

Governments or by the Central Government, river navigation requires a good deal of improvement. Nobody has any control over these rivers. We have got all sorts of defective boats and the passengers are subject to a great deal of danger. Therefore, it is desirable that the Ministry takes charge of all the boats—I mean boat traffic—in Godavari, Krishna, Brahmaputra and Ganga; and let it become a central subject.

There is no time and I conclude; I thank you for the time given.

Mr. Deputy-Speaker: Now, we will take up the next item.

Shri Raghunath Singh: Sir, may I begin now.

Mr Deputy-Speaker: We have already trespassed; we have taken four minutes.

17-04 hrs.

MOTION RE: CHINAKURI COLLIERY DISASTER

Mr. Deputy-Speaker: Now, we take up the next item, the motion that is to be made by Shrimati Renu Chakravartty. But, before we take it up, I would like to know from the House what time it would like to suggest because no time has been allotted for this.

Several Hon. Members rose—

Mr. Deputy-Speaker: I should sit down if all the Members stand.

Normally, we sit up to six o'clock; today we may extend it to 6.30.

An Hon. Member: At least 2½ hours, Sir.

Mr. Deputy-Speaker: I have no objection. If the hon. Members desire to sit up till 12 o'clock I would not have any objection. Normally, we would not have quorum after six, I suppose.

16 LSD—s.

An Hon. Member: One hour will do.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Of course, the Mover, the hon. lady Member is going to say what she has to say. On this side, the Minister will reply. As you yourself have suggested, I am afraid, after six o'clock, it will be difficult to keep quorum. Therefore, it will not look nice if, when the Minister is replying or, perhaps, when the Mover is having her last reply, there is no quorum. Therefore, let us have half an hour for the Mover and half an hour for the Minister. Others will be listeners.

Mr. Deputy-Speaker: I suppose an hour and a half should suffice.

Some Hon. Members: Two hours.

Mr. Deputy-Speaker: Let us see. Each hon. Member shall have to be content with ten minutes except the hon. Mover who may have twenty minutes.

Shrimati Renu Chakravartty (Basirhat): Sir, I beg to move:

“That this House takes note of the Report of Inquiry into the Chinakuri Colliery Disaster, laid on the Table of the House on the 16th February, 1959.”

It is unfortunate that we are having to hurry over a discussion of such an important accident. It is one of the worst disasters in colliery history and it actually led to the death of hundreds. It is one of the biggest coal mines in India and belongs to the Bengal Coal Company. It is so big that it produces more than the entire State sector coal and every year its output is increasing. It is so important that during the debate on the Demands for the Ministry of Steel, Mines and Fuel, Sardar Swaran Singh has stated that due to the disaster at Chinakuri they could not attain the targets set for coal production. He even made that statement. Therefore, it is clear that it is

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a very important enquiry that was instituted. I hope the entire House was concerned with it on the 25th of February, 1958 and the hon. Minister had stated that he would have a full dress discussion once the report was available. It is this very same group of collieries—The Bengal Coal Co.—in 1936 at Goidhi had an equally big disaster and about 209 workers were killed. In the findings of the enquiry at that time it was stated that this very group of management had suppressed the full names of the dead and the court of Enquiry finally to gave the names in full they had to add the names of various santhas women workers whose names were found later on. A stricture was passed that the registers and records were not kept properly. Now, history is repeated again in the case of Chinakuri. It is very surprising that although there have been four major coal mine disasters since Independence and in all of them we find that at least the courts of enquiry have given the number of dead and injured and also the lists of the dead, in the case of this accident at Chinakuri, nothing of that type is done. The whole thing is left vague. It says that the minimum may be this, the maximum may be this and then a figure is arrived at this way. The whole enquiry report deals with this very important question in this way where hundreds of our mine workers were killed.

In the very short span of time allowed to me I want to say that we feel very perturbed. We have never challenged the findings of the courts of enquiry as it is a serious thing. Now we do it because we find that the results of the enquiry report are such that if we allow it and if the Government accepts this, then in the future there will be no hope for the mine workers. It will mean that we shall allow those who are guilty to go unpunished. We shall have to conclusions which cannot be accepted by any

tenets of jurisprudence. That is why, with a full sense of responsibility and knowing that we are challenging certain findings of the Judge, we place before this House certain very important facts.

Not only that. We have also been very perturbed to find the way in which the Department of Mines has behaved. The department is the repository of the interests of the workers, on behalf of the Government and on behalf of the nation. What is it that we find? The inspectorate of this department did not go down the mine at any time after the explosion right up to the time of the sealing of the mine. By way of an interruption we were told by the Deputy Minister that there was fire ranging inside. Actually he also said something about water, that there was water. Water was there after water has been poured in. But normally, between the time of explosion and the time of the sealing, we find rescue parties and teams going down and we find the management going down. Although we have found our inspectorate staff there at the pithead, although we have found the Chief Inspector of Mines and the Deputy Chief Inspector of Mines going there, none of them went down. Yet, the Amlabad Enquiry says that a special investigation team should go down there and should see things underground so that nothing is tampered with. In this case we allow the management full scope to go ahead and do whatever they want without any interference on the part of the Department of Mines.

Then, we were absolutely surprised to see that when the workers representatives were demanding that the Chief Inspector of Mines and the Deputy Chief Inspector of Mines should be allowed to be examined, it is stated by the Judge himself and also by the Council on behalf of the owners that at no time since the start of the Chinakuri Mines did the Chief

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Inspector of Mines ever go there. It is a fantastic situation. Even then this gentleman gives a good chit to the Bengal Coal Company. He says that it is one of the finest mines,—it has appeared in the *Statesman*—after he has been appointed an assessor in this enquiry.

Thirdly, we find in the course of the evidence that the Regional Inspector of Mines says that he sent to the Chief Inspector of Mines various notes and files regarding violations of safety rules and other mining rules but he never got any reply and he does not know what happened. It is charged that the Department of Mines did not carry out proper preliminary investigation on the plea that it stopped it as soon as the Court of Enquiry was instituted. But we find in the report that the Department submitted to the court a note on finding of its enquiry—it was accepted as an Exhibit—it is said that they went on examining witnesses, almost all of them workers, till about the 24th of April when the enquiry work had already started. They were examined in the presence of the management, and except for three under managers and one assistant manager no officers of the management were examined. Therefore, it was a one-sided examination. That also, the workers were examined in the presence of the management—leading questions were asked and in fright the leading questions were answered.

Another thing is, in the statement filed by the Chief Inspector of Mines it is written that he had examined the agent and managers, but when the manager was examined it was found that neither the manager nor the Deputy Chief Mining Engineer was examined, and both of them declared that they had never been examined. These are all facts, but none of these is really found in the court's findings. It is amazing that these are not there. These things should have found a place. These are direct violations of duties enjoined upon the Department of Mines by the laws laid down by Parliament.

Again, sealing of mines was done and recovery operations were discontinued by the department. This is a very serious thing, because it is only when there is absolutely no possibility of saving anybody else that the mines are sealed. This decision was taken by the Department of Mines, by the Chief Inspector of Mines on the ground that the last leader of the rescue team, Shri Krishnan came and said that he saw a fire raging and there was nobody else alive. But in the evidence Shri Krishnan says that he never said so, and the records prove that. This is also a very serious thing.

The most amazing of all is, this department gives no figures of the dead. I was looking at the Amlabad Report. There, on behalf of the Department of Mines, the results of the investigation are given as to the number of persons dead and the number of persons injured. In this report we find that the Department gives no figures of dead or injured. Compared to other reports, they do not say anything here, the number of persons in the attendance register, the number missing and figures like that. Could criminal negligence towards care of workers go further? We have entrusted such an important task on the Department of Mines. That is why on another occasion I said that it is very necessary to go thoroughly into the working of the Department of Mines, especially the Chief Inspector of Mines. I have nothing personally against the Chief Inspector. I have never set my eyes on him. I believe he is very angry with me. He has gone on telling people things about me—personal things. I do not know where from he has got those things. I have nothing personally against him. But for a number of years complaints have been coming to us. If these records which are important on the basis of the Enquiry are true, then it is a very serious offence. I would also like to say one thing. The Deputy Minister may say, "I hope these charges will never

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be repeated again". I looked into the Mines Act itself. In the Mines Act, it is stated that the Chief Inspector of Mines should not be directly or indirectly interested in any person or relation employed in any mining area. But I have a long list which would show that his brothers, brother-in-law, etc., are employed in the mining concerns or near mining areas. His brother is the general manager of the Raniganj Coal Association. His brother-in-law is a welfare officer in Chinakuri. One of his brothers is an agent of Shaw-wallace Collieries. A very large number of his relations are in the mining areas. One may say that if one person is employed and who happens to be his relation, it is just coincidence, but if such a large number of persons, his sons, brothers, etc., are associated with mining interests, then it does lead to certain conclusions which are not very good.

On the question of violations, the matter is very very important. I want the House to consider it from the point of view of the working class and the miners, because each one of these violations are very very serious. We have given much thought, and this Parliament has given much thought to the welfare of the workers and in the matter of setting up the safety rules. This is one of the type of mines where there is gas. This is a gassy mine and the need for care is extreme. As a matter of fact, as I was reading through the report, I find the judge himself saying that the Dishergarh coal dust—it is admitted by the court—is highly inflammable and if coal dust rises there and if there is the slightest carelessness and the slightest violation of the safety rules, the explosion would be terrific. To keep down the dust, the Mines Act enjoins every mine to have a stone dusting scheme whereby the coal dust is brought down and the atmosphere is cleared. They must have a plan and a scheme. They failed to take care of it.

In para. 151 the courts report admits that stone-dusting in mines does not appear to have been adequate to meet the regulations. In para 70, the court admits that wherever there was an excess of gas, it was due to defective ventilation and not to any extraordinary source of supply of gas. It says that proper steps were not always taken in time to dilute the gas sufficiently. All this has been admitted by the court.

Then again, what has happened? The judge says that the reason is that the miners are illiterate. The explosives are taken away because the miners are illiterate. The judge says:

"The state of the explosive registers is of course partly to be explained by the fact that the shot-firers, to whom explosives are issued, are mostly illiterate."

I cannot go into all the details, within the time of 20 minutes. But it is said that the explosive registers were kept badly. The magazine man who is in charge of the magazine is engaged all 24 hours to do other jobs. Yet, after saying that these things were wrong, the court says that they are partly due to the fact that the workers were illiterate. He does not say anything more.

Then again, there is no occasion for any drastic action, it is said, because the management rectified as promptly as possible the defects. Why should there be the defects? The question of rectifying or not is quite another matter. If you play with the lives of the people, if there is a defect, then certainly it is violation of the law. This amazing statement is made by the court itself.

The most amazing and, criminal thing is that they have no attendance registers. The attendance register is not a lamp register. The court says that attendance registers are not there

in this pit, that is, Chinakuri I and II. There is an incline there. It is another mine. According to the Mines Act, each mine has to have its own separate register. What has happened every time? They say that Gorakhpur labour was there. I would not like to go into that. But I might say that Gorakhpur labour is labour recruited from the various sections of the labour population from Gorakhpur. They have brought altogether, almost in a slave labour camp more or less, the labour from Dhanbad and then from Dhanbad. From Dhanbad, they are taken according to the requirements of the area. I am sure other Members interested in labour will agree with me that this inhuman practice of Gorakhpuri labour must be scrapped. The Deputy Minister might say, if the figures are higher, why don't they come for compensation? If anybody knows what Gorakhpuri labour is, they will realise how it is almost next to impossible for women and children living far away in the villages to come and claim compensation. That is another point. Let us decide whether this court of enquiry has arrived at the truth.

It is clearly known that there were no attendance registers. It is said that in the absence of attendance registers, the lamp registers may be regarded as attendance registers. I was going into the report and I found that it has been given to the court of enquiry by this unknown inspector, who was asked after six months to verify the records of the dead given by the company, that four persons took lamps, but they did not go down and two other persons also did not go down. That means that the lamp register is not an indication of the number of those who go down. This is also a very fantastic thing.

You will find from the report that the lamp registers were completely—I would not like to use the word 'false' but really there is so much of confusion that they themselves say that

the lamp registers were not kept correctly.

In para 22 of the report, it is stated by the court that exact figures available for use on 19th February when the explosion took place does not appear from any of the documents. It is on the basis of the lamp register figures that the court comes to the conclusion about the number of the dead. According to the regulations, miners who are supposed to do short-firing in a gas mine are to take two safety lamps. But according to the lamp register, the mining sardars who had to test for gas during inspection and when shot-firing, were not provided with safety lamps. But after dewatering, two safety lamps were shown in the management's report. So, it is very clear that in order to identify the number of the dead, the lamp registers cannot be accepted.

Then, the man-power distribution plan is also to be submitted, according to the law. But we find that the man-power distribution plans submitted by the management were proved to be wrong. If we go into the details of it, you will find that the feeling which comes out that this was also manipulated in the course of cross-examination and after the 19th, it was produced. So, these points raise serious suspicions in our minds. In spite of all these grossest violations, the court has nothing to say and refuses to fix any responsibility.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shrimati Bena Chakravartty: have just finished one section.

Mr. Deputy-Speaker: How many sections are there? If one section itself takes 20 minutes, then it may take 1 or 1½ hours.

Shrimati Bena Chakravartty: It is a very important matter, so many people being killed and so on. Coming to the question of casualty itself,

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in spite of these violations—I would like to stress on the violations part of it, because it is a very important thing for the lives of our miners—all the time, the attempt is actually made to absolve the mines department as well as the management.

In page 54 of the report, it is very clearly stated that there was negligence on the part of management. Regarding the numbers of the dead about which there has been so much difference of opinion, according to the manager, 310 went down in the first shift. They also say in the course of the cross-examination that there is very little fluctuation between the first and second shifts. We start with that. The man-power distribution given by the management is 176. The temporary Manager, Shri Vasudeva, says that this was prepared in the second shift on the 19th. Now para. 4 of the owner's statement says that 176 persons are alleged to have lost their lives—164 with skulls, 6 without skulls, 4 after rescue. One was taken after death also. Now when the registers were before the court, the court itself was completely confused and was unable to make out the figures. Then what does he do? He does something which even to a person who is not a lawyer sounds very fantastic. The court asks the Mines Department, after everything was over, after the evidence is closed on the 12th of August, to make verification. And no one knows the date of the request. Suddenly the court gives a verified report in the matter by an inspector. When was it carried out? Who carried it out? Where was it carried out? Why the workers representatives were not allowed to go to the spot? Nothing is said. It is something unheard of. Suddenly on a particular day the court tells the workers that this is what has happened.

I now come to what is written in Appendix II, showing the distribution

of dead bodies. Here the bodies shown is 176 excluding 5 died on the surface; that is, 183 in all. According to the management, not according to the Union as stated by the Deputy Minister, because it is submitted by the management of the Bengal Coal Company, one of the biggest and most powerful of capitalists in the country, out of 178, 154 are with skulls, 24 without skulls, 5 died on the surface. Then the management in their note of the 28th of August adds another 23 dead, making a total of 206. Then there may be some more dead bodies under the debris. There may be other dead bodies consumed by fire. That is also there. So, it comes to 206 plus all this. That is a question mark, a big question mark. Let us know the full details in this matter according to the register. I have taken the trouble of sitting down and adding up. If you add what is there it comes, according to me—it may be I am wrong in adding one or two by mistake—to 192. If we add 5 died on the surface, it comes to 197 plus those who are under debris, plus those who may be consumed by fire. How did the court come to the conclusion that it may be a minimum of 115 and a maximum of 178? According to the management it may be somewhere near 155. This is something which we cannot accept on the basis of what is there before us. Then, no names of the dead are given. I feel that this is a very unjust way of conducting an inquiry.

One last point and I am done. There is another fantastic thing that has been done by this court. Suddenly we find in the course of the judgment he says: I asked for post-mortem reports from the hospital. Now, these post-mortem reports were never produced as exhibits and so no cross-examination could be made about those figures. How do we verify that actually all the dead bodies were brought and some were not surreptitiously disposed? The Court just says that 115 is the minimum and

176 is the maximum. That is why that we say that the finding of the court on this point is not acceptable. Then again, when the bodies were taken away, why was it done in the night? That is why a suspicion has been aroused in the minds of the workers that there is something wrong somewhere. Then, the workers have not been allowed to go down, though people belonging to the management and colliery owners and others were allowed to go in, and this is in spite of the workers making repeated requests to that effect.

Then there is another fundamental failure of jurisprudence when the Court disbelieves the report of the Court's Neutral Scientific observer about the 3rd shot firer. Shot fire is a very important question in gassy mines. Three shot fires were there, Two shot fires are accounted for but one is not. The neutral observer says that he found a smashed cap and it shows that here shot firing has taken place. The management says, "No, we did not find any smashed cap". In spite of the fact that they were actually cross-examining the neutral adviser, none of them asked him this question. Then we find that the evidence closes on the 12th August. The management is cross-examined on the 7th August. The Union start arguments between the 25th and the 28th August. They make repeated charges of suppression of the fire exploder. The Court adjourns on the 29th August to the 2nd September. After the workers' representatives leave the management submits a note that the missing exploder has been found in another area and the Court says that Rosser found it, that the management found it on the 27th July.

Therefore, my conclusions are that there has been a gross violation of justice according to all standards of jurisprudence and the Government should reject the report. This is a negative demand. The positive demand is that there should be a re-enquiry, the Mines Department should

be thoroughly overhauled, the Chief Inspector of Mines should be dismissed and the management should be severely punished. There is a full case for the nationalisation of Bengal Coal Company.

Mr. Deputy-Speaker: Motion moved:

"That this House takes note of the Report of Inquiry into the Chinakuri Colliery Disaster, laid on the Table of the House on the 16th February, 1959"

There is an amendment also to this.

Shri Vajpayee (Balrampur): Sir, I beg to move

That at the end of the motion, the following be added, namely:—

"and recommends that a fresh enquiry be held into the whole matter"

उपाध्यक्ष महोदय, श्रीमती रेणु चक्रवर्ती के प्रस्ताव में मैंने एक सरोधान उपस्थित किया है जिसके द्वारा यह भाग की गई है कि चिनाकुरी की कोयले की खान में जो विस्फोट हुआ उसकी फिर से जांच कराई जाये। एक जांच रिपोर्ट को इस सदन के सामने रखा जा चुका है और उसे पढ़ने के बाद ऐसा अनुभव होता है कि कोर्ट ने सत्य का पूरा पता लगाने का प्रयत्न नहीं किया है। इस दुर्घटना में कितने अशजीवी अपने जीवन से हाथ धो बैठे हैं, इसके सम्बन्ध में कोई भी निश्चित बात कोर्ट ने नहीं कही है। जो कुछ कहा गया है वह बड़ा अस्पष्ट है। कहीं कहा गया है कि जो मरने वाले व्यक्ति हैं, वे ११५ से कम हैं लेकिन १७६ से ज्यादा नहीं है और यह गणना लगाई गई है इस आधार पर कि इतने व्यक्तियों को कैम्प लैम्स और प्रायल लैम्स दिये गये, लेकिन इन लैम्स का कोई रजिस्टर रखा गया हो और उसमें ठीक ठीक सख्या दी गई हो यह कोर्ट भी बिश्वासपूर्वक नहीं कह सकता है। रिपोर्ट में पैरा २२ में कहा गया है —

"The exact figure of lamps that were available for use on February 19, when the explosion took

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place, does not appear in any of the documents."

यह कोर्ट का निर्णय है। अब प्रश्न यह है कि मृत व्यक्तियों की संख्या का अनुमान किस तरह से लगाया गया। अभी कहा गया है कि कोई एटेंडेंस रजिस्टर नहीं था और एटेंडेंस क्लार्क भी नहीं था। माइस सेफ्टी बाड और रेग्युलेशंस के अनुसार एटेंडेंस रजिस्टर होना चाहिये, एटेंडेंस क्लार्क का भी होना आवश्यक है। लेकिन बंगाल कोल कम्पनी ने इन नियमों का पालन नहीं किया और श्रमजीवियों के जीवन के साथ खिलवाड़ की है।

मृत व्यक्तियों की संख्या के सम्बन्ध में जो कम्पनी के चीफ़ माइनिंग इंजीनियर मिस्टर रास्टर हैं उन्होंने भी दो तरह की बात कही है, दो तरह की संख्या रखी है और उनमें से कौन सी सही है, इसका पता लगाने का कोर्ट ने प्रयत्न नहीं किया है। जो मजदूरों के प्रतिनिधि थे उन्होंने यह प्रश्न खड़ा किया था कि जब विस्फोट के बाद खान को पानी से भर दिया गया तो यह सम्भव है कि कुछ व्यक्ति उसमें दबे हुए रह गये हों जिनकी गणना नहीं की जा सकी हो

श्री स० ब० बगर्जी (कानपुर) : पी जीजिये पानी।

श्री बाबूपेयी : उस में कितने जीवित व्यक्ति समाप्त हो गये इस का भी तो अनुमान नहीं लगाया गया है। कोर्ट ने भी इस बात की स्वीकार किया है वेज १३ के ऊपर कि

It may be that all the skulls were not recovered, some of them may have been lying under the debris still to be cleared, and some may have been so crushed and mixed with the debris as to be really incapable of identification as human skulls.

अभी कहा गया है कि माइनिंग मैनजर ने इस बात को स्वीकार किया है कि पहली पाली में ३१० लोग काम करने के लिये गये। अब प्रश्न यह है कि जो बाद की पालियां थी उन में यह संख्या इतनी कैसे घट गई जबकि इस बात को भी स्वीकार किया गया है कि मिन्न मिन्न पौलियों में संख्या में इतनी घटती नहीं रहता है। दुर्घटना की जांच की गई है और जो रिपोर्ट पेश की गई है उस के साथ मृत व्यक्तियों की कोई भी सूची नहीं है और कितने व्यक्ति मरे इस की भी कोई वेरिफिकेशन वैरेड दुर्घटना के एक दम बाद नहीं की गई है। पांच महीने के बाद यह वैरेड की गई है। ऐसी सूरत में सत्य का पता नहीं लग सकता है।

एक और बात ध्यान देने की है कि जो और माली का एविडेंस है उस को बैस्ट साइड से बेहोशी की अवस्था में ऊपर निकाला गया था और उस ने अपने बयान में इस बात को कहा है कि विस्फोट की रात को धाठ बजे दुर्घटना से एक घंटा पहले माइनिंग सरदार बीच साल ने जिन की मृत्यु हो गई इस दुर्घटना में इस बात को स्वीकार किया था कि चीरो डिप के ऊपर बहुत गैस भरी हुई है और उस में जो मजदूर काम कर रहे थे उन्होंने न बहाना काम करने से इन्कार कर दिया था और वे ऊपर चले गये थे। अब सवाल यह है कि एक पाली के मजदूरों ने जब काम करने से इन्कार कर दिया, काम नहीं किया तो फिर जो खान के प्रबन्धकर्ता थे उन्होंने दूसरी पाली के मजदूरों को क्यों भेजा? स्पष्ट है कि उन्होंने मजदूरों के जीवन की चिन्ता नहीं की और इस कोर्ट प्राक इन्क्वायरी ने इस

बात का पता नहीं लगाया कि गौर माली का जो बयान है वह कहा तक सही है और मैनेजमेंट से इस बात का स्पष्टीकरण नहीं मांगा कि जब-बहां गैस होने की बात कही गई थी तो बाब में दूसरी पाली के मजदूरों को काम करने के लिये क्यों भेजा गया ?

जहां तक दुर्घटना के कारणों का प्रश्न है, कोर्ट आफ इन्क्वायरी किसी निश्चित परिणाम पर नहीं पहुंची है। डीजल लोको का फ्लेम ट्रेप नहीं था, इस के बारे में भी रिपोर्ट में थोड़ी सी चर्चा है। अगर वह डीजल लोको का फ्लेम ट्रेप नहीं था तो उस का उत्तरदायित्व किस के ऊपर है। अगर कोर्ट ने कहा है कि —

It is clear that when the loco was taken underground without the flame trap on the air inlet side somebody somewhere was at fault and thus has cost the owners so much in men and money.

"Someone somewhere was at fault".

इस का क्या मतलब है ? यह कोर्ट बिठाया गया था इस बात का निर्णय करने के लिये इस दुर्घटना के लिये उत्तरदायी कौन है लेकिन कोर्ट ने यह नहीं किया और इस प्रकार की भाषा का प्रयोग किया है जिस में से स्पष्ट निकलती है कि जो व्यक्ति मर गये वह भी मैनेजमेंट का एक नुकसान था, उस की क्षति थी कि बंगाल कोल कम्पनी के व्यक्ति मर गये। बंगाल कोल कम्पनी का कोई व्यक्ति नहीं मरा, मरे तो मजदूर जिन का वे घोषण करते हैं और वे मजदूर जो अपने बरबार छोड़ कर, सैकड़ों मील दूर जा कर बरती की छाती फाड़ कर, परिश्रम कर के अपने तथा अपने बाल बच्चों के पेट भरते हैं। उन के इस प्रकार के मरने के लिये, उन की इस प्रकार की हत्या के लिये कौन उत्तरदायी है, इस का निर्णय इस कोर्ट को करना था।

जहां तक डीजल लोको के फ्लेम ट्रेप का बयान है, जब महोदय के समय मजदूरों ने

यह मांग की थी और यह मांग ठीक है, कि इस प्रकार की खानों की जाच के लिये वर्क्स इन्स्पेक्टर नियुक्त होना चाहिये। लेकिन मुझे रिपोर्ट में पढ़ कर ताज्जुब हुआ कि जब महोदय ने हम बात को भी नहीं माना है। कहा कि वह बात तो ठीक है, लेकिन व्यावहारिक नहीं क्योंकि मजदूरों में एकता नहीं है। मजदूरों में एकता कहा से होगी जब प्राय मजदूरों में फूट डालना चाहते हैं ?

अब और रोजगार तथा योजना बंजी के सभा-सचिव (बी न० ना० बिब) : कौन डालता है ?

बी बाबुपेयी . अगर किसी मजदूर संगठन को मजदूरों का बहुमत प्राप्त है तो हमें उस को मान्यता देनी चाहिये, और जो अल्पमत में मजदूर संगठन हो उन्हें बीच में बाधा डालने का कारण नहीं बनने देना चाहिये। लेकिन यह लोकतंत्रीय देश है, अनेक मजदूर संगठन काम करेगे। पर मजदूर संगठनों की संख्या अधिक है इसलिये खानों की जाच के लिये वर्क्स इन्स्पेक्टर नियुक्त न किया जाय, यह बड़े ताज्जुब की बात है। मैं समझता हू कि कोर्ट के सामने वर्क्स ने और भी जो आपत्तिया खड़ी की, जैसे कि रेस्क्यू पार्टी जल्दी नहीं भेजी गई और पानी भरता गया, उन का कोर्ट ने कोई सन्तोषजनक उत्तर नहीं दिया और उन की रिपोर्ट को पढ़ कर बड़ी निराशा हुई है। अगर कोयला खानों में काम करने वाले मजदूरों के जीवन की रक्षा हम नहीं कर सकते तो यह बड़े दुर्भाग्य की बात होगी।

इसलिये मैं निवेदन करूंगा, जैसा कि अभी भीमती रेणु च- र्जी ने कहा, कि इस रिपोर्ट को स्वीकार नहीं किया जाना चाहिये और नई जाच की जानी चाहिये। साथ ही हमें ऐसा स्थायी प्रबन्ध करना चाहिये जिस के बिनाकुरी कोयला खान दुर्घटनाओं की पुनरावृत्ति न हो और कोयला खानों में काम करने वाले मजदूरों के जीवन की सुरक्षा की गारंटी दी जा सके।

इन शब्दों के साथ मैं समाप्त करता हूँ.

Mr. Deputy-Speaker: The motion and the amendments are before the House. Now, Dr. Melkote.

Mr. Melkote (Raichur): Mr. Deputy-Speaker, Sir, workers underground have to be protected by the management and towards the protection of them, Government have to see that the laws that are enacted are enforced strictly. Workers underground often get damaged. They are trapped. They get damaged due to causes which take place underground. This is a very serious matter. Workers get dispirited and disheartened, and it is a dastardly act on the part of any management not to give them protection, under such conditions. It is said that laws have been tightened up. This disaster has occurred after two or three such incidents which have occurred before. The loss of life goes up to 175 or thereabouts.

Sir, I have had occasion to deal with some of the affairs of these mines. To my knowledge, one such incident occurred in the present Mysore State three or four years back. If I remember correctly, that was also a British-managed mine. The Government of India took such strict and vigilant measures that for a period of three or four year they 'harassed' the management. That is the word that the management used. In the wake of this happening and the vigilance of the Government of India as proved by the above incident, it would be wrong to say that in 1948 they were less vigilant than before. That is the way in which the Government of India and the Mines Department have gone about their work, and they look to it with vigilance and with a strict eye. In the wake of this, there are two things. One is that here are the Government and the Mines Department who are very vigilant about the interests of the workers and have done everything to protect their

lives, and I am sure the Government of India and everyone of us, and everyone interested in labour will have their sympathy going out to everyone that has lost his life in the mines and to the relatives who had to suffer thereby. And to the extent that compensation and other things have got to be given, they have to be given, and every act of sympathy shown to the bereaved. But that is not the aspect which is being discussed here.

What is being discussed to-day is the question of the type of inquiry that took place after the incident. Here was a judge consisting of assessors, with some scientific personnel also to support them. If one reads through the whole inquiry, one could claim that throughout the report and in every page of it, the judge has been meticulous in his observations. He has pointed out throughout that this is a matter where scientific investigation and research and assessment is necessary. I am sorry I am not one of those who could do it, and I cannot, therefore, judge this properly. But here is the assessment from the different witnesses and workers. And gleaning through these things, I can come to certain conclusions. I do not know whether if another inquiry is to be held, anybody else could do better than this, because, after all, it is a judicial judgment. Here is a judge of a High Court who has been deputed to go into the matter, with assessors properly nominated, and they have gone on with the inquiry for several months, going into every detail. And what is being said here is that the judicial inquiry was not perfect, that the witnesses that were brought forward were not the right type of people, that the Mines Management has not adduced facts here and so on and so forth. I do not know, after going through the whole proceedings here, whether what is being said is correct. It is only to that extent that I am repeating the whole thing. If there was any fault, I would be one of the first to charge Government and the

mines management and ask for an inquiry. But I have gone through the whole report, and I feel that it is very difficult for anybody to believe that such a thing has happened.

Now, one of the main contentions is that no attendance register was kept. Then, it has been said, that in the inlet and outlet the ventilation was not proper, that some explosion took place, that shot firing has taken place, and there is evidence to prove that in that particular place it had not taken place and so on. All these things have been said here.

If any of these irregularities has taken place, and it has been shown by evidence that it is so, it is up to the Government of India to take vigilant and strict action and see that those people who were responsible for it are punished.

It is not a question of a company owned by the British or the Indians. It is a question of loss of life of our nationals. And for what we know, the whole nation knows that we have been those who have asked the British to quit India. Will the national government be then afraid to take any action against a British-owned company here? This is a thing which is understandable, and how the Opposition Benches could dare say that we have connived with the company which is British-owned is unthinkable. That is the situation which they are trying to portray. I would repudiate it and say that the interest of the Government of India lies with our nationals, be they a British company or any other company of the world; the Government of India will take very strong action in the matter.

Apart from other things, actually speaking, the question is one of loss of life, whether it is 176 or 310. Evidence is being produced to say that it is 310. At the same time, they say that no register was kept. If no register was kept, how does it come to 310?

Shrimati Renu Chakravarty: We are saying it is 192 which is the figure given in the report.

Dr. Melkote: Let not the hon. Member interrupt, because within the few minutes that I have, let me speak out. I did not interrupt the hon. Member when she was speaking.

The whole problem is this. Whether it is 176 or 210 or 310 it is not a question of a register at all. Every person in this world has some relative or some friend or somebody, and whether he is traced or untraced, people would come forward and say, so-and-so, my friend or my relative, was there, and he has not been traced so far. And for what we know, the tracing so far has been only 176 and no more. It may be that bodies have been decapitated, with bodies thrown on the one side and heads on the other, the body was counted on the one side and the head on the other. These things may occur, I am not exaggerating, and I am not trying to help the Government of India. I have gone through the whole report, and I have come to the conclusion that it is very difficult for anybody to come to the exact figures.

Every person, for what I know, is compelled to be insured by these companies. It is the life insurance company that pays for these things. The Government of India would see to it that compensation is paid. Why should the Government of India say the figure is 170 instead of 300? How are they interested in the matter? Why should they help the company to bring down the figure? These questions have to be answered. They should not merely make a charge. It is very difficult for us to answer these questions.

No relatives have come forward so far. If there is any relative of a worker, all sections here would come forward and say that no compensation has been paid, so-and-so's relative has been lost. One does not know if there has been any more than 176 or 180 people who had come forward to make claims.

[Dr Meikote]

So, I would say that on the face of it the charges levelled by the Opposition against the Government and the mines management are absolutely irregular and unwarranted and no such enquiry should be allowed, when there has been a judicial enquiry of this kind which has gone into it meticulously and thrashed out the whole thing.

Shri Rajendra Singh (Chapra): When this horrible disaster took place, we of this House and everybody outside felt a sense of horror and sorrow, and we anxiously wanted to know what precisely were the causes which contributed to a disaster of such magnitude and proportion. It was very kind of the hon. Labour Minister to have instituted this court of inquiry, whose report we anxiously awaited.

So far as I am concerned, one of my hon. colleagues was there, and a very eminent person, a Judge of the High Court, presided over the court of inquiry. So, naturally when we got the report, I went through it with all the ability I was capable of and the greatest care and attention that I could bestow on it. I very candidly confess that I have been left with the impression that it is a confounded report, a fantastic report.

As regards the number of the people who have died, I am not very much particular about that. It may be that the contention of the Hon. Mover of the Motion is right, or it may not be so very right as she claims, but the point which is of very serious concern is this: whether the management took all possible care against any accident or not, whether they adhered strictly and scrupulously to the rules framed by the Government so far as mining operations are concerned. That is the point of very great relevance.

When I go to the Report, on its own showing and admission I come to find that at least at those points, the management has been found to have

grossly violated the rules laid down for safe operation of the mine. The first thing is that the stone dusting plant did not conform to the regulations 11(5) of 1955 and 123 of 1957. These provisions were grossly violated. No stone dusting scheme was submitted for approval of the Chief Inspector of Mines, although it was required to be done under 11(5) of 1955, and the Chief Inspector never enforced it in this colliery, the deepest and gassy mine, till the day of the explosion. This is a very serious thing, that a management which has been singled out for a lot of praise as a very able management, has not thought it proper to enforce such a safety measure, which is so vital for averting or preventing any accident.

Then the ventilation plant proved false. The ventilation plant is very important if at all we are to save the mine from any fire breaking out. But even on their own admission, it is proved beyond all doubt that the ventilation plant never was in accord with the specification or as provided in the Regulations. Thereby the company violated clauses 59 and 139 of the 1957 Regulations.

Similarly, the plan showing normal distribution of labour on second shift proved false. This is very important not merely to the efficient working of the mine; if unfortunately an accident takes place, unless we have a complete register definitely showing the normal distribution of labour, when salvage operation takes place or when a rescue party goes there, they cannot work efficiently. So when the rescue party was there, the company did not have this register. What a criminal negligence in regard to a safety measure?

As regards the electric plan, the Report has clearly shown that it was also defective. Similarly the Fan Stoppage book was unreliable and inaccurate and the Air Measurement Book proved false. The same is the case with the Explosive register.

I can cite a dozen other points where the management failed to observe the provisions of the Regulations. But as many of my hon. friends have already pointed them out and as there is limited time, I do not want to go into them.

I am now turning to the other aspect of the role of the Department of Mines. The Mover has made personal allegations against the Chief Mining Engineer. I do not share her views. However—I have not known him; he may be a very efficient man, a very honest man; I do not question his honesty—I have contacted the labour people, people of INTUC, HMS and AITUC and whomsoever I meet they all had in one voice a sense of grievance against the Chief Engineer. This is a serious thing. His relatives may be there; his relatives may not be there. I do not go into that; it is for the Minister to look into. If there is a general suspicion, if there is a general sense of grievance against any individual, then, the Government should see that a thorough enquiry is made and if there is no suspicion as a result of the enquiry it should be said from house-top that there was nothing. But, if there is something, steps should be taken so that there is general sense of relief in the country.

18 hrs.

A general feeling has developed in the country that our legislators are not honest, that our Parliament is not honest and our Ministers are not honest, and that when it comes to a question of dealing with the officers they develop a sort of soft attitude towards them. I say very honestly to the House that I have nothing against this man. But, if any hon. Member of this House makes an allegation, I respectfully submit that the hon. Minister, whose affection for the cause of the welfare of labour could not be challenged, should look into it and see that if there is anything wrong it is promptly removed.

So far as the question of enforcing the safety rules is concerned, the role

of the mining department has been very distressing. It is clear that a day or two after the disaster the Chief Engineer has praised the managing company. As far as my information goes—and I have tried to go deep into the matter, to find out incontrovertible facts—since the beginning of this colliery, the Chief Engineer has never been to that mine till the explosion. And, still, when he makes such a tall claim, naturally, one gets suspicious. Why is it that the Chief Engineer lavishes praise on a company which has so often been responsible for such disasters?

Another point is this. When the rescue operations took place, there were not sufficient apparatus at the disposal of the mining department to rescue the people. Where they needed more than 24 apparatuses, only 15 were available and the rest were in the other colliery owned by that company. So, it shows that the mining department is not very much particular about its responsibilities.

When the disaster took place, the mining department conducted certain investigations. It is very deplorable that the findings, the results and the evidence during the investigation have not been placed before the Court of Enquiry. From the report it is evident that some things which were pertinent and relevant have been deliberately kept out from the Court of Enquiry so that the judgment is vitiated.

Mr. Deputy-Speaker: The hon. Member must now conclude.

Shri Rajendra Singh: Two minutes more and I finish.

Mr. Deputy-Speaker: The two minutes have also gone.

Shri Rajendra Singh: I assure you, I will take only two minutes. So far as the enquiry is concerned, it must be conducted in a manner that there is no suspicion. There have been allegations against this Court of Enquiry, that when dewatering was taking place

[Shri Rajendra Singh]

it did not allow the representatives of the workers to be witness to it so that they could be helpful. I do not think that they gave opportunities even to some members of the Union. It might have been a representative from the INTUC or the AITUC or the HMS. If anyone of them could have gone there, there would not have been any suspicion. Some evidence was taken from the workers who had been there during the time of the disaster. These evidences were prohibited from being given before the court of enquiry. But when the labour evidences were over, the evidence of the management side was taken. All these things taken together just give us a sense of suspicion about the manner in which this court of enquiry was held. It is therefore very right of us to demand this of the Minister. We are requesting him in the name of humanity. There is suspicion about the judgment. Even if that judgment is correct, even if it is absolutely true, still there is this suspicion. Removing this suspicion would be in the national interest. Let there be a re-enquiry by a man in whom the hon. Minister has faith. I do not say that he should be a man of my persuasion or in whom we have faith.

Mr. Deputy-Speaker: The hon. Member must conclude now.

Shri Rajendra Singh: Shrimati Renu Chakravartty and Shri Vajpayee have spoken about the code of labour. I come from that area and I know the poverty of the people. Just to fill up their belly, to cover them, to subsist, to live these people have surrendered all their rights to the cruel management. Very often, time and again it was demanded that the Coal Recruiting Organisation should be abolished. We talk of socialism and other things. Is it not proper that we should close it? I request the hon. Minister to do away with this organisation at once.

Shri C. R. Fattabhi Raman (Kumbakonam): Mr. Deputy-Speaker, I am

second to none in claiming that the utmost precautions should be taken where the mining industry is concerned. There could be no difference of opinion. In this House it is not a party question at all. I have been under a coal mine in England. Mining is the riskiest occupation. People have to spend six to seven hours a day thousands of feet down below the earth level. They have to be given the utmost protection. It is really the concern of every person to see to it that the utmost protection is taken and all the regulations concerning the mines are followed. I do not think there will be any difference of opinion on this.

I have no doubt that my friends who referred to the enquiry have got in their mind the relevant section of the Act under which this court of enquiry was appointed. It is under section 24 of the Coal Mines Act that a court of enquiry is appointed. A person appointed shall have all the powers of the civil court under the Code of Civil Procedure. That is stated in section 24(2). Now, what is the position? A Judge of the Calcutta High Court is appointed. He appoints assessors. Objection is taken to one assessor—the Chief Inspector of Mines, Mr. Grewal and he withdraws. One of the assessors is a respected Member of Parliament, Shri Samanta, who has taken part in another enquiry and another, Shri Whittaker. They go through the entire enquiry.

Now, let us pause for a minute. I am not merely talking as an advocate. Legal quibbling is not proper in a national forum like this. But I do say this. If there is anything offending to natural justice during the enquiry it is always possible to go before a suitable court under article 226 and article 32 of the Constitution to hold up the enquiry or to strike it down. You can strike down any offence against natural justice, any infringement of the rules of natural justice. That is not done. During the pendency of the enquiry you can do that. I am

giving you free legal advice here. You can stop a pending enquiry if there is infringement of natural justice. That was not done. After the enquiry, after the judgement it is quite possible under article 136 of the Constitution to go to the Supreme Court for special leave. That has not been done. No fresh evidence has come up now in this case.

I find that there are six findings against the management by this court of enquiry. I shall refer to them presently. So far as the Inspectorate of Mines is concerned, there is also a reference to one aspect of the work done by them; otherwise they have dealt with the charges against the Inspectorate of Mines and disposed them of. No fresh evidence is alleged today of having come to light which will call for a fresh enquiry.

I am really concerned about enquiries of the nature. What can Government do if there is a catastrophe—God forbid there should be a catastrophe. The Government promptly appoints a court of enquiry. It appoints a Judge of a High Court to preside over it. Evidence is let in and at various stages objections are taken. Those objections are heard. This enquiry goes on from February to about September or October, 1958. They have condemned the management. The report says that the coal dust was not properly cleaned. Under each heading they have said something—source of ignition, negligence of management about flooding, ventilation and so on. In pages between 91 and 126 they have stated these and given the causes of ignition. They have also referred to the rescue operations. All this has been done, and no fresh evidence has been placed before the court of enquiry. Did they over-rule or reject anything? If they rejected anything, did you take objection to it? You can easily do that. We are not living in the bad old days. It is now possible to strike down a bad administration so far as the justice is concerned. Nothing has been done.

Now, what will happen? I would like to know which High Court Judge will take up an enquiry if it is open to us sitting in Parliament to say that the enquiry is completely wrong, it is biased, the Judge has not acted properly, and therefore we will have another enquiry. Do you like that? Don't you want a Judge of the High Court or somebody like that to preside over enquiries?

Shri Tangamani (Madurai): Can we not reject the findings?

Shri C. E. Pattabhi Raman: You can do that. I just told you. You can appeal.

Shri Tangamani: Appeal to whom?

Shri C. E. Pattabhi Raman: I am referring to appeal for special leave to Supreme Court. The person appointed to hold the enquiry shall have all powers of a civil court. I will read article 136. I am much obliged for the interruptions. It is high time, and I think it is but appropriate that all citizens of this country should resort to courts as often as possible. I am not talking as a lawyer.

Mr. Deputy-Speaker: Whenever they feel aggrieved or even without that?

Shri C. E. Pattabhi Raman: I do say, Sir, you have only to look up to the United States Supreme Court reports to see how often they go to courts, how often they break down bad law. I will read article 136. It says:

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

Shri Sadhan Gupta (Calcutta-East): This is a report. A report is neither a judgment nor an order.

Shri C. E. Pattabhi Raman: I repeat, Sir, that nothing has been done. Supposing some new light is thrown or fresh evidence is brought, I can understand that. Supposing some fresh evidence is brought, I can understand some sort of rehashing of the whole finding in the matter of tightening the organisation, but all the matters would have found a place in the proceedings of the court of enquiry. I really am not concerned about them deliberately because it is in the hands, the capable hands, of the Ministry. The whole aspect of the matter is considered by them. I can understand your saying that the Inspectorate of Mines should be tightened up—taking action against the Inspector if you find any fault—but to say that some fresh enquiry should be made because the present one is biased is not correct. Actually the suggestion is, it is biased. In that case, why did you not object to the appointment of the judge at that very time? Why did you not have it done then? You did object to one person and he withdrew. Therefore, it is going to be a very, very difficult thing in cases like this, if you are going to have a *rechauffe* of the entire enquiry of any tribunal on the ground that the findings are biased.

I do sympathise with the tragedy. It has taken place unfortunately, and we must take all possible precaution to prevent those disasters and see to it that the safety measures and restrictions in regard to mining are enforced strictly.

The Deputy Minister of Labour (Shri Abid Ali): My senior colleague, the Minister of Labour, would reply. I am only concerned with a few remarks which were made by the hon. lady Member concerning me. Firstly, about the number of persons . . .

Shri S. M. Banerjee (Kanpur): Sir, this is a two-hour discussion, I think. So, there is no question of any intervention of the Deputy Minister. You must give us a chance. If he intervenes, then the period should be ex-

tended and the debate should be continued tomorrow.

Mr. Deputy-Speaker: Shri Abid Ali

Shri Abid Ali: With regard to the number of persons involved in this accident, I have tried to explain the position on certain occasions, but again same charge is made. I may submit only this much with regard to the plan which the hon. Member has been exhibiting again and again. If the plan has been read separately, then perhaps the figure may be different. As I have said on a previous occasion, if sectional plans of India are made like Kashmir, Punjab and Uttar Pradesh shown in Plan A, then Uttar Pradesh, Bihar, Bengal and Assam are shown in Plan B, and Bengal, Orissa and Madras in Plan C, for a man of ordinary intelligence, reading these sectional plans, the population of India will be the same. But to ultra intelligent people, it will be different as they will take Uttar Pradesh, of one Plan, viz., Kashmir, Punjab and Uttar Pradesh to another, Bengal, Assam and then again Bengal, Madras, and Orissa. Ultra intelligent people will read Uttar Pradesh twice and Bengal twice and thus will add to the real population of India. Therefore, the confusion has arisen in the mind of some hon. Members opposite.

Shrimati Bona Chakravartty: This is not a sectional plan but the over all plan.

Shri Abid Ali: They believe that a greater number of persons have died because they read something there which is shown twice, because when the sectional plans were made, there is one small portion of the bigger plan shown there. So, that might have added to this difficulty.

As I have said on a previous occasion, 176 persons died. About two or three persons, relatives, have not come. Others have come and taken away the compensation. I requested the hon. Members on a previous occasion also, "Come on; give me some

clue I am prepared to go round the various areas and to the farthest corner of the country and find out the relations of the persons besides these 176 which figure has been shown there,—those persons who have not come and claimed compensation” It is more than one year By this time, if their point is correct, some should have come and said, “I am a relation I have not received the compensation I am not getting the news Has he died?” and so on. So, no more persons are coming, and the figures which otherwise have also been provided have been mentioned in the report, and that should be accepted as correct, in the circumstances

With regard to the Inspector of Mines, the hon lady Member said that I have said that he could not go into the mine because of the fire In the report also it has been mentioned that the rescue party did go into the mine after the accident It is true that I have said that the rescue party did go inside and did move out inside the mine, at page 264 of the debate on the 18th February But after they came out the fire was increasing and the mine was sealed and water was put there About the Chief Inspector of Mines, I am quoting

“In case any such person who has been in the mines department, (I mean the mines) related to Shri Grewal, without permission of Government where permission was necessary, was appointed, if these facts are brought to our notice, certainly we shall look into them”

This is on 18th February No complaint has come since then The hon Member quoted from the Mines Act that the inspector should not be interested in the mines It is true Under the Representation of the People Act, restrictions are there, but it does not mean that because a person is a Member of Parliament, his niece, brother or brother-in-law should be nowhere near any Government department.

16 (a) LSD—9

The hon Member said that the son of the Chief Inspector of Mines is employed in the mine That is not correct It is absolutely incorrect Again I would request hon Members, instead of making these charges here, kindly write to us the name of the person and the mine in which he is employed Certainly we do not want such things to happen If they bring

our notice, action shall be taken His son is not employed, but two relations are employed, not in this mine, but in some other mines Nobody will say that once a person is employed in a particular department, no relation of his should be anywhere in the vicinity I have already submitted that we are prepared to enquire into the matter, if any such person is employed without the permission of Government, certainly disciplinary action will be taken We are one with the Members of the Opposition so far as this matter is concerned But when nobody is employed and in spite of assurances, they go on making unfounded allegations and charges, it is left to them They should be somewhere near realities

Shri S. M. Banerjee: I do not want to take the time of the House and I will be brief About this accident, I know the day on which the hon Minister made a statement in this very House and how bitterly he felt about this

I have in my possession something regarding Mr Grewal I have also not seen him, though I want to see him some time The Deputy Minister said his relations are employed in some other mines His slogan may be, “Every mine is mine” and naturally he must have engaged some people there I have no quarrel, let him make the mining department his family affair But I am only concerned with this that he has become a member of the Indian Mine Managers’ Association

I am surprised I have got in my possession the minutes of the emer-

[Shri S. M. Banerjee]

gent general body meeting of the Indian Mine Managers' Association, which met on 22nd February, 1959. Item 8 of the agenda is:

"Consideration of letters addressed by our President to Shri Abid Ali, Deputy Minister of Labour, Government of India: President informed that Shri S. S. Grewal, the Chief Inspector of Mines in India has become a member of our Association. The House expressed their heartfelt thanks to Shri Grewal and recorded that our Association feels great pride by having Shri Grewal, the most eminent personality amongst the mining engineers of India."

I do not know how the Chief Inspector of Mines can become a member of this association and directly connect himself with the activities of the managers of mines.

I have another document. Copy of letter dated 11th February, 1959 written by the President to Shri Abid Ali, the Deputy Labour Minister, Government of India, New Delhi. This Association generally do not write letters to Shri Nanda because they know that their cause can only be championed by the Deputy Labour Minister. So, they have written in this:

"These Regulations were framed by the Officers of the Department of Mines who under the threat of being called collaborators in these 'Murders', yielded to the blackmail and drafted some Regulations which go much further than even those enacted in the most advanced countries working under most difficult and dangerous conditions. They completely omitted to realise that we do not have the conditions, the equipment, the exchange, the means and the personnel to work these Regulations. The New Regulations were unfortunately framed far too rigid

and in some of the most important laws, no discretion was left even to the Chief Inspector of Mines."

When the Chief Inspector of Mines is a member of this Association this is something which we cannot understand. Moreover, they further say something in the same vein.

Now, who are creating this trouble? The General Secretary of our Federation, Shri Kalyan Roy, has brought out a booklet where he has challenged the authenticity of this inquiry. There he has proved by investigation that some skulls, some bones and other things were not taken into account. So, nobody knows the exact number of men died. In a train accident when we do not know the number of people travelling in that particular train nobody has ever complained that something is wrong in counting of the dead bodies. But here it was something different and the management of the mines have purposely withheld information about the number of people died. I have never heard of this sort of thing. It is shameful on the part of the management of the mines not to maintain even a register.

Dr. Melkote was referring to the relatives of those dead. Do you think that these Britishers who bled our country white can have any consideration for the weeping widows. Now the Deputy Minister wants to search the relatives of these people. Let him go round the country. Now the circular further says:

"The atmosphere of distrust and vilification created by men like Shri Kalyan Roy and some others even in the non-communist unions must be sharply condemned by the Ministry and suitable action taken so that no irresponsible statements or publications can fly about under the protection of democracy. Such licences which undermine the Industry and the

country must be stopped and unless that is done, no mining man whatsoever will be able to take any part in any further deliberations "

I have got copies of these letters. These are true copies of the letter of the Association and I can place them on the Table

Shri L. N. Mishra: To whom is that letter addressed?

Shri S. M. Banerjee: It is a letter written by the Indian Mining Association to the respected Shri Abid Ali Jafferbhoy, the Deputy Labour Minister. So, when I read this report and the report of Shri Guha Roy, a senior Judge of the Calcutta High Court and the report brought up by

Mr. Deputy-Speaker: Is it a copy of the letter or original intercepted?

Shri S. M. Banerjee: Original is available. It can be checked up

Mr. Deputy-Speaker: I am asking whether this is a copy or original

Shri S. M. Banerjee: It is signed by the Acting Honorary Secretary, I M. Samanta

Mr. Deputy-Speaker: I am enquiring whether it is the original letter.

Shri S. M. Banerjee: It is a cyclo-styled copy. And for dismissing Shri Grewal I will give thousands of copies. This is authentic.

Mr. Deputy-Speaker: It should not be said so lightly about such highly placed persons.

Shri S. M. Banerjee: I know what dismissal is. I was dismissed. That is why I never recommend anybody's dismissal. So I know what it will mean. But here in this case

Mr. Deputy-Speaker: He can argue his case, but how will this help

Shri S. M. Banerjee: I will correct myself. He may be promoted and transferred.

Mr. Deputy-Speaker: He should not be ridiculed. He could have said that he should be dismissed or he should not be promoted. Whatever happens, I am not concerned with him. I only enquired whether it was the original or the copy. The hon. Member said it was cyclo-styled copy. Then he says he can produce thousands of copies of it. I could not follow that. What was meant by that?

Shri S. M. Banerjee: I may be excused.

In the end I would support the demand of my respected sister, Shri-mati Renu Chakravartty, that this enquiry should be scrapped. Here, my hon. friend was mentioning that there are other ways of doing it. The other day I was hearing the speech of the hon. Home Minister about the Law Commission's Report. What did he mention? He used all the adjectives about the Law Commission's Report and I have yet to see that that Report will be scrapped. So, people can express their opinion about the Law Commission's Report, which was presided over by the Attorney-General because it did not suit the taste of some people. But this enquiry has to be defended. Shri Grewal has to be defended. I do not know what the reasons are, but I am pained at it. So, my demand is that please scrap this report. I request the hon. Minister to consider this seriously. The appointment of another enquiry will restore the confidence of the mine workers and will create a healthy atmosphere.

Then the second thing is, why not nationalise these British-owned mines. India needs money today for the Second Five Year and the Third Five Year Plans. This will give money. The third thing is that if found correct—there should be an enquiry against the conduct of Shri Grewal—and if necessary he may kindly be dismissed.

Shri S. C. Samanta (Tamluk): Sir, fortunately or unfortunately I was

[Shri S. C. Samanta]

associated with this Court of Enquiry.

Shri V. P. Nayar (Quilon): The latter, Sir

Shri S. C. Samanta: So, it is my duty to remove the doubts and misapprehensions that have arisen in the minds of my hon. friends. First of all, I request my hon. friends to see as to what is the duty of the Court. It was a formal enquiry into the causes and circumstances attending the accident. This was the duty of the Court and nothing more. The Judge in the Report has admitted the inherent difficulties of the enquiry. I request my hon. friends to read those things. There were difficulties. Can you imagine that there was an explosion in a mine and from the eastern site which was ablaze not a single person could come out? Who will give the evidence? How the ignition took place? How the explosion took place? This was the task of the Court of Enquiry to find out. So, all the difficulties that have been put before the House were dealt with by the Court of Enquiry and it has been written in the Report.

As regards the number of deaths and casualties, Heaven knows that we cannot say for certain that this is the number of persons who died. How can we? From the records and the circumstantial evidence that we got, we came to the conclusion that it cannot be less than 115 and it cannot be more than 175. My hon. friends have taken so many documents. As regards the number of casualties, when they will go to determine it first of all they will discuss all the documents that were put before the Court and take up those records that were immediately put after the watering and immediately before the watering. I am referring to Appendix II and II-A to Rosser's report submitted after de-watering. From that it will be clear. Total number of bodies shown in Appendix II is 158 with 6 additional bodies without skulls.

Shrimati Rean Chakravartty: Where is it?

Shri S. C. Samanta: It is in the report, I have made the report.

In Appendix II-A (9 dip area) are detailed 21 dead bodies with skulls, one skull, 1 without skull—all these are shown in Appendix II-A—with the exception of 6 bodies without skulls in the lowest part of 9 East Dip. 9 East Dip was the last area to be dewatered and this work had not been completed when Appendix II was prepared. My hon. friend Shri Abid Ali said that double addition has been made. These two double additions had been made and the number has increased. Appendix II-A showed six additional bodies and also since it covered the joining galleries, certain other corpses which were also included in Appendix II.

A study of the two plans in question will show that there can be no possible doubt and the total number of casualties is therefore arrived at as follows:

As shown in Appendix II—

Dead bodies with skulls—158

Dead bodies more or less complete except for the skulls—6

Additions shown in Appendix II-A—

Dead bodies with skulls—6

Those who died on the surface—5

One body reported on 7th August, 1958—1

Total works to 176

As regards attendance register and lamp register, what alternative we had but to accept the joint register for our enquiry? What could we do? We were told that when this mine was mechanised, they built a big room in which the lamps were kept. That is called the lamp room. They did not construct another attendance room. The register that was kept was kept in

Form C, that is the Attendance register in which the names were entered and also the lamps were entered. Does it interfere with our enquiry? It may be that the Government has to see or the department has to see whether such a house should be built for both the purposes and a register should be kept for both purposes. That is the look-out of the Government. We the Court of Enquiry went to find out the real number of those people who were engaged in work. And to find out, if we did not find any other register, we have to take that. We took it.

While we visited the mine, we also found that there was another thing. The lamp is kept on a hook. When it is returned, the worker has to note the token number. How many lamps were taken, and which numbers were taken, would all be recorded. We cannot say that there is no attendance register. We have to accept it as an attendance register, in order to find out the number of persons who went in and the number of persons who died.

Then, Sir, the workers' representatives were not allowed to go down. It is true that this was decided in the Court. It was decided in the Court that one observer from the Court should be placed while dewatering work will be going on. But due to lack of unanimity, the workers' representative could not be placed. That was the position. I wanted to know whether the Court has jurisdiction, and whether the Court can appoint and it was said that the Court cannot appoint. It may be wrong; it may be true; but that was the fact. I wanted to know why the management should not be given the highest punishment. The mine can even be stopped.

Unfortunately or fortunately, stone dusting defects were found by the Regional Inspector of Mines. He recorded them then and there. They were justified. After one month, in another place, defect was found. They

reported that it was rectified. In this way there was no occasion to punish the management for this defect as it was localised.

My hon friends are doubtful about the cause of ignition. This has been dealt with very elaborately. I may add that so far as our intelligence goes, so far as our circumstantial evidence goes, we took all things into consideration and eliminated certain things; but we could not eliminate two of the causes. Those might be the possible reasons or causes. And for these we could not make anybody responsible. Government are there, and the Mines Department are there, and they will see the faults that have been mentioned by the court of inquiry in their report, and they may take steps for the future.

I have nothing more to add. These were the things that arose in my mind.

Mr. Deputy-Speaker: Now, the hon. Minister

Shri Tangamani: I want only five minutes

Mr Deputy-Speaker: Would it be possible now, after we have taken already about an hour and forty minutes

Shri Tangamani: I want only five minutes.

Shri T. E. Vittal Rao (Khammam): There are just one or two points that I would like to mention. I shall take only five minutes.

The Minister of Labour and Employment and Planning (Shri Nanda): Mr. Deputy-Speaker, Sir, . . .

Mr. Deputy-Speaker: After the hon. Minister has spoken, I shall allow the hon. Member to ask a question or two.

Shri T. E. Vittal Rao: No, I wanted to speak. I did not want to put any questions

Shri Tangamani: There are certain points only that I would like to mention. I would not even refer to the report.

Mr. Deputy-Speaker: What can I do? Hon. Members would realise....

Shri Tangamani: This can be extended. You have got powers to extend it by half an hour.

Mr. Deputy-Speaker: In exercise of that power, I have extended the time. Now we shall be discussing this motion for about 2½ hours, because the hon. Minister requires 40 minutes and then at least five minutes should be given to the hon. Mover.

Shri Nanda: I am in complete agreement with the hon. Mover of this motion that this was one of the most disastrous occurrences in the mining history of this country. It took a very heavy toll of life, and, therefore, it came to us as a challenge. We could not, of course, restore to life all those who had perished, but certainly we owed it to their families and to the working class generally that we should try to discover whether there was any culpable negligence involved in it, and if there was, then those responsible and those answerable should be brought to book and punished.

Secondly, we also owed it to the working class that all possible steps may be taken so that recurrence of such accidents may be avoided so far as it is humanly possible. That was why we appointed this court of enquiry and chose a judge of the High Court of Bengal for this purpose.

And we had this report. In the normal course, we should take action in pursuance of the findings and recommendations of this court. When I was asked that there should be some discussion of this here in the House, we might have felt, or we might have taken the stand that here is a court of inquiry with assessors, a Member of Parliament and a very eminent

expert; they agreed; and the court consulted numbers of people with the technical knowledge and experts in mining matters, and they came to certain conclusions; and we might have said 'Are we now to sit in judgment on that?'. Further, the law does not make any provision for a re-inquiry which has been asked for. On that ground I might have just disposed of this matter saying that this is a sufficient answer. But I did not choose that line. I reckoned with the strong feelings which were being expressed, and the excitement which I noticed, and I thought it was my duty to look into the matter. If these feelings and this resentment and this bitterness were based on some misapprehensions, then I should try to clear those misapprehensions. If, on the other hand, I could find that there was some glaring miscarriage of justice, then whatever the law says or does not say, there is some obligation to do something about it. That was the attitude which I adopted. It cast on me a very onerous and heavy task.

I went through this report from end to end. You will see it marked in places with red and blue and all that. I read every page of it and every word of it from end to end. I read every word of this book of allegations. I read parts of the evidence also, and as I went into it more and more, and as I delved into these questions more and more, I found that I wanted to know more. When I read those allegations, I found in certain respects there must be something wrong. That was my reaction, as it would be of any person who reads those allegations. Then when I went into it, I tried more and more to unravel those entangled points. Now I will not say that all those allegations are baseless. Some of them, in the light of the facts which have been revealed, will be found to be incorrect. Some of them, may be, are to an extent correct. What are the implications.

Having gone through those hours of labour, hard work, on this question, I begin to wonder whether it was really

very necessary for me to have done that. It was not necessary, but I do not regret it because I have received some education in this whole matter of the mining industry and of the question of the safety problems with which I am concerned, and therefore I do not regret it. I am glad. But, what is the bearing of all this?

Allegations are made. If it is about the Chief Inspector, if it is about the Inspectorate, if it is about some letter written by some one to Shri Abid Ali, all these things are relevant; if they have anything to do with, but the question at issue is. The task before the court was to find out the cause of this accident, whether it was due to some misadventure, some circumstances beyond the control of the management or anybody, or whether there was an amount of responsibility, some negligence somewhere. This was the question, that is whether those deaths could have been prevented by any human intervention, or action, or whether we could do nothing about it? That was the main question.

So far as I am able to judge now, having listened to everything, not a single point has been raised which has a bearing on that. I can say that because I have gone very deep into this matter. Other things have been raised, very important allegations against the management, about violations. The things which have been cited here are not new. They have been also mentioned by the court too. They have been mentioned on page 54, and more than what the hon. Mover has said here more than anybody, has said. The shortcomings pointed out are more numerous, for instance, something about the perfunctoriness of the registers, and the entries. Then it says something about proper steps not always being taken in time to dilute the gas sufficiently by extending brattices or removing the same wherever necessary. Then there is this question of the loco for example.

The question now before me is: these things are there, these things which were pointed out in this book and in the notes which I received from some Hon. Members. Because of the limitation of time, possibly the hon. Mover could not say all the things stated here, but I have kept them all in mind, every little thing that has been entered here, recorded here. I find that the court has, without any kind of consideration, any softness, mentioned all that, and put it in these pages—all that has to be said against the management.

Then the question for us is: what is to be done about it? The first and most important question is: to what extent these things have a bearing on the accident? For example, there was the question in regard to the register. Has it any bearing on the casualties, the outcome, the number of deaths? I may deal with this immediately. So much time has been taken on that. It is an important matter—even a single death. But what are we really driving at? The register was not maintained. All right. That was a violation. If there was any violation involved, it is our duty to look into it, and I promise the House that all these things will be looked into. They will be examined and investigated, and if any action is due against the management, it will be taken.

Shri Tangamani: Amongst the witnesses, there was one who was working in the pit. Subsequently he was rescued. In his evidence, there is a reference to one matter. It is said:

"Jiblal came to us and told us that there was gas detected at zero dip. The contractor's men have refused to work and they have been sent to the surface".

Shri Nanda: I remember all that. Hon. Members may not have spent as much time as I have devoted to the subject.

[Shri Nanda]

Now, I shall deal with those matters which have apparently at least a bearing on the outcome. And this matter has. Take the inspection reports which I have and which have been mentioned here. Numerous inspection reports point out that while there was concentration of gas, that the regulations were not being fully observed. People were withdrawn. All that is true. I am coming to the core of the problem. Here the Court had to see this, how far violations and the breaches, were they linked up with this.

I have learnt now, and it is clear to me, as to what is happening there in these mines and what happened then. The inspector goes. It is his duty to look at everything. At any rate, whatever else, you may say against the inspectorate; you will at least acknowledge this, that they did not spare this mine, that they pointed out every little thing that happened. Take violations. Numerous records are there. Now, what is the significance of that? The simple answer is that the inspectors found that a certain concentration of gas was being exceeded. What was it that was being exceeded? That is recorded. 1 per cent 1.5 per cent, 2 per cent and 2.5 per cent. Now if you study the scientific aspects of it, it will be clear to you that the concentration of methane gas, which is usually involved in these explosions, has to be at least 5 per cent before it can have any explosive effect. So abundant precautions were taken. Usually it may be about one per cent. Therefore, the workers were withdrawn. That means that somebody may say from the management side "You people are harassing us." I do not think that we will accept that argument. We want to continue those precautions. Before any point of risk or danger is reached, we act; before that we withdraw people.'

This is the position with regard to the methane gas. There was an outburst. It was found. It is not denied

by anybody. On that there is unanimity. Even the gentleman, the witness, who may have helped in preparing this book, ultimately acknowledged, that there had been methane gas; but this is explosive only within a range of between 5 and 14 per cent.

Therefore, if there are any violations, let us look into them. But the whole question is: what had they to do with this particular matter before the court? It had not. My main answer rests on that. So far as these violations on the part of the management are concerned, we will look into them independently on their merits, and also see that these registers are kept properly.

19 hrs.

I have had a look at the registers also and I was not satisfied. I saw all the entries; I saw all the original records and I am not satisfied. I do not know what the explanation is going to be. But, as I said, they should have some bearing on the question of the number of deaths.

There is a kind of misunderstanding here. I have before me the usual number of persons on the various days and months—in the shifts. The number goes down between first shift, second shift and the third shift. There is also the C.R.O.'s part. There is a separate number. For the first shift, the numbers are 245, 259, 266. And for the second, they are 117, 129 and 115 etc.

Now, that is the basic fact. There used to be a difference between the first shift and the second and the second and the third shift. In these allegations the words that there was a negligible difference has been misconstrued. From that the conclusion is drawn that if there were 215, 245 or 260 in the first shift, and since there was negligible difference, it should be very nearly 250 or 260, plus C.R.O. another 65.

Shrimati Benu Chakravarty: Three hundred and ten was the number in the first shift.

Shri Nanda: The real thing is this. The second relay stands by itself. The person who said that there was negligible difference had in mind, obviously, that in the numbers in the second shift, from day to day, there was negligible difference, and not that there was negligible difference between the first shift and the second shift and the second shift and the third shift. I have looked into it very carefully. It may be I cannot vouch for the number 176; and I think I am in no position to say anything about it yet. The court acted in certain circumstances, and under certain limitations. My hon. friend Shri Samanta has pointed out the inherent difficulties etc.

But my point is that to say that it was a minimum of 115 when the skulls were so many more is not understandable. Whatever the number was—it came to nearly 175—to say that it was a minimum of 115 must be some kind of arithmetical accuracy so far as the various stages of calculation are concerned.

I may inform the hon. Members that I went there the next day and I got the number within 45 minutes all the registers of the mine were in the hands of the department. (*Interruption*). Everything was noted and there was no question of any change. I was given that number. After calculations it was reported to me—it may be just one or two more or less. Therefore, the question of later verification could not have altered the thing very much.

Shrimati Benu Chakravarty: It was 172 and in the *Statesman* it was given that it had risen to 186.

Shri Nanda: From 176 it may be 186. What is the point? The point is that so far as the management is concerned, I do not think this alters the position very much whether it is 176 or 186. But it does alter the posi-

tion for the members of the families of these 10 people who were not found.

Therefore, our object should be to see if anywhere the families of these people are there; if there are 2, 3 or 4, they should be traced and we may help. The numbers could not be very much larger. There may be a marginal difference.

There was another fact.

Shri Tangamani: I would like to know whether at least now the Ministry has got the names of those 176 workers.

Shri Abid Ali: We have got it.

Shri Nanda: We have got it from the beginning. There may be the difficulties about registers. I say there may be some marginal differences. Why don't they come for compensation? That was the question asked. The counter-question or the explanation is that so many of them are ignorant and illiterate people. This is a matter worth looking into. I made a research into the past enquiries and tried to find out the number of those who did not ask for compensation. There also the C.R.O. and Gorakhpur labour was involved. Incidentally, I may say about this C.R.O. and Gorakhpur labour that I did not like the position as it is and in the industrial committee on coal I have said that something should be done. Something has to be done. What could be done has to be looked into. I find that there was a margin of 2-3 persons. Therefore, it all comes to this. With all the very meticulous research in numbers I will ask whether anyone can give the absolute figure? Can one say that it is 176 and not 177? I do not think anybody can say. Is that of that importance for the purpose of our discussion, because our discussion is that there should be a re-enquiry and I am going to take that up? There are difficulties here and there. Why is it that there should be re-enquiry? That is the question. One point made was that the court did not reach any conclusion. That is quite wrong. The court has recorded a very definite

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conclusion. If some of the hon. Members there have the report, they may turn to page 54, para 127. I would not take the time of the House in going through the whole thing. The conclusions are in very definite terms. Some are very positive statements, stated in terms of certainty. Some other statements are made as of high probability. Then there is the remote possibility of something else happening. Then there are a third set of conclusions where one thing may be more likely than the other. The alternatives are stated and the things are left at that. This is a scientific and judicial approach. What does the totality of that evidence lead to? They have stated things as they saw them and understood them. They have expressed their conclusions in these terms. Do we want our courts to say this? If a murder takes place and if they could not find necessarily liable to be sentenced for that, should they find, in order that the requirement of a definite conclusion has to be satisfied, somebody else liable? Here it was a baffling technical and scientific problem. Part of the evidence is obliterated by fire, etc. Taking all that was there into account, this was the conclusion. I have also gone into the evidence of another witness who put up a rival case. But he himself has said very clearly that his own conclusions to a great extent will have to be tentative. The accident might have been due to me than gas though earlier the position was that it could not have been methane but it was directly due to coal dust. But later on the position had to be accepted by the weight of evidence that was put. Therefore, I am saying that so far as this question of the demand for a re-enquiry is concerned, apart from the technical aspects of it, one reason does not apply. All that can be done has been done. Supposing you ask me to evaluate all that and sit in judgment by way of an appellate court, what would I do? I am not, of course, that. But I will say, having very very thoroughly examined every-

thing, I may not be necessarily able to agree with every little bit of conclusion here and there. It may be that I might have accepted some other alternative explanation. But, taking the thing as a whole, would I be in a position to say that this should be rejected in favour of something else which evidence reveals as more probable, or say that there is evidence which has been neglected and therefore possibly something else could have been found? Sir, I will state very positively, I am not in that position to say. I won't be able to say that something else was more probable than what the court itself has said. On the other hand, I think, considering all the evidence, it appeared to me that the conclusions of the court flowed from that. There may be some aspects which are obscure to me also. I do not know everything about science and the technical aspects, and it may be also that there was that inherent obscurity in that. Therefore, I will not be able to do that.

Then, Sir, there are some other things which have a bearing on this question. A doubt may be cast on the inquiry taking one little fact. The question is whether better conclusion is possible in the circumstances. I do not think so, in spite of the fact, as I said before, that I am attaching a very great weight to numbers of things which have been pointed out here regarding which we will have to do something more.

What else is there to challenge the judgment of the court? Some things were pointed out e.g. an exploder being found somewhere else rather than in a place which was pointed out earlier.

Shrimati Renu Chakravarty: That was 16 Dip.

Shri Nanda: I am very very familiar with all the details of it. I have got the maps here. I know where the 16 Dip is and where the Zero Dip is and all that. But the point is, this de-watering took place and at a certain later stage it was discovered. Now, where that was discovered there was also the short-frer, the attendant and the dead bodies. Another thing is, if the exploder was discovered by those people, why did they not throw it away somewhere instead of finding it in another place and then exposing themselves to all these?

Shrimati Beenu Chakravarty: Already the court had wanted to know the difference between the lamp register figures and figure of dead admitted by management.

Shri Nanda: If anything could have been consumed and destroyed in the explosion, that was an easy explanation for anything that might have happened. I do not want to go into the details because it may take hours for me to give all the details. With my limited knowledge of these things I only want to explain all that is involved in the rival theories and say what is more probable.

I have one or two facts to which I give a great deal of importance. A workers' representative Mr. Lyndon James, from the United Kingdom has given some reports. He was not interested. I read his reports very carefully. He has made out very clearly what he thinks of the chain of causation. I place a great reliance on him and his evidence. Here is a disinterested person who is speaking for the workers. That is one fact. The second one is, where the centre of mischief was supposed to be, where the mine was being extended and where this thing might have happened, at that very moment there were found three members of the supervisory staff—an assistant manager, an overman and somebody else. That is a very significant fact. If anything wrong was happening there, if gas was being built up there to an explosive point—if it goes beyond a certain degree—these people could have detected

it at a much lower concentration at the place where the damage is done. At this place the people were present and they would have withdrawn the workers long, long ago if they had the slightest suspicion of that fact. It is a very important fact for me, because I thought that they would not endanger themselves. They had the knowledge and the competence, and I would suppose they had some love for their lives. They did not want to die.

These are some of the things where, after an evolution in my mind. I thought some further probing into certain aspects of the matter might be required. But so far as the Enquiry Committee's report is concerned, whatever the limitations which are acknowledged, I do not think the question arises at all that there should be a re-enquiry. I have read through the recommendations and I find that they have made some very valuable recommendations for the future. We are in this country going to mine more and more coal from year to year and we are going to mine deeper below the ground. The mines will become deeper the operations will be mechanised. There is the problem of gassy mines. I think we have to do much more research because there are many problems relating to our special conditions which might not have been looked into elsewhere. Therefore, the problem of greater research is important, and several other recommendations made in the report must be looked into and examined. We propose to do that.

There were one or two other points about the procedure of the court. There was a neutral observer. For the first time such a practice was adopted. It was done by agreement and all the parties said there should be a neutral observer for all. They did not allow the workers' representative. I do not know whether there was disagreement on the workers' side. Personally I am not quite happy about the position. I do not mean to cast any reflection on the

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court, but I do not feel happy about it. Why should not a workers' representative be there? The court first recommended or accepted that, and later on the mine management said that their property rights and all that. I do not see any point about that. But if need be this should be incorporated in the law—that their representative should be allowed to come inside every time. But there it is. We cannot do anything about it now at this stage.

I have spoken about the future. It is our duty to see that we do everything possible to safeguard the lives of those people. There is only one thing about the Mining Department to which I want to refer. The management, the inspectorate, etc., were referred to, and so much wrath was poured on the heads of those people. It is taking us away from our subject. Even if nobody had said it here, if they had written to me a line at least about it that something required examination, I would have done it, because I want naturally to see that the department functions properly. It is the department which has to deliver the goods. Also, half the number of places is not yet filled. I am very sorry about it. I am beating my head against the walls: why is it that we have not got half the number of the staff there on the posts? They do not come. Maybe we should do something about it, but there it is. They have a difficult task. Judging from this, I may say that they have been performing their task well enough. They did inspect all right. I may also inform the House that in the same company, in the other mines the mines were closed down only a little while earlier, i.e. the treatment of this company was strict. Therefore, no favour was shown to this company because another mine of the same company was treated in this very stringent manner.

Mr. Grewal's name has been mentioned. I do not know whether it was really proper. But if there is

anything from any member of our department, any irregularity of a kind which renders him unfit to hold this responsible position, it is our responsibility to look into that. But to demand the head of a person, etc.—that is not the kind of spirit I appreciate. If anyone has done something which calls for some action, let us look into it. But let us not presume it. Why do we presume that some duty or something has not been done? Why do we pass a sentence without an enquiry? I am prepared to look into any material that any Member can provide against any member of the staff. But let us not pass judgment before any enquiry at all.

The hon. Member said that he received a letter that the Chief Inspector of Mines has become a member of some kind of association. It may be some other Grewal, Sir, because I have enquired and I am told that he is not a member of that association; he was never a member.

Shri S. M. Banerjee: I have the proceeding here.

Shri Nanda: It may be wrong. This illustrates the danger of our allowing ourselves to be guided by even things which look like very genuine; what about rumours, etc.? Other things have also been stated and heard about that poor gentleman. If he is not innocent, certainly he should suffer. I cannot prejudge; I hope my mind is open.

I think I have dealt with many points raised. My reply ultimately is that we shall certainly deal with those irregularities about attendance register and other matters which in the ordinary course are our responsibility to deal with. But so far as this particular task of the court is concerned, about the findings and conclusions, there is nothing which calls

for a re-enquiry, which is the object of the motion. Sir, I have done

Shri Anrobindo Ghosal (Uluberia): May I know whether the causes of ignition—diesel loco, oil lamp, etc—were put forward by the company or by one of the officers?

Shri Tangamani: In the course of the report, I found out that whenever there is reference to the workers, it is made in very disparaging terms. But whenever some reference is made to the management, even on the question of non-maintenance of registers, etc, encomiums are paid. Has the hon Minister got to say anything about that? I can give many instances

Shri Nanda: I will have to say something about that. I do not like such things. Maybe somebody might have talked in a certain way which might have provoked the judge. As a trade unionist, certainly I would not like such a thing at all.

An Hon. Member: It is after all a commission of enquiry.

Shri Nanda: The other thing was about ignition. That has been a vexed point—the source of ignition. The Member who has asked this question will notice in the report itself that all do not agree about the source of ignition, there is a point of disagreement there. Even the court itself is not able to make up its mind even till the last moment, whether it was the loco, some kind of inlet trap, etc being removed or not being there and therefore some flame coming out of it or whether it was due to a smouldering cloth being pushed into the lens, etc. The court has not been able to make up its mind. That is, there was not enough material to arrive definitely at one conclusion or another. It was at a very late stage that this loco arose. The sources of ignition can be so many; some have been excluded, but still some remain. Some of the conditions suggested by some friends, on

closer examination, are found to be really presenting a probability. These things look to be probable. But I am not quite sure.

Shrimati Beas Chakravartty: Naturally I will not be able to deal at length, but I have got to refer to every point that has been answered by the hon Minister. I am surprised that he has made a short shrift of all the points that have been raised and nothing has been replied to.

Firstly, I will take up the main point that has been made, namely, whether we can at all reject the findings of a court of inquiry. My legal friends frighten non-legal people like me by saying that it is not possible for us to do and the only alternative was that during the enquiry we could have raised something in the Supreme Court. I will not go into that. But I want to refer to one thing. When the Mehboobnagar Enquiry Committee report was submitted on the terrible train accident at Mehboobnagar, and it was presided over by a Judge of the Bombay High Court, holding, I think, the railway engineers responsible for it, the findings have been rejected by the Government.

Shri Nanda: I did not take that stand. I said I will look into that.

Mr. Deputy-Speaker: If he had taken the view of the speaker, he could not have allowed this discussion at all.

Shrimati Beas Chakravartty: There was quite a feeling created that because this is

Mr. Deputy-Speaker: We have heard that view. We have discussed it threadbare.

Shrimati Beas Chakravartty: The point is that Government cannot reject the report. That is my point.

Mr. Deputy-Speaker: No, no. If the Government appoints a court of inquiry and that court makes a recommendation, it is for the Government to accept it, to reject it or to

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modify it. That is the point that I wanted to make.

The other point which shocked me most was the entire violation, not one violation but violation after violation, whether it is on stone-dusting, whether it is on short-firing, whether it is on explosives or the attendance register. In almost every-one of them violations have taken place. Why is it that you conclude, or anybody else conclude, that this did not take place because of the violation but because probably of the metalling gas case or some such thing? There is a probability. But why is it that we have not taken seriously the violations that have taken place? It may be that this has happened because of those violations also.

Shri Nanda: She did not make any specific points so that I could answer them.

Shrimati Benu Chakravarty: Surely, I have referred to coal dusting, stone-dusting and all those things.

Shri Nanda: Coal dust is not peculiar to any particular mine.

Shrimati Benu Chakravarty: But coal dust is one of the biggest sources of explosion. That is the point.

Then again, about the Neutral Observer about whom the hon. Minister has also referred to, almost every report made by this poor gentleman who has been made a Neutral Scientific Observer has been rejected by the court. Therefore, everything that this scientific man is supposed to say is rejected and everything that the management says is accepted by the court.

Shri Nanda: That also is not correct. The material points made by him were not rejected. There were one or two points made by the Neutral Observer about the question

of location and so on. He had observed something from outside. It is only on that point that his finding was rejected.

Shrimati Benu Chakravarty: That is not so. What about his finding on 16 Dip rise?

Shri Nanda: Anyhow, that is my understanding.

Shrimati Benu Chakravarty: All these things lead to explosion—short firing, coal dusting and so on. Then the Neutral Observer had stated that some smashed caps were found there. So Mr. Badami says that because of short firing the explosion might have taken place and the particular smashed cap also confirms that. But that is being refuted by the court by saying "Mr. Badami must have said by hearsay", although Mr. Badami has gone there and seen everything himself. Still, that is not being accepted. Therefore, after all, it is not such a simple case. There was not one violation or two violations but 20-30 violations.

The Howrah Colliery disaster took place on the same day. A court of inquiry was held. Probably much lesser violations were noticed there. Still, it is clearly and categorically stated by the court of inquiry that the mine management must be held responsible for that. No such thing is done here. Why? Is it not possible for the court of inquiry to say "yes, this is a very complicated case where melting gas case, short firing and coal dusting are involved. This explosion has taken place because of violation of rules for which the management has to be held responsible"? But that is not done at all.

Regarding the Inspectorate, I am afraid; the hon. Minister has tried to whitewash it. He said if anything has rendered anybody unfit that can be looked into and so on. I have not said anything personal against this gentleman, the Chief Inspector of Mines. I do not know him at all. He might have made certain personal remarks about me. But I do not mind it all. But what

I want to say is that even from the ordinary human point of view, when it is the Chief Inspector of Mines who goes and stands on the pit top even up to the point of sealing and he does not take the trouble of going down that mine when there are other people going down that mine, I say that that renders him unfit and that he should certainly be discharged on that one ground when so many people have died I cannot imagine that if I am at the head of an educational institution and fire takes place I stand outside and look at other people going and rescuing and I, as the head of the institution, do not take the risk of my life I cannot understand that.

I do not go into anything else, whether he is in the owners' association or anything I have no idea about that. That can be enquired into. But certainly that one basic fact, in my eyes, makes him responsible for much of the mistakes that are taking place in the Mines Department. That is why I say that these Inspectorate officers, some of them good and conscientious—I never said all the Inspectorate are to blame—even when they are sending notices to say that these and these and these are the rules that are being violated, the Chief Inspector of Mines ignores them blatantly. He knows that the Regional Inspector of Mines has been sending these chits. But according to the rules it is the Chief Inspector who has to take a decision. Nothing comes back from the Chief Inspector. Why? That is why we think that there is something very wrong in that Inspectorate. I do not say that everybody is bad. There may be young inspectors working under very difficult conditions. They may be trying very hard. But if the top does not move according to that—the Chief Inspector of Mines has been delegated certain very important powers and unless he moves—things cannot be done. So, we have to find out where things have gone wrong. I certainly say that there have been so many violations. If there have been

violations—and there have been so many violations; they have gone on from year to year—just to say that when we pointed it out to the management this was put right is not enough.

My hon. friend, Shri Samanta has tried to make out a case that as soon as we pointed out everything is put right. But in a gassy mine what is the use of having a *post mortem* when one mistake can kill so many people. So, this question of putting right or not putting right is another *post mortem* affair. My point is that these things cannot be treated so lightly. Violations are very serious things. Either scrap our mine laws—let us not have these safety regulations—or let us be serious about them. Even if we do not want to go into research—we should go into research; I am all for it, but what is the use of research if you cannot implement even your simple safety laws and your inspectors cannot implement those? That is my point.

Lastly—obviously you are looking at the watch very anxiously—I had many more things to say, but I would like just to say...

Mr Deputy-Speaker: She has judged me rightly.

Shrimati Renu Chakravarty: I would have liked to answer point by point but I have not the time.

About the question of the three chief supervisory staff found together and the idea that at that point there was a sudden outburst of gasness—I think that is a point which may sound very strange to the hon. Minister, but to my mind I think we cannot come to any conclusion on that. There is complication to find out where and how things have happened. But we do not come to a superficial conclusion. Therefore I say that this is a question of violation—very serious violations—and much less violations have brought about much stronger strictures from other courts of enquiry. You see the Amlabed Court of Enquiry and the way things have been done over there and see this Court of Enquiry.

[Shrimati Renu Chakravartty]

About the figures my hon. friend, Shri Abid Ali, tried to say that there was duplication. I have been looking into this. If you go Dip by Dip, surely for UP and Bengal and Bengal and Assam this duplication and this comparison does not arise because you will go Dip by Dip. If you calculate on that basis and if he takes the trouble, I think he will find that it will not be 175 or 176. This is where I say that we are not trying to make up the thing. We are just calculating on the basis of things that have been given to us by the court itself and that is why we challenge the total figure of dead given by the court as incorrect.

Shri Abid Ali: Where are their relations?

Shrimati Renu Chakravartty: I am just telling you what is there in the Report.

Shri S. M. Banerjee: Produce the report.

Shrimati Renu Chakravartty: You are making such a big....

Shri Abid Ali: He is asking us to produce the Report.

Shrimati Renu Chakravartty: Then also the other appendix to the Report—those are not sectional reports.....

Mr Deputy-Speaker: Order, order. He need not produce it.

Shrimati Renu Chakravartty: It is all one report. Therefore on the basis of the Report itself, the figures are not correct, violations are clearly stated to have taken place and yet the responsibility is not put upon the management and the Department of Mines. There seems to be a serious breach of their work.

Lastly, I am glad that the Minister has said that he is not happy about the way the Court of Enquiry has taken upon itself, quite outside its purview and terms of reference to talk of what politicians have done and politicians will be, appealing to their lowest instincts and all that sort of thing. On

the other hand, he goes out of his way to compliment the management. He admits that all these violations have taken place. He himself says: We are not legal brains; we are simple people. Sometimes we wonder how people, after saying that these violations have taken place, then say that this company's officers, after having met with them, he finds that they are a fine band of people and he has no doubt that they have got many more such fine officers. He goes out of his way to pay compliments there. On the other hand, for others, he says, "trade unionism harnessed to politics tends to produce its opposite, namely, "trade-disunionism". "...indiscipline amongst the workers of this mine". All this he says while admitting and it does not come within "the scope of our inquiry".

Mr. Deputy-Speaker: All that, the hon. Minister has said.

Shrimati Renu Chakravartty: I do plead that there is a good case for re-enquiry. It should not stand as a matter of prestige with the Government, I do not think they have made out a case. But, certainly I would only appeal that if he even takes up violation after violation and punishes the management even on the basis of the violations, I say that that company will have to answer a lot of things and the Inspectorate too, for their negligence, especially the Chief Inspector of Mines.

Mr. Deputy-Speaker: May I know from Shri Vajpayee if I have to put that amendment to the House?

Shrimati Renu Chakravartty: Yes. I will accept the amendment.

Mr. Deputy-Speaker: I have not got an answer.

Shri Vajpayee: There is no quorum now.

Some Hon. Members: Don't raise it now.

