the amount. Unless their living conditions are improved and these facilities are given, we cannot expect much good work from them.

**Shri T. B. Vittal Rao:** I have said what I wanted to say in the first and second reading stages and I will be very brief now. In spite of the fact that the hon. Minister has declined to accept any of my amendments which would have gone a long way to improve the living and working conditions of the coal miners, I welcome this measure because of the few benefits that it confers on the coal miners. Because the leave privileges have increased a little, it means an automatic increase in the days of grace provided for in the coal mines bonus scheme. That has to be revised. Now only 21 days of grace are allowed under the coal mines bonus scheme. If a person goes on authorised leave or on sick leave, these days of grace are counted. Otherwise, he will be losing the bonus. Therefore, I would request the hon. Minister to issue a notification or any thing as he may please increasing the days of grace in the coal mines bonus scheme. Otherwise, they will lose the bonus with the result that what-

ever privileges have been conferred by the Bill will be lost. Therefore, I request the hon. Minister to look into that.

**Shri K. N. Pandey:** Sir, although I have supported the Bill, I want to make a few suggestions. Although we have voted against the amendment of Shri Vittal Rao I realise its necessity because the circumstances in the coal mines area are such that there should be a provision for the grant of sick leave.

**Mr. Deputy-Speaker:** Is he sorry for having voted against it?

**Shri K. N. Pandey:** I do not agree with the rate he has suggested but I agree with the principle that there should be a provision for sick leave. I want to say something about the quarters and Shri Sinhasan Singh mentioned. In these coal mines area there is a great difficulty in securing land for quarters because all the lands are owned by the mine-owners and they do not release them because those lands are very costly and the coal is inside. Therefore, I request the Minister to take some special steps so that land may be secured in order to construct quarters there. He is levying a cess to create a welfare fund for the miners. Let us start a programme for giving education to the workers because there is no such provision. He has provided medicinal facilities, etc. He has constructed a big hospital there. So many doctors have been employed, but no arrangement has been made for giving education to them. Most of the people are illiterate. Therefore, it would be better if some arrangement is made for giving them education. There is a scheme for giving training to some of the workers, and I think their services can be utilised for this purpose.

**Shrimati Ila Palchoudhuri:** Sir, I welcome this Bill and I support it because it is an improvement. But there are one or two points which I



would like to ask the Ministry to expedite. These committees that have been formed should go into the fatigue factor and other things concerning the workers and see that any amenities that can be given to them are given speedily, because, after all, there is a saying: "He who gives quickly gives twice". Therefore, these committees should start their examination and give their data and the Government should set about implementing their recommendations.

About housing, Sir, I have also seen some of the houses. The conditions of housing are deplorable. When the Government enforces labour housing on plantations, does it not enforce labour housing on the mining people? I do not know why that has not been done? After all, there is no lack of space in the mining areas, and surely it should be possible to give the workers better housing than what they have at present.

The welfare cess that is levied I hope will be really utilised to the full for the welfare of the workers. That is a point which the Government must bear in mind. The welfare of the workers must be the prime concern not only of the Government but also the owners and managers of mines.

I also hope that the managers will be saved from all undue harassment. The managers in these coal mines are technical people. They have something of their technique to give to this industry. If by passing a legislation and implementing it we cause harassment to them, naturally the better qualified men will not come in for mining and that would be really a sad day. Not only managers with technical knowledge but the aim should be that managers with the best kind of technical knowledge should come into this industry.

Sir, I warmly support this Bill for the improvement that it has effected.

Dr. Melkote: Sir, I welcome the measure. All the world over, miners

are treated as a distinct class by itself and have been given all kinds of amenities, much better than what is available in the industrial sector. The amendments that have been brought in are good enough and will improve the situation considerably. Even so, there are quite a number of other measures which the workers expect would improve their condition better than what it is today and what these amendments would bring in.

Therefore, while supporting this measure I would request the Government to consider the other aspects and bring forth other amendments as early as possible.

Shri Nanda: Sir, I need not take more time of the House. The hon. Member, Shri Vittal Rao has welcomed this Bill. That is his inner feeling, that is his real feeling. Others also have done so. But he and some others also have presented a programme, a programme for the future, partly pertaining to this type of legislation and partly about things which do not concern this legislation at all.

For example, housing was mentioned. I am very much in agreement with hon. Members who have expressed their concern about the existing conditions of housing, the way in which the miners live, and I feel that more has to be done. We are trying to do that through this welfare fund as much as is possible. I am absolutely sure that it is not adequate and more has to be done. It is not a fact that there is no difficulty about land. That is one of the difficulties. I think I need not take the time of the House explaining all that, but I agree that more has to be done in respect of this, education etc.

So far as things which affect this legislation are concerned, hon. Members have repeated their arguments; I need not cover the same ground. I can again say only this, that there is no refusal to consider those things

[Shri Nanda]

but it is only premature. In a matter of two or three days it is not possible to consider the whole question of reduction of hours. That is going to be dealt with in an appropriate way. Also, regarding the question of sick leave I have said that we will consider it in connection with the Employees' State Insurance Act. But I would like to remind hon. Members that I have got here a slip of paper with the successive dates on which the price of coal had to be raised and it may be that some of the things which we are doing through this legislation are going to have the same consequences. There is a limit to that. I would like to have all the amenities which the workers deserve, and they deserve most of the things that have been urged by hon. Members. We have to consider them. It is not as hon. Members have pointed out "let the wages wait but not the hours". The wages have not waited at all; the only point is, let us have it in good time.

Sir, I have nothing more to say.

**Mr. Deputy-Speaker:** The question

"That the Bill, as amended, be passed."

*The motion was adopted.*

14-57 hrs.

**DEMANDS FOR SUPPLEMENTARY GRANTS (GENERAL), 1959-60**

**Mr. Deputy-Speaker:** The House will now take up discussion and voting on the Demands for Supplementary Grants in respect of the Budget (General) for 1959-60.

**DEMAND NO. 9—DEFENCE SERVICES EFFECTIVE ARMY**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 1,92,000 be granted to the President to defray the charges which will come in course

of payment during the year ending the 31st day of March, 1960, in respect of 'Defence Services, Effective-Army'."

**DEMAND NO. 25—OPIUM**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 22,92,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Opium'."

**DEMAND NO. 108—CAPITAL OUTLAY OF THE MINISTRY OF COMMUNITY DEVELOPMENT AND CO-OPERATION**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 1,08,00,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay of the Ministry of Community Development and Co-operation'."

**DEMAND NO. 121—OTHER CAPITAL OUTLAY OF THE MINISTRY OF FOOD AND AGRICULTURE**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 7,76,99,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Other Capital Outlay of the Ministry of Food and Agriculture'."

**DEMAND NO. 130—CAPITAL OUTLAY OF THE MINISTRY OF STEEL, MINES AND FUEL**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 5,55,00,000 be granted to the President to defray the