C. B. II No. 275

LOK SABHA

JOINT COMMITTEE
ON
THE MINES (AMENDMENT) BILL, 1972

EVIDENCE

(Volume I)

32

सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

June, 1973/Asadh, 1895 (Saka)
Price : Rs. 6.05

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LOK SABHA SECRETARIAT

Corrigenda

to the record of evidence tendered before the Joint Committee on the Mines (Amendment) Bill, 1972.

Page 8, col.2, line 25, for "servious" read "serious"
Page 9, col.1, line 30 for "care" read "are"
Page 17, col.2,
(i) line 25, for "is" read "it"
(ii) line 5 from bottom, for "then" read "them"
Page 23, col.1, line 14, for "exepcrience" read "experience"
Page 25, col.2, line 10, for "अदा " read " यदा "
Page 36, col.2, line 27, for "disruped" read "disrupted"
Page 42, col.1, line 4 from bottom, for "naionalised" read "nationalised"
Page 50, col.2, line 15, for "studled" read "studied"
Page 57, col.2, line 9, for "his" read "him"
Page 63, col.2, line 12 from bottom, for "comliance" read "compliance"
Page 67, col.2, line 5 from bottom, for "furnsh" read "furnish"
Page 70, col.1,
(i) for line 4, read "are not laid off. In other departments,"
(ii) for line 12, read "of the mine regularly. But this is not"
Page 74, col.1,
(i) line 17, for "Thre" read "There"
(ii) line 19, for "These" read "There"
(iii) col.2, line 7, for "opions" read "opinions"

.....(ii)/-

Page 75, col.1, line 28, for "ont" read "one"
Page 83, col.1, line 12 from bottom,
for "wetween" read "between"
Page 87, col.2,
(i) line 14, for "abuot" read "about"
(ii) line 10 from bottom, for "theh"
read "the"
Page 89, col.2, lines 24-25, for "innoccuous"
read "innocuous"
Page 91, col.1, line 12 from bottom, after "Is"
insert "it"
Page 93, col.1, line 24, for "equavelent"
read "equivalent"
Page 94, col.1, line 1, after "cost" insert "of"
Page 96, col.1, line 11 from bottom, for "hazrrd"
read "hazard"
Page 114, col.1, line 4, omit "you like"
Page 116, col.1, line 9, for "to with"
read "to withdraw"
Page 128, col.1, line 18, for "accept"
read "except"
Page 132, col.2, for lines 1-2 from bottom,
read "not about inspection but about
qualification, is it?"
Page 169, col.1, line 13 from bottom,
for "desides" read "besides"
Page 174, col.1, line 6 from bottom,
for "Mr. Chavan" read "Mr. Chavda"
Page 190,
(i) col.1, line 2 from bottom,
after "ज्यादा " add " करं लेता है"
(ii) Col.2, after line 1 from bottom,
add " श्री नन्दा: उसके अन्दर दिया हुआ है ।"

Page 197,
(i) col.1, line 14 from bottom, omit "not"
(ii) col.2, for line 21 from bottom,
read "Act they get more overtime wages"

...(iii)/

Page 198, col.1, line 10, for "You will realise that"
read "In the pursuit of such"

Page 210, col.1, for lines 5-6 from bottom,
read "Company where the wages of both the factory and quarry workers are"

Page 230, col.1, omit lines 19-21.

Page 232, col.2, line 11, for "The" read "There"

Page 233, col.1, line 14, for "किमी" read "किसी"

Page 235, col.1,
(i) line 4 from bottom after "और"
insert "अर्ज"
(ii) line 3 from bottom for "अर्ज"
read "(iii)"

Page 241, col.1, line 3 from bottom
for "Mr. Hoy" read "Mr. Roy"

Page 242, col. 2,
(i) line 4 from bottom for "punished"
read "punishment"
(ii) line 1 from bottom for "an"
read "and"

Page 264, col.2, line 3 from bottom, for "colse"
read "close"

Page 277, col.1, line 22 from bottom,
for "precinets" read "precincts"

Page 278, col.1, line 14, for "typese"
read "types"

Page 281, col.1, line 19, for "mning" read "mining"

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JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972

COMPOSITION OF THE COMMITTEE

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Dinen Bhattacharya
5. Shri Khemchanbhai Chavda
6. Shri M. C. Daga
7. Shri Anadi Charan Das
8. Shri K. G. Deshmukh
9. Shri C. D. Gautam
10. Shri Bhogendra Jha
*11. Shri Purushottam Kokodkar
12. Shrimati Sheila Kaul
13. Shri Surendra Mohanty
14. Shri Baksi Nayak
15. Shri Paripoornand Painuli
16. Shri Damodar Pandey
17. Shri Prabhudas Patel
18. Shri R. Balakrishna Pillai
19. Shri Ramji Ram
20. Ch. Ram Prakash
21. Shri Bhola Raut
22. Shri P. Antony Reddi
23. Ch. Sadhu Ram
24. Shri R. N. Sharma
25. Shri T. Sohan Lal
26. Sardar Swaran Singh Sokhi
27. Shri R. P. Ulaganambi
28. Shri T. V. Chandrashekharappa Veerabasappa
@29. Shri G. Venkatswamy
30. Shri G. P. Yadav

Rajya Sabha

31. Shri Kalyan Roy

---

*Appointed w.e.f. 3-4-73 *vice* Shri Balgovind Verma resigned.

@Appointed w.e.f. 8-3-1973 *vice* Shri R. K. Khadilkar resigned.

32. Shri M. K. Mohta
33. Shri Monoranjan Roy
34. Shri Virendra Kumar Sakhalecha
35. Shri B. K. Mahanti
36. Shri Sita Ram Singh
37. Shri Showaless K. Shilla
38. Shri Vinaykumar Ramlal Parashar
39. Shri Mahendra Bahadur Singh
40. Shri Kali Mukherjee
41. Shri Jagan Nath Bhardwaj
42. Shri Qasim Ali Abid
43. Shri Himmat Sinh
44. Shri Dwijendralal Sen Gupta
45. Shri Inder Singh

LEGISLATIVE COUNSEL

1. Shri P. L. Gupta—*Additional Legislative Counsel.*
2. Shri V. S. Bhashyam—*Deputy Legislative Counsel.*

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR & EMPLOYMENT)

1. Shri P. M. Nayak—*Secretary.*
2. Shri N. P. Dube—*Additional Secretary.*
3. Shri D. S. Nim—*Joint Secretary.*
4. Shri V. K. Chanana—*Deputy Secretary.*
5. Shri B. N. Chakravorti—*Deputy Secretary.*
6. Shri M. A. M. Rao—*Deputy Secretary*
7. Shri B. K. Saxena—*Under Secretary.*
8. Shri R. Kunjithapadam—*Under Secretary.*
9. Shri H. B. Ghose—*Director General of Mines Safety.*

SECRETARIAT

1. Shri P. K. Patnaik—*Joint Secretary.*
2. Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

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1.	**Association of NCDC Mining Engineers, Hazaribagh.** *Spokesman*: Shri N. Dutta, *President*	20-7-72	2
2	**Koyala Shramik Sangthan, Hazaribagh.** *Spokesmen*: 1. Shrimati Ramnika Gupta, *Gen. Secy.* 2. Shri R.C. Nagar, *Member.* 3. Shri Rangnath, *Member.* 4. Shri Indrasan Ojha, *Member.*	20-7-72	13
3.	**Coal Workers' Union, Hazaribagh** *Spokesmen*: 1. Shri Shafique Khan, *Gen. Secy.* 2. Shri Ramendra Kumar, *Secretary.*	20-7-72	18
4.	**National Coal Development Corporation Ltd., Ranchi** *Spokesmen*: 1. Shri C. Balram, *Director (Tech.)* 2. Shri K. Rai, *General Manager, NCDC, Karanpura* 3. Shri R. G. Mahendru, *General Manager (P&D)* 4. Shri R.S. Murti, *Add., Chief Personnel Officer.*	20-7-72	19
5.	**Depressed Classes League, Ramgarh, Hazaribagh** *Spokesman*: Shri Sudama Ram, *President.*	20-7-72	25
6.	**Bharat Coking Coal Ltd., Dhanbad** *Spokesmen*: 1. Shri R.N. Sharma, *Managing Director* 2. Shri C.S. Jha, *Director (Technical)* 3. Shri U.N. Jha, *C.M.E. (Prod. & Hqrs.)* 4. Shri S. Chattopadhya, *Tech. Secretary.*	22-7-72	28
7.	**Indian Mining Association, Calcutta** *Spokesmen*: 1. Dr. G.G.K. Shastri, *Vice Chairman* 2. Shri Chhedilal, *Adviser* 3. Shri B.R. Prasad, *Hony. Jt. Secy., Standing Coal fields Committee* 4. Shri N.N. Singh, *Hony. Jt. Secretary.* 5. Shri B.S. Rao, CME, *West Bokaro Ltd.*	22-7-72	36
8.	**Indian Mine Managers' Association, Dhanbad** *Spokesmen*: 1. Shri A.V. Brahma, *Chairman.* 2. Shri R.T. Deshmukh, *President.* 3. Shri B. Dharam, *Secretary.*	22-7-72	43

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	4. Shri G.S. Jootla, *Council Member.*		
	5. Shri S.V. Krishnamurthy, *Council Member.*		
	6. Shri Gopal Krishan, *Council Member.*		
	7. Shri Y.P. Mali, *Council Member.*		
9	**Indian National Mines Overman, Sirdar and Shot-firers Association, Dhanbad**	22-7-72	48
	Spokesmen: 1. Shri Jiban Krishna Banerjee, *Gen. Secy.*		
	2. Shri B. Joshi, *Legal Adviser.*		
	3. Shri H.P. Duba, *Vice -President.*		
	4. Shri R.B. Singh, *Zonal Secretary.*		
	5. Shri D.N.P. Singh, *Treasurer.*		
	6. Shri S.P. Shukla, *Group Secretary.*		
10	**Indian National Mine Workers' Federation and Colliery Mazdoor Sangh, Dhanbad**	22-7-72	54
	Spokesmen: 1. Shri S. Dasgupta, *Secretary, INMF and Joint Secretary, CMS*		
	2. Shri G.N. Singh, *Treasurer, INMF and CMS.*		
	3. Shri S. N. Mishra, *Member Executive Committee, CMS.*		
11	**Association of Indian Mine Surveyors, Dhanbad**	22-7-72	58
	Spokesmen : 1. Shri Asoke Kumar Ghosh, *Gen. Scey.*		
	2. Shri Himangsinu Sekhar Mookherji, *Member.*		
12	(a) **Indian Mining Federation, Calcutta**	22-7-72	60
	Spokesman: 1. Shri P.N. Chaturvedi, *Chief Personnel Officer, Chanchani and Worah (P) Ltd.*		
	2. Shri B.S. Gupta, *Chief Agent, Jaipuria Sanla Group of Collieries, Pandaveswar.*		
	(b) **Indian Colliery Owners' Association, Dhanbad**	22-7-72	60
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13	(a) **Koyala Ispat Mazdoor Panchayat, Jharia, Dhanbad.** . . .	22-7-72	68
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	2. Shri Vinay Kumar, *General Secretary.*		
	3. Shri Jagdish Singh, *Assistant Secretary.*		
	(c) **Bihar Coal Miners' Union, Dhanbad**	22-7-72	68
	Spokesmen: 1. Shri Pritish Chanda, *President.*		
	2. Shri Anil Sarkar, *Secretary.*		

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14	**All India Flooring Stone Quarry Lease Holders' Association, Hyderabad**	25-10-72	78
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15	**Bhartiya Mica Mazdoor Sangh, Gudur**	25-10-72	84
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16	**South India Mica Mine Owners' Association, Gudur**	25-10-72	87
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17	**Singareni Collieries Company Ltd., Kothagudium**	25-10-72	94
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19	**Tamil Nadu & Kerala Mines Safety Association, (Central) Salem.**	Do.	08
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22	(1) **Bharat Gold Mines Private Limited, Oorgaum, Mysore**	Do.	113
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	(2) **Mysore Mine Workers' Union, Marikuppam.**	28-10-72	113
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23	**Shri P.S. Narayana—Consulting Mining Engineer and Geologist, Mines House, Bagnalore 3.**	28-10-72	121
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25	**Goa Mines Staff Association, Khandepar, Usgaon, Goa** .	Do.	135
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28	**Madhya Pradesh and Vidarbha Mining Association, (Coal Committee), Nagpur.**	2-11-72	143
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29	**Nagpur Stone Quarry & Crusher Owners' Association, Nagpur**	2-11-72	155
	Spokesmen: 1. Shri B.T. Pardhy, *Chairman.* 2. Shri H.H. Shah, *Hony. Secretary.* 3. Colonel H.S. Kochar (Retd.), *Member.* 4. Shri R.C. Thakkar, *Member.*		
30	**Bhartiya Koyala Khadan Mazdoor Sangh, Chandametta, (Chhingdwara)**	Do.	157
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31	**Vidarbha industries Association, Nagpur.** . . .	Do.	160
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32	**Indian National Mining Overmen, Sirdars, Shotfirers Association, Chhindwara**	Do.	164
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33	**Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh, Nagpur**	Do.	166
	Spokesmen: 1. Shri G.M. Khode, *President.* 2. Shri S.W. Dhabe, *President.* 3. Shri Hira Lal Singh, *Vice-President.* 4. Shri S.D. Raut, *General Secretary.* 5. Shri S.K. Moulik, *Secretary.* 6. Shri Mahadeorao Titre, *General Secretary.*		
34	**New Chirimiri Ponri Hill Colliery, Chirimiri** . . .	Do.	169
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35	**M.P. Mine Workers Union, Chhindwara** . . .	Do.	170
	Spokesman: Shri R.K. Haldulkar, *President.*		

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36	**Small Scale Mining Industry, Nagpur**	2-11-72	171
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37	**Greater Bombay Quarry Owners' Association Ltd., Bombay**	3-11-1972	174
	Spokesmen: 1. Shri Devkaran N. Tanna, *President.* 2. Shri Chunilal Gulati, *Jt. Hony. Secretary.* 3. Shri Damjinanji Vedant, *Jt. Hony. Secretary.* 4. Shri K.C. Ram Nath, *Office Secretary.* 5. Shri M.S. Sawhney, *Member.* 6. Shri S.D. Veera 7. Shri N.D. Tanna		
38	**Poona Quarry Owners Association, Poona** . . .	4-11-72	182
	Spokesmen: 1. Shri S.T. Nanda, *President.* 2. Shri R.T. Shinde, *Vice-President.* 3. Shri B.Y. Ogale, *Manager, Dhanowin Mine* 4. Shri S.D. Chowgule, *Chairman, Mazdoor Co-op. Society.* 5. Shri K.C. Dhotre, *Director.*		
39	**Neyvelli Lignite Corporation Ltd., Neyvelli** . . .	10-1-73	195
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40	**India Cements Ltd., Madras**	Do.	206
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41	**Associated Cement Cos. Ltd., M. Karve Road, Bombay-20**	Do.	214
	Spokesmen: 1. Shri J.P. Munsiff, *General Manager (Operations)* 2. Shri M.M. Prabhu, *Head of the Mining Department (Operation Division).*		

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42	**Lignite Mines Labour Union, Nevyelli.**	10-1-73	216
	Spokesman: Shri K. Thiruvengadam, *Secretary*.		
43	**Neyvelli Mines United Workers Union (AITUC) Church Road, Neyvelli-1**	Do.	218
	Spokesman: 1. Shri K.M. Sundaram, *President*. 2. Shri K. Kesavan, *Secretary*.		
44	(a) **Federation of Mining Association- of Rajasthan, Jaipur**	1-2-1973	223
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	Spokesman: Shri J. R. Teneja, *Hony. Secretary*.		
45	**Bikaner Division Mining Association, Bikaner**	Do.	235
	Spokesmen: 1. Shri Gulab Chand Kochar, *President*. 2. Shri Amar Nath Chandna, *Hony. General Secretary*.		
46	**Rajputana Mineowners & Mineral Merchants Association, Ajmer**	Do.	246
	Spokesmen: 1. Shri E.C. Framji, *Member*. 2. Shri K.G. Maheshwari, *Member*. 3. Shri Motichand Golecha, *Member*.		
47	**Shri R. K. Bakliwal Mining Consultant, Daribapan, Jaipur.**	Do.	248
48	**Centre of Indian Trade Unions, Calcutta**	5-2-1973	251
	Spokesmen: 1. Shri P. Ramamurti, *General Secretary, CITU*. 2. Shri Robin Chatterjee, *General Secretary, Colliery Mazdoor Sabha of India*. 3. Shri Kumar Singh, *General Secretary, East Sitalpur Colliery Branch of Coilliery Mazdoor Sabha of India, Raniganj*. 4. Shri G.P. Goswami, *Secretary, J.K. Nagar Colliery Branch of Colliery Mazdoor Sabha of India, Raniganj*.		

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49	**Indian National Mineworkers' Federation, Calcutta.**	5-2-73	263
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50	(i) **Shri H. B. Ghose—Director General of Mines Safety, Dhanbad.**	6-2-73	273
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JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Thursday, the 20th July, 1972 at 15.00 hours in Bhurkunda N. C. D. C. Guest House, Bhurkunda, Hazaribagh

PRESENT

Shri R. N. Sharma—(*In the Chair*)

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Khemchandbhai Chavda
5. Shri M. C. Daga
6. Shri Anadi Charan Das
7. Shri C. D. Gautam
8. Shrimati Sheila Kaul
9. Shri Paripoornanand Painuli
10. Shri Damodar Pandey
11. Shri Prabhudas Patel
12. Shri Ramji Ram
13. Ch. Ram Prakash
14. Shri Bhola Raut
15. Shri P. Antony Reddi
16. Ch. Sadhu Ram
17. Shri T. Sohan Lal
18. Sardar Swaran Singh Sokhi

Rajya Sabha

19. Shri Kalyan Roy
20. Shri Virendra Kumar Sakhalecha
21. Shri Sita Ram Singh
22. Shri Showaless K. Shilla
23. Shri Dwijendralal Sen Gupta

SECRETARIAT

Shri K. S. Bhalla—*Under Secretary.*

WITNESSES EXAMINED

I. *Association of NCDC Mining Engineers, Hazaribagh*

Spokesman: Shri N. Dutta—*President.*

II. *Khyala Shramik Sangthan, Hazaribagh*

Spokesmen: 1. Smt. Ramnika Gupta, *General Secretary.*

2. Shri R. C. Nagar, *Member*

3. Shri Rangnath, *Member*

4. Shri Indrasan Ojha, *Member.*

III. *Coal Workers' Union, Hazaribagh*

Spokesmen: 1. Shri Shafique Khan, *General Secretary.*

2. Shri Ramendra Kumar, *Secretary.*

IV. *National Coal Development Corporation Ltd., Ranchi*

Spokesmen: 1. Shri C. Balram, *Director (Tech.)*

2. Shri K. Rai, *General Manager, NCDC, Karanpura*

3. Shri R. G. Mahendru, *General Manager (P&D)*

4. Shri R. S. Murti, *Addl. Chief Personnel Officer.*

V. *Depressed Classes League, Ramgarh, Hazaribagh*

Spokesman: Shri Sudama Ram, *President.*

I. Association of NCDC Mining Engineers, Hazaribagh.

Spokesmen: Shri N. Dutta, *President.*

[*The witness was called in and he took his seat*]

MR. CHAIRMAN: For your benefit, I am reading out what is to be followed. The witnesses may kindly note that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Now, your memorandum is not available with the Members. So, you go in detail whatever suggestions you have to make.

SHRI DWIJENDRALAL SEN GUPTA: Have you received the Mines (Amendment) Bill, 1972?

SHRI N. DUTTA: Only this morning I received it. But I am submitting my memorandum here before you. I shall read the memorandum for your information.

"I submit here below the following suggestions modifications/alterations for consideration by the Joint Committee on the Mines (Amendment) Bill, 1972 on behalf of NCDC Mining Engineers Association, which represents all the Mining Engineers (about 400) employed in the National Coal Development Corporation Limited. The NCDC Limited is a single undertaking, which is producing about 20 per cent of the total coal production in the country.

Item 1:—At the outset I would like to bring out the fact that the Managers in Mines belonging to both Public Sector and Private Sector, normally do not have sufficient power either financial or administrative nor do they have sufficient say in the overall management of the mine due to which the Managers of Mines are not able to implement satisfactorily and effectively the provisions of the Mines Act and Regulations and Rules made thereunder regarding the Mines Safety and occupational health in the mine.

At present, there is no such provision in the Mines Act or Regulations for delegating adequate power to the Managers especially when the provisions of the Mines Act and Regulations are becoming more and more stringent day-by-day and also more and specific responsibilities are being fixed on Managers for implementation of the provisions of the Act. The mining conditions are also becoming more and more difficult as exploitation of Mineral deposits is progressing to deeper, thicker, highly steep deposits combind with other mining hazards like gas, and geological disturbances, which could not be exploited earlier because of the above difficulties. In Order to win over them, at many places foreign know-how was called upon and is now being replaced by Indian Mining Engineers. In addition to the above, increasing labour unrest arising out of indiscipline and other causes make the task of Managers more difficult in implementing the provisions of the Mines Act and Regulations, and also due to lack of power both administrative and financial in the hands of the Managers, it is becoming more difficult to implement the safety provisions. Normally administrative difficulties in obtaining sanction from the proper authority cause much delay in implementation of the safety provisions and such delays may some time prove deterimental to the interest of the safety. As such the hands of Managers should be strengthened by delegating more power on them under the statute in line similar to those given to the Inspector of Mines.

Provisions may be made in the Mines (Amendment) Bill "72 for delegating powers to the Managers in the form of appointment of trained and skilled workmen and supervisory staff, rewarding/promoting workmen and supervisory staff in recognition of their proper observance of safety provisions and taking of disciplinary action for working in contravention of the safety provisions (after following specified procedure) financial powers for purchase of essential items required in connection with the observance of the provisions of Mines safety and occupational health.

Item—2 Under proposed clause 2 the following may be added at the end of the Sub-Clause (i) of Clause (h) of Section 2. "But not including transport by a truck or hire with men on contract work".

Explanatory Note

When transport of minerals from pithead is done by the hired trucks, it is not possible for the Colliery Manager to exercise control over the workmen engaged by the owner of the truck, particularly in respect of hours of work, employment conditions and observance of safety rules etc. It may also be possible that the same truck with the same workmen may be engaged in different operation without the Manager's knowledge and may have to run outside the premises of the mine.

Item—3 For Section 12 (a) the following may be substituted:—

"A technical person with suitable Mining Engineering qualification in the service of the Government or an Undertaking in the Public Sector or Chief Inspector or the Inspector appointed by the Central Government to act as Chairman".

Explanatory Note

The Chairman of the Mining Board should have adequate Mining Engineering qualifications in order to be able to appreciate intricacies of the

problems that may be referred to the Board.

Item—4 In place of proposed Section 12(g) the following may be substituted:—

Four persons to represent the interest of the Managers of Mines so nominated by the Central Government in consultation with Organisations of Managers of Mines as to truly represent the interest of the majority of the Mining Engineers employed in the country.

Explanatory Note

At present there is a good number of Public and Private undertakings engaged in the Mining operations. In order to truly represent the interest of Managers engaged in the different undertakings, it is necessary to increase the number of representatives of Managers from two to four.

Item—5 At the end of Clause 1 of Section 18 the following may be added—

"The Owner and Agent of every mine shall also delegate adequate financial and administrative powers to the Manager in terms of appointment of adequate staff and providing men and material for proper compliance of the provisions of the Act and of the Regulations, Rules and Bye-laws and of any orders made thereunder".

Explanatory Note

As already explained unless adequate powers are delegated to the Manager, delay occurs in the timely enforcement of the Safety provisions which may be detrimental in the interest of safety.

Item—6. After Clause 18 (6), the following may be added:—

Clause 18 (7).—In the event of any contravention by any person, either workman or supervisory staff for which the responsibility can be fully fixed on the workman or other officials, Manager, Owner or Agent or the person appointed under Sub-section (2) shall not be deemed to be guilty of such contravention.

Clause 18(8).—No disciplinary action should be taken by the Owner and the Agent of any mine in case of any contravention of the provisions unless the contravention has been proved by the Chief Inspector of Mines/Inspector/Manager and the responsibility has been fixed.

Item—7 In Section 49 of the Principal Act, the following should be added after "a person employed in the mines"; "includidng officials and Manager of a mine."

Explanatory Note

In many cases, the contract of service applicable to the officials and Manager of a mine are less advantageous than the provisions of the Mines Act and Provisions of the Mines Act are also denied to them.

Item—8 The introduction of new Clause (cc) of Section 58 may be postponed for the present and if it is implemented at a later date the following should be added in the second line after "technical expert"—

"having qualifications not less than that of a Manager or an Inspector as provided for in the Act."

Explanatory Note

The reasons for this are as below:—

(1) The standard of technical qualifications, experience needed for inspection of a mine is very high. The inspections made by the workmen representative of the status of Overman may be misleading.

(2) Inspection by workers representatives may interfere with the

proper functioning of the highly qualified Inspectors of Directorate of Mines Safety under the Ministry of Labour & Employment.

(3) Owing to the multiplicity of the unions in the mines, the unanimous selection of the representative will lead to labour troubles and industrial unrest.

(4) The unions may use this as a tool of reprisal against the management which may hamper industrial peace.

Item—7 After proposed Clause 62(A) (7) the following should be added:—

"The Central Government shall nominate two members in the Rescue Committee to represent the Manager of Mines in consultation with Organizations of Managers of Mines""

Explanatory Note

Representatives of the Managers of Mines should be included in the Rescue Committee as they can effectively help in the formulation of principles for selection of persons, proper running of rescue Station, rendering adequate and timely help to the mines in emergency or otherwise, or training of employees of Mines in elementary principles of rescue work in the emergency.

Item—8 In the proviso to section 85(B) the following may be added after the word "Owner", "Agent, or Manager."

MR. CHAIRMAN: I want to have a few clarifications.

SHRI M. C. DAGA: We must go through the memorandum first and find out whether the suggestions are within the scope of the Mines (Amendment) Bill or not. Otherwise, it is not possible and it will be difficult to take evidence. We have not studied the memorandum. First, we want a detailed study of the whole subject..

SHRI CHAPALENDU BHATTACHARYYIA: Those who can illustrate some points why not give them some chance.

SHRI M. C. DAGA: He can be called there also.

SHRI CHAPALENDU BHATTACHARYYIA: We can have an opportunity to examine him again.

SHRI KALYAN ROY: He can be asked questions on what he says.

SARDAR SWARAN SINGH SOKHI: Unless we go through the memorandum, how it is possible.

MR. CHAIRMAN: That is why I say that we should wait for the memorandum to be circulated. And then after having gone through the memorandum, we can call him again.

SHRI CHAPALENDU BHATTACHARYYIA: I would suggest that even on the basis of the memorandum as he read out, if certain points could be illustrated, we should do it and he can be called again when other Members want.

MR. CHAIRMAN: So, any member can put questions and seek clarifications if he likes.

SHRI CHAPALENDU BHATTACHARYYIA: For instance, you have suggested that the Manager has got neither sufficient powers, either financial or administrative, effectively to implement the safety provisions as embodied in the Mines Act and in the Coal Mines Regulations. Am I putting it correctly?

SHRI N. DUTTA: There is no provision about delegation of these powers to the Manager in the Mines Act/Regulations. It should be provided.

SHRI CHAPALENDU BHATTACHARYYIA: You want it to be provided in the legislation.

SHRI N. DUTTA: In the Mines Act, there is a provision in the proposed clause 18(a) in which it is stated that the owner and the agent should make

financial provisions so that this Act can be implemented.

SHRI CHAPALENDU BHATTACHARYYIA: You mean that there should be adequate provisions.

SHRI N. DUTTA: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: But who will decide the adequacy of the provisions—the Manager or the Agent or the Owner or the Chief Inspector of Mines?

SHRI N. DUTTA: I would say the Chief Inspector of mines.

SHRI CHAPALENDU BHATTACHARYYIA: Don't you think, Mr. Dutta that your suggestions suffer from vagueness. Unless you specifically say about the adequacy of financial and administrative powers, how can this legislation give you some independent status that will be a major change in the coal mining industrial set up. How that legislative change is going to help you?

SHRI N. DUTTA: As I have already explained that a delay occurs in obtaining sanction from the higher authority *e.g.*, for purchasing of certain materials and appointing new persons. Where supervisory staff is required, sometimes we find that there is a dearth of supervisory staff. As you know, this work is very hazardous and it requires proper supervision. Sometimes when we ask for more men, we get very less number of men.

SHRI CHAPALENDU BHATTACHARYYIA: You say working in the mines is hazardous. Would you agree that the degree of hazard differs from mine to mine? I agree that the delay might occur which could precipitate some sort of accident because some necessary materials and those things were not supplied in right time. Now, coming down to a specific suggestion, what is your exeprience about the delay in supply of essential maintenance items of machinery which are meant to prevent the occurrence of accidents?

SHRI N. DUTTA: In certain cases we have been faced with problems a particular article which we require immediately and which was available in the local market, but we were not able to purchase immediately except through a procedure which is laid down in the organization.

SHRI CHAPALENDU BHATTACHARYYIA: You think that the procedure is long.

SHRI N. DUTTA: Probably that cannot be short circuited to an effective extent.

SHRI CHAPALENDU BHATTACHAYYIA: Do you have any problem from the Central Stores which leads to delay?

SHRI N. DUTTA: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that some sort of charged-off at the mines will be of any help to you?

SHRI N. DUTTA: We have got our stores at the mines. But the stores materials are not supplied in time and a long delay takes place in procurement.

SHRI CHAPALENDU BHATTACHARYYIA: Can you tell me how much time does it take to procure safety lamp?

SHRI N. DUTTA: About two years.

SHRI CHAPALENDU BHATTACHARYYA: In NCDC, it takes two years for supply of safety lamp. What about the gassy mines?

SHRI N. DUTTA: All mines are declared to be gassy.

SHRI CHAPALENDU BHATTACHARYYIA: How many times a week or a month you test for gas in a mine, for instance?

SHRI N. DUTTA: This testing of gases has to be done continuously every day so many times.

SHRI CHAPALENDU BHATTACHARYYIA: Would you agree that for gassy mines a separate cell should be there to test the gases a number of times in a day?

SHRI N. DUTTA: A provision is already there.

SHRI CHAPALENDU BHATTACHARYYIA: Is it observed?

SHRI N. DUTTA: It is observed.

SHRI CHAPALENDU BHATTACHARYYIA: Has the Overman, who is in-charge of production, to do it a number of times?

SHRI N. DUTTA: The provision is there. It is being done by the Overman, Minng Sirdar etc.

SHRI CHAPALENDU BHATTACHARYYIA: My suggestion is a different one and that is persons should be specially delegated whose main job will be to test the gas.

SHRI N. DUTTA: In my opinion it is not necessary.

MR. CHAIRMAN: Mr Bhattacharyyia, kindly excuse me. It should not be a discussion between Mr. Bhattacharyyia and Mr Dutta. It should be about the affairs of the entire Committee.

SHRI CHAPALENDU BHATTACHARYYIA: Exactly. I am asking certain leading questions at a very high pitch so that all of you might appreciate.

SARDAR SWARAN SINGH SOKHI: Let us also put some questions.. I am going to put one question.

MR. CHAIRMAN: Let Mr. Bhattacharyyia finish.

SHRI CHAPALENDU BHATTACHARYYIA: For instance as regards, fixation of responsibility, you have made a point that in every case responsibility should be fixed on the person *i.e.* proximate responsibility for an accident.

SHRI N. DUTTA: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: But in case of general failure how do we fix proximate responsibiluity? For instance, if there is a sudden eruption of water or sudden eruption of gas or a big subsidence?

SHRI N. DUTTA: In such cases responsibility cannot be fixed on any person. It cannot be fixed on any person. It is an accident.

SHRI CHAPALENDU BHATTACHARYYIA: No person is liable?

SHRI N. DUTTA: Wherever it is possible responsibility liable should be fixed.

SHRI CHAPALENDU BHATTACHARYYIA: Now would you agree with me that the owner or the agent if he has made adequate financial and administrative provision, responsibility should be of the Manager and Manager alone?

SHRI N. DUTTA: Not necessarily. By merely making financial and administrative provision, owner and the agent cannot wipe their hands off. In many other cases, owners are also responsible under the Mines Act.

SHRI CHAPALENDU BHATTACHARYYIA: They make all the provisions that you want and still you say....

SHRI N. DUTTA: Under the Act, agent has also been made responsible for supervision in the underground mines. There may also be other failures of the owner and the agent.

SHRI KALYAN ROY: Mr. Dutta, can you tell us how you do not have adequate powers and the management or the owners intervene in your attempt to implement the safety regulations?

SHRI N. DUTTA: They do not intervene. whatever provisions we want, we do not get in time.

SHRI KALYAN ROY: Your answer should be very precise. You say you do not have adequate powers. If there is any intervention, it can come only from the top?

SHRI N. DUTTA: Not necessarily. Sometimes we have asked for materials and other requirements. The official procedure is such that there is long delay in the procurement of the items and there is long delay in the recruitment of persons.

SHRI KALYAN ROY: You have found that there is long gap between your asking for and your possession of materials.

SHRI N. DUTTA: Many times, it has happened.

SHRI KALYAN ROY: The second question is this. Why do you think you should have more representatives?

SHRI N. DUTTA: Now coking coal has come up. Most of these organisations have got Managers associations. There is the Indian Mining Managers Association. There are also other organisations.

SHRI KALYAN ROY: Multiplicity of unions among Managers also?

SHRI N. DUTTA: It is not about Unions.

SHRI KALYAN ROY: As there are multiple unions among the workers, there are multiple associations of Managers also. Mr. Dutta, why do you have so many Managers' associations?

SHRI N. DUTTA: There are different organisations because the same organisation cannot probably cater for the different persons employed all over the country. It is very difficult for one organisation to cater to all the persons.

SHRI KALYAN ROY: When you are working in the Mines and the Mines are more or less similar, why you should have different organisations? Kindly explain that.

SHRI N. DUTTA: These are service organisations. They are not Unions so to say in the proper sense of the term and these organisations serve so many other purposes like reading technical papers, disseminating technical knowledge and ho many other things. There are persons to look after these associations and they are also employed in the Mines. They are working as Managers and the Managers are very busy persons and they are busy all the 24 hours. They do not have enough time.

SHRI KALYAN ROY: Your answer is unsatisfactory. It does not at all reply to my question. Why should there be so many organisations having the same degree and the same nature of working? I do not understand.

SHRI M. C. DAGA: There should be no remarks. You should put your questions straight.

MR. CHAIRMAN: Whether it convinces you or not, it is your opinion. It is for him to be more clear.

SHRI KALYAN ROY: Mr. Dutta, are you aware of four servious mine disasters—Newton Chikli, Amlabad, Chinakuri and Burra Dhemo? You know and you must have found that the Mines Department was regularly reporting to the Management about the serious violations existing in the Mines before the accidents. Are you aware?

SHRI N. DUTTA: I am not sure whether in these 4 cases, there have been violations or not. They might have been pure accidents also.

SHRI KALYAN ROY: I want to know whether you have read the court of inquiry case at all or not.

SHRI N. DUTTA: I have not read it.

SHRI KALYAN ROY: Do you think the inspection which is carried out in the mines by the Mines Safety Deptt. is adequate?

SHRI N. DUTTA: It is adequate. They inspect very thoroughly in the mines.

SHRI KALYAN ROY: Do you think there should be more inspections?

SHRI N. DUTTA: It is enough.

SHRI KALYAN ROY: Do they point out various violations by letters?

SHRI N. DUTTA Not only that, but they see that they are rectified. When they go into the mines and inspect them, there are registers in the mines in which they write down the violations. Of course, the letter follows.

SHRI KALYAN ROY: Does it affect the worker who work under ground?

SHRI N. DUTTA: They may affect.

SHRI KALYAN ROY: What is vital for us to know is whether the violations pointed out by the Mines Deptt., do they affect them very much?

SHRI N. DUTTA: There are violations of the Mines Act.

SHRI KALYAN ROY: Do you think they affect the workers?

SHRI N. DUTTA: Secondly, they care pointed out at such a time when their work is not affected. Before they affect the workmen, they are being pointed out and they are being rectified.

SHRI KALYAN ROY: Do you think that the workman should have a mechanism to know what are the violations which are pointed out.

SHRI N. DUTTA: The violations are known to the workmen already. It is an open fact. They are sufficiently experienced to know what are the violations. They also, in turn, point out to the Managers the violations, if there is any.

SHRI KALYAN ROY: Do you think they should have the right to prosecute the Manager?

SHRI N. DUTTA: They have got the right to prosecute the colliery Managers.

SHRI K. S. CHAVDA: I would like to know what should be the composition af All India Mining Board and how many persons from employers, Govt. and trade unions should be there?

SHRI N. DUTTA: There is already a provision in the Mines Act and in the Amendment Act regarding the number of persons. The rest of the provisions, I think, are quite acceptable. We suggest that number of members representing Managers should be increased to 4.

SHRI K. S. CHAVDA: What will be the total strength of the All India Board?

SHRI N. DUTTA: I agree to the provision.

SHRI DWIJENDRALAL SEN GUPTA: You have seen your memorandum and you have asked for more powers for the Managers. Why do you ask? Please see page 17 of the Bill. I am reading out: "The Mines Act, 1952 seeks to regulate the working conditions in mines by providing for measures to be taken for the safety of the workers employed therein and certain amenities for them. In the light of the working of the Act, certain modifications of the provisions of the Act have become necessary. They mainly relate to (1) the removal of certain practical difficulties experienced in its enforcement; (2) provision for additional safety regulations; (3) closer association of workers with safety measures; (4) provision for a minimum penalty in cases of gross negligence or recklessness: and (5) provision of Corporate status for the Rescue Stations Committee." Now, have you made any suggestions regarding this in your memorandum?

SHRI N. DUTTA: About these powers, this comes under item 1.

SHRI DWIJENDRALAL SEN GUPTA: I am asking in what paragraph you have dealt with.

SHRI N. DUTTA: This item one comes under (1) objective.

SHRI DWIJENDRALAL SEN GUPTA: What are the practical difficulties you have got.

SHRI N. DUTTA: Delays occur in the enforcement of the provision of the Safety Regulations where we require immediately men and material.

SHRI DWIJENDRALAL SEN GUPTA: That is the only difficulty you are having.

SHRI N. DUTTA: Yes. Then I have prepared a memorandum based on the Mines Amendment Bill and the particular items on which we have to make some suggestions. All the items have not been touched because we find that the provisions are quite adequate.

SHRI DWIJENDRALAL SEN GUPTA: The object of the Bill is here.

SHRI N. DUTTA: This memorandum has not been put up with the idea of airing our grievances, but with the definite object of the Amendments of the Mines Act which are being governed by items (1) to (5).

SHRI DWIJENDRALAL SEN GUPTA: In 20 years, what were the practical difficulties which were experienced by you in the enforcement of the Mines Act?

SHRI N. DUTTA: As I told you earlier that there had been delays in procuring enough men and material.

SHRI DWIJENDRALAL SEN GUPTA: That is true. There is no doubt about it.

SHRI N. DUTTA: When we needed material, we could not get them also.

SHRI DWIJENDRALAL SEN GUPTA: I would like to know from you one thing. You have said in your Memorandum that the powers of the Inspectors should be given to the Managers. What new powers you want? You have already some powers.

SHRI N. DUTTA: What happens is this. Most of these powers are very limited and we experience difficulties.

SHRI DWIJENDRALAL SEN GUPTA: What more you want?

SHRI N. DUTTA: In a particular item, as I said, it should be specific. For most of the powers, we have to draw from higher authorities. We do not have any power for appointment of persons whenever it is required. Even in emergencies, we cannot appoint any person or we cannot purchase any materials unless we take adequate sanctions from the higher authorities.

SHRI DWIJENDRALAL SEN GUPTA: Are you in favour of Managers of Mines being adequately qualified?

SHRI N. DUTTA: Qualified adequately and experienced also.

SHRI DWIJENDRALAL SEN GUPTA: The Managers should possess degree in mining of any University. That is what you want?

SHRI N. DUTTA: Not necessary of any University. Nowadays there have been certain other degrees and diplomas which are recognised by the Government of India.

SHRI DWIJENDRALAL SEN GUPTA: Are you in favour of appointment of agents in the Mines? Are you against it?

SHRI N. DUTTA If I understand the question correct, you are talking about the agents. They should also be qualified at least equivalent to the Managers of Mines.

SHRI CHAPALENDU BHATTACHARYYIA: You do not agree to general qualification?

SHRI N. DUTTA: No. I mean they should be technically qualified.

SHRI M. C. DAGA: On page 2 you have mentioned what you want. This is the paragraph on which you must base the facts. You have said that provision may be made in the Mines Act for delegating powers to the Managers in the form of appointment of trained and skilled workmen. They are deprived of this power. Is it a fact?

SHRI N. DUTTA: It is a fact.

SHRI M. C. DAGA: That is one thing. The second thing is about the 'supervisory staff in recognition of their proper observance of safety provisions'.

SHRI N. DUTTA: I beg your pardon. Something is missing. That is not the authenticated copy.

SHRI M. C. DAGA: I got this copy from the Chairman.

MR. CHAIRMAN: It is correct that it is not authenticated copy.

SHRI M. C. DAGA: You want that the Managers should have powers as are given to the Inspectors?

SHRI N. DUTTA: In the case of Inspectors, the powers have been specified. Whereas in the case of Managers, it is nowhere specified, as to what action they can take in the Mines. Just as the powers are specified in the case of Inspectors, they should also be specified in the case of Managers. If the powers of Inspectors are also given to the Managers, Managers would also become Inspectors.

On Page 2, the correct reading should be as follows:

"Rewarding|promoting of workmen and supervisory staff in recognition of their proper observance of safety provisions".

In case a particular good workman is there, the workmen should be appreciated and the Manager should have the power to reward that particular person. The Manager should also have financial powers.

SHRI M. C. DAGA: What financial powers?

SHRI VIRENDRA KUMAR SAKHALECHA: You said that you got the Mines Amendment Act in the morning and you then prepared this Memorandum. Is there any governing body of association?

SHRI N. DUTTA: There is an executive committee of the association.

SHRI VIRENDRA KUMAR SAKHALECHA: Has that body considered this Memorandum?

SHRI N. DUTTA: All Members are located in this area itself and they were consulted.

SHRI VIRENDRA KUMAR SAKHALECHA: But actually, you have not signed the Memorandum. You are appearing before the Committee giving the Memorandum without signature.

SHRI N. DUTTA: I have not submitted the Memorandum yet. I only read it.

MR. CHAIRMAN: Why did you not submit earlier? You are a witness appearing before the Committee and why you have not submitted the authenticated memorandum?

SHRI VIRENDRA KUMAR SAKHALECHA: You should sign the Memorandum and give it to the Chairman and then it will be taken notice of. Otherwise how it can be proceeded with?

SHRI K. S. CHAVDA: The memorandum which you have read, can you sign and give it to the Chairman?

SHRI N. DUTTA: Yes.

SHRI VIRENDRA KUMAR SAKHALECHA: Can you tell me whether you are consulting the higher authority at the time of submitting the memorandum?

SHRI N. DUTTA: No, Sir. This is a registered body. It is not necessary in this case to take their permission.

SARDAR SWARAN SINGH SOKHI: Suppose, the higher authority takes some disciplinary action against you, then what will happen?

SHRI N. DUTTA: Our association is a registered body. We have got the right to function as an association. So, I don't think they have got any right to take any action against me on this issue.

SARDAR SWARAN SINGH SOKHI: The responsibility of the accident should not be fixed on the Manager.

SHRI N. DUTTA: I did not say that. I said when the responsibility for a particular contravention is fixed on a particular workmen, then no other person, including other officials of the mines nor the owner, should be held responsible for this contravention. It is to be provided in the Act.

SARDAR SWARAN SINGH SOKHI: What do you mean by this multiplicity of unions in the mines?

SHRI N. DUTTA: In a particular project, there are so many unions. In our colliery, there are four or five unions working at the moment. Everybody may demand that this workers' representative should be selected from a particular union.

SARDAR SWARAN SINGH SOKHI: So, you do not recognise the union.

SHRI N. DUTTA: There is only one recognised union. But we have to entertain other unions also.

SARDAR SWARAN SINGH SOKHI: Why do you entertain other unions?

SHRI N. DUTTA: Because we find that there is some justice. If we do not entertain a particular union, then the interests of the workmen who belong to that union suffers.

SARDAR SWARAN SINGH SOKHI: In other words, you are encouraging other unions to have rivalry.

SHRI N. DUTTA: It is not with the purpose of having rivalry but just to serve the interest of the workmen.

SARDAR SWARAN SINGH SOKHI: Why do you recognise all the five unions? Why do you entertain other unions? So, you do not have any reply to this.

SHRI N. DUTTA: That is not in our interest. We do not want to antagonate the other unions. Then more labour troubles will come.

MR. CHAIRMAN: I have only two questions. You happen to agree with the proposal of workers' inspectors. You want that the workers' inspectors should have powers.

SHRI N. DUTTA: Not that. I say workers' representatives should not be introduced now, because it might lead to industrial unrest.

MR. CHAIRMAN How will that create industrial unrest?

SHRI N. DUTTA: At the time of selection of a particular man, everybody wants that his representative should be selected.

MR. CHAIRMAN: But you are more worried than the Govt. Then it will be difficult to select.

SHRI N. DUTTA: Actually, I am expressing my difficulties.

MR. CHAIRMAN: You have not provided.

SHRI N. DUTTA: There may be misuse of these powers, if there are so many persons.

MR. CHAIRMAN: These are welfare provisions, safety provisions.

SHRI N. DUTTA: If the purpose can be served by appointing one particular man i.e. the Mines Safety Department it may not be necessary to put 10 persons on the job.

MR. CHAIRMAN: It is not being served that it why this is required. Where is the proper ventilation?

SHRI N. DUTTA: I would like to differ from you in this regard.

MR. CHAIRMAN: All right. That is your own opinion. Why you don't want to be called a worker a mine's worker if those workers are engaged by the contractor?

SHRI N. DUTTA: That is exactly what I mean to say. In Mines we employ certain contractors for transport of coal from pit-head to the despatch point. In certain cases, contractors employ workmen for different operations. They are not in the knowledge of the Manager as to whom they employ and at which places.

MR. CHAIRMAN: Why should not they be in the knowledge of the Manager, and why he does not have the knowledge that coal is being transported outside?

SHRI N. DUTTA: We do not have the perfect control on these contractors.

SHRI CHAPALENDU BHATTACHARYYIA: I would like to know whether you have heard about bogus registers of workmen being maintained .

SHRI N. DUTTA: I do not know.

SHRI ANADI CHARAN DASS: Why do you say that the Chairman of the Mining Board should be a Mining Engineer?

SHRI N. DUTTA: The problems which are referred to the Mining Board are very intricate problems like mining hazards and the people who deal with them—at least the Chairman—should appreciate what are the problems in the Mines, what are the hazards of the Mine and what are the provisions and why they have been made. Unless the Chairman has the basic knowledge, probably, the problem cannot be solved. The Chairman should have mining qualification.

MR. CHAIRMAN: Thank you Mr. Dutta.

[*The witness then withdrew*]

II. Hoyala Shramik Sangthan, Hazaribagh

Spokesmen:

1. Smt. Ramnika Gupta, *General Secretary*.
2. Shri R. C. Nagar, *Member*
3. Shri Rangnath, *Member*
4. Shri Indrasan Ojha, *Member*

[*The witnesses were called in and they took their seats*].

The Chairman drew their attention to Direction 58 of the Direction by the Speaker.

SHRI DWIJENDRALAL SEN GUPTA: We have gone through your memorandum. Have you got any suggestions to make?

SHRIMATI RAMNIKA GUPTA: I can read the memorandum

SHRI K. S. CHAVDA: May I know whether the memorandum is a signed one.

SHRIMATI RAMNIKA GUPTA: It has been signed.

SHRI DWIJENDRALAL SEN GUPTA: I think in your memorandum you have given a suggestion about the registers.

MR. CHAIRMAN: Regarding identity card, is there any permanent Identity Card?

SHRIMATI RAMNIKA GUPTA: No. There is no card issued to the workmen as yet. If a worker works for three months, he should be taken on a permanent cadre and get this card. They should also be given attendance cards to avoid non-attendance of workmen.

SHRI DWIJENDRALAL SEN GUPTA: According to your memorandum, in case of accident, the accident record is not available, because the papers that he brings with him and the papers that are available with the management, there is a difference. So, is the case with the casual workers.

SHRIMATI RAMNIKA GUPTA: When the casual worker goes home, he will keep the attendance card with him which will remain as a proof of his being a workman of the mine. The exception should not be made a rule. Accident happens rarely. It should not be made the basis. We should not deprive them of this attendance card or identity cards on this ground. It is this card which will give security of his job as management will not be able to change records. It is not good that we should not be able to give security to a labourer. If the worker dies in an accident, there should be some record to prove that he was working in such and such mines. For casual labourer this card serves two purposes: (1) that they are paying less to the labourers and Union can claim their wages and V.P.A. as per Wage Board on the basis of these cards and (2) the union can plead the cases on the basis of those cards even for their permanency of Service and other benefits. If there is any accident and if there is no attendance, then nobody can plead on behalf of those workers as there is no proof.

SHRI DWIJENDRALAL SEN GUPTA: What do you mean by a good technical background?

SHRIMATI RAMNIKA GUPTA: Besides experience, you should add some technical qualification which should help them to understand the real cause of accident.

SHRI DWIJENDRALAL SEN GUPTA: You mean they choose their own men and say they are most technically qualified people.

SHRIMATI RAMNIKA GUPTA: This has been done only to emphasise the point. If he has got some experience and he is a senior man, we can consider the appointment of that person. If he has got some technical qualification that can be considered as an extra criteria for appointment. If technical people can be included in that category, that is preferable.

SHRI DWIJENDRALAL SEN GUPTA: I do not mean that.

SHRIMATI RAMNIKA GUPTA: In electrical and mechanical jobs, they can also come.

SHRI DWIJENDRALAL SEN GUPTA: What is the function of the Inspection Team.

SHRIMATI RAMNIKA GUPTA: When the accident occurs, there should be a committee of three persons which should try to find out the cause of the accident. This should be constituted from amongst the workers. This will create confidence among the workers and the truth cannot be concealed.

SHRI DWIJENDRALAL SEN GUPTA: You have mentioned in your memorandum that each worker should be provided with a self-rescuer underground which should be maintained in order. What do you mean by in order.

SHRIMATI RAMNIKA GUPTA: Generally, they are out of order. Things are not complete and they are lying somewhere. They should be kept in perfect working condition. It should be easily available to everybody.

SHRI DWIJENDRALAL SEN GUPTA: Is this self-rescuer available anywhere?

SHRIMATI RAMNIKA GUPTA: No.

SHRI RAMJI RAM: I want to know from you is there any register kept?

SHRIMATI RAMNIKA GUPTA: It should be kept with the employers. Those employers fill up the attendance registers themselves. There are two types of registers one for the workers and inspectors and the other for their own record. Nobody can inspect that register. That is supposed to be attendance register. There are casual labourers in NCDC also. There are certain things which are undesirable and in private sector things are worse. In NCDC, they give them wages for three days even though they work for six days in the case of casual labourers.

SHRI RAMJI RAM: Whether the names are changed?

SHRIMATI RAMNIKA GUPTA: Names are changed. Every worker's name is changed every month and names are also very often cut out without any reason.

SHRI RAMJI RAM: This happens in both public and private sectors?

SHRIMATI RAMNIKA GUPTA: This happens in public sector. It is worst in private sector. There is another method employed by the NCDC. If one hundred persons are required, they will employ 300 persons. After 15 days they will change so that they will never become permanent. Why do you create under employment? You must give guarantee of full employment.

SHRI BHOLA RAUT: Most of the workers do not get their wages?

SHRIMATI RAMNIKA GUPTA: They do not get their wages. They work on rations only. They are made to work for two-three weeks and they are not given their wages. How can they work? They do not get payment under the Wage Board award. There are medical facilities and they know they will not get any of these medical facilities as their records are not maintained. They cannot go to hospitals. They do not get anything. This system of identity card—this attendance card—is the only basic document which will protect their right and record.

SHRI C. D. GAUTAM: Do you take any signature?

SHRIMATI RAMNIKA GUPTA: There is nothing issued as yet so no such signature.

SHRI KALYAN ROY: Whether the inspections by the Mines Department are very regular and adequate?

SHRIMATI RAMNIKA GUPTA: They are very irregular and inadequate.

SHRI KALYAN ROY: Do you think that there must be workers' representative in the Inspection Board?

SHRIMATI RAMNIKA GUPTA: I have already written about that in the memorandum.

SHRI KALYAN ROY: Do you think that it is very essential?

SHRIMATI RAMNIKA GUPTA: It is very essential.

SHRI KALYAN ROY: If there are more unions, how can the workers' representative be appointed?

SHRIMATI RAMNIKA GUPTA: It is the recognised union which should decide about this.

SHRI KALYAN ROY: Why do you say that the inspection by the Mines Department is very irregular and inadequate? Why do you say that?

SHRIMATI RAMNIKA GUPTA: Because there are two factors. The law is not fool-proof and it is very defective. They can be used in both ways. If the Department has to take action, they do not have full powers. The staff is highly inadequate. The system has to be changed. Even if you set up an whole army of inspectors, if the employers intentions are bad, it will serve no purpose. It is system which has to be changed. The ownership must not be in private hands.

SHRI KALYAN ROY: Assuming that there are violations in a particular mine, can they prosecute the management?

SHRIMATI RAMNIKA GUPTA: If they have power, every power is mis-used in every sector. But depending upon the person, if the power is not mis-used and if it is used properly, naturally the workers will do more.

SHRI KALYAN ROY: You want workers alone?

SHRIMATI RAMNIKA GUPTA: There should be somthing joint. I do not say give everything to them. There must be something like a joint responsibility. There should be no single responsibility on one side.

SHRI DAMODAR PANDEY: You have suggested a change in the definition of the employer. Kindly elaborate this point.

SHRIMATI RAMNIKA GUPTA: I will give you one concrete example. Every occupier is the owner. If I forcibly occupy the mine, I am the owner. If you prosecute somebody, the real owner of the property is not called. Real owner does under-hand business. Many times he is called the royalty receiver. He tries to escape the definition of owner by appointing contractors and doing so many other things. In Payment of Wages Act, you have accepted the definition of principle employer. In Bonus Act, you have accepted the definition of principle employer. But, in the Mines Act, probably the same definition does not cover the royalty receivers and others. Even when the matter goes to court, they escape the clutches of law. I will give you one concrete example. Suppose, if the Government accepts the definition of principle employer, the Mines Department does not accept the same. The payment of bonus, provident fund and other things depends upon the whims and fancies of contractors and the real owners who appoint the contractors. They are called royalty receivers. Nobody should be treated as royalty receiver excepting the state Govt's mines Department. There should be no private royalty receiver. Government may become royalty receiver.

SHRI PARIPOORNANAND PAINULI: Do you have any information as to whether there is a person who runs a mine and he is not the owner of the mine? Can you give some instances?

SHRIMATI RAMNIKA GUPTA: There are many instances. I can give 50 names. I have given it in writing also. They are running the mines without licences. They do not give wages to the labourers nor do they give any payment to the Government. Behind Gidi C there are three mines which are like this.

MR. CHAIRMAN: I think this is a state subject.

SHRIMATI RAMNIKA GUPTA: I have raised it in the Council. I am talking of the collieries on this side also.

SHRI DAMODAR PANDEY: Do you know anything about the colliery of the Bihar Govt.?

SHRIMATI RAMNIKA GUPTA: There was a litigation and the Bihar Govt. was a party. They have decided that a receiver will be set up. In practice, the Bihar Govt. controls that mine. Their officers are not competent.

SARDAR SWARAN SINGH SOKHI: Is it recognised.

SHRIMATI RAMNIKA GUPTA: It is a registered one and not a recognised one. We have got a membership of that. Our labourers are also there. Our union is registered under the Trade Union Act. We have got four branches.

SARDAR SWARAN SINGH SOKHI: Would you like to say anything about the first paragraph of your memorandum?

SHRIMATI RAMNIKA GUPTA: The first paragraph I should describe in detail.

SHRI M. C. DAGA: Whether these bogus registers are kept in the pirvate sector or in the public sector or they are meant for both.

SHRIMATI RAMNIKA GUPTA: In private sector, it is there and if it is not there then it is a matter of surprise.

SHRI M. C. DAGA: You mean there should be register and there should be a separate identity card.

SHRIMATI RAMNIKA GUPTA: The work is done orally and there is no record. The records should be kept under the Mines Act and for the knowledge of the workers also.

SHRI M. C. DAGA: Have you got it caught?

SHRIMATI RAMNIKA GUPTA: I have got it done. I have a documentary record about it. There is a case about it.

MR. CHAIRMAN: Why do you want that?

SHRIMATI RAMNIKA GUPTA: Because there are certain reasons. It is very difficult for the three persons to arrive at some decision. One labourer should also be added.

SHRI DAMODAR PANDEY: Do you mean to say that three thieves cannot be combined?

SHRIMATI RAMNIKA GUPTA: Let there be a labourer in the three-man committee.

MR. CHAIRMAN: Why do you want that there should be an inspector from the mining workers? How do you say that they are more experienced than the mining men in the mines?

SHRIMATI RAMNIKA GUPTA: I said that trade unions should appoint such people.

MR. CHAIRMAN: Why do you want to put the trade unions under restrictions? You want that the person should be technically qualified.

SHRIMATI RAMNIKA GUPTA: If he draws money from the unions, he will be loyal to the unions.

MR. CHAIRMAN: If there is no capacity in the labour union to employ, then there will not be any inspector.

SHRIMATI RAMNIKA GUPTA: That should be easier. The Govt. should give some grant for appointing some persons. The unions should elect him. If a man is elected, he will not violate.

SARDAR SWARAN SINGH SOKHI: Are you satisfied with the labour rates?

SHRIMATI RAMNIKA GUPTA: I did not say about labour rates because that thing comes under the payment of wages. Every casual labour is underpaid. There are different types of payments. The minimum is Rs. 60|- or something like that. Then D.A. is also there. That is a question of Wage Board. We will fight is separately. But whatever is provided they did not get that. They get Rs. 1.70 or so per day.

SARDAR SWARAN SINGH SOKHI: It is not only for mines workers, but it is for all categories of workers. If a man starts working and if his time is over, he has to work over-time.

SHRIMATI RAMNIKA GUPTA: That is in general. Instead of over-time more workmen should be employed.

MR. CHAIRMAN: Thank you Mrs. Gupta.

SHRIMATI RAMNIKA GUPTA: Two points I have left. Kindly note then down.

MR. CHAIRMAN: If you give us a supplementary memorandum, we will consider it.

[The witnesses then withdrew]

III. Coal Workers' Union, Hazaribagh

Spokesmen:

1. Shri Shafique Khan, *General Secretary*.
2. Shri Ramendra Kumar, *Secretary*.

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Kindly introduce yourself.

SHRI SHAFIQUE KHAN: I am the General Secretary of the Coal Workers Union. This is affiliated to the AITUC.

MR. CHAIRMAN: Have you got to say anything in addition to the memorandum which you have given?

SHRI SHAFIQUE KHAN: We have given something in writing. We want to add something which has not yet been given.

MR. CHAIRMAN: Whatever you want to say, you can supplement it and you can give later on also. You are also welcome in Dhanbad.

SHRI SHAFIQUE KHAN: We shall come there. We want to send our detailed memorandum.

MR. CHAIRMAN: You are welcome. If you have to say anything kindly state your views.

SHRI SHAFIQUE KHAN: We want to say something that in this amendment there are certain things which have been left out. Especially it does not give some relief to the workers which has been very much pressing. One thing is regarding the reduction in the working hours. We have demanded that the working hours should be reduced and for that we have divided the workers into two categories. One is that of those who are working on the surface or open-cast and the other is that of those who are working in the underground. For workers who are working on the surface, we want that the working hours should be 42 hours per week and 7 hours per day and for underground workers, the working hours should be 36 hours per week and 6 hours per day. We want one hour less for underground workers. Working hours will be 6 per day. We want that the working hours should be reduced because both on the underground and on the surface this will solve our employment problem and also it will reduce the health hazards of the workers. I have based it on the practice prevalent in many countries.

SHRI M. C. DAGA: Where it is prevalent?

SHRI SHAFIQUE KHAN: It is prevalent in many countries.

SHRI M. C. DAGA: Which are those countries. I want the names of the countries.

SHRI SHAFIQUE KHAN: In Soviet Union, underground workers are working 6 hours per day.

SHRI M. C. DAGA: I want the names of the countries.

SHRI SHAFIQUE KHAN: I have just quoted the name of one country namely Soviet Union.

SHRI M. C. DAGA: Mr. Shafique Khan, you can make an enquiry into this and find out.

SHRI SHAFIQUE KHAN: I will give you the names of the countries later in writing.

SHRI KALYAN ROY: Do you suggest any amendment about annual leave? What is your suggestion?

SHRI SHAFIQUE KHAN: Our suggestion is like this. Sometimes people get injured and they remain idle for some time and this idling is not accounted for. Qualifying attendance is only 140 days or 190 days for underground workers. This idle time due to injury on duty should be taken into account.

SHRI KALYAN ROY: I wanted to know something about the annual leave which is enforced today.

SHRI SHAFIQUE KHAN: Regarding annual leave, the Wage Board has recommended that for ground workers, they should be given one day for every 16 days and for underground workers one day for every 12 days. But here there is no provision in it.

SARDAR SWARAN SINGH SOKHI: I want to know when you will work for six hours in the interest of the country then why you get the payment of eight hours.

SHRI SHAFIQUE KHAN: That is the working hours for the mines. Since it is a hazardous nature of job, they should be given two hours relaxation. So, they should work for six hours.

SHRI BHOLA RAUT: According to your saying seven hours for service people and six hours for underground people. It means the life of those people who are working underground is always in danger. So, they should be given more relief. That is your suggestion.

SHRI SHAFIQUE KHAN: Yes, Sir. With your permission, we want to add certain things.

SHRI M. C. DAGA: You can add in another memorandum giving all the details.

[*The witnesses then withdrew*]

IV. National Coal Development Corporation Ltd., Ranchi

Spokesmen:

1. Shri C. Balram, *Director (Tech.)*
2. Shri K. Rai, *General Manager, NCDC, Karanpura.*
3. Shri R. G. Mahendru, *General Manager, (P&D).*
4. Shri R. S. Murti, *Additional Chief Personnel Officer.*

[*The witnesses were called in and they took their seats*].

(The Chairman drew their attention to Direction 58 of the Directions by the Speaker).

SHRI C. BALRAM: I had sent 100 copies of the memorandum to the Ministry, but, unfortunately, I understand that those could not be delivered to you. I have got another 40 copies of the memorandum which I understand have been distributed to you.

MR. CHAIRMAN: First, you kindly introduce yourselves to the Members. Besides your memorandum, if you want to add anything you can say so.

SHRI C. BALRAM: Yes, I want to add a few things more. Regarding the definition of an agent, I would like to indicate here that the agent should be a person who is technically qualified in mining engineering and should be deemed to be superior to the Manager and should hold qualifications equivalent or superior to the Manager. My submission is that in every mine, there is going to be one Manager in the units which are going to come up in due course. There will be one agent for one mine with one or two Managers. Therefore, the agent should have technical supervision of the operation which has direct bearing under the provision of the Mines Act and should have a quali-

fication either equivalent or superior to the Manager so that he is in a position to guide the Manager and give technical advice whenever necessary. In the mines, there are agents who are not qualified at all. Keeping this thing in view, I have made this submission. I would like to give a supplementary memorandum if that is approved by you.

MR. CHAIRMAN: Mr. Bhattacharyyia, I think you have gone through the memorandum?

SHRI CHAPALENDU BHATTACHARYYIA: I would ask certain questions.

MR. CHAIRMAN: Not on the basis of the memorandum?

SHRI CHAPALENDU BHATTACHARYYIA: It may cover but it will go beyond that.

MR. CHAIRMAN: It must cover. It should be the basis.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that in case of accidents, responsibility should be fixed on particular individuals and others to be left out? As was suggested, all the persons from contractors to Managers should be roped in and should be proceeded against? Whose proximate responsibility it should be?

SHRI C. BALRAM: In this respect I will bring to the notice of the hon. Members here about the exercise and control which is required to be done by the Mines Department. For investigating, the Mines Department by making the Manager responsible, should carefully look at other persons who are also responsible. I may tell you in this respect that in many cases, the Overman has also been made responsible. In many cases, mining *Sirdar* has also been held responsible. Therefore, while the Manager is the boss of the Mine for the proper implementation of the Act, the question arises to whether the overall responsibility can be fixed upon him. He has also got to share the responsibility of the workmen and workers working under him. Therefore, while the Chief Inspector is making a sort of enquiry, he has to keep these points in view.

SHRI CHAPALENDU BHATTACHARYYIA: Do you agree to the principle that fixation of responsibility should be made in case of accidents? Persons responsible should be proceeded against and others left out?

SHRI C. BALRAM: I reiterate. Fixation of responsibility will depend upon the quantum of responsibility, the type of accident and the extent to which violation has taken place.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think Mr. Balram that in Indian conditions, Coal Mines regulations as they stand are comprehensive enough in the matter of ventilation, in the matter of checking accidents and in the matter of lighting arrangements or do you think that change is required?

SHRI C. BALRAM: Presently, as conditions stand today in my opinion, they are more than sufficient. I would also like to make a submission here that the Mines Department has also been changing the instructions depending upon the circumstances which may not be directly obligatory but they are obligatory in the real sense to us. Even the Managements of mines have got to apply all those instructions.

SHRI CHAPALENDU BHATTACHARYYIA: Coming to a closer view, do you think that the safety provisions should vary with the depth, cover, strata, nature of coal mining or the same uniform safety provisions should be applicable in all conditions?

SHRI C. BALRAM: Mr. Chairman, it is automatic corrolary to the conditions. Depth means difficult roof conditions, and difficult roof conditions

means possibility of roof fall. Depth also means higher temperature and this also means possibility of gas and automatic application of extra ventilation. To my opinion, this is sufficient. I would also like to make one more submission. For the purpose of implementation of those instructions like ventilation, like safety lamp, gas etc. technical men are required to be employed who are also in a better position to judge. We have also applied for amendments and we have also applied for relaxation. There is no doubt about that point.

SHRI CHAPALENDU BHATTACHARYYIA: Has ventilation been made more difficult by frequent power tripping these days?

SHRI C. BALRAM: Yes. That is correct.

SHRI CHAPALENDU BHATTACHARYYIA: And now when accident happens as a result of power tripping consequent accumulation of gas, proximate responsibility will fall upon whom?

SHRI C. BALRAM: I trust hon. Member is aware, only a few days back, we called a meeting in Dhanbad where all these things were discussed. Let me also tell you that things have improved.

SHRI CHAPALENDU BHATTACHARYYIA: My last question is like this. Do you have any arrangements for analysis of samples of coal dust. Do you think that this should be statutorily enforced and separate persons should be ear-marked to carry it out completely?

SHRI C. BALRAM: Safety Officers are doing this job. They take gas samples and they get them analysed. Let me tell you for your information that as far as NCDC is concerned, we have got laboratories at Bhurkunda, Bisrampur etc. Sometimes we send samples for analysis to CFRI etc.

SHRI CHAPALENDU BHATTACHARYYIA: A complaint was made about delays in receipt of materials and machinery. Is it a fact that you take two years to supply the machinery? Because of your procedural delays, you take about two years to make them available?

SHRI C. BALRAM: I do not think. We are in a position to transport one equipment after another. There are no cases in which we have been at fault.

SHRI R. G. MAHENDRU: If I understand your question correctly, you have asked as to whether there is any provision in the existing law which will fix responsibility on the power supply undertaking, if there is sudden power suspension? I think the objective of the hon. Member's enquiry is whether any responsibility can be fixed on the power supply undertaking. In case, of power failure, to my knowledge, the existing provisions of law do not enable fixing this responsibility while there can be dangerous situations in mines when due to suspension of power supply, gas accumulation may take place.

MR. CHAIRMAN: He has gone away before hearing the answer.

SHRI R. G. MAHENDRU: As to delay in supply of machinery arising out of procedures required to be followed in public undertakings, advance action is always taken to provide required machinery in time; in any case, operations are always carried out and controlled with the safety angle foremost.

MR. CHAIRMAN: That question was not actually about machines, but providing safety machines in the mines.

SHRI R. G. MAHENDRU: So far as safety measures and facilities are concerned, they are being provided by a corporation like ours. Our procedures provide for that.

SHRI K. S. CHAVDA: Prospecting of 30 metres should be exempted from the operation of the Mines Act. Can you throw some light on this point?

SHRI C. BALRAM: Probably this will answer your question. This is clause (j) re: definition of a mine at page 2 of the Bill. I am reading out: "(j) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on under a mining lease including an exploring or a prospecting licence granted under the Oilfields (Regulation and Development) Act, 1957." This is all right. The next one is: "under a prospecting licence or a mining lease granted under the Mines and Minerals (Regulation and Development) Act, 1957." I am telling you the difficulty. In a country like ours where more and more development has to take place, where more and more prospecting has to be done and prospecting has to be done in the areas which are far away from the mines, my submission is that prospecting operation should not come under the purview of this Mines Act. This is completely distinct from the mines. This particular cell of our prospecting and drilling is merely for the purpose of carrying out drilling operation for future development. Every State has got their own operations.

SHRI K. S. CHAVDA: That is not the definite reply.

SHRI C. BALRAM: This prospecting of 30 metres, if it is done in those areas for the purpose of taking bulk sample, for the purpose of finding out the viability of that field, it should not come under that purview at all.

MR. CHAIRMAN: I think the question is about the exempted category.

SHRI C. BALRAM: Then I should withdraw my remarks.

SHRI KALYAN ROY: Do you know the cases where the mines are not inspected by the Mines Department even once a year?

SHRI C. BALRAM: I must admit that I do not know how many cases are there.

SHRI KALYAN ROY: Whether the mine which is under your control was inspected by the Mines Department?

SHRI C. BALRAM: Today, we have got a Mines Department, a Regional Mines Department and a Regional Directorate here itself. Practically, every mine is inspected once in 2 to 3 months. We have got a certain category of mines which need more care; they are risky mines where we go so many times.

SHRI KALYAN ROY: Do you think that as thousands of workers go underground, they should also have representation on the inspecting body?

SHRI C. BALRAM: I would answer your question. I thought that is already coming in the last paragraph.

SHRI KALYAN ROY: I am asking you whether in order to create more confidence among the workers who go underground and who have to face the blast or the gas or roof-fall, they should also have the right to go and inspect the mine? This will create more confidence among the workers. One of the workmen should also inspect as the workers' representative. Are you opposed in principle to this? That is my first question.

SHRI C. BALRAM: There are two issues involved. First is that the gentleman must be really a qualified person.

SHRI KALYAN ROY: I asked you a very specific question. Are you opposed in principle?

SHRI C. BALRAM: I am opposed in principle definitely.

SHRI KALYAN ROY: Do you supply boots to workers underground?

SHRI C. BALRAM: Yes. We supply.

SHRI KALYAN ROY: Safety lamps?

SHRI C. BALRAM: We supply.

SHRI KALYAN ROY: Do you supply water bottle?

SHRI C. BALRAM: Yes.

SHRI KALYAN ROY: Do you charge anything from the workers?

SHRI C. BALRAM: No.

SHRI M. C. DAGA: It has been said that the agent should be a mining engineer. While he might have that experience you mean to say that he should have a degree and then he can have exeperience. Suppose a man has worked at least for two or three years, and he has got that experience, do you not call him as an expert? Do you mean to say that he should purchase a degree?

SHRI C. BALRAM: He must have technical knowledge. He may be having experience. Technical knowledge is something else.

SHRI PARIPOORNANAND PAINULI: A person having served in a mine for 20 years or so, suppose he becomes a victim of TB and gets admitted in the hospital, for some time, do you not have any security arrangements for that?

SHRI C. BALRAM: Would you mind my Chief Personnel Officer answering this question?

SHRI R. S. MURTI: In the case of workers suffering from TB, we give them leave upto 5 years. To the extent leave is due to him, it is with wages and to the extent leave is not due, it is without wages. Coal Wage Board has recommended that the workers suffering from TB and such other diseases requiring prolonged absence from duty should be given some monetary relief by way of leave salary. This is the liability of the Coal Mining Welfare organisation. That organisation has not agreed to accept this responsibility. Otherwise there is no scope for giving them any monetary relief while they are absent on account of TB etc.

SHRI PARIPOORNANAND PAINULI: I would like to know whether you feel the necessity of having some social security for the workers?

SHRI C. BALRAM: The question has been answered like this. Let me clarify again. When a person suffers from TB and such other diseases, he is allowed leave with pay and leave due to him. Of course for leave not due to him, this is without wages. If he comes back, he is taken back. Even after 5 years, he is taken on the job, if he is medically fit.

SHRI PARIPOORNANAND PAINULI: Do you feel the necessity of giving him social security?

SHRI C. BALRAM: This is the job of the welfare organisation also.

SHRI PARIPOORNANAND PAINULI: Suppose a person having served in a mine for more than 15 or 20 years, and if he becomes a victim of TB, you admit him in the hospital. But is there any social security?

SHRI C. BALRAM: What is the exact definition of social security?

SHRI PARIPOORNANAND PAINULI: Do you have any provident fund and family pension for the person who has served in a mine?

SHRI R. S. MURTI: Social security is there in the sense that provident fund and other benefits are there. But when the workers are admitted in hospitals, the Coal Mining Welfare Organisation gives some pocket money to the workers.

SHRI R. G. MAHENDRU: It is being given by them—the Coal Mining Welfare organisation. It is their duty and responsibility.

SHRI PARIPOORNANAND PAINULI: You say benefits are provided to the workers. What agency do you have to find out that these benefits are going to the workers? Whether you verify it or not? My information is that the boots and other things are not received by the workers. What are

the agencies you have got to verify whether they have received them or not?

SHRI C. BALRAM: Our Manager is looking to this aspect.

SHRI PARIPOORNANAND PAINULI: I met a number of workers and they say that they did not receive them at all and even in the presence of the officer concerned, they said that they had not received even for the past one year.

SHRI R. G. MAHENDRU: We have got our organisation for ensuring that boots and helmets are supplied to the workers. We do not have, at the moment, a definite frequency of supply. Sometimes, the workers may feel that the frequency of supply should be greater than what we have adopted; sometimes the boots may be lost or damaged. The complaint which the hon. Member is referring to may have arisen under some such circumstances. But, we have got an agency to ensure that when the boots come they are supplied to the workers. But the supply may not sometimes come according to the time. Occasionally, instead of supplying in the month of June, we are supplying in the month of August. When we get the boots, the workers do receive them.

SHRI C. BALRAM: We have recently placed order for 7000 boots for this area.

SHRI PARIPOORNANAND PAINULI: I am sorry to say that I am still not satisfied.

SHRIMATI SHEILA KAUL: I would like to know what benefits are you giving to the family of the mines workers? Suppose, a worker's wife has got to be admitted in the maternity hospital, what benefit are you giving in that case?

SHRI R. G. MAHENDRU: Under the rules, we are giving.

SHRI C. BALRAM: But the rules apply to the warkers, not to the wives.

SHRIMATI SHEILA KAUL: Not even for the child.

SHRI C. BALRAM: No. Only free medical aid is given.

SHRIMATI SHEILA KAUL: To the family.

SHRI C. BALRAM: Yes. Even for maternity case, the hospitals are there where they can be admitted.

SARDAR SWARAN SINGH SOKHI: Item no. 10 in the Bill. Are you afraid of the workmen?

SHRI C. BALRAM: I have given my reasons. I go back to those reasons again.

SARDAR SWARAN SINGH SOKHI: You could anticipate that there will be labour unrest and so on. I want to have clarification on this point.

SHRI C. BALRAM: I go back to my answer. I do not agree with this amendment in principle and my reasons are already there. I will submit to you.

SARDAR SWARAN SINGH SOKHI: Why not here.

SHRI C. BALRAM: The main reason is inter union rivalry.

SARDAR SWARAN SINGH SOKHI: This is the recognised labour union which you have got in your mine.

SHRI C. BALRAM: It varies from mine to mine.

SARDAR SWARAN SINGH SOKHI: You said that the agent should be a qualified mining engineer. What about the Chairman of the Corporation? Whether he should be a qualified mining engineer or not.

SHRI C. BALRAM: It should be. But I cannot say that.

SARDAR SWARAN SINGH SOKHI: It should be. Thank you very much.

MR. CHAIRMAN: Thank you very much.

SHRI C. BALRAM: We will send you a written memorandum.

MR. CHAIRMAN: You can send a supplementary memorandum.

[The witnesses then withdrew]

V. **Depressed Classes League, Ramnagar, Hazari Bagh.**

Spokesman:

Shri Sudama Ram, *President.*

(The witness was called in and he took his seat).

The Chairman drew his attention to Direction 58 of the Directions by the Speaker.

SHRI SUDAMA RAM: I am an employee of the NCDC. I am working as a A.S.K. First of all, when I was employed, I could not read properly. There was a High School. I wanted to study. I am a harijan. I was feeling some difficulty in reading. I wanted to read. I was doing my duty at night and I was studying in the day. I am by caste Chamar Harijan.

MR. CHAIRMAN: If you feel difficulty in reading, I can read on behalf of you to all the Members.

श्री सुदामा राम : सेवा में सविनय निवेदन है कि हम हरिजन कार्यकर्ता आपके समक्ष एन० सी० डी० सी० एवं प्राइवेट कोलियरियों की समस्याओं को आप के कमल चरणों में रखते हुए यह आशा करते हैं कि सरकार बहादुर का ध्यान गरीब हरिजनों के ऊपर एक नजर होगी :

(1) कोलियरियों में हमारी हरिजनों की नियुक्ति उचित नहीं होती ।

(2) डिपार्टमेंटल प्रोमोशन में भी हम हरिजनों को सुपरसीड किया जाता है ।

(3) आवास खास कर हरिजनों के लिए चीप हाउस बनाया गया है जो पृथ्वी का नर्क है ।

(4) अस्पतालों में डाक्टरों द्वारा बुरे दृष्टि से देखे जाते हैं ।

(5) किसी भी कोलियरी में हरिजनों के कोई आफीसर नहीं हैं ।

(6) सुपरवाइजरी स्टाफ में भी वही हालत है । कीरानी में अदा कदा है भी तो मनेजमेंट दबाया हुआ रहता है क्योंकि मनेजमेंट भी तो स्वर्ण वर्ग के हैं ।

(7) हम सभी हरिजन बाबू जी (जगजीवन राम जी) के परम भक्त हैं । लेकिन इन्टक वाले भी प्रमपूर्वक नहीं अपनाते हैं इत्यादि, इत्यादि ।

MR. CHAIRMAN: If you want to say anything more, you can say.

SHRI SUDAMA RAM: There should be employees' representative in the Interview Board of Departmental Promotion Committee and other Boards either in private sector or public sector including coking coal Zone-wise, Project-wise, Province-wise and District-wise.

[The Committee then adjourned]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Saturday, the 22nd July, 1972 at 09.00 hours and again at 14.30 hours in Chasnalla Guest House, Dhanbad.

PRESENT

Shri R. N. Sharma—(*In the Chair*)

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri M. C. Daga
5. Shri C. D. Gautam
6. Shrimati Sheila Kaul
7. Shri Paripoornanand Painuli
8. Shri Damodar Pandey
9. Shri Prabhudas Patel
10. Shri Ramji Ram
11. Ch. Ram Prakash
12. Shri Bhola Raut
13. Shri P. Antony Reddi
14. Ch. Sadhu Ram
15. Shri T. Sohan Lal
16. Sardar Swaran Singh Sokhi

Rajya Sabha

17. Shri Kalyan Roy
18. Shri B. K. Mahanti
19. Shri Sita Ram Singh
20. Shri Showaless K. Shilla
21. Shri Jagan Nath Bhardwaj
22. Shri Dwijendralal Sen Gupta

SECRETARIAT

Shri K. S. Bhalla— *Under Secretary.*

WITNESSES EXAMINED

I. *Bharat Coking Coal Ltd., Dhanbad*

Spokesmen:

1. Shri R. N. Sharma, Managing Director
2. Shri C. S. Jha, Director (Tech.)

3. Shri U. N. Jha, C.M.E. (Prod. and Hqrs.)
4. Shri S. Chattopadhya, Tech. Secretary

II. *Indian Mining Association, Calcutta*

Spokesmen:

1. Dr. G. G. K. Shastri, Vice-Chairman
2. Shri Chhedi Lal, Adviser
3. Shri R. R. Prasad, Hony. Joint Secretary, Standing Coalfields Committee.
4. Shri N. N. Singh, Hony. Joint Secretary, Standing Coalfields Committee.
5. Shri B. S. Rao, OME, West Bokaro Ltd.

III. *Indian Mine Managers' Association, Dhanbad*

Spokesmen:

1. Shri A. V. Brahma, Chairman
2. Shri R. T. Deshmukh, President
3. Shri B. Dharam, Secretary
4. Shri G. S. Jootla, Council Member
5. Shri S. V. Krishnamurthy, Council Member
6. Shri Gopal Krishan, Council Member
7. Shri Y. P. Mali, Council Member

IV. *Indian National Mines Overman, Sirdar and Short-firers Association, Dhanbad*

Spokesmen:

1. Shri Jiban Krishna Banerjee, General Secretary
2. Shri B. Joshi, Legal Adviser
3. Shri H. P. Duba, Vice-President
4. Shri R. B. Singh, Zonal Secretary
5. Shri D. N. P. Singh, Treasurer
6. Shri S. P. Sukla, Group Secretary

V. *Indian National Mine Workers' Federation and Colliery Mazdoor Sangh, Dhanbad*

Spokesmen:

1. Shri S. Dasgupta, Secretary, INMF and Joint Secretary, CMS
2. Shri G. N. Singh, Treasurer, INMF and CMS
3. Shri S. N. Mishra, Member Executive Committee, CMS

VI. *Association of Indian Mine Surveyors, Dhanbad*

Spokesmen:

1. Shri Asoke Kumar Ghosh, General Secretary
2. Shri Himangshu Sekhar Mookherji, Member

VII. (a) *Indian Mining Federation, Calcutta*

Spokesmen:

1. Shri P. N. Chaturvedi, Chief Personnel Officer, Chanchani and Worah (P) Ltd.
2. Shri B. S. Gupta, Chief Agent, Jaipuria Samla Group of Collieries, Pandaveswar

(b) *Indian Colliery Owners' Association, Dhanbad*

Spokesmen:

Shri Madan Lal Agarwala, President

VIII. (a) *Koyala Ispat Mazdoor Panchayat, Jharia, Dhanbad*

Spokesman:

Shri H. N. Singh, Vice-President

(b) *Colliery Mazdoor Congress, Goraimansion, Asansol*

Spokesmen:

1. Shri Vinay Kumar, General Secretary
2. Shri Keshav Singh, Vice-President
3. Shri Jagdish Singh, Assistant Secretary

(c) *Bihar Coal Miners' Union, Dhanbad*

Spokesmen:

1. Shri Pritish Chanda, President
2. Shri Anil Sarkar, Secretary.

I. *Bharat Coking Coal Ltd., Dhanbad*

Spokesmen:

1. Shri R. N. Sharma, *Managing Director.*
2. Shri C. S. Jha, *Director (Tech.)*
3. Shri U. N. Jha, *C.M.E. (Prod. & Hqrs.)*
4. Shri S. Chattopadhya, *Tech. Secretary.*

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Now, kindly introduce yourself.

You have already submitted your memorandum. Now, would you like to give more emphasis on any particular point or add to the memorandum, which you have already submitted?

SHRI R. N. SHARMA: Major emphasis is on Section 22A which is sought to be introduced. Sufficient

powers are already there under Section 22. The Section is merely to be enforced. There may be certain minor violations which may exist. Introduction of new Section 22-A will cover such violation. It will make working of mines difficult and hence this should be deleted. If this suggestion is accepted then the consequent amendments under Section 72-B and 72-C may not be necessary.

SHRI M. C. DAGA: These things will be at the mercy of the Inspectors.

SHRI KALYAN ROY: They should.

MR. CHAIRMAN: I think it is not proper at this time to express our opinion.

SHRI DAMODAR PANDEY: How do you like to differentiate between....

MR. CHAIRMAN: Let him complete. Kindly make a note of your point and you can put your questions afterwards.

SHRI R. N. SHARMA: Next is about the definition of the workmen.

MR. CHAIRMAN: Page 2 of the Amending Act.

SHRI R. N. SHARMA: We only want that a provision should be made whereby it should be possible to exclude persons employed in security—particularly in public sectors.

SHRI DWIJENDRALAL SEN GUPTA: Which page and which clause you are referring to?

SHRI R. N. SHARMA: Page 2—Clause 2—Item (ii) (vi).

MR. CHAIRMAN: They should be excluded. At page 2 clause (h)(iv), I am reading out: "in operations of loading for despatch of minerals when carried out within the premises of the mine." Those who are on regular despatches, they should be governed by this Act. The question is when you are completing the Act, where the responsibility of leaving the material lies. It should be on the Board. But it should be covered by another Act and not under Mines Act.

SHRI R. N. SHARMA: I am reading page 5 of the Bill: "Four persons representing owners of mines nominated by the Central Government, in consultation with such organisations of owners of mines as may be recognised by the Central Government for the purpose." Here, we would like that it should be nominated by the owners' or their association, as the case may be. The right of nomination to represent should be with the person who is to be represented.

MR. CHAIRMAN: Will that do if it is done in consultation with the owners?

SHRI R. N. SHARMA: If somebody is to represent me, then I want that representative chosen by me should be there. Now, I am reading out at page 6 of the Bill: "Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give, otherwise than through the manager, instructions affecting the fulfilment of his statutory duties, to a person employed in a mine, who is responsible to the manager." Then there will be occasions when the Manager is not available, but the instructions have to be given on the spot. If this could be amended that such instructions may subsequently be communicated to the Manager at the earliest. I think, this does not bar of passing instructions on the spot, if any flaws are observed. Then Section 18 regarding duties and responsibilities of owners, agents and managers, my submission is that you have already defined under other sub-sections the responsibilities of owners, agents and managers that each one can be accountable for acts of Commission. It will be impossible for anyone to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder. When you have already given him responsibilty, then you charge him with vicarious responsibility. This does not look to be justified. There-

fore, my submission is that vicarious responsibility clauses should be deleted altogether. In continuation of this, under sub-section (5) the words "he proves that" in 7th sentence of the first paragraph should be substituted by "he had taken reasonable" means to the best of his power to enforce the said provisions to prevent such contraventions." We have come a long way. But we retain Clause 6. There is the question of responsibility. If we go into this, we do not seem to be sure as to what they are aiming at. Are we trying to pin-point the responsibility at State levels? Then you are helping them at those levels.

Now, as regards Clause 15 (Amendment of Section 23) formerly the time limit was 48 hours. It should be reduced to 24 hours instead of increasing into 72 hours. With improved communications and improvement all over, the time limit, if at all, should be reduced from 48 to 24 hours and not attempt to increase it. As regards Clause 17 (Amendment of Section 33) we have to suggest that the piece rated earnings of different workers vary from week to week and the proposed amendment will make the difference among the earnings of different workers. It should be category wage plus whatever allowance are admissible. Chapter 8-A refers to the Coal Mines Rescue Stations Committee. Rescue operations and functions of the Rescue Committee for training of personnel is very closely linked with the safety of mines and enforcement of the safety provisions. This is my submission that this should not be formed as a separate body but it should maintain close liaison with the Department of Mines Safety because isolation from them is likely to bring down its effectiveness.

These are the points that I wish to submit.

SHRI DAMODAR PANDEY: By section 22 you have suggested that for any violation of the Act, no action should be taken or the mine should not be closed or persons prosecuted. I would like to know from you this. How do you like to differentiate between major and minor violations?

SHRI R. N. SHARMA: Law already provides for safety measures and also for action to be taken for any violation. Now, if any emergency exists or where the safety of the mines is involved, there is the provision in Section 22. But, no changes should be made which would undercut the normal course of work. Provision for dealing with minor violation exists in the law already.

SHRI DAMODAR PANDEY: Only the provision says that when the life of the person is likely to be in danger, but, in the past, it is seen that such violations did occur and in the majority of the coal mines, no welfare measures are taken in spite of the repeated reminders from the Directorate General of Mines Safety. What do you suggest for the same? How it can be corrected?

SHRI R. N. SHARMA: To my opinion, this is only a question of enforcement of what is already there in the law rather than framing any new law. This perhaps calls for a closer liaison between the enforcing agencies, the State Government and the Department. If the provision in the existing law could not be enforced, there is no justification for another provision which will not help in enforcement.

SHRI DAMODAR PANDEY: We have had certain coal mine accidents. There have been cases where violation has taken place. There is a provision that there should be inspection in the mine. The Supreme Court says that the Department was responsible. Some 268 people were killed. But violation could not be removed and the accident took place and after the accident took place, and after the responsibility has been fixed, no action has been taken either against the owner or the Manager. How do you suggest to deal with such type of employers, who persist in violating the provisions of the Act causing death and serious bodily injury to so many persons?

SHRI R. N. SHARMA: It is not necessary to introduce a new Section 22-A. For any violation, they could have taken up action. They are vested with sufficient authority. If there was a failure and we are unable to enforce the existing provision, that failure will not be removed.

SHRI DAMODAR PANDEY: Do you agree with the provisions already made in this Act to exclude certain persons? They should not be given the benefit of the Act.

SHRI R. N. SHARMA: I am not saying that they should not be given the benefit. I was particularly referring to the Ceneral Government Security Force. Since we will have this force in the Public Sector which is controlled by another organisation, we are now asking for exclusion of those areas which will not be governed by Mines Act.

SHRI DAMODAR PANDEY: They have excluded the staff of watch and ward and other people from the provision of this Act. What will be your opinion?

SHRI R. N. SHARMA: I have suggested exclusion only of security force and the watch and ward.

SHRI DAMODAR PANDEY: Over and above that, you have suggested watch and ward. You have agreed with this provision and then you suggest watch and ward.

SHRI R. N. SHARMA: Others should be included leaving out the Central Security Force and the watch and ward.

SHRI DAMODAR PANDEY: Would you like to include all those workers who are working away from the mines?

SHRI R. N. SHARMA: They have left one point. Those who are working quite outside, they should be covered under normal Shop and Establishment Act. To cover under this Act, it is stretching too far.

SHRI DAMODAR PANDEY: You feel that it is only those persons who are working with some other employer only to supplement their work they should not be excluded and not the persons who are employed by you.

SHRI R. N. SHARMA: Persons employed, as you had defined by and large, covers everybody. There may be operations; making bricks etc. somewhere else, should not be covered under Mines Act.

SHRI DAMODAR PANDEY: How do like to define it? Then it excludes everybody whosoever is outside the mine.

SHRI R. N. SHARMA: I will give you examples a little later.

SHRI CHAPALENDU BHATTACHARYYIA: Mr. Sharma your point was that in view of the fact that Section 22 gives adequate coverage, introduction of 22-A will have the effect. It is not necessary under the circumstances. You think that in the matter of fixation of responsibility, it should be clear cut. Fixation of responsibility should be a primary objective so that the agent and owner should know where they stand and the management should know what they have carried out. Am I correct?

SHRI R. N. SHARMA: That is right.

SHRI CHAPALENDU BHATTACHARYYIA: Would you agree that because of introduction of machines, and electrical power, the hazards have increased?

SHRI R. N. SHARMA: They are likely to increase during the next many years, may be next decade or so. I agree with you that the accident risk will also increase.

SHRI CHAPALENDU BHATTACHARYYIA: Would you agree that in those cases, the safety provisions are required to be tightened further?

SHRI R. N. SHARMA: For that, it would require proper implementation of the provisions. But, as we go

deeper, the mining gets more complex. Persons responsible for mining operation would also provide for these hazards.

SHRI CHAPALENDU BHATTACHARYYIA: Coming to more specific suggestions, do you agree that for these mines, use of firedamp detectors, alarms and monitors should be made obligatory?

SHRI R. N. SHARMA: I won't say so except for the mines which have gas above a certain level. Every deep mine need not have high gas emission rate. But if it exists, then certain systems which are likely to reduce gas below danger level quickly. We could then centralize gas monitoring system.

SHRI CHAPALENDU BHATTACHARYYIA: In fact what would you think of the suggestion that during shift-change be overs personnel to statutorily deputed to examine working places for gas and to take steps to remove dangers if any. If this is not done, then do you think that gas-accumulation may be a source of danger?

What would be your suggestion as to the question whether the safety provisions should differ depending upon the different strata, nature of coal the gassiness of seams, the method of work, etc? Do you also suggest that we should strike a balance between production and safety?

SHRI R. N. SHARMA: I would say your approach is very correct. But by and large, we are not at that stage. Of Course we should re-structure the law depending upon the changing requirements of safety provsions. That should be done and must not be forgotten.

SHRI CHAPALENDU BHATTACHARYYIA: If you agree with that, could you also agree with me that the definition of mine has to be slightly modified? Unless you modify the definition of mine, we cannot make provisions correlated to the requirements of safety of different mines depending upon the nature and extent of hazards.

SHRI R. N. SHARMA: The Directorate General of Mines Safety has been always—wherever they have found any difficulty—making changes in the regulations from time to time. They have a couple of years ago defined the mines again and divided them into three following categories like 1, 2 and 3.

SHRI CHAPALENDU BHATTACHARYYIA: Could you agree with me that this has to be defined with greater precision than is being done under the Mines Regulations?

SHRI R. N. SHARMA: I agree with you that in view of the rapid expansion of production, we must have a composite law. We must amend the law to the changing requirements. Yours is a correct approach that we should have a composite law.

SHRI CHAPALENDU BHATTACHARYYIA: Thank you very much.

SHRI KALYAN ROY: Mr. Sharma do you think that there is a case for amending the Mines Act? Do you feel that there is need to amend the present Act as the present Act is not sufficient?

SHRI R. N. SHARMA: I presume that this has come out. There are some areas which need changes.

SHRI KALYAN ROY: Regarding representation of the owners in the Board, which is proposed under the Amending Act, it has been provided that 4 persons representing owners of mines should be nominated by the Central Government. You have said that the persons should not be nominated by the Central Government but should be nominated by the owners themselves. Do you think that this should be the same for the workers' representative also?

SHRI R. N. SHARMA: Yes, if this is to be representative body.

SHRI KALYAN ROY: Mr. Sharma, you know there is a Coal Board. Do you think that the mines preservation is the liability of the Coal Board?

SHRI R. N. SHARMA: Yes.

SHRI KALYAN ROY: That is an independent organisation?

SHRI R. N. SHARMA: That is right.

SHRI KALYAN ROY: Do you think that the coordination between the Department of Mines Safety and the Coal Board is not very good?

SHRI R. N. SHARMA: I would not say this. Only I was trying to emphasise the point that the Directorate General of Mines Safety should work in close coordination with the Coal Board. Whether the coordination is very good or not, I do not wish to comment.

SHRI KALYAN ROY: Directorate General of Mines Safety should be more concerned with the prevention of accidents than with the rescue part of it because you know in India fatal accidents increase every year.

SHRI R. N. SHARMA: This is a correct approach. We should be more concerned with preventing something than trying to investigate accidents. Instead of trying to rescue, we should see that something is done to prevent it.

SHRI KALYAN ROY: The other point is this. Mr. Bhattacharyyia has also pointed out about this. In the past, accidents have taken place in the coal mines. There are a large number of coal mines, where, in spite of the repeated requests from the Mines Department, no action could be taken. Even more violations take place. Thus a situation is created where any day accident can take place. In that position, do you think that this particular amendment—Section 22-A is not necessary? There are mines which violate it.

SHRI R. N. SHARMA: The only point is they are not able to enforce certain sections, because for several reason. Section 22-A does not, in any case, provide answer to lack of ability to enforce. It does not put them in any better position to enforce. Of course, limitations are there and they will be able to say what is the problem. But, I am sure, they go according to existing section 22, the power is not lacking in them.

SHRI KALYAN ROY: I am reading at page 8 of the Bill, last paragraph: "Provided that where the Chief Inspector or an Inspector fails to make an inspection within seventy-two hours of the time of the accident, work may be resumed at the place of the accident." Here you have objected.

SHRI R. N. SHARMA: My objection was that it would affect production from that section, if not from the entire mine for three days. But, now, we are better placed Communication-wise.

SHRI DWIJENDRALAL SEN GUPTA: Almost every day there are accidents; sometimes it is due to carelessness on the part of Department; sometimes it is due to carelessness on the part of workers also. Now, I am reading Statement of Objects and Reasons: "The Mines Act, 1952 seeks to regulate the working conditions in mines by providing for measures to be taken for the safety of the workers employed therein and certain amenities for them. In the light of the working of the Act, certain modifications of the provisions of the Act have become necessary. They mainly relate to (1) the removal of certain practical difficulties experienced in its enforcement; (2) provision for additional safety regulations; (3) closer association of workers with safety measures; (4) provision for a minimum penalty in cases of gross negligence or recklessness; and (5) provision of corporate status for the Rescue Stations Committee." I would like to know in what item you have dealt with the necessity for the removal of certain

practical difficulties experienced in its enforcement.

SHRI R. N. SHARMA: It is a very broad question. Let me assure you when points were raised or statement made by me, it was principally directed to that direction. When I said Section 22-A was not called for, I did not say it is not necessary to provide a safeguard. It exists; when I said define an agent's responsibilities under section 18, I wanted clearly to define, the responsibility and obligation of each tier of management or personnel available. There may be problems which may crop up subsequently due to ambiguity. It will be a better preventive measure and looking for effective measures, the whole process has been largely guided by it.

SHRI DWIJENDRALAL SEN GUPTA: You have not answered my question.

MR. CHAIRMAN: What is the idea of saying this

SHRI DWIJENDRALAL SEN GUPTA: I want to know whether he has dealt with anywhere about the necessity for the removal of certain practical difficulties experienced by them

SHRI R. N. SHARMA: I have gone into it what was necessary and within limitation of the proposed amendments.

SHRI DWIJENDRALAL SEN GUPTA: In the circumstances, the question should go and the answer should go. It is a public sector, very improtant organisation. I want to know whether he has experienced practical difficulties and whether he has got any suggestion. That is the purpose.

MR. CHAIRMAN: He has come with certain suggestions which he thought fit.

SHRI DWIJENDRALAL SEN GUPTA: As Managing Director of a public sector undertaking, did he feel any difficulty. He can well say that 'I find these difficulties and I am suggesting this'.

SHRI R. N. SHARMA: I would only say that having gone through the Amending Bill, these are the amendments proposed keeping in view the best interests of the industry as a whole.

SHRI DWIJENDRALAL SEN GUPTA: As far as I am concerned, I have gone through the memorandum and I have seen nothing of the sort in the memorandum.

Now, when you say that Clause 22-A should be deleted, when you say that, it gives an indication, that you are encouraging—rather you are more interested in safeguarding the interests of the employers than of the workers. This is because these provisions relate to employers. If you had said that we are here to ensure the safety of the workers, we would have appreciated the question.

SHRI R. N. SHARMA: I do not think that if Clause 22-A is deleted, that will strengthen the hands of the employers against the interests of the workers.

SHRI DWIJENDRALAL SEN GUPTA: Do you support the appointment of agents in the collieries?

SHRI R. N. SHARMA: So long as they have certain qualifications at least equivalent to that of the Manager.

SHRI DWIJENDRALAL SEN GUPTA: Agents, if any, should possess at least a mining qualification?

SHRI R. N. SHARMA: He must have the qualification what the Manager is expected to have.

SHRI DWIJENDRALAL SEN GUPTA: For infringement of the provisions of the Mines Act, rules and regulations, do you support stringent punishment?

SHRI R. N. SHARMA: If violations are of serious nature, yes. But if

they occur in the course of operations which are incidental, to the work, no.

SHRI DWIJENDRALAL SEN GUPTA: Now, the question is this. When any colliery owner closes a mine, what is your suggestion as to what punishment should be given in such cases?

SHRI R. N. SHARMA: Well, in such cases, punishment should be more where there is gross violation and the punishment should be less where it is incidental.

SHRI DWIJENDRALAL SEN GUPTA: Here, they close. In such cases of closure, do you suggest stringent punishment? What will be the actual position? Will you consider that stringent punishment should be there?

SHRI R. N. SHARMA: It depends upon the circumstances. How I can say?

SHRI B. K. MAHANTI: The Amending Bill provides for the constitution of the Mining Board. May I ask one question in this respect. Have you got any idea as to the mode of selection of the Members of the Board from among the Members?

SHRI R. N. SHARMA: It is already there that it should be in consultation with the owners. I would say that it will be done by the persons authorised

SHRI B. K. MAHANTI: In these Mines organisations?

SHRI R. N. SHARMA: This is already provided 'four persons representing owners of mines nominated by the Central Government, in consultation with such organisations of owners of mines as may be recognised by the Central Government for the purpose'. Where the Central Government recognises a particular organisation, the right of nomination goes to them.

SHRI B. K. MAHANTI: But you have said that they should be nominated by you and not by the Government. How do you explain that?

SHRI R. N. SHARMA: I said they should be nominated by the owners. Similarly for workers' representatives, they should have the right to nominate their representatives. After all they are supposed to represent them. How else are they concerned?

SHRI B. K. MAHANTI: It is already provided there that it should be in consultation with the employers' association?

SHRI R. N. SHARMA: consultation with employers may or may not be accepted. That is what I say.

SHRI M. C. DAGA: One thing is there. In section 22 you have suggested one thing. 'As soon as the Inspector is satisfied. Do you mean to say that there should be some time period fixed?

SHRI R. N. SHARMA: There are two things. As soon as the danger is removed....

SHRI M. C. DAGA: How is it satisfied?

SHRI R. N. SHARMA: This period should be within 24 hours. If the situation is very dangerous, then work can be stopped in the mine. The mine should also be closed. Then the Inspector will satisfy himself that the danger is removed.

SHRI M. C. DAGA: How this satisfaction is defined? But even within that period, if he is satisfied, in that case you have any objection or not?

SHRI R. N. SHARMA: If no period is prescribed, then the mines may remain closed in many cases.

MR. CHAIRMAN: What do you suggest about punishment? Should it be rigorous imprisonment or simply a fine. What do you suggest about it? Fine will do or imprisonment is necessary? Do you want to suggest some prosecution?

SHRI M. C. DAGA: Only fine will do or punishment is necessary.

SHRI R. N. SHARMA: We should provide rigorous or simple imprisonment or simple fine.

SHRI M. C. DAGA: If it is proved by circumstances that it is violated. In that case, what will be done.

SHRI R. N. SHARMA: I am not able to catch what you want to say.

SHRI M. C. DAGA: Suppose, you have found out by enquiry.

SHRI R. N. SHARMA: According to the gravity of the offences, I have to say that it should be left open and not bound down.

SHRI M. C. DAGA: In Section 58, you have raised objection that inspection in a mine should be carried out by technical expert. You mean to say that suppose if a man works for 20 years regularly in the mine, does he not become an expert?

SHRI R. N. SHARMA: Well, my personal opinion in this matter would be that he should hold the highest qualification as a Manager is expected to have so that he may be considered as equal. He should have a qualification of mine's Manager.

SHRI M. C. DAGA: One may have qualification but one does not have experience.

SHRI R. N. SHARMA: Considering the present situation, a good background and experience should be adequate. For example, you say three years in a mine in a certain specified area. Will it not be correct?

SHRIMATI SHEILA KAUL: I am reading page 5 of your memorandum: "For instance, if the owner, agent or manager fails to maintain drinking water underground or delays in putting up a fence which may not pose immediate danger to the life and safety of workmen." Now, you may have closed down the mine and the drinking water is not available. Do you consider that this is a mining accident?

SHRI R. N. SHARMA: What I was emphasising was that later violations endanger life. There are hundreds of minor provisions which are required under the Mines Act.

SHRIMATI SHEILA KAUL: I believe that a thirsty man cannot work. That is going against the continuity of the mines that there is a minor contravention.

SHRI R. N. SHARMA: In that case, I won't say it is a violation. It happens today and tomorrow it may not happen. When the water supply in the whole coal field is disruped for three or four days at a stretch, we did not consider it a major violation.

SHRIMATI SHEILA KAUL: I think it should not make the contravention anicky; it should make the world alert.

SHRI R. N. SHARMA: Well, I agree.

SHRI JAGAN NATH BHARDWAJ: If there is a shortage of water, we must have something other.

SHRI R. N. SHARMA: I do not differ. That is an intention.

MR. CHAIRMAN: Thank you very much.

SHRI M. C. DAGA: That is correct. *[The witness then withdrew]*

II. Indian Mining Association, Calcutta

Spokesman:

1. Dr. G. G. K. Shastri, *Vice-Chairman*
2. Shri Chhedi Lal, *Adviser*
3. Shri B. R. Prasad, *Hony. Jt. Secretary, Standing Coalfields Committee*
4. Shri N. N. Singh, *Hony. Jt. Secretary, Standing Coalfields Committee*
5. Shri B. S. Rao, CME, West Bokaro Ltd.

(The witnesses were called in and they took their seats).

MR. CHAIRMAN: Will you kindly introduce yourself? Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

So, now you have submitted your memorandum. Members must have gone through the memorandum. Members who desire to put any questions, may do so. Yes, Mr. Pandey.

SHRI DAMODAR PANDEY: Mr. Lal, in your memorandum, you have suggested the deletion of the words "with the knowledge of the Manager whether for wages or not". This is in Section 2(1) (h). There are cases where persons are employed whose attendance are not marked and persons are also indirectly employed which you do not want to know. How to deal with such type of persons employed in the mine?

SHRI CHHEDI LAL: If they are not employed, they are not recorded.

SHRI DAMODAR PANDEY: But they are in fact employed. They are working for you. Though you do not want to mark their attendance, they are working under you. You do not want to give them in writing. Do you imply that they should not be treated as your workers?

SHRI CHHEDI LAL: If they are not marked in the attendance register, and if their presence is not indicated in the attendance register, how are they considered as employed?

SHRI DAMODAR PANDEY: What do you suggest as to the question that when persons are working for you, they should be marked attendance. Everybody should be given..

SHRI CHHEDI LAL: Marking is done only in the mine. It should be recorded in the register. The name of every person working in the mine should be entered in the attendance register and they should be marked.

SHRI DAMODAR PANDEY: Then this objection has got no meaning. Once you say that anybody who is working for you either directly or indirectly should be marked attendance, then that means they are your workers an dthe yare expected to be working under you.

SHRI CHHEDI LAL: Why we object to the words 'with the knowledge of the Manager whether for wages or not' is that the whole thing is very very vague. This is only a subjective judgement. One does not know what the implications would be. This is a very vague terminology. As far as we are concerned, things should be on reference and record so that people who violate or who commit mistakes can be hauled up. These words have a subjective standard for which there can be no examination in scrutiny.

SHRI DAMODAR PANDEY: May I like to reiterate again. These words 'or with the knowledge' mean that when only it is in your knowledge, that they are working for you, they should be treated as your workers. This is very specific.

SHRI CHHEDI LAL : This is a subjective approach. Since the statute already provides, that the attendance is to be marked and the details of attendance are also to to be marked, this question of "with the knowledge or without the knowledge" will not arise.

SHRI DAMODAR PANDEY: It has been found that there are cases in which attendance is not marked even though the persons are working for you. Do you mean to say that they should not be treated as your workers or they should not be treated as mine workers?

DR. G. G. K. SHASTRI: There are agencies which are in-charge of inspection of the working in the Mines. These agencies may be visiting the mines. Labour Unions who are notified associations, may bring this point to the notice of the Officers. These are matters which can be sorted out at the time of inspection. But what we are discussing here is in relation to the amendment of the Act.

SHRI DAMODAR PANDEY: Mr. Chairman, this is no discussion. He has come for evidence. I am making a point. I am not discussing anything.

SHRI CHHEDI LAL: We are sorry. My colleague did not mean it was "discussion". We only said that any objective judgment of any individual will only create complications.

SHRI DAMODAR PANDEY: Then this item 2(i) (c). How do you like to define it. In your suggestion you have said, that this has not been clearly defined. But we feel that in the Bill this has been very clearly defined. Whether to the point of despatch or whatever it is. What will be your suggestion.

SHRI CHHEDI LAL: This has to be done in consultation with the Directorate General of Mines Safety. In general you have suggested about the point of despatch. But the exact point of despatch should be defined.

SHRI DAMODAR PANDEY: How do you find vagueness in the Bill?

SHRI CHHEDI LAL: Upto the point of despatch is not defined at all. For example, operations conducted over aerial ropeway are regarded as part of the mining operations.

SHRI KALYAN ROY: As soon as the coal leaves particular point of the mine, then the mining Manager should not be held responsible.

SHRI CHHEDI LAL: It depends upon the facts of the situation.

SHRI DAMODAR PANDEY: As far as Section 22A is concerned, do you feel that the provision is adequate enough which prevents any violation of the Mines Act. But it is our common knowledge that in spite of the repeated requests from the Director-General of Mines Safety. the violations are not rectified. I would like to know from you how would you like to remedy this position and how would you like to enforce this provision of the law?

SHRI CHHEDI LAL: Well, there are risks even for very minor violations. The entire mining operation will be stopped.

MR. CHAIRMAN: Kindly excuse my interruption. In Section 22, there is no provision for both. Well, the working is unsafe. You have not gone through it. You kindly allow other friends to say something.

DR. G. G. K. SHASTRI: In spite of pointing out by DGM, the violation under Section 48 has not been rectified. Now, our submission is that under Section 72(b) of this Act whoever continues to work in a mine in contravention of any order issued under sub-section (IA), sub-section (2) or sub-section (3) of section 22 shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five thousand rupees. Section 72C says: "it makes a special provision for violations with dangerous results. Whoever contravenes any provision of this Act or of any regulation, rule or by-law or of any order made thereunder [other than an order made under sub-section (IA) or sub-section (2) or sub-section (3) of section 22] shall be punishable—

(a) if such contravention results in loss of life, with imprisonment which may extend to two years or with fine which may extend to five thousand rupees, or with both; or

(b) if such contravention results in seriously body injury or a fine

which may extend to three thousand rupees or with both; or

(c) if such contravention otherwise causes injury or danger to a person employed in the mine or with imprisonment which may extend to three months or fine which may extend to one thousand rupees." Our submission is that provisions already exist in law for remedial action. But where the management of a mine does not take effective steps about any contraventions of the rule that have been pointed out, here we just add one more section by saying that we are remedying the defects that are pointed out. There may be cases where the orders are not complied with. Our submission is that the Act may kindly be left as it is, because it provides for such contingencies as are provided.

MR. CHAIRMAN: You say that the provision is already there. Then, what is the need for emphasising it. Then it is just a duplication. You want to say that this provision is already there. So, it should not be repeated. But the legislation finds that this provision is not there and that is why they are putting it. But, according to you it is already there. You may have any objection.

SHRI DAMODAR PANDEY: We know there are cases when people were killed, not one, but 200. With persistent violations of Mines Act, instead of being pointed out to the employers, how do you like to fight such circumstances?

DR. G. G. K. SHASTRI: Our submission is that the provision is already there and Section 22A seeks to provide a little arbitrary power to prohibit employment in a particular section of employment.

MR. CHAIRMAN: To prohibit the employment of such persons who are not required. Then, what is the object of this Act. This is only to bring you to the right path so that you may revoke the violation.

SHRI CHHEDI LAL: Any matter relating to safety for which express provision is made under this Act. If provisions are made for safety, there are relevant provisions for prohibiting work to ensure safety. If that be so, then why in this Amending Act, there should be sweeping provision?

MR. CHAIRMAN: This is not sweeping. This is specific. In the absence of any specific provision, this is being brought up.

SHRI DAMODAR PANDEY: Our experience shows that in spite of the best efforts, you could not ensure safety and in spite of the best vigilance from the Directorate General of Mines Safety, safety could not be ensured. So, now it is felt that the persons who are involved in the accidents—I mean the workmen—they should themselves look after their own safety At least they have a right to look after their own safety. What objection can you have to this?

SHRI CHHEDI LAL: There should be no objection But the point is this. The question of experience was raised. Sir, I think it is known that the safety records in the Indian mines is the best. I hope the Director General of Mines Safety will support this contention. That being so—when the safety record is the best here—what is that we want? After all, how many accidents of serious nature have occurred in the mines this year?

SHRI DAMODAR PANDEY: Whatever it is, even if it is one, if the workers feel that they are not safe and they want to work safely and for that they want to inspect their own mines, what objection can you have? After all they are the people who are involved in accidents. Some times the loss may be little less and in some cases the loss may be little more. But they are the persons involved.

What objection can you have if they want to suggest they should inspect their own mines?

MR. CHAIRMAN: In spite of your claim, of having the best record, all the major accidents have gone to the credit of the Indian Mining Association. Whether it is Chinakuri or whether it is amlabad, they are all credited to the Indian Mining Association. Do you want to dispute that? All these major disasters which you recognise as best, are all to your credit. This has been your claim of best record.

SHRI DAMODAR PANDEY: I would like to understand as to what objection can you have, if the workers, in their own interest, want to inspect their mines.

SHRI CHHEDI LAL: We are talking of Section 58. I would like to point out about the Chairman's contention. The facts cannot be disputed. This is a hazardous operation. The name of the Indian Mining Association has been brought in. They are working in the mines in hazardous circumstances. Not that we do not want to observe all these provisions and it does not mean that we do not want to fulfil them. We shall be more interested in ensuring safety in mines.

DR. G. G. K. SHASTRI: Sir, on this subject of workmens' inspection, I would like to submit this. We have observed the prevailing practices in countries like United Kingdom and Australia. There are certain points made in the reports of the enquiry commission in these countries. First and foremost is that we should create conditions so that we can contribute towards the harmonious labour-management relationship and growth of industry. Even in countries like the United Kingdom and Australia, there have been certain practical difficulties in the implementation of the provisions in spite of the fact they have good relationship between the labour and management, by and large enlightened workers and by and large enlightened workmen inspectors. This question has been discussed already at various conferences. There is no disagreement on the point that at some time or other they should come in. I would point out that even in these countries, with statutory guarantees and safety laws, they could not ensure the safety of the workers at all times. Our submission, Sir, in the light of these, is that at the moment we are fully aware of the growth of labour movement in the country in the last few years. So, our submission would be that there should be no statutory provision at this stage. This should be reviewed at a subsequent date when perhaps the working conditions in the mines—the working conditions of labour will improve. This should be at a time when everybody is convinced that labour-management relations are good. At this stage, this should not be initiated.

MR. CHAIRMAN: In 1959 you agreed to this.

DR. G. G. K. SHASTRI: In principle we agree.

MR. CHAIRMAN: You are going back after 13 years?

SHRI CHHEDI LAL: In mining operation or any sphere of activity, things cannot be static.

MR. CHAIRMAN: So it has gone back.

SHRI CHHEDI LAL: Changes in every sphere....

MR. CHAIRMAN: I do not think there is need for further argument. You have given sufficient answer to this.

SHRI DWIJENDRALAL SEN GUPTA: Kindly see page 1 of your memorandum, Clause 2: Section (2) (i) (c): Definition of "Agent". Do you agree with me that there are employers who take advantage of the absence of the agents whether appointed as such or not? There are persons who are appointed as Agents, but everything is orally done. So,

this clause makes the amendment vague.

DR. G. G. K. SHASTRI: Suppose, we can make the amendment supporting that each mine should have an agent and will ensure that amendment should be done that each mine should have a Manager so that there is no question of having anything vague.

SHRI DWIJENDRALAL SEN GUPTA: One clarification: Section 2(1)(h): "Instead of the words "or with the knowledge of the Manager whether for wages or not", the following words "the manager in writing and whose attendance is booked in the statutory registers whether for wages or not" should be inserted." If we are all very honest, your amendment would be accepted. But do not do to yourself alone, you do to the industry as a whole. We have already got a complaint for the purpose of avoiding legal responsibility to bring a register or maintain a register; somebody is not given any identity card. Even for the protection of those people, from the hands of unscrupulous employers such provision do you think is appropriate?

DR. G. G. K. SHASTRI: My submission is that the existing provisions should be more strictly enforced.

SHRI DWIJENDRALAL SEN GUPTA: In spite of that, it is not being done. But, how do you remove these difficulties and what is the alternative?

DR. G. G. K. SHASTRI: The only point is that once we know this thing, we should act according to the rules.

SHRI DWIJENDRALAL SEN GUPTA: Inspite of that, it is not maintain the record.

SHRI CHHEDI LAL: You mean to say "whether appointed as such or not". This is different. We do not speak for people who are indulging in malpractices and no records are maintained. But for a proper "authorisation" such records should be maintained and this is prescribed under law. For those people who are not keeping records properly this kind of clause will not stand legal scrutiny.

MR. CHAIRMAN: It is just a warning for us that we must modify in a way. Could you kindly suggest which are the provisions of this Mining Bill which you agree?

SHRI CHHEDI LAL: Excepting some provision in Clause 2; some in Clause 4 and some in Clauses 8, 7 and 58, we have accepted everything. If we count by number, only 10 per cent had been objected to.

MR. CHAIRMAN: O.K.

SHRI DWIJENDRALAL SEN GUPTA: Are you in favour of prescribing any minimum qualification for coal mining agents? If the agents run the operation without having any qualification, knowledge of the Acts, Rules & Regulations, will you kindly agree by suggesting that nobody should be appointed unless he possesses the qualification of a Manager of a coal mine?

DR. G. G. K. SHASTRI: The Manager works in the mine and the job of the Agent is to act as a liaison between the Manager and the owner. As far as statutory provision is concerned, the Owner, the Agent and the Manager are individually and collectively responsible for ensuring safety and proper working of the mine. I would submit that there should not be any qualification for an Agent; he is only a representative of the owner. He will depute somebody else to look after the mines and see whether all the requirements are fulfilled.

SHRI DWIJENDRALAL SEN GUPTA: My last question is like this. This refers to Clause 14 Section 22A. I am reading from your Memorandum. "This section is inserted as a new section. This will give wide power to the Chief Inspector/Inspectors to stop a mine if express provision of the Act is not complied with. Under the existing provision 22(3), the Chief Inspector/Inspectors have power to stop employment of persons

in the mine where there is urgent or immediate danger to the life or safety of any persons employed. There is no need, therefore, for addition of this section. This provision may create more complications and make workings in the mine more difficult". Now, do you see anything more than what is provided in Section 23(b), in new Clause 22A?

SHRI CHHEDI LAL: This is more elaborate.

SHRI DWIJENDRALAL SEN GUPTA: You say that this will give wider powers to the Chief Inspector| Inspectors. Have you got any doubt with regard to the functioning of the Directorate General of Mines Safety?

SHRI CHHEDI LAL: No, Sir. We have great confidence in the functioning of the Directorate General of Mines Safety. That is why we say why all these paraphernelia?

SHRI PARIPOORNANAND PAINULI: Your contention is that no amendment in the Act is needed now but experience shows that the Act has not been faithfully carried out specially in the mines in the private sector. Do you mean to suggest that the remedy lies in the nationalisation of the private mines?

SHRI CHHEDI LAL: This is an issue on which we cannot say anything. This is a matter of policy.

SHRI PARIPOORNANAND PAINULI: I want your opinion. There are mines in the private sector and the law is there which you do not want to comply with? Do you mean to suggest that all the private mines should be nationalised.

SHRI CHHEDI LAL: I would submit like this. Kindly excuse me for saying this. With due apology and with due humility I should say that there are countries where the mines are naionalised but they have numerous provisions for the sake of safety.

SHRI PARIPOORNANAND PAINULI: The act is there and the problems are there specially in the private mines. I want your opinion. What is the solution which you want?

SHRI CHHEDI LAL: Well, we want that whatever provisions are there, should be implemented effectively. Wherever genuine difficulties arise, we should be taken into confidence and we should be allowed to discuss with the Directorate General of Mines Safety and I do not think any enligtened owner will refuse to do anything which is necessary for ensuring the safety of the workers. We do not work on the assumption that we shall neglect the safety aspect. After all we have to employ labour and we care for their safety as otherwise our bonafides would not be established.

SHRI M. C. DAGA. Mr. Chairman, he has mentioned in his memorandum like this. "It is stated in the statement of objects and reasons that in the light of the working of the Mines Act, 1952, certain modifications of the provisions of the Act have become necessary and that they mainly relate to the removal of certain practical difficulties experienced in its enforcement". What are those practical difficulties in its enforcement?

SHRI CHHEDI LAL: That is to be. . . .

SHRI M. C. DAGA: You have mentioned that there are the practical difficulties. What are those?

SHRI CHHEDI LAL: No, Sir. I am sorry—these are not our observations. This is a quotation from the Preamble.

SHRI M. C. DAGA: He says 'it has been stated'. Do you mean to say that there is no practical difficulty in enforcement of the Act?

MR CHAIRMAN: He has already said that he is in favour of the *status-quo*.

SHRI M. C. DAGA: Kindly refer to Page 4 of the Amending Bill—Clause 5 Section 9-A (2) and (3) "Every person employed in a mine who is

chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such medical examination and at such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey. The time spent by any person employed in a mine who is chosen for examination in the safety and occupational health survey shall be counted towards his working time; so however, that any overtime shall be paid at the ordinary rate of service." You do not agree with this. You have stated in your memorandum that this should be deleted. You should not be burdened with any additional expenditure in this connection.

SHRI CHHEDI LAL: I should say for our hon. Chairman's information that this is another specific point where we have agreed.

MR. CHAIRMAN: Yes they said.

SHRI M. C. DAGA: They have said that they should not be burdened with the expenditure.

MR. CHAIRMAN: Expenditure is a very minor thing for them. They have agreed to the survey. That is a great achievement. Thank you.

DR. G. G. K. SHASTRI: Can we supplement our memorandum?

MR. CHAIRMAN: You can give supplementary information.

[*The witness then withdrew*]

III. Indian Mine Managers' Association, Dhanbad.

Spokesmen:
1. Shri A. V. Brahma, *Chairman.*
2. Shri R. T. Deshmukh, *President.*
3. Shri B. Dharam, *Secretary.*
4. Shri G. S. Jootla, *Council Member.*
5. Shri S. V. Krishnamurthy, *Council Member.*
6. Shri Gopal Krishan, *Council Member.*
7. Shri Y. P. Mali, *Council Member.*

[*The witnesses were called in and they took their seats*]

The Chairman drew their attention to Direction 58 of the Directions by the Speaker.

MR. CHAIRMAN: Your memorandum has already been circulated to the Members. Now, if any Member desires to seek any clarification he can do so.

SHRI M. C. DAGA: You have suggested in your memorandum that "the proposed new clause (cc) is to provide for inspection of mines by a technical expert, on behalf of persons employed therein; that is, in effect to have a Workman's Inspector. We welcome this, provided this is done by a technical expert, as it would ensure additional independent assessment of the working conditions, etc. in the mines." Suppose, a workman has worked for ten years in the mine, will you treat him as an expert or not?

SHRI A. V. BRAHMA: I entirely agree with the sentiments expressed by the hon. Member. But, in view of advance in technology, mining has become very complicated. I will give you an example of ventilation circuit. Small changes in ventilation circuit would possibly cause derangement of ventilation which can only be analysed by an expert and could not be possible for an ordinary man to understand the whole operation in

its entirety. In order to understand and appreciate the problems in the entire complexity and in the entire totality, it is necessary that he should have a wider knowledge of the subject. We, therefore, submit that there should be at least a qualified mining engineer with sufficient experience.

SHRI M. C. DAGA: Clause 28, sub-clause (b) of your memorandum regarding punishment. Do you suggest for rigorous or simple imprisonment?

SHRI A. V. BRAHMA: We are not representing on whether there should be any imprisonment or not. From our experience we do not agree a person would commit the offence irrespective of whether he has been threatened with the fine of Rs. 50 or Rs. 100 or Rs. 1000. We submit that the present provision is entirely adequate. It is not necessary to leavy a minimum of fine; it is a sufficient deterrent by itself.

SHRI M. C. DAGA: You have said that it will take more time. Do you think that a time limit should be given?

SHRI A. V. BRAHMA: We feel that in mining operations it is very difficult to fix precise time by which the danger can be removed. It is possible that such time may be reduced or extended. If you are able to remove the danger in half a time, then there does not seem to be any reason why the people should not be employed. But if the Manager is satisfied, then there is no reason why he should keep the mine closed and the work should be started immediately.

SHRI M. C. DAGA: Who will satisfy whether the danger has been removed or not?

SHRI A. V. BRAHMA: It will be inspected by the Department. But the officers are so heavily burdened with their duties, that some delay may be there.

SHRI DAMODAR PANDEY: Our experience shows that in spite of the best efforts from the Managers as well as from the Director-General of Mines Safety, the standard of safety has not improved. In spite of repeated reminders from the Mines Department, the defects are not removed and as you said, in spite of provisions in existence to get these things done, it is not being done. What objection can you have if some supplementary clause is placed on the statute book to enforce the provisions of safety in the mines?

SHRI A. V. BRAHMA: Let me give my humble experience when I was in the Soviet Union. They have also got the enforcement agencies and there also violations do occur. What I mean to say is that it is impossible to comply with all the provisions all the time. In the particular socio-economic context of our country, it is very difficult to lay down rules which may be effective for all situations. I am sorry I cannot commit myself to any particular course of action.

SHRI DAMODAR PANDEY: The practical man on the job which you are, I would like to know from you as to how would you like to differentiate between violation? For instance, there are no stoppings in the mine on account of which the ventilation is affected. There are no benches in the open-cast due to which the life of the person is put in danger. Would you like to persist in those violations of having no stoppings and having no benches and would you like to continue to work in spite of reminders from the Mines Department? Would you consider this as major violation and for this, the punishment should be deterrent?

SHRI A. V. BRAHMA: I as an individual quite appreciate the spirit behind the hon. Members question. This is a question of subjective evaluation. What we want to say is that at a particular level of technology prevailing in a particular country at a particular point of time there are

certain norms which are accepted and which have to be followed. We have to find out certain norms which are suitable to particular situations prevailings in our country. I am sorry I cannot give a definite answer to this question.

SHRI DAMODAR PANDEY: You are in a position to define which are the major violations for which there should be immediate action and which are of minor nature which can await? How can you differentiate? Would you like to differentiate between different violations?

SHRI A. V. BRAHMA: This may be as a subjective judgment of the highly trained Inspector that we have.

SHRI DAMODAR PANDEY: Whether it is no judgment?

MR. CHAIRMAN: You have suggested that it depends on the gravity of the situation and what kind of offences are being committed. What are those offences—what are those violations which you will consider as grave violations or grave offences or as minor violations? That is the question.

SHRI A. V. BRAHMA: Any danger which involves the life of the persons employed in the mine, should be considered as major. Life of the worker is most important.

SHRI DAMODAR PANDEY: Coming to the next point which you have dealt with in your memorandum, you have said that it is not desirable that the workers' Inspectors should be entrusted with the task of inspection because they will not be understanding the intricacies of the technology involved and all these things. You said that you are there and the inspector is there and both of you are ensuring the safety of the persons who are in the mines. But the workers will simply like to know or they would like to understand with their own experience about their own safety in whatever manner they understand it. After all, it is the people—the workmen who are involved in accidents in the mines and not the people who know only technology. What objection can you have, if some persons employed in the mines, having some knowledge want to inspect the mines? After all there are also persons who have had experience of some years and they would like to point out where the danger exists?

SHRI A. V. BRAHMA: I would urge that in the interest of the workmen themselves, this should be done by highly qualified persons.

MR. CHAIRMAN: Do you feel that the present day Indian workers are in a position to appoint highly qualified technical people to represent their interests in the mines?

SHRI DAMODAR PANDEY: Perhaps you do not object?

SHRI A. V. BRAHMA: We do not object. We welcome.

SHRI DWIJENDRALAL SEN GUPTA: Kindly see Page 3 of your Memorandum. You have stated in the third paragraph like this. "We, on behalf of this Association do not subscribe to this view on the following grounds...." and you have mentioned various reasons. So far as the functioning of this Act is concerned, in regard to safety, Parliament makes the laws. But this enforcement depends on the Directorate General of Mines Safety. Have you any grievances against the existing Directorate General of Mines Safety?

SHRI A. V. BRAHMA: Sir, I have absolutely no hesitation in saying that they are doing a wonderful job.

SHRI DWIJENDRALAL SEN GUPTA: If some ower is given to

the Directorate General of Mines Safety, you have nothing to object that people may be harassed?

SHR A. V. BRAHMA: Objection is not on this. Our objection is that it is not necessary.

SHRI DWIJENDRALAL SEN GUPTA: According to you, there are so many provisions for punishment of offences. What do you think by this sentence: 'Is the present provision itself not a sufficient deterrent?'

SHRI A. V. BRAHMA: This particular provision seeks to levy a minimum penalty. What we objected to is that the basis of this amendment seems to be the idea that if you levy a fine of Rs. 2000, then they will comply with the laws. We feel that the present provision is all right.

SHRI DWIJENDRALAL SEN GUPTA: There cannot be the same punishment for all offences and this Bill has taken note of that what do you object?

SHRI A. V. BRAHMA: The prescribed fine in the Act varies from Re. 1 to Rs. 5000. It is open to the Judge to fine whatever he likes. What is the necessity of having a minimum punishment in this Bill?

SHRI KALYAN ROY: I am reading page 1 of your memorandum. "The Director-General of Mines Safety and his officers had appreciated our view point; in discussions they had agreed to the need to rescue the Managers from the invidious and anomalous position in which they were placed." What are the difficulties you are experiencing from the owners?

SHRI A. V. BRAHMA: The difficulty arises because of the complete absence of control by the Manager over financial expenditure. The enforcement of Safety Provisions requires proper equipment, material and the employment of adequate number of men. In many mines the Manager does not have a free hand in any of the above respects. Strictly, speaking, he is not a Manager as defined by Section 17 of the Act, as he can not exercise full control over Management and direction as contemplated. The Manager becomes responsible under Section 18 for acts of contravention along with the owner and Agent. If the contravention has been due to non-provision of materials, equipment or employment of men, over which the Manager may not have any control it is unfair to make him also responsible. In cases which involve financial expenditure there should be no liability of the Managers.

SHRI KALYAN ROY: You agree that there is no interference from the owner in implementing it most effectly.

SHRI A. V. BRAHMA: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: As regards safety provision for workers and working, would you agree with me that the biggest danger in coal mining are the exudation of firedamp and coal dust explosion of gasses and all that? Do you agree that because of greater mechanisation in the coal mines, the dangers of accidents have greatly increased?

SHRI A. V. BRAHMA: To some extent.

SHRI CHAPALENDU BHATTACHARYYIA: Would you agree that a time has come when we should use and equip our mines with automatic gas detectors and recorders and monitors which are done in other countries?

SHRI A. V. BRAHMA: We should adopt the latest technique if the equipment is manufactured in our country.

SHRI CHAPALENDU BHATTACHARYYIA: Does not mean if you are not manufacturing these things,

we should be ready to expose the workers to hazards. Is it necessary that unless we make those things here we cannot use them? Now, you referred about the Soviet Union. How do you think the safety provisions of the Soviet Union compare wtih ours.

MR. CHAIRMAN: He said that those are also violated. The violation is so big.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that our coal mining regulations also come up to that level?

SHRI A. V. BRAHMA: I think they are as good a stheirs if not better.

SHRI CHAPALENDU BHATTACHARYYIA: So, we have not sufficient foreign exchange allocation for ensuring the safety of the workers?

SHRI A. V. BRAHMA: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: You said about adequate trained engineers with sufficient experience. Is it a fact that in Soviet Union in order to be a mine's Manager there, one has to work his way up? That he has to work with as Shovel-operator, shotfirer for years in Soviet Union and not just passing a competency examination conducted by a body of practising mining Engineer?

SHRI A. V. BRAHMA: That is correct.

SHRI CHAPELENDU BHATTACHARYYIA: You prescribe the similar method here in India.

SHRI A. V. BRAHMA: There are other people who could judge better.

SHRI CHAPALENDU BHATTACHARYYIA: What is your opinion? You are speaking about socio-economic context and all that.

SHRI A. V. BRAHMA: We cou' borrow some of the practices fro them. No bar in appearing.

MR. CHAIRMAN: There is nc limit, he can come up.

SHRI A. V. BRAHMA: If he has certain amount of technical knowledge.

SHRI CHAPALENDU BHATTACHARYYIA: Conversely, persons who have gone through the examination and who have taken degrees, do they have the necessary practical experience?

SHRI A. V. BRAHMA: That is why we have suggested they should have sufficient experience.

SHRI CHAPALENDU BHATTACHARYYIA: Would you like to have a separate cell to be formed in the Directorate General of Mines Safety exclusively for ensuring the safety provisions regarding ventilation, mine gasses and coal dust?

SHRI A. V. BRAHMA: This is a matter for the Mines Department.

SHRI CHAPALENDU BHATTACHARYYIA: I want your opinion.

SHRI A. V. BRAHMA: I do not have sufficient information to give the answer.

MR. CHAIRMAN: Well thank you.

SHRI A. V. BRAHMA: Our colleague Mr. Jootla will take ten minutes to say a few words about gratuity.

MR. CHAIRMAN: The gratuity scheme is coming up. This is not under the purview of this Committee and a separate Joint Select Committee is there. Now Thank you gentlemen.

[*The witness then withdrew*]

IV. Indian National Mines Overman, Sirdar and Shot-firers Association, Dhanbad

Spokesmen:

1. Shri Jiban Krishna Banerjee, *General Secretary*.
2. Shri B. Joshi, *Legal Adviser*.
3. Shri H. P. Duba, *Vice-President*.
4. Shri R. B. Singh, *Zonal Secretary*.
5. Shri D. N. P. Singh, *Treasurer*.
6. Shri S. P. Sukla, *Group Secretary*.

[*The witnesses were called in and they took their seats*]

The Chairman drew the attention to Direction 58 of the Directions by the Speaker:—

SHII KALYAN ROY: I am reading at page 2 para 5 of your memorandum: "The owner, agent and manager do not provide sufficient materials and appliances for effectively ensuring compliance of provisions of the Act, and subordinate legislation made thereunder, and whenever, they write in the report book requisitioning necessary materials and appliances they are dismissed from their services on some pretext or other." You are to say that the managers of the mines do not help you to implement the Mines Act and Regulations.

SHRI J. K. BANERJEE: Sometimes they do not help or give requirements as was asked by the subordinate staff.

SHRI KALYAN ROY: What are the points where you find difficulty?

SHRI J. K. BANERJEE: Sometimes, when we find that a particular material is not available and we wanted to report it to the proper place which they do not like that we should write all these things and when we write they become angry with the members and sometimes they tell us directly not to mention about these things.

SHRI KALYAN ROY: What protection do you need for that?

SHRI J. K. BANERJEE: We want that the subordinate staff should not be dismissed or discharged or removed from service either by way of punishment or otherwise without obtaining legal sanction from the Mining Board. If the Managers also are given such assurance that they will not be victimised, then they will take more interest. If he is fully in the hands of the owner, then it will not be useful and not sufficient.

SHRI KALYAN ROY: Those who are directly associated to implement it, they are also responsible.

SHRI J. K. BANERJEE: In every step, they are responsible. Where it was found by enquiry that there was no equipment to provide that bores and samples Overman and Sirdar were there and Overman was actually incharge for that section. He was not at all there, only Sirdar was there and there was no such material supplied by that they can put. Even he is the lowest official, he does not know about the survey position of that place; he only follows the verbal instructions of his higher officials. Because of that survey nobody was there to know the actual position. We have enquired into the matter whether there was any equipment of putting bore holes and whether there were such instructions from the Manager. So, nothing was done by them.

SHRI KALYAN ROY: Who was punished?

SHRI J. K. BANERJEE: Surveyor had been dismissed: he had been dismissed; Overman and Sirdar were dismissed. He had been punished and dismissed and after that prosecuted by the mining Department.

SHRI KALYAN ROY: Better planning?

SHRI J. K. BANERJEE: Yes.

SHRI KALYAN ROY: He could have reported to the Mines department that he has been asked to do this work.

SHRI J. K. BANERJEE: That is our grievance. We cannot report this thing to the Mines Department because they are using our services. The mining sirdar or the overman will be automatically dismissed.

SHRI KALYAN ROY: You need protection from that?

SHRI J. K. BANERJEE: Yes.

SHRI KALYAN ROY: You want representation in the proposed Mining Board. Am I right?

SHRI J. K. BANERJEE: Yes.

SHRI KALYAN ROY: How many? Have you read the memorandum?

SHRI J. K. BANERJEE: Yes. Persons who will represent the interest of the overman, sirdars and shotfirers and persons of similar categories who are designated as such or otherwise nominated by the Central Government in consultation with the organisation.

SHRI KALYAN ROY: There should be representation for the Managers, owners and workers. Why do you want that the overman and the mining sirdar should be represented in that Committee?

SHRI J. K. BANERJEE: Because, you know, that all the rules and regulations depend upon us. We are to follow. We are to implement those regulations and for any act of omission or commission, or any neglect from our side, we are punished from three sides. One is the Management who take immediate action. Then the other is the Mines Department and the third party is the police. So, we want representation in this Mining Board so that all such things could be discussed and decisions taken. In absence of our representation, how our problems can be considered properly?

SHRI KALYAN ROY: Do you think that the inspection by the Department of Mines is very regular and efficient?

SHRI J. K. BANERJEE: It may be regular but what is their regularity we do not know. What is the actual time of inspection or what is called regular inspection also we do not know.

SHRI KALYAN ROY: You are satisfied with the inspection?

SHRI J. K. BANERJEE: No, Sir. We are not satisfied because that inspection is not sufficient. In that case, the day-to-day affairs which are going on in the mines, they cannot see. The Management should have sufficient time to do all these things. It is not possible for them.

SHRI KALYAN ROY: My last question. Mr. Banerjee, you are not very happy with the inspection by the Mines Department

SHRI J. K. BANERJEE: We want that this should be frequent.

SHRI KALYAN ROY: It is not frequent as you say. You will agree that there should be inspection from the side of workers also?

SHRI J. K. BANERJEE: Yes.

SHRI DAMODAR PANDEY: I could observe from your statement—memorandum—that you have submitted that you want all your service conditions, wage and other things to be determined by the Mining Board? Do you feel that all your men should be appointed by the Mining Board and your service conditions also to be determined by them? Or do you feel that you should be appointed by the

employer and your terms and conditions alone should be determined by the Mining Board.

SHRI J. K. BANERJEE: The appointment of course should be made by the employer. But there should be such rules and conditions which will be obligatory for the employer to implement and if all these things come under the Mining Board, then if we face any difficulties and grievances, then these could be redressed by the Mining Board.

SHRI DAMODAR PANDEY: I want to know what you want?

SHRI J. K. BANERJEE: We want that our. . . . .

SHRI DAMODAR PANDEY: You have said that the Mining Board should fix up your service terms and conditions. Does it mean that they should fix up your wage. Whenever any dismissals ect. are there, they should have a say in the matter?

SHRI J. K. BANERJEE: Yes.

SHRI DAMODAR PANDEY: In that, the natural corollary is that you should be guided by the Mining Board than that of the employer or the other labour force? That is what you feel? You should be working on behalf of the Mining Board. That is what you feel?

SHRI J. K. BANERJEE: No, Sir; That does not mean that we should be working on behalf of the Mining Board. Mining Board will have responsibility for us and they would look to our service conditions etc. so that we can implement all rules and regulations which concern our security.

SHRI DAMODAR PANDEY: You require them to determine your wages also. But wages are either fixed by some authority or by the Wage Board or some tribunal. Do you want a separate machinery to be created for fixation of your wage?

SHRI J. K. BANERJEE: We have said that the Mining Board should be that machinery by which this can be done.

SHRI DAMODAR PANDEY: In this case, we have to study Sectior 18. You have said something about your difficulties about your service conditions etc. and you mean to say that you do not have sufficient powers to exercise. That is your point?

SHRI J. K. BANERJEE: Yes.

SHRI DAMODAR PANDEY: But do you agree that this section 18 should be carefully studied as this is an intricate matter and as the Chairman has already pointed out these things require thorough examination?

SHRI J. K. BANERJEE: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: Mr. Banerjee, you are a member, GS, INMO, Sirdar and Shot-firers Association.

What is your membership?

SHRI J. K. BANERJEE: 10,000.

SHRI CHAPALENDU BHATTACHARYYIA: You say that you are proceeded against by three parties. How many members have been prosecuted for violation of the Mines Act?

SHRI J. K. BANERJEE: Every year, 40—50 persons are being penalised under this Act.

SHRI CHAPALENDU BHATTACHARYYIA: How many of them eventually got dismissed?

SHRI J. K. BANERJEE: We have got, at present, 5-6 instances in 1971-72.

SHRI CHAPALENDU BHATTACHARYYA: After the court cases are over, these people are reinstated.

SHRI J. K. BANERJEE: No, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: How many of your members became ultimately Managers out of 10,000 members by passing second class and first class competency examination?

SHRI J. K. BANERJEE: Exactly, I cannot say about the statistical information. But, there are many members who are holding degrees and diplomas. But Second-Class and First-Class are only very few.

SHRI CHAPALENDU BHATTACHARYYIA: Broadly speaking, these Overmen throughout their life will remain as Overmen.

SHRI J. K. BANERJEE: Mostly, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: Who bears the main brunt of the troubles of mining operation?

SHRI J. K. BANERJEE: Sirdar and Overmen.

SHRI CHAPALENDU BHATTACHARYYIA: This is a fact. Even after the shift starts, the Overmen are found to be away from the coal-face. That means you do not go to the working places immediately after the shift starts.

SHRI J. K. BANERJEE: Without going mining Sirdar in the phase, no worker can be employed in any phase. It is the mining Sirdar who goes first in the phase, in the section.

SHRI CHAPALENDU BHATTACHARYYIA: How do you guard against dangers from firedamp?

SHRI J. K. BANERJEE: We have got normally the safety lamp. Overman or Sirdar is not provided any other thing than the safety lamp. It is safe; but it cannot give the actual percentage of the gases.

SHRI CHAPALENDU BHATTACHARYYIA: So, you require some other automatic electrical and mechanical devices for gas detection? None of your mines have that.

SHRI J. K. BANERJEE: Some two-third big mines, they are having.

SHRI CHAPALENDU BHATTACHARYYIA: Which mine?

SHRI J. K. BANERJEE: Such as Ladi and they provide some extra Mythonometre.

SHRI CHAPALENDU BHATTACHARYYIA: So, they have a Mythonometre. You think each gassy mine should have sophisticated gas detection equipment.

SHRI J. K. BANERJEE: Yes, definitely.

SHRI B. K. MAHANTI: Page 6, Section 18-B. What do you mean by this?

SHRI B. JOSHI: This is just to prevent double prosecution when any acts or omissions have been committed by the owner, agent, manager and other officials of a mine. In that case, the police also comes into the picture and the police prosecutes. Unless there is some bar in the Mines Act itself to prevent double jeopardy, then all the members are harassed from both sides.

SHRI B. K. MAHANTI: Suppose, they do not follow the rule at all.

SHRI B. JOSHI: The police rule comes into the picture. But this case comes under the Mines Act. If the owner and somebody commits some acts, for his act, he is also liable. Similarly, as far as new provision is concerned, the officers (the members of this Association) are also liable for all the acts and omissions of others. Under the circumstances, all our members will also be harassed in the same way.

SHRI B. K. MAHANTI: You said some agencies do not supply equipment with the result some accidents

take place. Now, you also want that owner should not be harassed.

SHRI B. JOSHI: Under the Indian Penal Code, they should not be harassed; they should not take advantage of this type of liability fixed under Mines Act. At times there may be two prosecutions for one act or omission which is not desirable.

SHRI DAMODAR PANDEY: What I feel in this matter is this. Suppose some responsibility is fixed on any person for commitment of an act which may endanger the life of any particular person, that becomes a criminal case. How do you feel that the police should not come into the picture?

SHRI B. JOSHI: The question is that if some person has actually committed a certain offence, in that case, he should be punished under the Mines Act. There are some provisions under the Mines Act, for the contravention of which he is liable. Criminal liability has been provided under the Mines Act. Under the Indian Penal Code, criminal liability has been made punishable. Now, under the Mines Act, powers are already there where on the basis of technical knowledge, if there is some individual neglect on the part of somebody, they will take action against them.

SHRI CHAPALENDU BHATTACHARYYIA: You feel that for the same offence, there are two punishments?

SHRI DAMODAR PANDEY: For instance, there is gas in the mine, and the Manager or the Owner?

MR. CHAIRMAN: Mr. Pandey, he has said that there should not be double punishment. They should be prosecuted only by one authority and that authority should also have the power to prosecute them on a charge of murder. In that case also they should be prosecuted under the Mines Act alone.

SHRI DAMODAR PANDEY: If you are clear, I have nothing to say.

MR. CHAIRMAN: Am I clear?

SHRI J. K. BANERJEE: Yes.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Banerjee, kindly see page 4 and paragraph 3 of your memorandum. Now if there is suspension order pending enquiry there is a provision for getting subsistence allowance. Do you want full wages?

SHRI B. JOSHI: If dismissal or discharge is unjustified, in that case, full wages should be given.

SHRI DWIJENDRALAL SEN GUPTA: Assuming that you are found guilty and when the suspension order is pending, do you get wages for this suspension period—subsistence wages for that period?

SHRI B. JOSHI: So far as the person is there, if any person is dismissed or discharged and he is reinstated, then for the period of suspension, he gets subsistence allowance in some cases and he does not get in some cases.

SHRI J. K. BANERJEE: They are not getting subsistence allowance. Normally when the suspension order is given by the Management, it is not more than ten days. But when the suspension order is given by the Department of Mines pending the approval of the Mining Board, and if the Mining Board approves, suppose one month, and we are already suspended for three months, in that case, we are not getting any wages for that period.

SHRI DWIJENDRALAL SEN GUPTA: If not found guilty, what is the position?

SHRI J. K. BANERJEE: Not found guilty even in such cases, we do not get any salary or pay for the suspended period. Of course, if we pray they will give us a job. In one instance, a Mining Sirdar was suspended for two years and a case was

launched against him. But in the judgment, it was found that the Mining Sirdar was not guilty. But the suspension order was not withdrawn after the judgment. He was not compensated and he lost his service also. That is the difficulty.

SHRI DWIJENDRALAL SEN GUPTA: What is the name of the party?

SHRI J. K. BANERJEE: The incident happened in 1962-63 and the name of the Mining Sirdar was A. K. Mukerjee.

SHRI DWIJENDRALAL SEN GUPTA: Now, I am talking about Section 18B. You have used the term 'double jeopardy'. So, I hope you know the meaning of 'double jeopardy'.

SHRI J. K. BANERJEE: Since all the penal provisions are in the Mines Act itself, person should not be subject to double jeopardy.

MR. CHAIRMAN: Thank you very much; Mr. Banerjee.

SHRI J. K. BANERJEE: We have submitted some corrigenda along with this.

[The Witnesses then Withdrew]

V. Indian National Mine Workers' Federation and Colliery Mazdoor Sangh, Dhanbad

Spokesmen:

1. Shri S. Dasgupta, *Secretary.*
2. Shri G. N. Singh, *Treasurer.*
3. Shri S. N. Mishra, *Member.*

[The witnesses were called in and they took their seats]

The Chairman drew their attention to Direction 58 of the Directions by the Speaker:

SHRI S. DASGUPTA: Before we start, may I submit a supplementary memorandum?

MR. CHAIRMAN: Have you got the spare copies?

SHRI S. DASGUPTA: Yes.

SHRI DAMODAR PANDEY: Are you satisfied whether the penal provision is sufficient to deal with the violations to deter the employers not to violate them. If not, what are the measures which you would like to suggest should be made to make it more deterrent.

MR. CHAIRMAN: I invite your attention to page 15, clause 28 of the Bill.

SHRI S. DASGUPTA: It has been our experience that in the court even if employers are found guilty they are either acquitted or only nominal fines are charged.

SHRI DAMODAR PANDEY: You feel that this provision is deterrent enough.

SHRI S. DASGUPTA: I do not say that.

SHRI DWIJENDRALAL SEN GUPTA: Why do you suggest something deterrent?

SHRI S. DASGUPTA: In my opinion, in this matter if the punishment is very deterrent then that may lead to some sort of corruption; if the punishment is very lenient that will lead to accidents.

SHRI KALYAN ROY: Mr. Das Gupta, on page 6 of your memorandum why have you put 12 days instead of 16 days? You want to say that your leave period entirely based on the recommendation of the Coal Wage Board.

SHRI S. DASGUPTA: Yes, I have also submitted that the qualifying period should be completely cut off. That is also one of the recommendations of the Wage Board for the Coal Mining Industry.

SHRI KALYAN ROY: You say the inspection of the Department of Mine is very regular and thorough.

SHRI S. DASGUPTA: No.

SHRI KALYAN ROY: There is a lot of scope for improvement.

SHRI S. DASGUPTA: Yes.

SHRI KALYAN ROY: Please look to Page 5 of your Memorandum. This is about amendment of sub-section (2) of Section 23. What is the basis of your suggestion that the inspection should be within 72 hours?

SHRI S. DASGUPTA: We are suggesting compulsory inspection of the place of accident within 72 hours. After inspection the report of the inspection should be sent to the Mines Department as early as possible. At present there is no provision for compulsory inspection.

SHRI KALYAN ROY: There is no reason to make it longer. You want that the Inspector Department of Mines should visit that place within 72 hours?

SHRI S. DASGUPTA: There is no provision that the inspection should be done within 72 hours. But a provision has been inserted that if

the Inspector fails to inspect within 72 hours then the Management may resume work in the place of accident. That provision is for the Management to implement. But on the part of the Inspectorate, there is no obligatory clause that there should be inspection within 72 hours. That is why we have suggested that this obligatory clause on the part of the Inspectors should be inserted.

SHRI KALYAN ROY: Please look at Page 4 regarding changing Section 23A about the number of persons. Why do you say that the words "to three or more persons" should be deleted?

SHRI S. DASGUPTA: Wherever there is an accident which is fatal or which leads to serious bodily injury, the place should not be disturbed. The Inspector should get a chance to find out as to what has happened. The subsequent provision gives ample power to the Manager to disturb the place in the interest of safety and continuance of work. The restrictions should therefore, be applicable to the mine even if a single workman is involved in a fatal or serious bodily injury.

SHRI KALYAN ROY: You have seen the provisions for the creation of a Mining Board? Are you satisfied with the number of representations which are given to the Managers' Association?

SHRI S. DASGUPTA: We have suggested that the Managers Association should be given one seat only.

SHRI KALYAN ROY: You have suggested not more than one?

SHRI S. DASGUPTA: Not more than one. Number of Managers compared to the number of other employees very insignificant. It is only because of the importance of their position that they are given membership on the Board and that should not exceed one.

SHRI KALYAN ROY: They are not part of the Management on the whole?

SHRI S. DASGUPTA: They are part of the Management.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Das Gupta kindly go to Page 9, Item No. 22 (b). You have suggested that in the proposed new sub-clause "(c)" in the second line the words "technical experts" should be substituted by "workers Representative". You have given the reason. Do you not feel that there is scope for an amendment for giving membership both to the technical experts and to workers representatives. You want that technical experts to be the workers representatives. I would like to know from you whether there may be technical experts as well as workers representatives. Have you any objection to that?

SHRI S. DASGUPTA: I have followed your question. Here it does not mean that the technical expert will be representative of technical experts alone. I am referring to Page 10 of the Amending Bill. Technical expert may be representing the whole of the workmen. But this point 'technical expert' is likely to lead to some confusion in future. As a matter of fact, there are tripartite decisions that there should be workers' Inspectors. This technical expert may be nominated by the Government do not know how he is going to be nominated, whether he is going to be nominated by the Government or Government is going to take the opinion of the workers. Government may choose somebody without consulting the workmen. That is why we feel that the words 'workers representatives' should be there and such representatives must be nominated either by the Unions or in consultation with the Unions.

SHRI DWIJENDRALAL SEN GUPTA: I appreciate very much in saying that there should be workers

representatives to enquire into the matter. But the term 'workers representatives' may not cover technical experts as well as workers representatives. They should have some qualification?

SHRI S. DASGUPTA: I agree about the qualification for the workers representatives that they should have the minimum qualification of Overman's certificate. So far as the technical qualification is there, I agree. But my point is that workers must have the right of selecting their representative.

SHRI DWIJENDRALAL SEN GUPTA: Your point is that the technical experts should be appointed by the workers union?

SHRI S. DASGUPTA: Yes.

SHRI DWIJENDRALAL SEN GUPTA: I take it that you are a conscientious leader of the coal mine workers. In regard to your workers what type of practical difficulties you have seen in the enforcement of the Mines Act, Rules and Regulations for the purpose of safety.

SHRI S. DASGUPTA: According to my information the technical persons who are incharge, they do not get the men and material they require for maintenance of safety.

SHRI DWIJENDRALAL SEN GUPTA: How there can be a closer association of workers with safety measures?

SHRI S. DASGUPTA: If the workers are taken into confidence; if there are really safety committees. There are many safety committees, but they are not functioning. If the Management wants that the workers should co-operate in safety measures, then they have to accept the suggestions offered by the workers.

SHRI DWIJENDRALAL SEN GUPTA. Have you got any suggestion by which such association of the workers can be arranged in order to prevent the accidents?

SHRI S. DASGUPTA: I have not thought about it.

SHRI B K. MAHANTI: What is your opinion about the appointment of workers' inspectors and whether they should be given more powers or less powers?

SHRI S. DASGUPTA: I think the workers inspectors should have the same powers as the inspectors of the Mines Department.

SHRI B. K. MAHANTI: You have given supplementary memorandum about coal industry and the mining industry in general. What is the position of casual labourer?

SHRI S. DASGUPTA: In coal industry there is no problem about the wages of casual labourer. They get the same wages as other categories of labour.

SHRI B. K. MAHANTI: You do not have any other leave than that is given under the Mines Act.

SHRI S. DASGUPTA: We have the sick leave.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that the coal mining industry should have uniform legislation and regulations for all the coal mines irrespective of its size and nature? You do not think that the legislation should be related to the degree of hazards.

SHRI S. DASGUPTA: No. The legislation should be uniform.

SHRI CHAPALENDU BHATTACHARYYIA: As regards the workers inspectors, you have suggested something. Now, there are some views expressed that Overman may not be fully theoretically qualified to do justice to the job in view of the

growing complexity of coal mining and due to mechanism and all that. In that case, you still maintain that the workers' inspectors should only be of the educational qualification of an Overman Certificate or you may agree to go in for persons of higher qualification and experience.

SHRI S. DASGUPTA: Overman's qualification is the minimum that is being prescribed. In the conditions obtaining today in the industry, I don't think that the overmen with the diploma will not be able to do justice to the mechanised mines. Of course if there are more complicated machineries in the industry the workers may choose more qualified persons.

SHRI CHAPALENDU BHATTACHARYYIA: Would you like that the payment of bonus and gratuity should be included in the mines Act?

SHRI S. DASGUPTA: I don't think so.

MR. CHAIRMAN: What Mr. Bhattacharyyia suggests that bonus and gratuity should be brought under the Mines Act?

SHRI S. DASGUPTA: Page 2 Clause (ii) Sub-Clause (iv) the words "located within the premises of the mine" will create confusion. It should be "located within or without the premises of the Mine".

SHRI DWIJENDRALAL SEN GUPTA: How it is outside the premises of the mine?

SHRI S. DASGUPTA: Sometimes the operations of the Mine extends outside the Mine premises.

SHRI DWIJENDRALAL SEN GUPTA: What about the Head Office of the Mine in Calcutta?

SHRI S. DASGUPTA: Head Office is a different thing. Wherever the operation of the mine extends, this should be included.

MR. CHAIRMAN: I wanted one clarification this is about the workers inspectors. Do you agree that there should be workers' inspectors in the mines? The very idea of making the suggestion is to send a representative of the workers who is qualified for technical expert. Then indirectly he may come to know by experience the working in the mines underground. If such a person is appointed as the workers' inspector do you find his less efficient than any of the inspectors in the mines?

SHRI S. DASGUPTA: Normally if a person is conversant with the Mines Act, he should be able to become workers inspector. Even if he has no technical qualification he will be able to do justice to the job. But I think it will be better if some minimum qualification is laid down.

MR. CHAIRMAN: Inspite of qualification, it may lead to something.

SHRI S. DASGUPTA: That is why we have suggested these two words 'workers representatives'.

MR. CHAIRMAN: Your suggestion is that workers' inspectors should be representatives of the workers, nominated by the workers, appointed by the Mines Department for inspecting safety and other provisions in the mines. Now there is one point which has also been raised by Mr. Damodar Pandey in the beginning. Now do you feel that the provisions in the Mines Act are sufficient to deal with the major disasters when people are involved in danger? Now, there are some provisions in the Act for fines. Do you feel that this fine is sufficient provision for such kind of disasters also or such kind of accidents also or would you like to suggest that there must be some provision for imprisonment to have deterrent punishment so that the safety measures are implemented fully?

SHRI S. DASGUPTA: I feel that there should be some provision for imprisonment only. Even one day's imprisonment will have more salutory effect than any amount of fine.

MR. CHAIRMAN: Thank you.

[*Witnesses then withdrew*]

VI. **Association of Indian Mine Surveyors, Dhanbad.**

Spokesmen: 1. Shri Asoke Kumar Ghosh, *General Secretary.*

2. Shri Himangshu Sekhar Mookherji, *Member.*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential such evidence is liable to be made available to the Members of Parliament. Now, kindly introduce yourself.

You have submitted your Memorandum. This is also circulated to the Members. Now members may put questions for eliciting information.

SHRI KALYAN ROY: Is it compulsory to have a Surveyor in each coal mine?

SHRI ASOKE KUMAR GHOSH: No. Under the present regulation, a Surveyor can work in more than one mines provided it is permitted by the Director-General.

SHRI KALYAN ROY: Do you think it a healthy provision or a bad provision?

SHRI ASOKE KUMAR GHOSH: It is not a healthy provision?

SHRI KALYAN ROY: What is your suggestion? Why do you think it is not a healthy provison?

SHRI ASOKE KUMAR GHOSE: If the surveyor is working in more than one mines, naturally he will not be doing justice to the job.

SHRI KALYAN ROY: Is it necessary that every mine should have a whole time surveyor?

SHRI ASOKE KUMAR GHOSH: A big mine may require the services of more than one surveyors. That is definite. First of all, every mine must have a surveyor and there should be a provision also for a big mine where the work-load for a surveyor is more.

SHRI DWIJENDRALAL SEN GUPTA: I am drawing your attention to clause 2 of your memorandum. Agreed, excepting the words.

"the fracture of not more than" should be substituted by:—

"a simple fracture involving not more than"

SHRI ASOKE KUMAR GHOSH: In the Bill, it has been incorporated.

SHRI DWIJENDRALAL SEN GUPTA: Have you got any suggestion to this? You are giving amendments. These amendments relate to clause (p) or sub-clause (q) of the Bill.

SHRI ASOKE KUMAR GHOSH: In the orginal Bill, the word "simple" is to be added there.

SHRI DWIJENDRALAL SEN GUPTA: I am reading: (Q) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of any limb or the permanent loss of or injury to the sight or hearing or the fracture of any bone, but does not include the fracture of not more than one joint or bone of any phalanges of hand or foot."

SHRI ASOKE KUMAR GHOSH: The word "simple" is to be added before fracture.

SHRI DWIJENDRALAL SEN GUPTA: You did not say bone fracture. It includes simple fracture also. They did not qualify the fracture.

SHRI ASOKE KUMAR GHOSH: Of course, it is there.

SHRI DWIJENDRALAL SEN GUPTA: You have no objection to "not more than". You said simple fracture. "Not more than", you also give that as in the Bill here. Am I correct?

SHRI ASOKE KUMAR GHOSH: Yes, you are correct.

SHRI DWIJENDRALAL SEN GUPTA: Serious injury means any injury which involves the permanent loss of the use of any limb or the permanent loss of or injury to the sight or hearing or the fracture of any bone but does not include the fracture of not more than one joint or bone of any phalanges of hand or foot. It does not include the so-called loss of limb. So there is no amendment. You will prefer to include "loss of limb" also.

SHRI ASOKE KUMAR GHOSH: That we shall prefer.

SHRI DWIJENDRALAL SEN GUPTA: There are injuries as to the permanent character of which may be done several years after. For example, a man gets injury in the eye. He may recover after three weeks. But when his finger goes, two years after that injury, he may feel that it is a permanent loss. That permanent loss should also cover all losses.

SHRI ASOKE KUMAR GHOSH: Yes, Sir.

MR. CHAIRMAN: Thank you very much.

[*The Witnesses then withdrew.*]

VII. (a) **Indian Mining Federation, Calcutta.**

Spokesmen: 1. Shri P. N. Chaturvedi, *Chief Personnel Officer, Chanchani and Worah (P) Ltd.*

2. Shri B. S. Gupta, *Chief Agent, Jaipuria Samla Group of Collieries, Pandaveswar.*

(b) Indian Colliery Owners' Association, Dhanbad.

Spokesman:

Shri Madan Lal Agarwala, *President.*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Now, kindly introduce yourself. You have submitted your Memorandum. This is also Circulated to the Members. Now Members may put questions. Mr Kalyan Roy

SHRI KALYAN ROY: Mr. Chaturvedi, you represent the Indian Mining Federation. How many collieries have been affiliated to your organisation?

SHRI P N. CHATURVEDI: More than hundred.

SHRI KALYAN ROY: Where are they situated?

SHRI P. N. CHATURVEDI: Mostly situated in West Bengal .

SHRI KALYAN ROY: How many fatal accidents have taken place in your group of mines last year?

SHRI P. N. CHATURVEDI: I am not in a position to give the exact figures to the hon. Members. But I can tell this much that this was less in comparison with previous years.

MR. CHAIRMAN: He has just enquired about the number of accidents during the year. No comparison with the last year's figures.

SHRI P. N. CHATURVEDI: Number I do not exactly remember.

SHRI KALYAN ROY: Can you find out from the Committee?

SHRI P. N. CHATURVEDI: Yes, certainly.

SHRI KALYAN ROY: Can you tell us as to how many fatal accidents or serious injuries were there in your group of mines from January to July this year. You are representing the whole Federation and you should be able to tell this.

SHRI P. N. CHATURVEDI: I do not exactly remember. But it may be two or three in the whole group of our members. Not more than that.

SHRI KALYAN ROY: What about serious injuries?

SHRI P. N. CHATURVEDI: I am speaking about my group.

SHRI KALYAN ROY: I do not understand what is meant by your

group. Mr. Chaturvedi, are you giving evidence on behalf of your group or on behalf of the .... .

SHRI P. N. CHATURVEDI: The first question was relating to my particular group.

SHRI KALYAN ROY: Mr. Chaturvedi, will you please tell us as to which group you represent?

SHRI P. N. CHATURVEDI: Chanchari group and the Indian Mining Federation because they are the Members of the Indian Mining Federation.

SHRI KALYAN ROY: How many fatal accidents or serious injuries took place among the Members of your Federation from January to July, 72?

SHRI P. N. CHATURVEDI: The figures I do not know.

SHRI KALYAN ROY: There is no use in asking the witness any questions who does not know anything about his group.

SHRI CHAPALENDU BHATTACHARYYIA: You do not know the number of accidents apparently in the group of collieries for which ycu are the President?

SHRI P. N. CHATURVEDI: Statistics are not available. I was not asked to bring all those figures.

SHRI CHAPALENDU BHATTACHARYYIA: Mr. Chaturvedi, you have come to give evidence on behalf of your Federation. You should be able to give the figures.

SHRI P. N. CHATURVEDI: For the information of the hon. Member, I beg to humbly submit that the figures are with the Directorate General of Mines Safety and those figures .. . . .

SHRI CHAPALENDU BHATTACHARYYIA: You do not know how many members you have? You should be able to speak on behalf of your Federation more effectively than what you are doing. What was the nature of accidents?

SHRI P. N. CHATURVEDI: Roof-fall.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that gasses may cause accidents?

SHRI P. N. CHATURVEDI: Certainly.

SHRI CHAPALENDU BHATTACHARYYIA: Which do you think is the most important for accidents?

SHRI P. N. CHATURVEDI: So far, the accidents which have taken place mostly they are due to roof-falls and not gasses.

SHRI CHAPALENDU BHATTACHARYYIA: How many?

SHRI P. N. CHATURVEDI: All excepting one or two.

SHRI CHAPALENDU BHATTACHARYYIA: In what sort of mining work?

SHRI P. N. CHATURVEDI: Mostly machine mining. In a small colliery where it is not possible....

SHRI CHAPALENDU BHATTACHARYYIA: I am talking of machines that affect all machinery and increase the hazards of accidents.

SHRI P. N. CHATURVEDI: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: Therefore, you agree with me that to effectively caution the workers against this increasing hazards of accidents due to introduction of machinery these safety laws and regulations are necessary.

SHRI P. N. CHATURVEDI: Certainly.

MR. CHAIRMAN: You have given 8, 50(c). This was a decision to which the Indian Mining Federation was a party in the year 1959. They said that there would be workers'

inspectors in the mines. Has your organisation decided to go back on them?

SHRI P. N. CHATURVEDI: The Hon. Chairman will agree with me that the decision taken in 1959 in progressive India is not to remain static in 1972, because after 13 years there are a large number of factors which have changed and India is ever changing. Unless there is one union for one industry the measures to introduce the Check Inspectorate or the workers' inspectors in the mines particularly those who have got no knowledge of technical mining etc., it would be inviting trouble. That is why the Federation has changed its stand. Australia has bad experience of it.

MR. CHAIRMAN: So, when this situation in 1959 was there then the workers could be reliable. But when the situation is changed, they could not be reliable.

SHRI P. N. CHATURVEDI: I am sorry, I have not been fully understood or I am not able to make myself clear. So far as the number of unions operating in the mines is concerned, they are altogether different from what it was at that time.

MR. CHAIRMAN: You mean they were not recognised.

SHRI P. N. CHATURVEDI: That recognised union should be the only trade union functioning at a particular mine, if not one union in one industry.

MR. CHAIRMAN: You agree that in the case of your organisation the recognised union is liable.

SHRI P. N. CHATURVEDI: He should have, as we have said, at least an Overman's experience.

MR. CHAIRMAN: Experience in what?

SHRI P. N. CHATURVEDI: He should have a certificate of Overmanship at least.

MR. CHAIRMAN: We should have to think taking the labour as a weak party, we have to submit to them. Otherwise, Overman's certificate does not justify. After having been appointed as an Inspector, only for consideration as a weaker section, we can have that concession.

SHRI P. N. CHATURVEDI: The figures for the total number of accidents, I do not bring with me because I presume we always inform the Director-General.

MR. CHAIRMAN: Moreover, there was no such requirement in the Bill also.

SHRI DWIJENDRALAL SEN GUPTA: Do you feel, in the context of the mines, the safety measures require a fresh consideration?

SHRI P. N. CHATURVEDI: Yes.

SHRI DWIJENDRALAL SEN GUPTA: Is the answer same for both the organizations? Do you agree that in order to prevent accidents in the mines, no co-operation of the workers and the management is necessary?

SHRI P. N. CHATURVEDI: Workers, Management and the Directorate of Mines Safety all the three are required. If minus the Directorate, we cannot do it.

SHRI DWIJENDRALAL SEN GUPTA: My question to you was about the necessity of a closer co-operation between the workers and the management. You have added to that also the co-operation of the Directorate of Mines Safety. Do you find want of cooperation from the Directorate-General of Mines Safety?

SHRI P. N. CHATURVEDI: No.

SHRI DWIJENDRALAL SEN GUPTA: Do you find want of cooperation from the workers themselves?

SHRI P. N. CHATURVEDI: It is not always there sometimes due to varied factors. Sometimes due to the neglect

and sometimes due to the carelessness, of the workers, accidents happen.

SHRI DWIJENDRALAL SEN GUPTA: My last question. Since you are saying that it is due to the fault of the workers that accidents take place . . . .

SHRI P. N. CHATURVEDI: Not always. Sometimes.

SHRI DWIJENDRALAL SEN GUPTA: Now, sometimes also, due to the fault of the management, accidents take place?

SHRI P. N. CHATURVEDI: May be.

SHRI DWIJENDRALAL SEN GUPTA: Let us come to some agreement. Sometimes due to the fault of the management and sometimes due to the fault of the workers, accidents take place . . .

SHRI P. N. CHATURVEDI: Also, sometimes due to the neglect of the authorities concerned.

SHRI DWIJENDRALAL SEN GUPTA: Why all these things? Do you have any idea of having some kind of machinery for the closer cooperation between the Management and the workers.

SHRI P. N. CHATURVEDI: I may tell the hon. Members that legislation is a very weak instrument to achieve the objective we have in view. Whatever that is done, that should be done by rousing safety consensus as much as possible as was done through the safety week propaganda of the Directorate General of Mines Safety in the past.

SHRI DAMODAR PANDEY: You have suggested in your Memorandum that sweeping powers should not be conferred on the Directorate General of Mines Safety. I would like to have some clarification on this point. Experience shows that whatever power that has been invested in the hands of the Directorate General of Mines Safety has not helped in preventing certain incidents which have resulted sometimes in serious accidents and sometimes in disasters. What will be your suggestion in the light of this that sweeping powers should not be given, to a particular man or agency. What, in your opinion, should be the other agency, which will be responsible for implementing the safety provisions in the mines.

SHRI MADAN LAL AGARWALA: Mr. Chairman, Section 22 is already there in the Mines Act which has given enough powers to the Department. Section 22-A, as it is mentioned in this amending Bill, is to be included. If you permit me I will read it out.

> "Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with any such provision, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter and where the owner, agent or manager fails to comply with such notice, the Chief Inspector may, without prejudice to any other action that may be taken against the owner, agent or manager of the mine under this Act, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing comliance with the terms of the notice".

Section 22 already covers all these provisions and actually Section 22-A may create some further confusion because we find that this is a simple reproduction of what has been mentioned in Section 22. So we submit that this is not necessary and sometimes human factors also prevail and that is why we have suggested that there are plenty of powers under

Section 22 and we say that Section 22-A should not be there.

SHRI DAMODAR PANDEY: I put in another way. I think you have accepted the urgency of maintaining safety and you also agree that some agency should be there to implement the same. You feel that sweeping powers are given under the new provisions of Section 22-A. So, do you feel that there should be some other agency or there should be some other method for implementing or enforcing the safety provisions?

SHRI MADAN LAL AGARWALA: No, Sir. Directorate General of Mines Safety should be the only authority to enforce.

SHRI DAMODAR PANDEY: Now, here there is one thing, they do not have enough power or whatever power they have is not sufficient to enforce the safety provisions and they may feel that they should acquire some more powers. In that case, do you feel that they should alone be responsible for enforcing safety provisions?

SHRI MADAN LAL AGARWALA: We feel that powers are already provided in the Act and we feel that Section 22-A is only a gist of the powers that are already contained in Section 22. Since powers are already there in Section 22, we feel that it is not necessary to put this additional Section 22-A.

SHRI DAMODAR PANDEY: Now, if there is any stopping under-ground and some damage, or there is some gas in the mine, we find that in spite of the repeated requests from the Directorate General of Mines Safety for implementing the safety provisions, it is not being done. In that case, does he have powers to prosecute anybody?

SHRI MADAN LAL AGARWALA: Yes, Sir, he has got powers under Section 22.

SHRI DAMODAR PANDEY: Has he ever done that?

SHRI MADAN LAL AGARWALA: There have been cases where Mines have been allowed to work only after they were inspected by the Department.

SHRI DAMODAR PANDEY: Do you feel that whatever power is there is sufficient enough to enforce the provisions?

SHRI MADAN LAL AGARWALA: Yes, Sir.

SHRI B. K. MAHANTY: May I know whether in normal cases you have found out who is responsible for the cause of those accidents?

SHRI P. N. CHATURVEDI: I am sorry, no such survey has been made so as to assess the responsibility on the workers and the management and the Directorate separately. Whenever an accident occurs, the Inspectorate sends its inspector and if the management is found guilty, the prosecution is started which may sometimes end in conviction. But the difficulty is that where workman is found guilty no such prosecution is there. There is no action taken by the Director-General of Mines Safety where the worker is found guilty.

SHRI B. K. MAHANTI: You do not have any single case where the worker is punished.

SHRI P. N. CHATURVEDI: In most of the cases relating to accidents mostly workers are responsible because they go for stealing coals from the prohibited area.

SHRI B. K. MAHANTI: I want a particular factor.

SHRI P. N. CHATURVEDI: No factor. But the cases are plenty where it can be found that the responsibility was of the workman and due to which accidents took place. I am giving you a concrete case that is the roof-fall due to which the coal was stolen by the workers in spite of the order of the authority of the mine.

SHRI B. K. MAHANTI: Do you know why that accident took place?

SHRI P. N. CHATURVEDI: I am sorry I canot define them.

MR. CHAIRMAN: Do you know the case of a court of enquiry?

SHRI P. N. CHATURVEDI: They have also held the management guilty. I should not be taken as defending the bad deeds of Ahori management here.

MR. CHAIRMAN: Mr. Agarwala, you have submitted your memorandum on few points. Today in the forenoon, the representative of the Indian Mining Association has said that 22-A is redundant because 22 has got sufficient provision and there is a penal provision also and that was there. What is your ground for deletion?

SHRI MADAN LAL AGARWALA: I have already mentioned Mr. Chairman.

MR. CHAIRMAN: This memorandum contains objection on the ground that it is a repetition and sweeping powers have been given. Whereas 22A provides that the powers which are not given and which have been thought by experience necessary for them that is why this clause is given. Because even in an area which was prohibited, people were engaged for raising the coal. This power may permit or many not permit anybody to go there.

SHRI MADAN LAL AGARWALA: Mr. Chairman, I do not know the reasons which have made the Deptt. to ask for this provision in Section 22-A. But, as far as my information goes, Section 22 has got sufficient powers. I have, at least, no instance where Section 22 has been applied in a section of the mine and the mine has not been closed. There might be cases where sometimes the management does not want a particular section to work and the workers have gone there and they have worked. Why Section 22-A has been introduced, I do not know the reasons. But, I think, Section 22 is all right and has got sufficient powers.

MR. CHAIRMAN: It is very clear that it is necessary for securing compliance with the terms of the notice. The terms of notice point out the defects in the working and for calling compliance this provision is brought. So, if we go there and bring the situation in such a way that this may be complied with, then for Section 17(2)(b) here the amendment is only to the limited extent. But, inspite of the fact that violations were established, the court had the power to punish and fine even from Re. 1 to any amount. Now, the minimum limit is brought here "not less than Rs. 2000." Would you still object to it? Now, the minimum limit is prescribed. Would you still feel that the minimum should be raised or action should be taken within this limit of law.

SHRI MADAN LAL AGARWALA: This provision is relating to Clause 18 which defines the duties and responsibilities of owners and managers and also agents. Now, there is sweeping change in this particular clause. Now, in 1952, as we have mentioned in our Memorandum on Pages 3, there was a provision which defined the duties and responsibilities of owners and the duties and responsibilities were also specified, and there was also a proviso to the effect—

> "that the owners shall not be deemed to be guilty of any offence done by whosoever in the mines, if he proves:—
>
> (a) that he was not in the habit of taking and would not in respect of matter in question take any part in the management of mine;
>
> (b) that he has made all the financial and other provisions necessary to enable the manager to carry out his duties; and
>
> (c) that the offence was committed without his knowledge, consent or connivance".

These provisons were there which were eliminated in the amendment in 1959. In 1923 it was there and in 1952 also it was there and this has been eliminated in 1959. Now, you yourself belong to the coal field mine. You know how many mine owners go to the mines to see the work personally. Almost 80 to 85 per cent mines are being managed by the Managers and also by the supervisory staff. Owner may not be going down the mine and in this amendment, you will find that under Section 18 . . .

MR. CHAIRMAN: Managers say that this is the responsibility of the owners and the agents, owners say that this is the responsibility of the agents and the managers and agents say that this is the responsibility of the owners and the managers.

SHRI MADAN LAL AGARWALA: All of them were already there. But since all the owners are not technical people, even if they go underground to see the working, perhaps they will not be able to know whether these are being run according to rules or not. Now, in this section, 18(4) among the duties of owners, agents and managers it is mentioned that subject to the provisions of sub-sections (1), (2) and (3), the owner, agent and manager of every mine shall each be responsible to see that all operations carried in connection with the mine are conducted in accordance with the provisions, of this Acts, and of the regulations, rules and bye-laws and of any others made thereunder. Now, Sir, owners may have to look after the general administration etc. Now, if this provision, which we have referred on Page 3 of the Memorandum, is incorporated in this, then it gives the owners particular safeguard. Otherwise, for any act of omission and commission, by the supervisory staff and Managers in the Mines, owners will be penalised. So, if this provision is incorporated, which was there already in 1952, perhaps there will be no objection. Otherwise, complications will arise while interpreting the laws. That is my submission.

SHRIMATI SHEILA KAUL: In your Memorandum, page 1 you have said that safety should not necessarily militate against production of productivity. But on page 2 you have mentioned that safety at the cost of productivity, would be incongruous. Do you mean to suggest that lives can be sacrificed and productivity should be there.

SHRI MADAN LAL AGARWALA: No, That is not our . . .

SHRIMATI SHEILA KAUL: Safety does not mean necessarily productivity . . .

SHRI MADAN LAL AGARWALA: You know, Sir, that mining is a very hazardous work.

SHRIMATI SHEILA KAUL: That we know. We want an answer to this.

SHRI MADAN LAL AGARWALA: So far as safety provisions are concerned, we agree that they should be there. The Director General of Mines Safety is sitting here and he will also bear with me. In spite of the safety provisions in the mines, cent per cent safety could not be ensured. But still we are not against safety. We are always for safety.

SHRIMATI SHEILA KAUL: He has not been able to explain.

SHRI MADAN LAL AGARWALA: Perhaps, I may not have followed your question. Please repeat your question?

SHRIMATI SHEILA KAUL: You have mentioned that for the sake of productivity, safety should not be given priority. You have mentioned that. I do not think you can.....

MR. CHAIRMAN: It is otherwise. For the sake of safety, productivity should not suffer.

SHRI MADAN LAL AGARWALA: Productivity has got to be looked into but not at the cost of safety.

SHRIMATI SHEILA KAUL: You can sacrifice workers?

SHRI MADAN LAL AGARWALA: I am not for that. I will give you one example if you permit me. There is a provision in the Mines Act that if there is water within 60 meters *i.e.* about 220 ft, then work will be stopped underground for there is an element of accident involved therein. The water may be there in upper seam. There may be a parting of say 20 or 30 metres between the upper and lower seam. If working is carried in lower seam even within 60 metres—the accident may not take place. But the provision has to be observed where such a situation arises. Because this provision is made in the law, this is implemented in the letter of the law, not in the spirit of the law. Now this may affect the productivity without any element of safety involved.

SHRI JAGAN NATH BHARDWAJ: The general observation is bad as it is.

SHRI MADAN LAL AGARWALA: Yes. It may be.

SHRI KALYAN ROY: You said just now that the accidents are very less in our country. Can you tell this Committee what is the normal rate of accidents every year in coal mines?

SHRI MADAN LAL AGARWALA: I have not come to that.

SHRI KALYAN ROY: You do not know and yet you make these remarks. It is a fact that in relation to industries and mines, it is only in the coal mines that the largest number of people are killed every year.

SHRI MADAN LAL AGARWALA: No.

SHRI KALYAN ROY: Please tell us the facts. There are 200 people being killed every year and in no other industry such number of people are killed.

SHRI MADAN LAL AGARWALA: As far as industries are concerned, I cannot say. But railway accidents are....

SHRI KALYAN ROY: Workers are employed in the coal mines and the figure is nearly 200.

SHRI MADAN LAL AGARWALA: When I mentioned I compared with other countries working in mines. Well, I cannot submit the figures.

SHRI KALYAN ROY: You do not know how many people are killed every year.

SHRI P. N. CHATURVEDI: May I seek the permission of the Chairman to interrupt? Of course, I cannot say but if the Committee wants I can say this much that fatal accidents do not take place so much in mines, as in jute industry. In view of the amendments, we did not think it relevent to bring the figures. If the hon. Members think it necessary, we may furnsh the figures from the Federation.

MR. CHAIRMAN: Thank you Mr. Chaturvedi and Mr. Agarwala.

[The witness then withdrew]

VIII. (a) **Koyala Ispat Mazdoor Panchayat, Jharia, Dhanbad.**

Spokesman: Shri H. N. Singh, *Vice-President.*

(b) **Colliery Mazdoor Congress, Goraimansion, Asansol.**

Spokesmen: 1. Shri Keshav Singh, *Vice-President*

2. Shri Vinay Kumar, *General Secretary.*

3. Shri Jagdish Singh, *Assistant Secretary*

(c) **Bihar Coal Miners' Union Dhanbad.**

Spokesmen: 1. Shri Pritish Chanda, *President.*

2. Shri Anil Sarkar, *Secretary*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Witnesses may kindly note that their evidence shall be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence given by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Will you introduce yourself? Now, since we are meeting three organisations at a time, I think every question put may be answered by three people one each from the organisation, so that their evidence can be separately recorded. If there is any specific question asked to any particular organisation, that representative from that organisation will answer that question.

Now, who will start the questions. Mr. Kalyan Roy?

SHRI KALYAN ROY: Mr. H. N. Singh, please refer to page 4 of your Memorandum which you have submitted to the Parliamentary Committee. Please refer paragraph second. You know that the Department of Mines is mainly concerned with the prevention of accidents in addition to safety matters. Now, you want to add more responsibility to the Department of Mines?

SHRI H. N. SINGH: As far as the Department of Mines is concerned, they are mainly responsible for the safety measures. There are two issues. First is that the trade union organisations do not know what are the violations.

SHRI KALYAN ROY: I did not ask that. Merely I said do you want to add more responsibility to the Department of Mines as you have mentioned in paragraph 2 on page 4 of your Memorandum?

SHRI H. N. SINGH: Yes. This is about violations in quarry. This is in respect of Section 13. Am I correct?

MR. CHAIRMAN: He is referring to page 4 and paragraph 2 of your Memorandum which you have submitted to us?

SHRI H. N. SINGH: Yes. This is about sanitation where we have said that sanitation should also be the responsibility of the Mines Department and that area which is inhabited by the workers is supposed to be clean. Sanitation is also a part of the mine and this should be looked after by the Mines Department.

There should be more responsibility on the Mines Department to inspect them and keep them in proper condition.

SHRI KALYAN ROY: May I take Mr. Agarwala that sanitation as is existing in the mines and in the coal fields is absolutely absent and that is attributed to the lack of staff strength and it is not also being properly enforced. Do you think that by putting the responsibility on the Mines Department, present sanitation will improve?

SHRI H. N. SINGH: I expect that if the Mines Department puts their effort, it will improve.

SHRI KALYAN ROY: Next question Mr. Singh, is in the same page. This is relating to amendment of Section 13 of the Principal Act, sub-section (1) Clause (c). You have got it? I am reading this clause. "Two persons to represent the interest of the persons employed in the mine of whom one shall be nominated by the owner." What is your objection?

SHRI H. N. SINGH: My objection is that two representatives should be from the workers' organization. If one of them is nominated by the owner, then he will look to and take the interest of the owner and perhaps the violations may not come out.

SHRI KALYAN ROY: Do you think that today the inspection by the Department of Mine is regular, through and adequate? If not, what are the defects?

SHRI H. N. SINGH: I have to say that all the places which are to be examined and inspected by the Mine Department, that is not being done. I am not satisfied with the inspection. The second question is about the marking of attendance. It is the responsibility of the Mine Department. Officers of other organizations are not allowed to mining records and the owner may refuse to submit the record to them. I had certain correspondence with the Chief Inspector of Mine of the Director-General of Mine Safety on this point and they said that a lot of time is spent in inspecting the violations in respect of safety.

SHRI KALYAN ROY: Excuse me Mr. Chairman this piece of evidence is very vital. He should submit the correspondence between him and the Director of the Mines Safety Department.

SHRI H. N. SINGH: On my report they have inspected and my complaint has been substantiated. In certain cases, it could not be. I won't say it is thorough. About the second question with which workers are more concerned, we do not know what are the violations. Secondly, we find Section 22 has been imposed and the mine is closed and the workers are laid off with compensation or without compensation. I think if the workers organizations are kept and posted with the developments which lead to the closure or stoppage of a particular section of a mine or the whole mine then perhaps we could have tried and helped the safety measures.

SHRI KALYAN ROY: You mean the worker whose life is involved and whatever violations are found out by the Mine Department, they are kept secret from the workers' representatives.

SHRI H. N. SINGH: Yes. It made known to us we can put pressure to remove the violations. Safety is the concern not only of the mines Department but also workmen. Every trade union organization would like to have the safety first. That is why we must know what are the violations which are going on when the mine is closed. We do not know what are the violations. We just know that such and such thing has happened and the Mines

Safety Department has stopped the mine. We want to know these violations in advance so that the workers of the mine regularly. But that is not we insisted on and they have agreed to send us the copies of the complaint or irregularities found there. Regarding the third question, there should be a fixed time limit for inspection, say, every three months or every two months there should be an inspection are not laid off. In other departments, being done by the Mine Department.

SHRI KALYAN ROY: What is the period of inspection?

SHRI H. N. SINGH: It varies from mine to mine. In some mines, they do in six months.

SHRI VINAY KUMAR: I think it is evident that the working of the Mines Safety Department is not satisfactory. The first thing is that there is no coordination with other agencies and other departments functioning in the labour field. For example, the Regional Labour Commissioner, the Mines Safety Department and also the Law and Order Authority of the area. They hardly have any communication or any proper coordination. Then the trade union workers and the trade union organisations of the workmen are not at all taken into confidence by the Mines Safety Department and it is almost mysterious activities that they are carrying on in the field, because we do not know what they are doing. We are never informed or told what they are doing. Therefore my suggestion is that there must be coordination, that the workmen should be associated; their representatives and the trade union organizations should be taken into confidence and the action of the Mines Safety Department should be more open to the public so as to see as to what they are doing and what they are not doing.

SHRI PRITISH CHANDA: With regard to inspections by the Mines Department, definitely, my answer is big no. Why I am saying because it is a Government Department Mines Department has great responsibility and they are expected of fulfilling that deligently. Unfortunately, my experience says that in view of the importance, we should distinguish between the rate of normal inspections undertaken at the mines near headquarters. That means from the Dhanbad Headquarters and inspections at distant mines. In my humble opinion, all those serious bodily injury, fatal injury, loss of life and property, could have been everted if things could have been inspected at the right moment and could have been prevented. With regard to inspections done at mines near Headquarters, there are inspections no doubt. But these inspections are also not up to the mark. I also hold the sameview that there is not only complete lack of coordination but I should say that there is complete lack of confidence. From my experience, I should say that, that is the tendency shown by the Mines Department towards the responsible trade union organisations and even to the workers. Why I say this because I know about some incidents. In many cases, after accident, workers belonging to our Unions, who could give very valuable information relating to the accidents, wanted to record their opinions. But the authorities who were there after accidents or who went on inspection after occurrence of these accidents, refused to do so and the statements of the workers were not recorded and they were not taken. Many hon. Members present here are active trade unionists and some of them are even connected with the coal mining industry. All of us know that how many workers are literate in the mines who can immediately write on the spot and write something. I find most of the workers are not. If they want to give some factual information and if they want to give some facts, it should be obligatory on the part of the authorities concerned to record the same. But we have seen that in many cases they have not done so. We also know that because of bad management and failure by the management to take steps to protect the workers, many mines were taken over and we also know how in many of the big company collieries there have been

cases of roof fall and there have been cases of pillar robbing and coal robbing. Because of this pillar robbing, many accidents took place and many miners lost their lives and yet after the accidents, miners were held responsible by the Management. Many of these cases have been reported to the Mines Department. But nothing has been done. My submission is this. This can be done either through the amendment or some other regulation. In matters of any inspection, particularly so after accidents, minor fatal or anything Mines Department Inspectorate should at least take the Unions and the workers into confidence. Wherever assistance is required, they would like to assist and the results of the inquiry or the inspection may also be informed to the Unions concerned. I say this very thing because, in coal field large number of workers were victimised and they were made scapegoat after occurrence of accidents due to pillar cutting or bad timbering whereas the real fact is that Managers or the authorised agencies employed by the owners were responsible for violation of the safety provisions. Therefore, the workers and the mines should be protected from these unscrupulous Managers and other officers. Therefore, the Unions should be taken into confidence and the Unions should be informed about the results of inspection. Am I clear?

MR. CHAIRMAN: You are more clear but you should be brief.

SHRI KALYAN ROY: Do you think that the present punishment should be deterrent. Do you think that there must be provision for imprisonment for gross violation of the Mines Act and other safety regulations?

SHRI H. N. SINGH: The question should be very specific. Whether it is the owners, or the agents or the managers or even the workers?

SHRI KALYAN ROY: Do you think that there should be a compulsory provision for imprisonment of the agent, owner or manager for gross violation of safety regulations?

SHRI H. N. SINGH: In my opinion there should be two categories. One is the regular violation of safety provisions and the other is the gross violation whether it is regular or irregular. I think for continued violation, of the safety provisions, there should be imprisonment for the Managers in case of gross violations . . .

MR. CHAIRMAN: There is provision for imprisonment. But in case of gross violation, whether there should be provision only for imprisonment. That is the question.

SHRI H. N. SINGH: There should be provision for only imprisonment.

SHRI VINAY KUMAR: In my opinion, punishment by imposing fine has no relevance so far as the owners are concerned, because they can do anything and get away with the same. Therefore, for serious repeated violations, there should be only imprisonment and no alternative for that and of course if it involves loss of human life and if it is proved that the loss of human life is because of the violation or the neglect on the part of the owner, agent or whoever it may be, I suppose there should be only imprisonment and no other alternative.

SHRI PRITISH CHANDA: Of course managers cannot escape responsibility. That is there. But, obviously owners should not be permitted to escape the responsibility; owners should be held responsible and in the matter of violations, definitely there should be deterrent punishment and there is a provision for imprisonment. I think it is relevant. But, even for such accidents, punishment must be given in the form of only imprisonment.

SHRIMATI SHEILA KAUL: Mr. Kumar, you just now mentioned that there may be a Committee for negligence and the owners must be fined.

But, what would you suggest in those cases where the Government is the owner?

SHRI VINAY KUMAR: The person responsible for the safety may be the Manager; may be the Agent; may be the Administrative Officer; may be anyone; may be the person who is responsible for the maintenance of safety measures in the mines.

SHRIMATI SHEILA KAUL: Suppose, there are accidents. You mean to say that punishment should be given to all. I cannot say that must be a reasonable punishment.

SARDAR SWARAN SINGH SOKHI: Do you think that by putting anybody in the prison, you can stop the accidents.

SHRI PRITISH CHANDA: The simple answer is in the case of murders or any criminal offences, maybe the crimes are not lessened by giving punishment to the criminals, but the punishment is there under law and the society is governed by law. So, in this case, whether accidents are reduced or not, it is a different question. But the guilty must be punished.

SHRI H. N. SINGH: There are certain geological features which are unpredictable, but they are very few. Simply by giving imprisonment, I would not say that all accidents will be stopped. There may be accidents, but their number will be very few if proper care is taken and proper supervision is taken. That is why we say the responsibility should be fixed on the Manager when accident has occurred due to the negligence of the management and in that case they must be punished.

SARDAR SWARAN SINGH SOKHI: In case of doubt, who is responsible?

SHRI H. N. SINGH: If you say there is negligence on the part of the workers, I say workers' responsibility is very much negligible. In all safety measures, there are responsible officers, Managers, Surveyors and all that, if they supervise the mine, inspect the mine, advise what safety measures have to be taken and if the workers fail to do it, then the workers can be held responsible. Otherwise workers' responsibility is not there.

MR. CHAIRMAN: In case the representative of the management is not competent to control their workers to do it.

SHRI DWIJENDRALAL SEN GUPTA: I have tried to find out the points of uniformity in the memorandum of the three unions who are present here. But, still their views are different on different items. Now, I find from the statement of Bihar Coal Miners' Union that they have tried to give wider definition to include as many as possible within the definition of mine or employees in the mine. So has been the case with others. I am drawing your attention at page 1 of your memorandum in Clause 2 sub-Clause (ii)(b), "a person is said to be "employed" in a mine .... in (v) after 'the premises of the mine' the following should be inserted." At present, he says in the premises of the mine. But he goes further and says "and in the Chief Mining Engineer's Office and the Head Offices of the Mines." Then you also said at page 2. "(vi) after the word 'Watch and Ward' *insert*—Chowkidars, Chaprasis, Drivers, Malis, Water Mazdoors, Bearers and then after the word 'within the premises of the Mine', *delete* the words "excluding residential area". Now, here after the words 'within the premises of the Mine', you used the word "excluding the residential area" and include those who work in the residential area already being in the pay roll of the mines. Then item (v). You again said: "after the words 'all conveyors or aerial ropeways' the following should be inserted—including the ropeways for collection and supply of sand to mines at present under the Coal Board and the Bunkers, Sand-Pits, Workshops of the Ropeways". Then under item 12 you said who should be included in the definition

of mine. I am reading: "In the definition Clause of 'Mine' a sub-section should be inserted after sub-section (xi) (at page 3) which may be as follows:—

(xii) all coal washeries, coke plants, Tar plants and any other plant for by-products of coal."

Now, I am reading the Statement of Contract. "I did not want Clause(2) first item in the Mines Act, 1952 section (2) under sub-section (1) of Clause (9) (5) ..... the following shall be inserted:

". . . office of the mine located. within the premises ....."

Now, I come to Hind Mazdoor Sabha page 2. You are very clear. I am reading. "We should like to add in sub-item (iv) after the word loading "and transport."

Explanation: "A lot of coal is transported from the pit head mouth to the despatch point—that is Mines to Railway siding. It is not only in coal, but iron ore, manganese, mica and such other minerals are also transported in this way. If such workers are not covered in the definition of employees, they may be left out from other provisions of the Mines Act as proposed to be amended." May I take it that all the three organisations agree to this suggestion?

SHRI H. N. SINGH: I do not konw about the opinion of the other organisations. I personally have no objection in it.

SHRI VINAY KUMAR: I do not agree with the point of view of those who want to include the Head Office employees as employees of the Mines. The persons working in the Mines and the persons who are employed in the Head Office of the Company at Calcutta live in two different atmospheres. Therefore, I do not agree with this point. Persons who are working in collieries have to live in different atmosphere and they have to face many hazards whereas the persons working in the Head Office live in air-conditioned atmosphere and they enjoy other facilities. Therefore, those persons cannot be included as persons working in the Mines in my opinion.

SHRI DWIJENDRALAL SEN GUPTA: But the representative of the Bihar Coal Miners' Union has suggested that there should be some addition to the relevant clause. He has said that the persons working in the Chief Mining Engineer's office and the Head Office of the Mines should also be included.

SHRI PRITISH CHANDA: Yes. But there is some misunderstanding. We do not want to add those offices, whether it is in Bombay or Calcutta, in the definition of the mine. But we went to add only those offices which are in the coal field either at Asansol or at Dhanbad or somewhere in other colleiry areas like the Chief Mining Engineer's Office or the owners' offices. We want to add those offices.

SHRI DWIJENDRALAL SEN GUPTA: Now, after the explanation given by Mr. Pritish Chanda, do you accept the amendment made by him?

SHRI VINAY KUMAR: Naturally the wards were misleading. Now, I agree with this.

SHRI DWIJENRALAL SEN GUPTA: Now, Mr. Vinay Kumar, you have said in your memorandum on page 2 that "in the existing Act, there is a provision for posting the notice on the notice board with a view that the trade union officials may see it; but in the proposed amendment there is contemplated a provision where the Management will have to inform the concerned trade union by post also." Now do you suggest that information to the Unions should be by registered post.

SHRI VINAY KUAMR: Naturally. It has to be by registered post.

SHRI DAMODAR PANDEY: Almost all those persons who have given evidence have agreed that there should be workers' Inspectors except for one who felt that because there is rivalry in the coal mines, appointment of workers' inspectors will create more difficulties and it will lead also to political difficulties. Do you feel that this will create more difficulties in the working of the Mines if the workers' inspectors are appointed or how would you like to appoint workers' inspectors in a particular mine?

SHRI H. N. SINGH: Thre may be differences as far as the workers' representations are concerned. These may also be rivalries. But there is no rivalry in any Union so far as the safety measures are concerned. On the question of safety, I do not think, there is any dispute between the Unions. Central organizations may be asked to nominate the workers' representatives to be on the inspection team. So, I do not think any difficulty will be created. I do not agree with the view we should not allow the workers representatives to be associated with the inspection work.

SHRI VINAY KUMAR: In my opinion, this is just like saying that as there is great political rivalry in the country, we should have no Govvernment. It is like that. I agee that there is rivalry. Then, in that case, I suggest that workers representatives may be elected by secret ballot. I do not agree with the view that simply because there is some difficulty or there is some rivalry, a thing which is basically sound and which is needed now, should be put off.

SHRI PRITISH CHANDA: I also agree with the view expressed in this respect. There may be rivalries. But there should be clearly laid down provisions as to how the workers will be elected. If these are clearly laid down then I do not think there will be any dispute between the Unions. If there are both recognised and un-recognised Unions, both should be consulted and both should be taken into consideration, while electing the workers' respresentatives.

SHRI DAMODAR PANDEY: I think two different opions have emerged out of this.

MR. CHAIRMAN: Do not try to have one opinion from three persons. You can form your own opinion.

SHRI DAMODAR PANDEY: If I have understood it correctly, one feels that the central organisation should appoint their own Inspectors and according to him that central organisation should be held responsible to inspect the mines. Another one feels that each union should have its own inspector. Do you feels that the union Inspectors will be better than the others? What will be better?

SHRI H. N. SINGH: I don't think that we can have at this stage union inspectors. We will have to find out some areas where inspectors will be accepted. We can put workers' representative and see that the violations are set right and safety measures are improved.

SHRI VINAY KUMAR: I don't have, in my mind, a professional inspector. It is an inspection by workmen. Therefore, he has to be a workman first and then inspector. I feel my friend Mr. Singh has in his mind some kind of a professional inspector who will have the duty of an inspector. I think it is an inspection by the workman or the representative of the workman and therefore it has to be either unitwise or locally and not that somebody comes from the top and just goes on inspecting hundred of mines. I don't think it is like that.

SHRI PRITISH CHANDA: In short, I mean it should be unitwies, because it is such a thing which is to be done by a man who is a wroker and at the same time technically competent, technically qualified, technically equipped and who knows the environment

or that particular place of that particular section of a mine and who is acquainted himself with the things there. Naturally, it must be unitwise.

SHRI B. K. MAHANTI: What do you mean by election of Mining Board; election by workers?

SHRI VINAY KUMAR: I mean election by the entire working community participating in it.

SHRI B. K. MAHANTI: You have stated earlier that you want deterrent punishment for defaulting employers and at the same time you also say that existing laws are not in a position to set them right. You have also stated that the Director-General of Mines Safety, they are not working properly; they are not regularly inspecting the mines and at the same time Act is going to be amended and they are making a provision for deterrent punishment. Do you mean to say that the Director-General of Mines should also exercise his authority for punishment as is done in the court of law?

SHRI VINAY KUMAR: I do not mean to say that. But that is ont of the propositions which may be examined. I do not disagree. I am not inclined just to reject it outright. I want that the Director-General of Mines Safety should exercise with greater efforts all the powers and authorities that he has at present and the proposition to enhance or extend his powers may be examined.

MR. CHAIRMAN: For workers' inspectors, there is a provision in the proposed amended Bill that he must be a technically qualified. Do you agree with it or you find by your experience that even those people who are not technically qualified they are more equipped to become inspectors.

SHRI VINAY KUMAR: I think, there are lot of inspections done by the technically qualifid people and therefore from the workers' side people with common sense will do the job better than the people who are Overmen and Mining Sirdar. Therefore, in my opinion, this is vague and superfluous and this will be a repitition of the thing which already exists.

SHRI H. N. SINGH: In the proposed amendment, it has been suggested that the workers' representatives who should be associated with inspections should not be less than an Overman. I think it should not be restricted to Overman. They can have their own inspectors who are though not technically qualified but have a wider experience of mining operation. They should also be associated. It should be left to the organisation.

SHRI PRITISH CHANDA: The associated question was that some minutes before there was a pointed question by some hon. Members of the Joint Committee with regard to the collieries owned by the Government. Now a days as in the private collieries it is said that the owners should be punished. What would happen if this owner harppens to be in the collieries owned by the Govt.?

As in private owned collieries Management in Government-owned collieries should also be punished. If there is provision for giving punishment to the owners, in case of certain violations, this should also be extended to Government-owned collieries, and Management of those collieries should also be held responsible for this purpose. It should not be only the poor Manager or somebody else.

MR. CHAIRMAN: It should be Manager, agent and owner.

SHRI PRITISH CHANDA: For that reason, may I bring to the notice of the hon. Joint Committee to a particular point where agent has been defined in this amending Bill also. But in the existing situation, in the changed context, certain things were not taken into consideration in changing the designations. We have not seen any change in the agent's position. We have seen changes in the designations of officers. We have not

heard of this. I like to be corrected if I am wrong. As there are owners in the private collieries, in the Government-owned collieries, there should be somebody to look after the working.

MR. CHAIRMAN: You mean that owners of public sector also should be designated?

SHRI PRITISH CHANDA: For the purpose of this provision of this Act.

SHRI H. N. SINGH: Managing Director is already there.

SHRI PRITISH CHANDA: Besides this....

MR. CHAIRMAN: Government has nominated somebody as owner. For the purpose of this provision, he may be Managing Director or he may be the Technical Director or he may be the Administrative Director or he may be the Personnel Director.

SHRI DAMODAR PANDEY: Agent is there and the owner is also there.

SHRI H. N. SINGH: We are glad that Members have put certain questions to us and we have answered them and we have helped in that way. We have been able to state our view point. We have also got some other points and we would like to state them.

MR. CHAIRMAN: You can give supplementary memorandum.

SHRI PRITISH CHANDA: But the point which I have already submitted is this. May I draw the attention of the Committee to this so that the Committee may please take the opinion of the other trade union organisations.

MR. CHAIRMAN: It is going to be circulated to all the Members. Do not worry on that account and you do not take time on that.

SHRI DWIJENDRALAL SEN GUPTA: You can give an explanatory note.

SHRI PRITISH CHANDA: We have already given explanatory note.

MR. CHAIRMAN: Thank you gentlemen.

SHRI H. N. SINGH: I also thank the Chairman and Members of the Committee for giving me an opportunity to place our point of view and I would request the Members of the Committee to put more questions so that we can give further information also.

SHRI PRITISH CHANDA: Thank you Mr. Chairman and all Members of the Committee. We would be glad to assist wherever clarifications are sought from us.

[The Committee then adjourned]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Wednesday, the 25th October, 1972 at 15.00 hours in Committee Room, Andhra Pradesh Legislative Assembly, Hyderabad.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Dinen Bhattacharya
5. Shri M. C. Daga
6. Shri Anadi Charan Das
7. Shri K. G. Deshmukh
8. Shri C D. Gautam
9. Shrimati Sheila Kaul
10. Shri Surendra Mohanty
11. Shri Boksi Nayak
12. Shri Paripoornanand Painuli
13. Shri Damodar Pandey
14. Shri Prabhudas Patel
15. Shri Ramji Ram
16. Ch. Ram Prakash
17. Shri Bhola Raut
18. Shri P. Antony Reddi
19. Ch. Sadha Ram
20. Shri R. N. Sharma
21. Shri T. Sohan Lal

Rajya Sabha

22. Shri Virendra Kumar Sakhalecha
23. Shri B. K. Mahanti
24. Shri Sita Ram Singh
25. Shri Vinaykumar Ramlal Parashar
26. Shri Jagan Nath Bhardwaj
27. Shri Kasim Ali Abid
28. Shri Dwijendralal Sen Gupta

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*
2. Shri H. B. Ghose—*Director General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

I. *All India Flooring Stone Quarry Lease Holders' Association, Hyderabad.*

Spokesmen:

1. Shri Manik Arke, *Secretary.*
2. Shri M. Ramesh, *Treasurer.*

II. *Bhartiya Mica Mazdoor Sangh, Gudur.*

Spokesman:

Shri K. Venkatasubbaiah—*General Secretary.*

III. *South India Mica Mine Owners Association, Gudur.*

Spokesman:

Shri K. V. S. Ram—*Member.*

IV. *Singareni Collieries Company Ltd., Kothagudium.*

Spokesman:

1. Shri K. I. Vidyasagar—*Managing Director.*
2. Shri V. L. Karwande—*General Manager.*
3. Shri M. Vasudevan—*Deputy General Manager.*

1. All India Flooring Stone Querry Lease Holders' Association, Hyderabad

1. Shri Manik Arke, *Secretary.*
2. Shri M. Ramesh, *Treasurer.*

[The witnesses were called in and they took their seats]

MR. CHAIRMAN: Mr. Arke and Mr. Ramesh, you will kindly note that the evidence you give will be treated as public unless you specifically desire that all or any part of the evidence tendered by you has to be treated as confidential. Even though it is treated as confidential, this will be made available to the Members of Parliament, including the memoranda given by you.

SHRI R. N. SHARMA: Is Mr. Irani appearing in Bangalore?

SHRI MANIK ARKE: The Shahabad Stone Quarry Lease-Holders' Association, Hyderabad, is more or less concerned with the local area of Mysore State and a part of Andhra Pradesh. This is separate association and there are common office-bearers, and the objects are the same. If the Members so desire, we will give evidence on behalf of both the associations at Bangalore. In any cases, the office-bearers of Shahbad Stone Quarry Lease-Holders' Association are appearing before you in Bangalore. If the Members so desire that both the associations should present their views at the same time, we have

no objection. It is for the Committee to decide.

MR. CHAIRMAN: I find that the office-bearers are not on the committee and the scope also is different. We can proceed.

SHRI MANIK ARKE: I am the Secretary of both the associations and Mr. Irani is Chairman for both the associations.

The memorandum contains two parts. The first part refers to the present amendments as proposed by this Committee. Regarding the first part, I would invite your attention to section 3 of the Mines Act. Section 3 (i) followed by (ii) contains 3 provisions, viz., (a), (b) and (c). The conditions named in this provision relates to the open cast working. As mentioned in our memorandum, it is necessarry to suitably amend Section 3 to put an end to the different interpretations given by the employers and the department.

MR. CHAIRMAN: From your memorandum, it appears that you have gone to the High Court and the High Court has upheld your interpretation of the clause. The Government wants to appeal against it. So, we need not discuss this further.

SHRI MANIK ARKE: As regards the second part, this Association had already made certain representations to various committees, the Minister and the Members of Parliament and the Government appointed an expert committee of which the Deputy Director was the Chairman. That Committee went and visited various quarries and heard the views of various association and submitted a report. It is the request of this Association that whatever recommendations have been made by that Expert Committee on open cast mines may also be part and parcel of the material for consideration of the Committee, to avoid the delay and hardship caused to open cast mines.

MR. CHAIRMAN: Are you aware of its recommendations?

SHRI MANIK ARKE: We are not aware of the recommendations of the Committee. We are aware only of the views put fourth before the Committee.

MR. CHAIRMAN: Irrespective of the fact whether the Committee has accepted the views or not, you mean to say that the recommendations of that Committee should be considered.

SHRI MANIK ARKE: Yes.

Appointment of qualified personnel may be related, not with the number of workers employed in open-cast mines—because the number will be more—but it must be related to the degree of mechanisation and the nature of mining and the amount of explosives used.

MR. CHAIRMAN: We are now concerned with your memorandum. You have also made your representations before the Expert Committee and naturally you will be interested in getting their recommendations implemented. Have you got anything to add on this point more than what the Committee has recommended?

SHRI MANIK ARKE: Most of these open-cast mines are very small mines which provide employment to the rural labour and these mines are spread over large places and open stone quarries are found very shallow and provide employment to a number of people. In many cases the leases are for 1 to 3 years with no guarantee for renewal; in very rare cases the lease is for 10 years. That being so, it has become impossible for the small quarry operators to engage highly qualified technical personnel. This labour-intensive industry which requires only manual operations and which provides large employment to rural people may be given special concession while interpreting the provision of legislation, seeing to it that the spirit of the law is only implemented without a technical adherence

to the letter because the officers who inspect the quaries often express their helplessness saying that they cannot go beyond the scope of the rule. I can quote several instance; for instance, the employment of children is prohibited under the Mines Act whereas the earnings of boys of 15 to 18 years is much more than the adults. Provisions which have no bearing on the health of the workers should not be strictly adhered to.

MR. CHAIRMAN: You have not been able to appoint qualified managers because the lease periods are short. Are there any other reasons for asking for long term leases.

SHRI MANIK ARKE: If there is long-terms lease some permanent arrangement will be possible. But that depends on the State Government's policy and we cannot dictate that. We made a representation for long-term leases so that there may be stability in the industry and development of the industry.

MR. CHAIRMAN: What about the profit motive?

SHRI MANIK ARKE: The Finance Act is there; and all laws relating to labour, wages, compensation, etc. must be made and are applicable to these quarries as far as the workers' safety is concerned. Such regulations which may not be necessary for the protection of labour may not be strictly adhered to. If a first-class certificate holder is to be appointed as manager in a quarry, it must be more an exception than a rule. I request that the quarries may be exempted from the operation of the provision. For this particular industry there is no mechanisation; there is no underground mining; more often than not, it is shallow. There are many quarries who have employed qualified managers and they have no work and they try to get some job and go away. A first-class manager cannot be employed for a quarry just for 1, 2 or 3 years large periods.

MR. CHAIRMAN: Did you consider the other side? If you have a qualified person, the work will be done more efficiently.

SHRI MANIK ARKE: Wherever there is qualified talent required it must be employed if the results are there and production is improved. But the experience of this particular industry is that in spite of having employed qualified men nothing has come out; they could not suggest any particular mechanisation or anything which can improve the productivity. As far as that is concerned, we are also open for recommendations.

SHRIMATI SHEILA KAUL: When the women workers bring their children what do you like to do? Do you provide for creches?

SHRI MANIK ARKE: We have raised temporary structures at number of places; the children are taken care of. The construction of permanent buildings may not be insisted upon.

SHRIMATI SHEILA KAUL: I want to know whether you agree that creches should be there where you employ women workers.

SHRI MANIK ARKE: I do agree.

SHRI K. G. DESHMUKH: Before the Mines Act came into force in 1952 in most of the mines production has gone down, the work having been done in a most unscientific basis; the result is that production has not gone up to the extent it should have due to lack of qualified personnel.

SHRI MANIK ARKE: We have represented before the Expert Committee that the law as it stands, requires appointment of qualified managers according to the number of persons employed in the mine irrespective of the mine being under ground mine or not and without reference to the degree of mechanisation. Our contention is that it should be linked with the degree of mechanisation, the amount of explosives

used and the nature of mining (underground or otherwise). The number of workers may be very high but there is no mechanisation and no mining operations are involved. We do accept that there must be some kind of regulation to see that quarries are operated in proper lines and workers are protected and production also is increased. The only question is to what extent regulations should be applied. There should be a differentiation between a underground mine and an open-cast mine.

SHRI MANIK ARKE: The definition of quarry should be put separately. There is no separate definition of quarry in our Mines Act. There should be seprate set of rules and guidelines for quarry.

MR. CHAIRMAN: The Mining Manager and the Quarry Manager are not the same.

SHRI B. K. MAHANTI: You are against appointment of qualified personnel in the small mines. You tell me that why you don't want qualified personnel and qualified technical people like the foreman.

SHRI MANIK ARKE: We are not against the qualified personnel as such. The criterion for appointment of qualified Manager and other qualified personnel, must be related to the degree of mechanisation of the mine. If you employ a highly technically qualified man for a lower technical job, it is a waste, unless the talent is required to do a better job.

SHRI B. K. MAHANTI: Do you want that the entire responsibility should be put on the Quarry owners and not on the Mines department? Is that the reason?

SHRI MANIK ARKE: The idea of appointing qualified personnel for a Quarry or a Mine must be relevant to the organisation.

MR. CHAIRMAN: Whatever you may say, I think this is always taken into account by the Government and it would lay down conditions for appointment. They always take this into account. We do find that there is some difference. They are not one and the same.

SHRI MANIK ARKE: This has been brought to the notice of the authorities from 1965. It was brought to the notice of Mr. Jaisukhal Hati and Mr. Sanjeevaiah. They said it is a policy decision. This was continued for certain time and then only certain decisions have come.

SHRI DAMODAR PANDEY: May I know one thing. How do you like to define the small and unmechanised mine? What will be your definition?

SHRI MANIK ARKE: We have already discussed this question. There are three factors, *i.e.* the number of workers required in a particular Quarry, the quantum of explosives used and the depth. These three factors are taken into account.

SHRI JAGAN NATH BHARDWAJ: Whether these three factors are taken together or separately?

SHRI MANIK ARKE: In both ways. We would say that 20 workers are required at a depth of not more than 6 metres and explosives of not more than 2 K.Gs. per day are required. If these things are not there only a foreman may be employed.

SHRI JAGAN NATH BHARDWAJ: Do you think such a definition will be conducive? You don't get the real purpose of the exemption that you want. Why don't you leave it to suit the circumstances; whenever there is, the people may be able to apply for exemption and not just on the vague definition.

SHRI MANIK ARKE: We have not asked for exemption anywhere we have asked for modfication or amendment to a particular provision to suit

a particular Quarry. We know that there will be some employers who may take undue advantage of it.

SHRI DINEN BHATTACHARYA: Do you suggest that the stringency on mining should be linked to the hazards of different types of mines? Don't you think that what you want can be served by certain modification of the mataliferous mines and not the Mines Act itself?

SHRI MANIK ARKE: I do agree with the Hon. Member. Regulations can be done.

SHRI R. N. SHARMA: This representation is on behalf of Stone Quarry. You want exemption on certain things. Am I correct? Without any limitations you want any number of workers but you don't want to keep any rest centres.

SHRI MANIK ARKE: We have never asked for this exemption.

SHRI R. N. SHARMA: You have said that 'The Mines and Metaliferous Regulations be suitably amended to give relief to small quarries by exempting them from the onerous provisions such as construction of permanent creche buildings, permanent rest shelters, canteen buildings and supply of hard boots, provision of ambulance van etc.' That means you want these quarries should be exempted from all these provisions. Am I correct?

SHRI MANIK ARKE: Some of the Quarries which are operating has to keep on moving. Some of them are fast moving. In six months we cover certain distance.

SHRI R. N. SHARMA: That is your argument about rest shelter. The same argument applies for the supply of hard boots also.

SHRI MANIK ARKE: As far as buildings are concerned these are the things. It is a question of moving face. We cannot have premanent buildings.

MR. CHAIRMAN: You have included all the things in the same head and that is the difficulty. That should have been put separately (what you want permanently and temporarily). Then this question would not have come.

SHRI DINEN BHATTACHARYA: You want relief to small quarries by exempting them from the provisions—such as construction of permanent creche buildings, permanent rest shelters, canteen buildings, etc., all such things which are in the interest of workers?

MR. CHAIRMAN: Whenever you want exemptions, you want all these provisions to be amended or deleted.

SHRI MANIK ARKE: The provisions may be suitably amended.

SHRI R. N. SHARMA: You have stated that you were throughout present before the Expert Committee; and you say that the concensus before the Committee was that the appointment of highly qualified technical personnel will be just a national waste. Were you also present and know all the recommendations of the Committee?

SHRI MANIK ARKE: The appointment of the Committee itself was done because of this Association knocking the doors of Mr. Sanjeeya (though he was not on the Committee), and I was there in the deliberations.

SHRI R. N. SHARMA: Are you in a position to recall that the concensus of that Committee was for not having an expert?

MR. CHAIRMAN: Let us be fair to that Committee and people concerned. The recommendations have not been made public.

SHRI R. N. SHARMA: He has quoted some of the recommendations of the Expert Committee and said something about concensus. He may hold same views about this Committee also.

MR. CHAIRMAN: This Committee is a different one. He cannot talk about this Committee like that. It is a Parliamentary Committee. The Proceedings of this Committee will be treated as confidential.

SHRI MANIK ARKE: With the permission of the Chair, I refer to para 3, which contains the salient features of various representations made before the Committee that is, what has actually transacted there. What were the recommendations, I do not know as such.

SHRI R. N. SHARMA: You have said that the 'open cast workings' must be categorised not on the basis of the number of persons employed but on the basis of the complexity of the machinery used and the quantum of explosives used. Where such machinery and explosives are not being used, you mean they should not be treated as 'open cast working'. If no machinery or no explosives are used, in that case it will not be a mine and the accident will not be treated as a mining accident. Do you want to interpret like that?

SHRI MANIK ARKE: It may be treated; it may be brought on par with other mines.

SHRI R. N. SHARMA: It depends on the depth; what about height—if it is working on mountain.

SHRI MANIK ARKE: If it is on the hill, the depth is taken wetween 2 points.

SHRI DWIJENDRALAL SEN GUPTA: When lease is taken, do the lease-owners have the full knowledge of all the legal obligations, rules and regulations under the Mines Act?

SHRI MANIK ARKE: Yes, Sir.

SHRI DWIJENDRALAL SEN GUPTA: When the lease is taken, there are certain obligations to fulfil. Why not appoint qualified technical personnel, and have the other provisions like Canteen, etc., as required by law.

SHRI MANIK ARKE: The various provisions under Mines Act are being applied. In case of small quarries, provisions of highly qualified technical personnel were not attracted. In the last 2-3 years, more and more inspections are being carried out in these quarries. In case there were certain violations of the instructions of Director of Mines Safety, it was not intentional but because of certain limitations. However, more and more quarries are being brought under this Mines Act.

SHRI DWIJENDRALAL SEN GUPTA: I take from you--do you admit that there are many quarries which do not as yet implement what are the legal obligations. On behalf of the Association, do you admit that you have not, in many cases, implemented these provisions, because of shortsightedness or some such thing—rather you have not cared to implement the legal provisions.

SHRI MANIK ARKE: I would put this way—the bulk of the provisions of the Act. Wherever possible are being implemented and implemented sincerely; and there are some cases where it could not be helped. I would just cite one instance. One of our Members was prosecuted for non-appointment of a qualified Manager. He produced evidence to show that the Post was advertised in all leading newspapers, including State Newspapers, calling applications from qualified Managers, but received no response. This could not be helped. There have been continued efforts by the quarry-owners to comply the provisions wherever possible; and there is no deliberate effort on the part of small quarry-holders to escape from the Law or to defy it.

SHRI DWIJENDRALAL SEN GUPTA: How many quarries are under your operation and of them how many have observed in letter and spirit the provisions of the Act?

SHRI MANIK ARKE: It is a hypothetical question . . . It is a question of opinion.

MR. CHAIRMAN: The question is that out of 17 quarries, have any of them not implemented or flouted the provisions of the Act? Or, if you can say, how many of them have implemented or how many have not?

SHRI MANIK ARKE: To my knowledge, nobody has deliberately flouted the provisons of the Act.

MR. CHAIRMAN: Have you got any knowledge about non-implementation?

SHRI MANIK ARKE: No.

SHRI SURENDRA MOHANTY: Will you tell us the fact that in the advertisement for the permanent post of Mines Manager, the salary promised by you . . .

SHRI MANIK ARKE: To my knowledge, they advertise the post and invited applications with all particulars regarding qualifications, etc. The advertisement also said 'please give the expected salary'.

SHRI SURENDRA MOHANTY: Being a lay man, I would like to know the extent of a particular lease, viz. the number of years for which the lease is given.

SHRI MANIK ARKE: Most of the leases are for 5 years and some for 10 years.

MR. CHAIRMAN: What is the percentage of each?

SHRI MANIK ARKE: For leases below 5 years, it will be 80 or 90 per cent and between 5 and 10 years the balance. The lessee has been applying for renewal; in some cases the renewal has been granted and in some cases with some conditions. At the same time, there is provision that renewal may not be given for more than 2 terms.

SHRI H. B. GHOSE: There are two types of mines in vogue and for each type there are different certificates. For coal mines there is no distinction between a quarry and a mine. But in the case of non-coal mines there are two different types of certificate.

[The witness then withdrew]

II. *Bharatiya Mica Mazdoor Sangh (B.M.S.), Gudur.*

Spokesman: Shri K. Venkata subbaiah, *General Secretary.*

(The witness was called in and he took his seat).

MR. CHAIRMAN: Whatever evidence you give before this Committee will be treated as public unless you desire that some part be treated as confidential. Even though it is treated as confidential it will be made available to the Members of Parliament.

You have submitted a memorandum on behalf of Bharatiya Mica Mazdoor Sangh. It is affiliated to what?

SHRI K. VENKATASUBBAIAH: To Bharatiya Mazdoor Sangh.

MR. CHAIRMAN: Besides what you have mentioned in your memorandum, have you got anything more to represent to the Committee?

SHRI M. C. DAGA: You have suggested that there should be surprise visits and no notice should be given. Why do you suggest this?

SHRI K. VENKATASUBBAIAH: If notice is given, the management may arrange things to their favour and the authority visiting may not find the provisions which are violated by the management.

SHRI M. C. DAGA: Do you insist surprise visits for survey work also?

SHRI K. VENKATASUBBAIAH: I agree, if it is only for survey purposes

and notice may be given. Otherwise, surprise visits are quite essential.

SHRI M. C. DAGA: You have suggested an amendment to section 12 to the effect that the number of workers' representatives on any Mining Board should be one-third of the total strength of the Board. You should have asked for 50 per cent for labour. Are you representing management?

SHRI K. VENKATASUBBAIAH: No. I am representing labour. There are three parties, management, Government and labour. I suggested equal share.

SHRI M. C. DAGA: Why don't you ask for 50 per cent from Labour side.

SHRI R. N. SHARMA: Against item 5 of your representation you say that the management should maintain a first aid room with equipment and nursing staff, where more than 100 workers are employed. Have you seen the provision of the Act in this regard?

SHRI K. VENKATASUBBAIAH: It is a new amendment that I have brought before the Committee.

SHRI R. N. SHARMA: So you want the implementation part of it. Can you name the mines where this provision is not being implement.

(No reply)

MR. CHAIRMAN: Against item 6 you say that a trade union representative may be permitted along with the Inspector while he inspects the place of accident. Has permission been ever refused?

SHRI K. VENKATASUBBAIAH: Yes; last year in one of the biggest mines (Kalyanrama mine) one accident took place and we were not allowed to see the place of accident. Unless you make a provision in the Act, the Union representatives will not be allowed by the management or by the department.

SHRI R. N. SHARMA: Are you talking about the quarry mining or under-ground mining?

SHRI K. VENKATASUBBAIAH: Under-ground mining.

MR. CHAIRMAN: There is mention about night allowance against item 9. How does it make a difference between day and night in underground mining? Is your union recognised?

SHRI K. VENKATASUBBAIAH: There are two unions—one recognised and one not recognised.

MR. CHAIRMAN: Are you complaining about the recognised union or unrecognised union?

SHRI K. VENKATASUBBAIAH: My union is recognised in a particular mine, i.e., Kalyanrama mine and I was not allowed by the Inspector to visit the place of accident.

SHRI R. N. SHARMA: Against item 7 you are requesting to reduce the application period from 15 to 3 days. Why and what is the hastiness about it?

SHRI K. VENKATASUBBAIAH: In Mica mines there is no provision for sick leave or any such leave. If one has to take leave after 15 days of application there is no meaning in it. Provision may be made reducing the period from 15 to 3 days.

SHRI R. N. SHARMA: Against items 13 and 14 you have requested that the present provison should continue. Do you mean the present provision in the Act of 1952 or the proposed provision in the Bill?

SHRI K. VENKATASUBBAIAH: Regarding fine that is essential, Sir.

SHRI R. N. SHARMA: Do you want that the penal provision should be more stringent or the same old provision should continue?

SHRI K. VENKATASUBBAIAH: Old provision would be useful.

SHRI DWIJENDRALAL SEN GUPTA: How many mines are affiliated to Bharatiya Mica Mazdoor Sangh?

SHRI K. VENKATASUBBAIAH: 35 mines.

SHRI DWIJENDRALAL SEN GUPTA: In the day-to-day activities, in these 35 mines have you noticed any infringement of the Mines Act and Rules and Regulations.

SHRI K. VENKATASUBBAIAH: Most of the managements observe the rules.

SHRI DWIJENDRALAL SEN GUPTA: Can you tell us what are the mines which are not observing?

SHRI K. VENKATASUBBAIAH: I cannot say.

MR. CHAIRMAN: Against item 2 you have suggested constitution of separate mining Boards. Why? What are the difficulties at present? At the same time you want to retain the All-India Board also in order to supervise the separate small mining Boards. All-India Board should be split up into small boards and at the same time you also suggested that the All-India Board should be retained; what is the reason?

SHRI K. VENKATASUBBAIAH: If it is only one Board, all the mining industries won't come into one Board.

MR. CHAIRMAN: By making this suggestion do you want that different conditions should be created in different mines?

SHRI K. VENKATASUBBAIAH: No, Sir.

MR. CHAIRMAN: Then what is the idea; we want to understand why you have made this suggestion.

SHRI K. VENKATASUBBAIAH: All the bigger industries like Mica, Coal, etc. will have representation.

MR. CHAIRMAN: Have you any idea as to how many Mines Board there will be (both major and minor).

SHRI K. VENKATASUBBAIAH: Coal, Iron Ore and Mica.

MR. CHAIRMAN: So there will be separate functioning and co-ordinated functioning. Don't you see that in this process everything will be delayed. This will be more disadvantageous.

SHRI K. VENKATASUBBAIAH: If it functions effectively there will be no delay. If you divide into two boards there will be industry-wise representation.

SHRI DINEN BHATTACHARYA: What about Sitarama Sundaram Mine and Minakshi Sundaram Mine? What about the prospecting side? These are old, established mines. Are there any new mines coming up in Nellore District?

SHRI K. VENKATASUBBAIAH: No Sir.

SHRI DINEN BHATTACHARYA: What is the reason that no new mica mines in Nellore district has been prospected?

SHRI K. VENKATASUBBAIAH: The Geologists and other experts might assist if it is a mineral. But in the case of Mica no geologist or any expert could not estimate the deposits of Mica.

SHRI DINEN BHATTACHARYA: Whether the production of mica in Nellore district is falling or going up?

SHRI K. VENKATASUBBAIAH: It is falling day by day. These mines were discovered 100 years back. All the mines have been explored.

MR. CHAIRMAN: Thank you very much.

[The witness then withdrew]

III. **South India Mica Mine Owners Association, Gudur,**

Spokesman: Shri K. V. S. Ram, *Member*.

(The witness was called in and he took his seat).

MR. CHAIRMAN: Whatever evidence you give before this Committee, that will be treated as public and even if you desire that a part or whole of the evidence should be treated as confidential, as I have told you, in that case this evidence will be made available to the Members of the Parliament. So with this you have to state whatever you want to state. The memorandum is already before us. If you want to say anything any explanation besides memorandum you can say. May I know what is your position in this Association?

SHRI K. V. S. RAM: This memorandum has been jointly submitted by the owners and managers of Nellore area. I am the Secretary of the Mine Agents and Managers Association. In the memorandum submitted, the first thing we wanted is the definition for the word 'agent' should be specifically restricted to mean any individual when appointed as such. Beyond that I don't have anything more to say, unless somebody wants something. I will answer to questions put if any.

SHRI R. N. SHARMA: You have requested the Committee to simplify the definition of the term 'agent' and wanted that should be used only in relaion to mines for any individual appointed as such; so any individual who will be the appointing authority of such individual . . .

SHRI K. V. S. RAM: The agent is appointed by the owner of the mine. The definition of the word 'agent' is vague.

SHRI R. N. SHARMA: What is the variance in the proposals? Somebody may not be appointed but somebody might be working as agent and signing all the documents. Is that the vagueness you want. You want to say that he may not be qualified?

SHRI K. V. S. RAM: It is not a question of qualification. The problem is this way. Especially in a small mining enterprise, generally the owner may not be there.

SHRI R. N. SHARMA: You have very big head. Are you stating on behalf of small mining enterprise? As per your head you are the owner, you are manager, you are the agent, you are everybody. Then why do you talk abuot the small mine? You want to talk for the definition of the word 'agent'.

SHRI K. V. S. RAM: In a mine if the 'agent' is not defined, sometimes the relative of the owner come and give certain instructions purporting to be an agent. If the instructions don't go well and if things go wrong, then the trouble occurs. If it is alright he will insist his own way of getting things done without the knowledge of the owner. Hence it was felt to change the definition of the word 'agent'. To avoid that difficulty this suggestion has been made.

SHRI R. N. SHARMA: When an owner deputes his brother to go as 'agent' he goes there on his verbal orders and when the question of responsibility comes he shifts.

SHRI V. K. S. RAM: About agent giving technical instructions, it has been suggested that if technicalities were to be given by theh agent, he must have qualification for giving such technical instructions.

MR. CHAIRMAN: If everything goes alright then he takes the credit and if something goes wrong, he does not want to take the responsibility. My question is, that suppose there is something wrong and if he says that he is not responsible and it is such and

such man who is responsible as he had come and interfered and that he is not acting as 'agent'. If that is established that he is not the agent, then it has got to be clarified.

SHRI K. V. S. RAM: Our thinking is this way, Sir. It is better not to give an opportunity for a person to interfere by saying that he is purported to act as an agent; but to put a specific person so that ambiguity is eliminated.

MR. CHAIRMAN: He may be appointed or he may not be. Appointment may be cancelled after every appointment. They can do all these things. Is the definition not better, "whether appointed as such or not, who, acting or purporting to act on behalf of the owner . . . He should be appointed, and held responsible.

SHRI K. V. S. RAM: If a man is working and written instructions are not there, the person who is lower than him would be involved.

MR. CHAIRMAN: Now, item 2. You say, "Therefore, for any failure in such installations the mine owners should not be found fault with". But will you agree to the direction of Director-General of Mines Safety that you may have purchased from a particular point.

SHRI K. V. S. RAM: What we said is with reference to the supply of electricity at the mines.

MR. CHAIRMAN: You want switch gears and transformers in the mines, and for any failure you want the suppliers responsible and not the manager or the management.

SHRI K. V. S. RAM: In mines premises when we purchase electricity from the Electricity Board, they use their own substations, switchgears, and transformers. All these things belong to the Supplying Agency. We receive supply to our distributory system from that point onwards, and from that point the Manager is responsible for their substation, switchgears, and such other things we are not responsible.

MR. CHAIRMAN: You are not talking about your one concern. You want to keep a provision for whole of India—for 3000 mines. Keep this in mind and then suggest whether you would like this to be applied in all these cases?

SHRI K. V. S. RAM: These are common problems.

MR. CHAIRMAN: You suggest, "After the words, "under the same Management", the words, "owned by or under the control of the Management" shall be added. Does it not change the meaning of whatever is written in the Bill 'Under the same Management', clearly indicates that it is under the control of a group of management or a particular management. It does not carry the meaning. The suggestion is redundant. What improvement do you suggest?

SHRI K. V. S. RAM: I shall put our difficulty. The switch gears, the transformers, etc. are in the same mine lease-area. The HT supply system belongs to the Supply Agency. It does not belong to the mine-management. We have no control even to change the fuse. For that we have to call the Electricity Department people.

MR. CHAIRMAN: Now, the management is responsible for the things which it controls. You are not giving the difference between the two.

SHRI R. N. SHARMA: By adding these words do you think management's responsibility ends.

SHRI K. V. S. RAM: Where the installations belong to the Electricity Board, and if something goes wrong, we do not have control, and therefore no responsibility.

SHRI R. N. SHARMA: Your responsibility is when things are under your control. If supply is defective the Electricity Board is there.

SHRI K. V. S. RAM: But now we become responsible.

MR. CHAIRMAN: It is not that something goes wrong and you are not responsible. You are responsible for something when it falls under your jurisdiction.

SHRI K. V. S. RAM: I give an instance. In mining we take supply from Electricity Board. They do not even put a fence around their installations. It becomes dangerous. Supposing animals or somebody comes into contact with this. Then what? I have no control to go and to do anything, with regard to that, except writing them.

MR. CHAIRMAN: Firstly, you should not allow these things in your premises; and if that goes wrong, how are you responsible?

SHRI R. N. SHARMA: When the things belong to others, why are you afraid.

SHRI K. V. S. RAM: Fear is there. If there is the installation of the Electricity Board; and there is failure or shock, persons in our premises are affected.

MR. CHAIRMAN: Are you under obligation to keep others' things under your control?

SHRI K. V. S. RAM: I am not obliged.

SHRI JAGAN NATH BHARDWAJ: If anything goes wrong in your house, you call the concerned man, and get it set right; the same thing applies to your mind. When anything goes out of order, you lodge a complaint and get it done.

SHRI R. N. SHARMA: Is there any dualty of management with regard to installation in any premises?

SHRI K. V. S. RAM: As far as Government supply point, it is upto that point which is under the control of the Government or the agency, that they are responsible; and the management becomes responsible from the point where the management supply-system starts. Suppose at a mine I am using L. T. supply below 75 H. P. and the transformer equipment is installed by the supply agency like the Electricity Board in the State of Andhra Pradesh. For 440 V supply to the mine premises H. T. transformer installation is made by the supply agency over which the mine management has no control. But the installation invariably is within mine premises. For any accident that takes place, the mining lease owner may be responsible under the Workmen's Compensation Act. It is from that point of view I said that, unless the installation belongs to the management, the management cannot be held responsible for this flaw. I feel the wording in the amendment requires a little alteration.

SHRI CHAPALENDU BHATTACHARIYYIA: The point that has been made out by you seems to be innocuous. This issue is not only between private sector and the State Electricity Board, this issue is also being posted between the public sector coal mines and supply agencies everywhere. I do not agree with the witness as what he suggested misses the point. Certain understanding between the mining lease owner and the supply agency should be mentioned in the Rules to be given by the Directorate of Mines. Logical extension of this will not be agreed to by the supply agency, for which the mine owner is responsible. There is necessity for defining it more precisely in the Rules.

MR. CHAIRMAN: The witness says that the management is responsible for the action from the place the supply starts. Prior to that the management is not responsible.

SHRI H. B. GHOSE (DIRECTOR-GENERAL): The objection in the mind of Mr. Ram is justified. He cannot make anybody responsible for any act which does not come under the Act (Mines) itself. If the State Electricity Board has provided a

transformer over which they management have no control, the Mines Act cannot hold the management responsible for any defect in the State Electricity Board's equipment.

SHRI DAMODAR PANDEY: Do you mean to say that unless the transformer is within the premises of the mine-owner, you will not be able to boost up the mining operation?

SHRI K. V. S. RAM: Under Sec. 3 of the Mines Act, provision has been made for exempting certain classes of minerals from the application of the Act, excepting a few classes of mines. In the proposed amendment, a few minerals which are hitherto coming under the purview of the Mines Act have been brought under exemption. Previously, the criterion whether the Mines Act should apply or not was basically considered under the broad category of major or minor mineral and exemption given subject to the conditions about depth, employment and explosives used. Now, our suggestion is, why only certain minor minerals should be considered for exemption, and why not all minerals be exempted if the above same conditions are fulfilled? With the depth the discovery rate of mineral will increase and the cost also would increase. As things stand today, the moment a mineral comes under the list of major minerals, though the working is very preliminary or only a prospecting industry, immediately all the conditions of the Mines Act will apply, and it involves additional organisational and capital expenditure which in any mine working is a disincentive to such mineral. That is why we have made this suggestion.

SHRI DAMODAR PANDEY: Every minor mineral will become major mineral in course of time. Do you mean to say that according to the requirement of the society, the Act should keep pace with it? For instance, building and requires particular investment, and in view of its importance in production and the danger to the working there in the pit, requirement of law has got to be imposed on mine production. Do you mean to say that all these should be kept away.

SHRI K. V. S. RAM: That is not my idea. Whether it is ordinary sand or country sand, the method of mining is not different.

SHRI DAMODAR PANDEY: It is different at many places. Ganga sand is different from Damodar valley sand.

SHRI K. V. S. RAM: The number of persons employed, the depth and when explosives are used are not same. As long as there is working, why cannot you extend this facility under Section 3 to all minerals. This is specially necessary in the case of prospecting type of operations. Our idea is, as long as depth, number of persons employed and the explosives are used, are the same, the exemptions are to be extended to all minerals.

MR. CHAIRMAN: Are you not aware, being concerned with mica, the whole question was gone into in detail by a committee in mid-1940?

SHRI K. V. S. RAM: I am not aware.

MR. CHAIRMAN: Do you agree that mica as a mineral in strike and in pigmatise occurrences are different from other minerals like coal, iron or manganese?

SHRI K. V. S. RAM: Yes.

MR. CHAIRMAN: You have suggested an amendment as substitution for section 2 J (i): "Where boring or drilling operations are conducted for prospecting purposes only, such boring or drillings shall not be treated as Mines, provided the diameter of the drill hole is not more than 75 mm." Do you have mica also in mind when you suggested this?

SHRI K. V. S. RAM: Yes.

MR. CHAIRMAN: Do you suggest that mica like any other mineral can

be proved by this drilling hole and you can prove mica load?

SHRI K. V. S. RAM: As a general structure, bore-holes are treated as part of a mine. For instance, I had been a witness to a practical difficulty when G. S. I. C. was drilling for mica. This drilling was conducted in Nellore mica area and it was represented that one of the problems they had to face is to implement the Mines Act for such prospecting drilling works also.

MR. CHAIRMAN: Is there any method for proving the load of mica?

SHRI K. V. S. RAM: About prospecting mica, in the underground we are prospecting by putting drill-holes horizontally. But prospecting is not always successful; even if we do not get pigmatize we can close the mine and to that extent bore-holes are useful. The industry has not acquired the sophisticated equipment required for deep drilling. But the G.S.I.C. has tried to drill for mica pigmatise as an experimental measure.

SHRI DINEN BHATTACHARYA: I put it to you that the only way of assessing the mica load is by going from book to book and after working out the entire mica mine you prove the mica deposit. Is there any other method?

SHRI K. V. S. RAM: No.

SHRI DAMODAR PANDEY: You have asked for different boards for different mining industries. Is that each mineral should have a separate Board?

SHRI K. V. S. RAM: Our contention is that we should have boards separately mineral-wise. Mica should have a separate board so that that industry may have proper representation. If there is one board for the whole country probably mica industry's representation on that board will be insignificant.

SHRI DAMODAR PANDEY: You do not want the Mining Board as such, but industry-wise boards?

SHRI K. V. S. RAM: Yes. Basically the question is that our mica industry should have adequate representation at all levels. The number of persons constituting the Board now will come to 16 or 17 for the whole country, taking into account the interests of the industry, workers and governmental agencies. A board of 16 persons for the entire country probably may not have been room for representation of persons engaged in industry. The peculiar problems of the industry will receive more attention if a separate board is formed industry-wise.

SHRI DAMODAR PANDEY: State basis or Central basis.

SHRI K. V. S. RAM: Central basis for each industry for the whole country.

SHRI DAMODAR PANDEY: How many minerals are there involved.

SHRI K. V. S. RAM: It depends upon the magnitude of the mining operations. Some minerals which are scarce may be grouped together; the other major minerals may have separate boards.

SHRI DAMODAR PANDEY: The present department is not looking after the mica mines?

SHRI K. V. S. RAM: We are not putting it that way.

MR. CHAIRMAN: It is not a question of looking after the industry's interests only; it is also looking after safety. If your suggestion is accepted what is its effect on the safety aspect?

SHRI K. V. S. RAM: Industry-wise boards will serve the interests of safety better.

SHRI DWIJNDRALAL SEN GUPTA: From the safety point of view how do you justify industry-wise

separate boards—like Mica Board, Coal Board, etc.

SHRI K. V. S. RAM: For Mica if you have a separate board, people who have experience will have a better chance of being in the Board but if there is only one Board for the whole country for all the minerals, the chance of representation from this particular industry is bound to be very limited or even nil. There will be better appreciation of the problems of the industry if the people from the industry are there; it may serve safety better.

SHRI DWIJENDRALAL SEN GUPTA: Can you please explain the crucial problems of safety in the mica mines. If you want to distinguish between the mica industry and other industries you have to make out a case with reference to your special requirements from the safety point of view. So far as safety is concerned, what is the difference between your industry and other industries?

SHRI K. V. S. RAM: Our method of mining is different; conditions are different; the risk problems are different; our requirements as to equipment and installations are different from those of a coal mine from the point of view of safety. The basic mining may be the same technically but when you go to specialisation in detail there are subtle differences. If a committee is formed with people from a particular industry, they will pay more attention and bring out certain points which may not be normally seen in the broad spectrum. Of course if the question is put to me by the hon. Member I may not be able to directly answer in great detail but basically there are differences between coal and mica mines.

SHRI DWIJENDRALAL SEN GUPTA: My point is not that. You will be under the Mines Department; coal too will be under the Mines Department. But you want a separate Board. What for? We know the mining operations in coal and mica mines are different. But how do you explain the difference so as to get a special board which would meet your special requirement?

MR. CHAIRMAN: You have also suggested that the membership of the board should be increased to make it broad-based. Which board is that? Is it the present board, proposed board or the board which you are proposing?

SHRI K. V. S. RAM: It is with reference to the Mica Board.

MR. CHAIRMAN: But I think you know that there certain things which are common to all the mines like amendment of regulations, etc.; then there is the Director General of Mines Safety. It is not a question of the interests of a particular mining industry only. Do you still maintain that there should be industry-wise boards?

SHRI K. V. S. RAM: Mining Board now proposed has 16 to 17 persons for the country; there is no formula to give adequate representation industry-wise. Depending on the employment of persons or the number of machines, some formula should be evolved; then the present proposal of single Board makes a difference.

MR. CHAIRMAN: They call witnesses before this Board. Representations are made before this Board; they invite people also; there are so many things common to all industries of mining. I was wondering whether you still think that your suggestion will be useful for this specific purpose.

SHRI K. V. S. RAM: Basically our mica mining industry may not have adequate representation on the Board.

SHRI B. K. MAHANTI: Suppose Mica Mines are given representation in this Mining Board, are you satisfied? You are suggesting that Manager also should inspect under the Mines Act.

SHRI K. V. S. RAM: He may be deputed.

SHRI B. K. MAHANTI: A Mines Manager may be a particular member of a trade union.

SHRI K. V. S. RAM: He might be working in some other capacity somewhere.

SHRI DAMODAR PANDEY: What is the difficulty you are contemplating. The persons employed may elect one among them as Inspector and he will inspect the mine because they have the experience. What is your difficulty?

SHRI K. V. S. RAM: I have no objection.

SHRI DWIJENDRALAL SEN GUPTA: You have said in your explanation on page 4 as follows: "While welcoming the provisions made we are of the opinion that inspection by a person holding not less than a mining graduate or equavelent thereof with a second class certificate of competency to manage a mine may not justify the purpose of inspection since his academic and practical knowledge may not be in keeping with the responsibility entrusted'. So you feel that a mining graduate is necessary for proper functioning? Do you not feel that if that 'agent' were to be an engineer (possessing the same qualifications) would perform things better?

SHRI K. V. S. RAM: What you have suggested is a new idea. I think it is a good idea.

SHRI DWIJENDRALAL SEN GUPTA: Your association is the association of Andhra Pradesh Mica Mine owners Association, Gudur and Andhra Pradesh Mine Agents and Managers. So you are representing there the Chamber of Commerce, you are representing the Owners, you are also representing the Agents and Managers.

SHRI K. V. S. RAM: Yes Sir.

SHRI DWIJENDRALAL SEN GUPTA: In doing that you have to consider from the point of view of employer than of the Industry. Am I correct?

SHRI K. V. S. RAM: That is your view Sir.

SHRI DWIJENDRALAL SEN GUPTA: That is your view. Your interest is from the point of view of manager or the owner's interest. Do you agree when I say that there will be clash of interest between the owner and a manager.

SHRI K. V. S. RAM: That is always a possibility.

MR. CHAIRMAN: Mr. Ram, I would like to ask one thing. You represent all the four interests. What do you think about separate representation to the Manager's Association in relation to Mining Boards. They will be representing your interest. Just now you said that you represent all the four interests.

SHRI K. V. S. RAM: Today I come here representing all the four.

MR. CHAIRMAN: I don't want to know the reasons for which you have come. You said that you work in the interest of four. It is a simple logic. Here is a person who represent the four interests of the mine. Either you may be the agent, owner etc., I simply want to understand that suppose there is a proposed representation for the Managers' Association in this Bill also and if the Managers Association are taken on the Mining Board you think their interest will be represented I would like to have your clarification.

SHRI K. V. S. RAM: I don't think I can answer this question.

SHRIMATI SHEILA KAUL: You have mentioned that the workers are provided with some personal goods, 50 per cent of the cost may be realised from the workers". Why do you suggest that your workers should be

charged 50 per cent of the cost articles supplied?

SHRI K. V. S. RAM: This is with a view to instil in them a sense of ownership.

SHRIMATI SHEILA KAUL: Why do you think they will not use carefully?

SHRI K. V. S. RAM: This is our experience.

SHRIMATI SHEILA KAUL: Why charge 50 per cent of the cost?

SHRI K V. S. RAM: If not 50 per cent, the Committee may decide what?

SHRI R. N. SHARMA: What is the rationale for charging?

SHRI K. V. S. RAM: Recently we have started giving shoes. Our workers were not very much in the habit of wearing shoes. But now that they have taken to it, and once they get accustomed to wear shoes, they will wear this even in non-shift hours. Now I am citing this just an instance. He cannot be stopped to wear outside. In that case they may use the pair of shoes carelessly and come every three months and demand a new shoe. But if we charge, a sense of ownership will be there, and they would use the things a little carefully.

SHRI M. C. DAGA: Will this principle of ownership extend to other equipments and machineries, including the mine?

[No reply]

SHRI R. N. SHARMA: If you want to instil a sense of ownership, instead of charging you may say that this particular item (say shoes) will not be issued for the next two years, or so. Will this not bring in them a sense of responsibility?

SHRI K. V. S. RAM: I do not think.

MR. CHAIRMAN: Now coming to the prosecution of Government Servants. If a Manager or a man of your interest files a complaint against a Government Servant, do you think sanction is necessary, or not?

SHRI K. V. S. RAM: We have given our views in the Memoradum.

MR. CHAIRMAN: This is a suggestion put forth by the Mica Chambers of Commerce. We have to consider it. Thank you very much, Mr. Ram.

[*The witness then withdrew*]

IV. The Singareni Collieries Company, Limited, Kothagudium

Spokesmen:

1. Shri K. I. Vidyasagar—*Managing Director.*
2. Shri V. L. Karwande—*General Manager.*
3. Shri M. Vasudevan—*Deputy General Manager.*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: I would like you to note that the evidence given will be treated as public and is liable to be published unless you specifically desire that any part of the evidence should be treated as confidential. Even then, it should be noted that this confidential evidence will be made available to the Members of parliament.

We have received a Memorandum, that is before the Committee. You can kindly explain things contained in the Memorandum or anything outside the Memorandum.

SHRI K. I. VIDYASAGAR: We made three suggestion:

First is about the definition of Mines.

Since prospecting need not necessarily be connected with mining. It

may also be independent and carried on.....(*interruption...*)

We feel that it need not find a place in the definition, because prospecting also can be by an agency independent of the organisation which operates mines—for instance, the Geological Survey of India; It is rather difficult to bring them under the same organisation as they are independent of the mining operation. It is also possible that prospecting may be infructuous and may not be followed by opening or development of a mine.

SHRI V. L. KARWANDE: Very often at the end of the prospecting the development of mine begins. So we feel that prospecting may not be brought under the definition of mines.

SHRI DAMODAR PANDEY: When do you differentiate between prospecting a mine, developing a mine and commercial exploitation? Which one you have in your mind when you suggest that it should not be brought under the definition of 'Mines'? Is it exploration by GSIS of the type you referred to or is it excavation to prove how far the project can be viable?

SHRI K. I. VIDYASAGAR: To start mining operations, depth and extent of deposits should be proved. Till that stage viz. when deposits are found, the viability of the unit is proved; at that stage, it may be considered as prospecting. Because at that stage only, a decision can be taken whether to start mining or not. After that, there may also be a gap.

SHRI DAMODAR PANDEY: We must also understand the conditions of mining in our country. Because of the time involved in prospecting it will never come under the Mines Act.

SHRI V. L. KARWANDE: Whether to open a mine or not depends on the results and the period in which the mine is going to work and whether it can be economic or not. After careful examiation only, a final decision is taken that a mine should be opened. As the Hon. Member has mentioned, opening of a mine is done in two ways. One is at the intial stages. It becomes a regular mine only from the time it requires sinking a shaft. Only we want a change in the wording.

SHRI DWIJENDRALAL SEN GUPTA: Do you feel that there are prospecting stages also?

SHRI V. L. KARWANDE: Actually there are various ways which are covered by other agencies.

SHRI DWIJENDRALAL SEN GUPTA: Under what statute you want to cover the hazard involved in the prospecting stage?

SHRI V. L. KARWANDE: Under the Factories Act, the State Government agencies will cover this.

SHRI DWIJENDRALAL SEN GUPTA: I think you are giving this explanation to keep large number of people who will be engaged in the prospecting stage away. Unless you can give an alternative how you are going to cover the hazards, how to exclude.

SHRI V. L. KARWANDE: Actually the type of hazards that we usally come across are not present in the case of prospecting operations. The GSIS has been conducting prospecting operations all over the country and they have been covered by registration. I will go a step further; the reason why we said that it should not be treated is once it is treated as mine all the provisions that apply to mining works will apply. It will be better for the mine starter to bear the expenditure in the initial stages; at times, it may be infructuous also.

SHRI DWIJENDRALAL SEN GUPTA: You want exemption from the scope of the Mines Act for those employed in the prospecting stage to avoid expenditure. On account of the

labour, you are not pleading for exclusion?

SHRI V. L. KARWANDE: No. One more point is not clarified. Suppose prospecting operations or mining operations ultimately become infructous what will happen? We have to encourage industry and mining. We feel in the initial stages it may be difficult.

MR CHARMAN: Do you need Mining Engineer at the prospecting stage?

SHRI V. L. KARWANDE: We require a Geologist; we do not require a Mining Engineer.

SHRI DWIJENDRALAL SEN GUPTA: Sometimes in the prospecting stage you come to the conclusion that all the money that has been spent has become infructuous because it is not developing. At this stage you are loaded with the danger of the application under the mines Act in regard to the labour employed in prospecting. Your purpose seems to be to save the cost of prospecting by taking it away from the scope of the mine. I ask you to look at it from another angle. While it is a gain to the employer, it is a loss to the worker. You are trying to gain at the cost of the labourer.

SHRI K. I. VIDYASAGAR: That is one aspect of it, But what we have to see is, the nature of operations is different. Prospecting may not have the same harzards as in mining. So we have to separate them and treat them separately.

SHRI DWIJENDRALAL SEN GUPTA: If there is no hazrrd, there is no liability.

SHRI K. I. VIDYASAGAR: One type of hazard that can happen is wild animals; that is one type of hazard that we come across. But it is quite different from mining.

SHRI DWIJENDRALAL SEN GUPTA.: Your question is argued from the point of view of the employer—whether the expediture should be debited to capital expenditure or revenue expenditure. Your approach is that at capital expenditure stage this should not come. That is a different matter. I would like to know from you, without going through these processes of exploration or prospecting, can there be any mine?

SHRI K. I. VIDYASAGAR: That is what I have mentioned earlier; prospecting can be an independent operation; it need not necessarily be followed by mining; but mining cannot take place without prospecting. There is a subtle difference.

SHRI DWIJENDRALAL SEN GUPTA: So according to you prospecting is different from mining of prospectng is not connected with mining?

SHRI K. I. VIDYASAGAR: Except indirectly.

MR. CHAIRMAN: As I have understood the Managing Director and the Member, I think prospecting is necessary for mining. He (Managing Director) feels that prospecting may not be treated as mining.

SHRI K. I. VIDYASAGAR: Yes.

SHRI H. B. GHOSE: This prospecting has already been defined in the present Act. Section 3 reads like this: "The provisions of this Act. . . .shall not apply to any mine or part thereof in which excavation is being made for prospecting purpose only and not for the purposes of obtaining minerals for use or sale."

The prospecting by boreholes only is excluded from the Act. Suppose you dig a borehole to take a cable from surface to underground that will be taken as a mining operation because that borehole is not for prospecting purpose. The present amendment includes boreholes and boring in the definition of mine.

SHRI V. L. KARWANDE: Even boreholes come under mining operations. Let me not be misunder-

stood that we are trying to deprive the workers of their proper wages.

What we are trying to bring to the notice of this august Committee is that not only boring operations but even drilling operations will be covered by the Mining Act. We must not be misunderstood that we don't want to pay the workers on par with the mining workers or that we want to pay them less wages. We want the Committee to take serious note of a provision whereunder even the screening plant will be also mining.

SHRI DAMODAR PANDEY: We are only discussing the safety aspect now and not the wages. There is a different forum to determine the wage structure of different types of work-men. Whether it is drilling or any other operation, we are discussing it from the point of view of safety.

SHRI DWIJENDRALAL SEN GUPTA: The General Manager made a reference about the feasibility report which means the economic feasibility. Does not the prospecting itself come under the definition of feasibility. Whatever investment is made on the mining operations and whatever expenditure is incurred—is included in the feasibility report—which means the economics of the project. Does not prospecting come in that feasibilty report and is it not part of the investment that you make in mining.

SHRI V. L. KARWANDE: We have no objection for that view. We only wanted to say so far as wages are concerned that we are not against the workers being given their due.

MR. CHAIRMAN: You have made the point clear. Mr Pandey has also explained that we are not discussing the question of wages but only safety aspect.

SHRI H. B. GHOSE: Whether you get mineral in prospecting operations or not, it will not be taken as nine unless you are using or selling the minerals. If you do not use or sell it (Mineral) it is not a mine.

SHRI DINEN BHATTACHARYA: When you say about prospecting and development and feasibility report and the bifurcation between capital expenditure and revenue expenditure and all that you were having coal in your mind; were you thinking of any other mineral? In the context of amending the Mining Act, we are taking all minerals into account. We would like to draw out of your experience.

SHRI K. I. VIDYASAGAR: Our primary concern is with coal.

SHRI DAMODAR PANDEY: While you do not like to voilate any provisions of the Mines Act and you do not want the workers to work in dangerous conditions, why should you, being a model employer, oppose a simple requirement of the workers working in safety conditions?

SHRI K. I. VIDYASAGAR: Our difficulty is—the overman would inspect and say that this is right and this is not right and the Manager is responsible for maintaining these things and he would not like an overman to say what he should or should not do; this leads to friction.

MR. CHAIRMAN: Although you have opposed the provision you say that an experiment may be tried in a few selected collieries to start with and based on the experience gained the amendment if necessary may be introducd later.

SHRI DINEN BHATTACHARYA: They have said in col. 3 that the section may be deleted.

MR. CHAIRMAN: Do you still maintain the note?

SHRI K. I. VIDYASAGAR: We agree on the note, but the experiment may be tried and amendment may be taken up later. The section as it stands may be deleted.

SHRI R. N. SHARMA: There was a Safety Conference in 1958 and this was one of the decisions. And even 14 years after that you are not in a position to agree for its implementation.

SHRI V. L. KARWANDE: The recommendation was made in 1958 but we are bringing the amendment today. What I submit is that we may implement the spirit of it without strictly adhering to the letter.

SHRI R. N. SHARMA: Being a model employer you have not been able to implement the decision of 1958 for the last 14 years. Why?

SHRI V. L. KARWANDE: It was necessary during that period. I submit that this will lead to complications. But without implementing this, we were able to negotiate with the workers and come to decisions. I do not like to spell out the complications that would arise once this provision is enacted. I assure you we have been able to discuss these matters with the unions and succeeded upto a limited extent.

SHRI DINEN BHATTACHARYA: Without giving the workers any statutory right?

SHRI V L. KARWANDE: I do not think so. Statutory right creates more complications instead of solving the problem.

MR. CHAIRMAN: 1958 position let us not discuss. 1972 position is different. They are giving their views on the present amendment.

SHRI DWIJENDRALAL SEN GUPTA: According to you what was considered necessary in 1958 is not necessary now. That is why you shifted your stand. Will you give a few instances to appreciate the change since 1958.

SHRI V. L. KARWANDE: We were not participating in that conference of 1958. Now since a provision is sought to be enacted, we have to give serious thought to it. We are not averse to workers participating in any activity of the management. In fact we are seeking the cooperation of all Unions of workers. It is our desire that we should get their cooperation. But we will be failing in our duty if we do not express before the Committee that a measure of this sort at this stage will not solve the problem.

SHRI DWIJENDRALAL SEN GUPTA: You say you were not represented in the conference?

SHRI V. L. KARWANDE: We did not participate.

SHRI DWIJENDRALAL SEN GUPTA: Employers' representatives, the Government and the Workers representatives—all participated. Your non-participation means that you do not belong to any of those agencies. What he says is 'we did not participate'. Three parties were represented there. He is represented there, through the employers. Either you (turning to the witness) must come within Government or within employers. He cannot claim a third position or fourth position. What does he mean 'we did not participate'?

MR. CHAIRMAN: He is just making a statement of facts. For the benefit of my friend you kindly clarify this idea.

SHRI V. L. KARWANDE: I mentioned that 'we did not participate' our recommendation is here. Even though we are not averse to the idea and even though we don't consider we say 'let this be tried with all good faith and sincerety of purpose. Let us make it work and then introduce them'.

SHRI DWIJENDRALAL SEN GUPTA: I want to know from you one thing. Your stand here is that 'you did not participate'. Did you participate in any tripartite meeting?

MR. CHAIRMAN: Here it is only a limited question. On this the views are clearly expressed. I think we should take that.

SHRI R. N. SHARMA: I think you have suggested some thing new in place of 22A. Have you got any particular objection to 22-A. What is your objection that for such kind of employer who are once or twice directed to remove certain violations and if they don't follow and if the office of the Director General of Mines Safely orders that 'now you can't employ anybody else then who are required for removing the violations? Have you got any kind of objections to that?

SHRI V. L. KARWANDE: We certainly don't have any objection. We are quite confident with the present officers of the Mines Department and the Director will not have to impose any conditions which will make it difficult to work but a different impression arises. This proposal is only for that. We are not trying to justify the owners. Even while when this amendment is made we will implement. That intention is very clear.

SHRI R .N. SHARMA: Here is the suggestion that for violations or removal of violations if once the order is not obeyed in a certain period, he may give notice and stop it. Unless the violation is removed nobody will be employed except certain people Have you got any objection on that? Your suggestion may be a distant suggestion.

SHRI V. L. KARWANDE: It is a Committee appointed by the Government and we will abide by the decision of the Committee. The Committee appointed by the Government will consider.

MR. CHAIRMAN: If you look at the present provisions, there is already a provision for referring to the Committee.

SHRI V. L. KARWANDE: I am telling in the case where there is no specific provision made.

MR. CHAIRMAN: You refer to page 15 of the 1952 Mines Act (original), Section 6.

SHRI V. L. KARWANDE: This is applicable 22 (1) instead of any matter for which no express provision is made by or under the Act. The present legislation applies to the violations for which the express provision is made in the Act. That is the distinction. We accept this.

SHRI H. B. GHOSE: Kindly see page 8 of the amendment, Sub-Clause (d):

(i) After the word, brackets and figure "sub-section (4)", the words, figures and letter "or under section 22A" shall be inserted;

MR. CHAIRMAN: I think this is alright. It is already covered and I don't think that this is required.

[*The Committee then adjourned*]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972

Saturday, the 28th October, 1972 at 10.00 hours in Committee Room, Vidhana Soudha, Bangalore.

PRESENT

Shri Anant Prasad Sharma—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Dinen Bhattacharya
4. Shri Khemchandbhai Chavda
5. Shri M. C. Daga
6. Shri Anadi Charan Das
7. Shri K. G. Deshmukh
8. Shri C. D. Gautam
10. Shrimati Sheila Kaul
9. Shri Bhogendra Jha
11. Shri Surendra Mohanty.
12. Shri Boksi Nayak
13. Shri Paripoornanand Painuli
14. Shri Damodar Pandey
15. Shri Prabhudas Patel
16. Shri Ramji Ram
17. Ch. Ram Prakash
18. Shri P. Antony Reddi
19. Ch. Sadhu Ram
20. Shri R. N. Sharma
21. Shri T. Sohan Lal
22. Shri R. P. Ulaganambi
23. Shri T. V. Chandrashekharappa Veerabasappa
24. Shri G. P. Yadav

Rajya Sabha

25. Shri Virendra Kumar Sakhalecha
26. Shri B. K. Mahanti
27. Shri Sita Ram Singh
28. Shri Vinaykumar Ramlal Parashar
29. Shri Jagan Nath Bhardwaj
30. Shri Kasim Ali Abid
31. Shri Dwijendralal Sen Gupta

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*
2. Shri S. S. Prasad—*Dy. Director-General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

I. *The Hutti Gold Mines Company Limited, Hutti.*

Spokesman: Shri S. C. Mahanti—*Mine Manager.*

II. *Tamil Nadu and Kerala Mines Safety Association (Central) Salem.*

Spokesmen: 1. Shri S. P. Roy—*Vice-Chairman*
2. Shri A. R. Ganesan—*Hony. Secretary*
3. Shri R. Muthaiah—*Member.*

III. *Shahabad Stone Quarry Lease-Holders' Association, Bangalore*

Spokesmen: 1. Shri S. M. Parikh—*Vice-Chairman*
2. Shri Manik Arke—Secretary
3. Shri M. Ramesh—Treasurer

IV. *Tamil Nadu Gypsum Mine Owners' Association, Udumalpet.*

Spokesmen: 1. Shri V. Raman—*President*
2. Shri T. S. Srinathan—*Secretary*
3. Shri R. Sankaranarayanan—*Joint Secretary*
4. Shri C. Kasi Vishwanathan—*Treasurer*

V. (1) *Bharat Gold Mines Private Limited, Oorgaum, Mysore.*

Spokesmen: 1. Prof. K. V. Subbramanyam—*Chairman and Managing Director.*
2. Shri S. Nagaraja Rao—*Manager, Nundydroog Mines, BGMPL.*

(2) *Mysore Mine Workers' Union, Marikuppam.*

Spokesmen: 1. Shri A. Kanan—*Vice-President*
2. Shri B. N. Kuttappa—*Vice-President*
3. Shri T. Subramani—*Secretary*
4. Shri S. Savaridoss—*Secretary, KGF, Hospital Workers' Union*

VI. Shri P. S. Narayana—Consulting Mining Engineer and Geologist, Mines House, Bangalore-3.

I. The Hutti Gold Mines Company Limited, Hutti.

Spokesman: Shri S. C. Mahanti, *Mine Manager.*

(The witness was called in and he took his seat).

MR. CHAIRMAN: Ladies and Gentlemen, before I call upon the persons who are appearing to give evidence on behalf of the Hutti Gold Mines, I request them to introduce themselves to the committee. I would like to tell them the usual procedure of the Committee. The procedure is that whatever evidence they give before the committee will be treated as public unless they specifically desire any portion to be treated as confidential. Even then this evidence, although it is treated as confidential, it will be made available to the Members of Parliament. Now, I request the witnesses to introduce themselves to other members of the Committee.

I think the papers might have been circulated to all the members of the Committee. Now we shall take up the memorandum submitted by the Hutti Gold Mines Co. Ltd. I request the person who is appearing on behalf of the Hutti Gold Mines Co. to introduce himself to the members. We have received a memorandum on behalf of the Hutti Gold Mines Co. Ltd. and the same is before us. The points that have been mentioned therein are there but you can summarise briefly the points urged therein and if need be, you can add anything you like.

SHRI S. C. MAHANTI: I will just explain briefly the points that have been urged in our memorandum.

CLAUSE 2, (iv) (pp)—'Reportable Injury".

I would like to submit to the committee that there need not be any telegraphic or telephonic message that has to be sent to the Inspectorate as in the case of a serious bodily injury because reportable injury is that injury which is of a period of more than 20 days. Therefore, we feel that it does not serve any useful purpose in sending the telegram to the Inspectorate and inform them of the reportable injury. It may, therefore, be necessary to amend suitably the Regulation 9 or make a new regulation immediately after Regulation 9, indicating the procedure to be followed in the case of "Reportable Injuries".

CLAUSE 12: Duties and responsibilities of owners, agents and managers—Section 18, Sub-section (5):—

This clause seems to be unduly long and it is likely to cause confusion among the men working in the industry. Therefore we have suggested a simpler substitution.

The substituting clause was read *in extenso.*

This clause, I think, is more simpler than the one suggested in the circular.

CLAUSE 16: "Place of Accident not be disturbed"—New Section 23(A):—

The new Section 23(A) says "Whenever there occurs in .....3 or more persons...."

The corresponding Regulation states that the place shall not be disturbed where an accident happens causing serious bodily injury to three or more persons or loss of a life. I do not know whether the committee had in mind this particular thing. If that be the

case, we would like to suggest the following:

"Where there occurs in or about a mine an accident causing serious bodily injury to 3 or more persons or loss of a life the place of accident shall not be disturbed."

CLAUSE 17, SUB-SECTION 3

This clause deals with the definition of ordinary rate of wages. The new proposed definition says "that ordinary rate of wages besides including the basic D.A. and cash equivalent of various other concessions shall also include incentive bonus but shall not include other bonuses."

We wish to submit that this particular incentive bonus is paid only to certain categories of workers and the man's earning varies from month to month. Besides this, we would like to bring to your notice that in a mine, there may be some categories of workers that are covered by incentive Bonus Scheme and some that are not covered by the Incentive Bonus Scheme. If the proposed "Ordinary rate of wage" is approved, the payment of overtime allowance will lead to discriminatory treatment between groups of workers in the same mine.

In this particular connection, I would also like to add a few more clarifications for the benefit of the members. In an underground mine and also in open cast mine, there are workers like, sweepers, signal men, etc., who are not on the productive role of the mine and who under any circumstances cannot be put on incentive bonus scheme. Their basic wages might well be the same as those of other workers on the production role of the mine. So much so, if this Meentive Bonus is included in the definition of the "Ordinary Rate of wages", we fear there might be a lot of discontentment among the workers. There is another point in this: We are not sure whether the same definition of Ordinary Rate of Wages is also included in other corresponding Acts of the Government like the Factories Act, Plantation Act, Bonus Act, Gratuity Act etc. We are given to understand that the ordinary rate of wages does not include incentive bonus in the definition of ordinary rate of Wages in those Acts. If that be so, we urge upon the committee to look into that particular aspect and see what can be done about it.

MR. CHAIRMAN: What difficulty is there to report the injury to the Inspectorate by a telegram?

SHRI S. C. MAHANTI: There is no difficulty as such; but my only submission is this in case of serious bodily injury, we are bound to inform the Inspectorate by a telegram or telephone. The emergency of serious accident does not arise in the case of reportable injury. So, in my opinion it is quite sufficient if we submit the information in form 4A as required by the regulation without sending a telegram or telephone message.

MR. CHAIRMAN: By adding incentive bonus, you say, that it loads to serious complications in determining the wages of other workers because the workers differ from category to category. Is that the only reason that you do not agree with the Bonus scheme to be added here?

SHRI S. C. MAHANTI: That is one of the reasons. There is also another point: if the incentive bonus is included in the definition of the ordinary rate of wages, then the overall cost of production in a particular mine will naturally go up. The management will be compelled to pay more if it is included in the definition of Ordinary rate of wages. If the definition of ordinary rate of wages is accepted by the Committee, there will be increase in the cost of production, and the management might have to correspondingly revalue or review the existing Bonus Scheme which do not take into consideration this particular aspect.

MR. CHAIRMAN: In clause 22, "Amendment of Section 58", you have suggested in sub-section (cc) the word "Foreman" should be added after the word "Overman". What is the reason for this amendment.

SHRI S. C. MAHANTI: Overman is used only in relation to coal mine. The same category of supervisor is called foreman in Metalliforous Mines. In this industry, the designation is "Foreman".

We further request that we will withdraw our objection to clause 20.

SHRI M. C. DAGA: In clause 22, you say that inspection of mines should be carried out by technical expert. Supposing a worker who has worked in the mines for the last 20 years, do'nt you think that he becomes an expert? Do'nt you feel that he becomes an expert after having worked for a long time?

SHRI S. C. MAHANTI: My submission is this: A worker might be employed only on a particular job. Let us say a driller. His job is only to do drilling work. He does not know any other thing except drilling. There is a timberman. His job is only to errect supports in the mines. He does not know any other thing except providing support in the mine.

SHRI M. C. DAGA: Do you think that the management would cooperate in the inspection of mines by officers?

SHRI S. C. MAHANTI: As far as we are concerned, that cooperation will not be lacking. It will probably be advisable to remove the words "Foreman or Overman". In place of these words, it may be suggested that "a person of not less than the rank of Assistant Manager" may be substituted.

SHRI DAMODAR PANDEY: What do you mean when you suggest that the Mines Rules have got to be amended? Do you feel that there should be a separate Mining Board for different mining industries or only one Mining Board for all?

SHRI S. C. MAHANTI: Under the existing Mines Rules there are different Mining Boards. The idea behind having only one single Board is very good instead of having probably a dozen Mining Boards. That is why we have suggested that the corresponding rules have got to be suitably altered.

SHRI R. N. SHARMA: You want the Mines Department that if the injury continues for more than 21 days that should be treated as "reportable injury". Why you do not want to report that?

SHRI S. C. MAHANTI: We have to report and we will report in Form IV (A) as per the Regulations. We are not exempted from that particular clause. My submission is that we need not send a telegram.

SHRI R. N. SHARMA: What about reporting as soon as the accident takes place? Would you not suggest that all injuries should be reported?

SHRI S. C. MAHANTI: I do not think it is very necessary, because the minor injuries are so many in number that we should not try to unnecessarily put the burden on the Inspector by reporting every injury.

SHRI R. N. SHARMA: You want to wait for 21 days!

SHRI S. C. MAHANTI: Every under the definition of the Mines Act, it is the same. If there is a fatal accident, we will inform straight away by telephone.

SHRI R. N. SHARMA: I think the present legislation require that all injuries which are "reportable injuries" should be reported immediately.

SHRI S. C. MAHANTI: Not under the present legislation. Only a serious bodily injury or a fatal accident has got to be reported immediately

telephonically or telegraphically. There is a definition of 'serious bodily injury'.

SHRI R. N. SHARMA: Do you know that the workers are removed from the hospital before 21 days?

SHRI S. C. MAHANTI: It is difficult for me to say that; we have not been doing it anyway.

SHRI R. N. SHARMA: You want the place of accident not to be disturbed in case of serious bodily injury also?

SHRI S. C. MAHANTI: We do not disturb the place of accident under certain conditions. The definition as given under the Amendment Bill is likely to be misconstrued. I will read out the proposed amendment to Section 23A. "Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to three or more persons the place of accident shall not be disturbed.." It might be interpreted to mean an accident causing loss of life to three or more persons. What we have suggested is 'causing serious bodily injury to three or more persons or causing loss of a life'. That is what is clearly stated in the existing Metalliferous Regulations.

SHRI R. N. SHARMA: Regulations are by product of the law itself. Why depend too much on regulations?

SHRI S. C. MAHANTI: That is what I am saying.

SHRI R. N. SHARMA: You pay incentive bonus on ordinary rate of wages. You have introduced bonus system for a piecerated worker or where the output can be increased. Why you are not calculating the leave period for that?

SHRI S. C. MAHANTI: We do not actually have pice-rated workers in our mines. Ours is a time-rated system and we have evolved certain norms of production. If a person produces five tons in a normal shift, he gets his normal wages. If he produces more than five tons, we naturally feel that the company is benefited by it and therefore a certain amount of the money saved by the worker for the company is given back to the worker as an incentive. This is given to him because he has turned out work which is more than the norm during the period of 8 hours.

SHRI M. C. DAGA: That will be done at the cost of his health.

SHRI R. N. SHARMA: For the extra effort he gets certain amount, but you want to deprive him while calculating the ordinary wages from that part of the wages—why?

SHRI S. C. MAHANTI: If we are to calculate that, it will give rise to further complications, because others who cannot be paid incentive will also raise a claim.

SHRI R. N. SHARMA: Do you mean to say that other categories of workers will also claim incentive?

SHRI S. C. MAHANTI: If they claim, it is going to be troublesome.

SHRI R. N. SHARMA: Why do you want to deprive a person for ordinary earned leave?

SHRI S. C. MAHANTI: We are not saying about the payment part of it. Our submission is if we include the word "incentive bonus" under the definition of ordinary rate of wages, we feel there will be discontent among those workers who are not on incentive.

SHRI DWIJENDRALAL SEN GUPTA: In your memorandum—Clause 2, (iv) (pp)—"Reportable Injury", it is stated as follows:—

> "The main idea behind our suggestion is that it is not necessary to send a telegram to the Inspectorate in the case of 'reportable injuries' as in the case of serious injuries".

Forgetting the number of days when an accident takes place, how do you determine whether it will be a serious injury or not?

SHRI S. C. MAHANTI The definition of 'serious bodily injury' is already

given in tne proposed amendment, which I would like to read for your kind information:

"for clause (q), the following clause shall be substituted, namely:-

'(q) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of any limb or the permanent loss of or injury to the sight or hearing or the fracture of any bone, but does not include the fracture of not more than one joint or bone of any phalanges of hand or foot;'.

Any of the accident that comes under this particular category is declared serious and we immediately send a telephonic or telegraphic message.

SHRI DWIJENDRALAL SEN GUPTA: Is there a Medical Officer for this purpose? It is the Medical Officer, who, I think will determine, whether, in all probability, it is a serious injury or a reportable injury. May I put it to you whether it will be possible for the Doctor to say what are the imponderables?

MR. CHAIRMAN: How can he accept this question? Let us not complicate the point. Mr. Mahanti has drawn our attention to a particular clause of the Act and according to that, injury is either reportable or serious injury and for that purpose, the doctor is the competent authority. Whether a doctor is appointed or not for this purpose, that also he has clarified. It is the doctors that decide whether it is a serious or reportable injury. To ask him to further dilate on this would not be correct.

SHRI DWIJENDRALAL SEN GUPTA: Mr. Mahanti, will you please tell us whether there is a Surgeon attached to your Mines?

SHRI S. C. MAHANTI: There is a Surgeon.

SHRI DWIJENDRALAL SEN GUPTA: How do you determine, in the case of a fracture, whether it is a simple fracture or a compound fracture?

SHRI S. C. MAHANTI: As far as the compound fracture or a simple fracture is concerned, even a person who is not a professional—a doctor—can also straightaway say that it is a case of a fracture, because some of us are also trained as First Aiders under the Mines Act.

SHRI DWIJENDRALAL SEN GUPTA: Will you kindly turn to Clause 17? You know there are mines where there is lead and lift. Do you agree with me that earning on account of lead and lift has the same semblance of incentive bonus?

SHRI S. C. MAHANTI: I do not know about it because we have not come across that particular type in our mines. We have given our opinions regarding Incentive Bonus and it is for the Committee to take a decision on that.

SHRI DWIJENDRALAL SEN GUPTA: Let us now turn to Clause 20.

SHRI S. C. MAHANTI: We have withdrawn Clause 20.

SHRI JAGAN NATH BHARADWAJ: Mr. Mahanti, will it not be better for the Management to report an injury immediately after it happens, so that the Mining Management may not shirk from reporting immediately?

SHRI S. C. MAHANTI: We are not shirking our responsibility. The only thing; I wish to say is that there is no need for sending telephone or telegraphic message in the case of a reportable injury. As far as the serious injury or fatal injury or fatal accident is concerned, we are bound by the provisions of the Act and the Regulations.

We are not shirking. If you still insist that we should send a telegram even in ordinary cases we will do so.

SHRI DINEN BHATTACHARYA: Any way, a report should be send

either by a telephone or telegram in the case of an injury, I think.

MR. CHAIRMAN: In the case of a reportable injury, there is time of 21 days.

SHRI DINEN BHATTACHARYA: Who is to decide whether it is a reportable minor or major injury?

MR. CHAIRMAN: It is the Mine's own Doctor that has to decide it.

[*The witness then withdrew*]

II. Tamil Nadu & Kerala Mines Safety Association (Central), Salem.

Spokesmen: 1. Shri S. P. Roy—*Vice-Chairman*

2. Shri A. R. Ganesan—*Hon. Secretary.* 3. Shri R. Muthaiah—*Member*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Gentleman, before I call upon you to give clarifications regarding the memorandum that you have submitted, I would like to inform you that the evidence you give will be treated as public unless you specifically desire any portion to be treated as confidential. Even though the evidence is trated as confidential, it will be made available to the Members of the Parliament.

Now before we seek clarifications regarding the memorandum you have submitted, I request you to introduce yourself to the Committee.

SHRI S. P. ROY: I am Roy, Vice-President, Tamilnadu and Kerala Mines Safety Association. Mr. Ganesh here is the Secretary of the Association and Mr. Muthaiah, Member is also here.

As regards our view point, we have already submitted them in our memorandum. I think I need not add anything to what has been already stated therein. I wish to point out with regard to Sections 17 and 18, that if these amendments are introduced there will be practical difficulties regarding the status of the owner, agent and manager and also if it is strictly followed, I think the position of the agent is superfluous, unless he is technically qualified. It is felt that new sections 17(3) and (4) should be suitably amended so that the owner agent or any one on his behalf many continue to instruct the Mines Manager concerning statutory provisions.

It is noted that the new clauses 58 (cc) and (d) have been introduced on the recommendation made by he First Conference, on Safety in Mines. While the Association agree that workers should be more closely associated with safety feasures, when the new clause (v) of Section 58 provides for the constitution of Safety Committees for groups of specified mines or for all mines in a specific area for promoting safety, the new clause (cc) in Section 58 is redundant. The safety committees which will of course have representation not only from owners but from workers, can periodically inspect the different mines, for which it has been constituted. When there is representation for the safety committee from the workers, there is no need for inspection of mines in respect of safety measures by a technical expert on behalf of the persons employed therein as provided for in new clause (cc). Further, such inspection by workers' representative may be detrimental to the smooth working of and discipline in the mine. The Association requests that the new clause (cc) may be deleted.

MR. CHAIRMAN: I would like to know from the representatives of the Company who have come here about the new Clause (cc) 58. You have stated in your memorandum that the

new clause (cc) may be deleted. Do you mean to say that the recommendations made by the first Council of the Safety Mines should not be implemented or what is the idea? This change has been suggested on the recommendations of the Safety Conference of Mines.

SHRI S. P. ROY: When there is a provision for inspection by the Safety Committee, this individual inspection by any person as a representative of the workers is not necessary.

MR. CHAIRMAN: A representative of the workers will be there on the Committee of safety measures. You have written in your representation. That is there. In spite of this the Government wants to introduce an amendment. My question is, do you intend to say that the recommendations of the Safety Conference should not be implemented?

SHRI S. P. ROY: When there is a representative of the workers on the Committee, do you consider it necessary to have one more inspection by another representative of the workers?

MR. CHAIRMAN: This is within the knowledge of the Government. You have mentioned in your representation what you are saying now. In spite of all this, the Safety Conference has recommended this change. It is not our suggestion. Therefore, I am particularly asking whether this recommendation should not be implemented. Do you say that it should not be implemented? I want a specific answer for that.

SHRI S. P. ROY: I do not say that it should not be implemented. I say there is no additional or extra advantage if it is implemented.

MR. CHAIRMAN: Because there is no additional advantage to the workers, another expert should not be allowed to inspect. That is your conclusion.

SHRI DWIJENDRALAL SEN GUPTA: May I know what are you there?

SHRI S. P. ROY: I am the secretary of the Association and also a Works Manager.

SHRI DWIJENDRALAL SEN GUPTA: Being a Secretary and also the Manager, you know the Characterstic of an Association and also the working knowledge of the Company. Do you know what are technical qualifications required for a Manager of the Mines?

SHRI S. P. ROY: Yes.

SHRI DWIJENDRALAL SEN GUPTA: It is stated in the last para of your representation as follows:

"The Safety Committees which will of course have representation not only from Owners but from workers, can periodically inspect the different mines, for which it has been constituted. When there is representation for the Safety Committee from the workers, there is no need for inspection of mines in respect of safety measures by technical expert on behalf of the persons employed therein as provided for in new clause (cc). Such insection by workers' representative may be detrimental to the smooth working of and discipline in the mine. The Association requests that the new clause (cc) may be deleted."

Are you oppose to the technical Committee or even oppose to the inspection by the Management. Your statement is ambiguous. You have taken an inconsistent stand. Of course the Committee on Safety Measures will inspect. On that Committee there is a representative of the workers. If another representative wants to inspect on behalf of workers, you say there is no need. Where is the harm in it? Do you insist still that there should be no inspection by individuals?

SHRI S. P. ROY: Yes.

MR. CHAIRMAN: Why do you consider that inspection by workers' representative may be detrimental to the smooth working of the mines? Don't you consider the workers are part and parcel of the management?

SHRI S. P. ROY: We know the workers are part and parcel of the Management or industry. There are several multiplicity of the Unions. Supposing a person is deputed to inspect. He will naturally look to the interests of his party to which he belongs. Therefore, he may create some problems. I know he is a part and parcel of the Mines. This is our view. We expect some trouble if he is allowed to inspect.

MR. CHAIRMAN: You will agree with the representation of the Union which is not registered. Will you?

SHRI S. P. ROY: Yes. We will never eliminate the opinion furnished by other Unions which are not recognised. I have Five Unions.

MR. CHAIRMAN: You said there are multiplicity of Unions and it is detrimental if another man is allowed to inspect. Have you got any other recognised union in addition to the Unions you are having?

SHRI S. P. ROY: Yes.

SHRI DAMODAR PANDEY: Would you allow the Safety Committee to inspect the Mines whenever they desire?

SHRI S. P. ROY: Yes. Certainly.

MR. CHAIRMAN: Allowing another representative to inspect is not against the principles of law. He has agreed it is not oppose to law. On two categories he has agreed. He is opposng the 3rd category.

SHRI DAMODAR PANDEY: How do you constitute the Safety Committee?

SHRI S. P. ROY: By election.

SHRI M. C. DAGA: There is a contradictory statement made in your Memorandum. Such inspection of workers by the representative is for the smooth working of the Mines. There will be this Association of Management and workers. Now you are saying something.

SHRI S. P. ROY: Memorandum was done earlier. We have changed our mind. That is why we have come before you.

SHRI R. N. SHARMA: You have objected to Section 17(3) and (4) as you do not want that the Managers should carry out the affairs of the mines.

SHRI S. P. ROY: There are other instructions which he has to take from other agents who have got more powers.

MR. CHAIRMAN: Do you expect the same qualifications to be possessed by the owners?

SHRI S. P. ROY: All owners might not have qualifications.

MR. CHAIRMAN: The owners need not be insisted upon for acquiring qualifications.

Thank you very much for your cooperation.

[The witnesses then withdrew]

III. Shahabad Stone Quarry Lease Holders' Association, Bangalore

Spokesmen:

1. Shri S. M. Parikh, *Vice-Chairman.*

2. Shri Manik Arke, *Secretary.*

3. Shri M. Ramesh, *Treasurer.*

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: Please note that the evidence you give before this committee will be treated as public unless you specifically desire that all or any part of the evidence tendered by you has to be treated as confidential. Even though it is treated as confidential, it will be made available to the members of Parliament. Your memorandum is before us and if you can give further clarification, it is upto you to do so. The Committee will be happy if you introduce yourselves to the members.

SHRI S. M. PARIKH: We have nothing more to add beyond what we have already stated in our memorandum. The same points have been urged by me when I appeared before the committee at Hyderabad. We have emphasised for publishing of the Experts' Committee Report.

MR. CHAIRMAN: Since many more members have joined the Committee, if they so desire, they might elicit information.

SHRI R. N. SHARMA: You have laid too much emphasis on that Expert Committee Report. Do you expect that Expert Committee to be more expert than this Parliamentary Committee?

SHRI S. M. PARIKH: With due respect to the Committee, the other day the Expert Committee had visited our Open cast mines.

SHRI DWIJENDRALAL SEN GUPTA: Since you are the man who appeared in Hyderabad and laid emphasis on the question of the report of the Expert Committee earlier and our impression is that you are in favour of that committee report? Is it so?

SHRI S. M. PARIKH: That was consensus of various representatives.

SHRI SURENDRA MAHANTY: May I know in a particular lease holding, there can be open cast mines or not?

SHRI S. M. PARIKH: The definition is already there which covers almost every quarry as the mine.

SHRI SURENDRA MAHANTY: What do you mean by quarry?

SHRI S. M. PARIKH: The underground mine is different from the open cast mine.

SHRI QASIM ABID ALI: The Expert Committee Report might be made available to the members of this Committee.

MR. CHAIRMAN: That report would be made available to us soon after we reach Bombay.

Thank you very much Shri Parikh for your evidence.

[*The witnesses then withdrew*]

IV. **Tamilnadu Gypsum Mines Owners Association, Udumalpet.**

Spokesmen:

1. Shri V. Raman—*President.*
2. Shri R. Sankaranarayanan—*Joint Secretary.*
3. Shri T. S. Srinathan—*Secretary.*
4. Shri C. Kasi Vishwanathan—*Treasurer.*

[*The witnesses were called in and they took their seats*]

The Chairman drew their attention to Direction 58 of the Directions by the Speaker

SHRI R. SANKARANARAYANAN: One Shri Loganathan, who was only a labourer has been granted a mining lease; he is supervising the work himself and therefore he could not appoint the officials required under the Act. Our mines should not be treated on par with big mines. The lease period of 10 years has expired and the lands have been handed over to the concerned people. Gypsum in Coimbatore District occurs in small pockets and does not exceed more than 5 meters in depth from the surface unlike in other areas where the excavation exceeds more than thirty meters and where explosives are used. The output of gypsum in this area does not exceed 3 to 5 per cent of the total excavation. The mining areas are not contiguous and are scattered. The operation involves removal of black cotton soil with the aid of crowbars and thereafter picking of gypsum embedded with clay. Ours is only a quarry. Gypsum is dug out by manual labour. There is no risk involved in such operations.

MR. CHAIRMAN: You say that this industry should not be treated on par with the other mining industries. Can you tell us in what respect this industry should not be treated on par with other industries?

SHRI R. SANKARANARAYANAN: From the appointment of qualified Manager and to implement regulation 192 and 192A, because there is no risk involved in the operations. But we agree that the salaries and wages should be on par with the Minimum Wages Act.

SHRI M. C. DAGA: You have stated reasons for seeking amendment as follows:—

> "Many of the mine owners in Coimbatore District have practical experience as Managers and supervisors for more than ten years in gypsum open cast mining operations and some of them are also aged."

Do you mean to say that people acquire knowledge by experience?

SHRI R. SANKARANARAYANAN: Yes. In respect of owners who are looking after mines the qualifications prescribed should not be enforced.

SHRI DAMODAR PANDEY: What prevents experienced persons to appear for examination and become managers?

SHRI R. SANKARANARAYANAN: Some of the owners are aged and they may not be able to appear for the examination. There are some owners who are not literate.

SHRI DAMODAR PANDEY: The required qualification to appear for the examination is only S.S.L.C. I do not think it would be difficult for you to get such persons for your mines.

SHRI R. SANKARANARAYANAN: When the person himself is supervising

the work, he cannot afford to have another person for that work.

SHRI DWIJENDRALAL SEN GUPTA: The provisions of the present Act 3(1) are as follows: —

"The provision of this Act, except those contained in sections 7, 8, 9, 44, 45 and 46 shall not apply to:—

a. Any Mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining Minerals for use or sale."

What is your objection to it?

SHRI R. SANKARANARAYANAN: We have given our explanation in the memorandum. Mining also should be included.

SHRI DINEN BHATTACHARYA: Whatever may be the mining industry, there is an element of risk. What protection you want to provide for such risks?

SHRI R. SANKARANARAYANAN: There is no risk involved even though there may be some accidents.

SHRI QASIM ALI ABID: It is rather tempting to use an explosive for high rock cutting in mining—is it not so?

SHRI R. SANKARANARAYANAN: In no mine in Tamil Nadu explosive is used.

SHRI QASIM ALI ABID: Don't you find the necessity of a Chemical Engineer so that good quality of material is supplied?

SHRI R. SANKARANARAYANAN: It is not necessary in our case. Our mines are very small and shallow, and therefore, no technical skill is required.

SHRI SURENDRA MOHANTY: Can you give us an idea about the acreage of a small gypsum unit and a big gypsum unit and the labour employed therein?

SHRI R. SANKARANARAYANAN: The smallest unit is about 4 acres and the biggest unit is about 30 to 50 acres, and the number of labourers employed in a small unit is 20 and big unit is 120. The work is done by agriculturists during non-agricultural season.

SHRI SURENDRA MOHANTY: Do you suggest that the operations of gypsum mining should be excluded from the purview of the Mining Act?

SHRI R. SANKARANARAYANAN: Yes, Sir, subject to the following conditions:—

"b. (ii) Where it is an opencast working—

a. The depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters;

b. The number of persons employed on any one day does not exceed fifty; and

c. Explosives are not used in connection with the excavation."

We have proposed amendment (c), because there are some mines who are using explosives, but not in Tamil Nadu. Where explosives are used, Mines Act should be implemented.

SHRI VIRENDRA KUMAR SAKHALECHA: Does it mean to say that we should have separate legislation for each State? There are different conditions in different States. The conditions obtaining in Rajasthan are different from those obtaining in Tamil Nadu. In Rajasthan there are deep mines and explosives are used and in Tamil Nadu explosives are not used, because there are no deeper mines.

SHRI R. SANKARANARAYANAN: Exemptions should be given depending on the work and nature of the mines.

MR. CHAIRMAN: What is the size of the mines that you represent. How many people have you employed in your mines? What are the relief mea-

sures that you suggest to the workers against accidents that take place?

SHRI R. SANKARANARAYANAN: The number of persons employed is less than 50. No risk is involved.

MR. CHAIRMAN: I was asking you about the accidents.

SHRI R. SANKARANARAYANAN: There was no accident.

MR. CHAIRMAN: If there is any accident, how do you want to regulate?

SHRI R. SANKARANARAYANAN: There cannot be any accident. It is simply quarrying.

MR. CHAIRMAN: That means there is no possibility of accidents under those conditions.

SHRI M. C. DAGA: One of the Mines had a fatal accident, I think.

SHRI S. S. PRASAD (DY. DIRECTOR GENERAL): It was said that a fatal accident has taken place. It is not only explosives that cause accidents. The Mines Act relates to welfare activities of the workers also like providing drinking water, shelter, latrines etc. These are provided for in the Mines Act.

SHRIMATI SHEILA KAUL: Do you work with benches or what?

SHRI R. SANKARANARAYANAN: We work with benches.

[*The witnesses then withdrew*]

V. (1) Bharat Gold Mines Private Limited, Oorgaum, Mysore.

Spokesmen:

1. Prof. K. V. Subramanyam—*Chairman and Managing Director.*
2. Shri S. Nagaraja Rao—*Manager, Nundydroog Mine, BGMPL.*

(2) Mysore Mine Workers' Union, Marikuppam.

Spokesmen:

1. Shri A. Kannan—*Vice-President*
2. Shri B. N. Kuttappa—*Vice-President.*
3. Shri T. Subramani—*Secretary.*
4. Shri S. Savaridoss—*Secretary, KGF. Hospital Workers Union.*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Gentlemen, before you start to explain anything you like regarding your memorandum, I wish to inform you that the proceedings of this Committee and whatever you depose before the Committee will be treated as public unless you specifically desire any portion to be treated as confidential. Even then, it is made available to the Members of Parliament. With this, I request you to formally introduce yourself to the Committee.

SHRI S. SAVARIDOSS: I am representing the Mysore Mine Workers' Union. My name is Savaridoss. The Union is affiliated to C.I.T.U. Mr. Subramanyam here is the Secretary and Mr. A. Kannan who is present here, is its Vice-President.

PROF. K. V. SUBRAMANYAM: We have suggested a number of amendments in our memorandum in respect of specific clauses. I do not want to go through each one of them. But, as a Chairman of the undertaking and being associated with the Mining industries, I would like to discuss a few generalities which, I think are relevant.

MR. CHAIRMAN: There are two memorandums and none are signed. But a signed copy is sent to the Office and is circulated.

SHRI S. SAVARIDOSS: The two memorandums before the Committee are one and the same. We discussed with the Director of Mines on Safety about all these points and we also had a syposium of workers representatives as well as the representatives of the management. We have considered all the points and there is identical difference of opinion on matters of safety measures. The unions which were associated are all recognised unions and they are registered. But if any union or any worker wanted to represent or wants to present anything the doors are always open. He may suggest whatever he wants in the interest of the workers.

SHRI DWIJENDRALAL SEN GUPTA: You say that the statements made are identical. On page 8 there are certain amendments. On page 7 there is one more amndment in preference to 52(1). As regards your other amendment, the Union is silent. This is my finding. What is the reason for this? Have you come to an understanding with them on this amendment. I know the Union and the Company Management do not agree. I do not understand why they have not agreed to this amendment when they have agreed to other amendments.

SHRI S. SAVARIDOSS: It is true that there are certain matters on which the Unions are not interested. They simply keep quiet. It does not mean that they do not agree and the management has agreed.

SHRI DWIJENDRALAL SEN GUPTA: Your view was that they have agreed to the amendments made.

SHRI S. SAVARIDOSS: I do not say that they have agreed to all the amendments.

SHRI DWIJENDRA LAL SEN GUPTA: Do you agree to the amendment suggested by them?

PROF. K. V. SUBRAMANYAM: I say we agree to them. I am willing to concede what they have suggested, as long as they do not go against the existing law.

SHRI DWIJENDRALAL SEN GUPTA: Have you considered whether they have acted according to law as far as this amendment is concerned?

PROF. K. V. SUBRAMANYAM: We have not consulted our legal Advisor in this matter. It is within our reach. This is my opinion.

SHRI DWIJENDRALAL SEN GUPTA: Will you tell us what is the designation of Dr. Sen Gupta?

PROF. K. V. SUBRAMANYAM: He is the Asstt. Director of Mines Safety (I.H.) belonging to Medical side.

SHRI DWIJENDRALAL SEN GUPTA: How many members are there in India in the Directorate of Safety of Mines and what is the designation.

PROF. K. V. SUBRAMANYAM: His disgnation is perhaps Asstt. Director of Mines Safety. I cannot exactly tell you.

SHRI DWIJENDRALAL SEN GUPTA: The medical persons are necessary in the Directorate of Mines Safety. This provision is there in the Mines Act.

PROF. K. V. SUBRAMANYAM: I fully appreciate.

SHRI DWIJENDRALAL SEN GUPTA: How many Medical Officers are there?

SHRI M. C. DAGA: Is it necessary to get that information.

SHRI DWIJENDRALAL SEN GUPTA: It is necessary. Can you give some idea about this. Only there are 3 people in India.

PROF. K. V. SUBRAMANYAM: I am not in a position to say whether you are correct or not. I think there are 4 persons only.

SHRI DWIJENDRALAL SEN GUPTA: You know the disease of Silicosis. What is the precentage of incidence of this disease?

PROF. K. V. SUBRAMANYAM: This is not silicosis. But this is a lung disease that predominently occur. If I am permitted to tell the diseases that are prevelant in the mine areas are call the occupation diseases. Except in K. G. F. this disease problem has been tackled much long before by other means. The first steps in this direction were made at the Gold Mines Hospital. This kind of diseases was spreading rapidly. Attempts were made since last 10 years to control the diseases. The greater awareness of this kind of diseases is there among the people of mining areas. In fact I sent some of my officials along with the Doctor to Gudoor for collection of information regarding the incidence of occupational diseases.

SHRI DWIJENDRALAL SEN GUPTA: Would you suggest any measures to be taken in this mines amendment Bill. It is taking a big toll of lives. Will you suggest any measures to be incorporated for control of these kinds of diseases?

PROF. K. V. SUBRAMANYAM: In the case of occupational diseases, the persons will become animical and the lungs become injured and we may not find any remedy at all.

He may not be same man but at least be surviving with reasonable amount of health. But when the disease advances to a certain stage then he becomes an invalid. As some body put, in relation to war, the biggest liability of a C in C of Army is that of the disabled but not the dead people. In the case of an injured person, he has to be looked after by somebody. The family instead of earning its own bread, has to feed the injured person. This will have a blatant effect on the society in any mining community. This matter should be given great attention. This problem has to be tackled in three stages. In the Lease Mines Act, it would not be able to provide for every detail. The Mines Regulations should lay rigorous standards in regard to dust since the man working in the mines is prone to contraction of diseases. The man will be lacking in nutritional deficiencies. Our knowledge of ventilation is not as good as we expect to be. We cannot legislate in appropriate way. I therefore feel that considerable power must be vested in the Directorate of Mines and Safety to enforce such measures as they may feel necessary in regard to specific mines. This is from the point of view making the place more healthy. There must be a regular medical check of workmen—a minimum of at least once in a year. The workers should be screened at periodical intervals. It is the responsibility of the employers to screen the workers. There must be regular medical examination of every worker who is affected by the disease.

SHRIMATI SHEILA KAUL: Do you think the breathing mask would help?

PROF. K. V. SUBRAMANYAM: No mask has been designed which can eliminate the components in the dust. We can design masks for gasses but not for dust. Unless we have a regular radiographic examination, we will not be able to with a person. If we withdraw a person whose income is high, it would work as a great hardship to him. We must withdraw him causing no effect upon his income. Though a person might have lost his leg, yet might be allowed to earn a decent earning. In K.G.F. area a number of persons have become disabled, yet they are earning their livelihood. I feel that this Committee might exercise its influence upon this aspect of the matter.

SHRI DWIJENDRALAL SEN GUPTA: Is it not a fact that in advanced countries wher such discases are rampant, medical examination takes place every month?

PROF. K. V. SUBRAMANYAM: The medical examination takes place at intervals. In the Indian context where the workers are expected to go deep into the mines, we must conduct annual examination of the workers.

SHRI DWIJENDRALAL SEN GUPTA: Is it not desirable to have more medical officers for prevention of diseases?

PROF. K. V. SUBRAMANYAM: I do not personally feel that mere increase in the number of medical officers would improve matters. The mine owner or the manager must have a powerful incentive in safety or disincentive against disease. At present with the compensation rates being what they are, the incentive for improving safety and welfare are still not adequate. Ultimately each man must take care of his own safety. The worker should refused to work in a place where the ventilation is not satisfactory. In foreign countries, the workers refuse to go deep into the mines where the ventilation is not satisfactory. But in India, the hunger makes a person deep and work in hazardous conditions. Thert are only two countries in the world *viz.* South Africa and India, which have got deepest mines. In these two countries, hunger has been the most powerful drawing force to work in the unhealthy environments. What I feel is: that the workmen must be conscious of their own safety. In many conferences, I have suggested that where an Inspector feels that the workers are working in hazardous conditions, he must put up the name of that man on the notice board so that others should know about it. Secondly, the Trade Unions should take initiative in having their own Inspectorate to keep watch on the disease at frequent intervals.

MR. CHAIRMAN: I would like to seek certain clarifications. Do you mean to say that even if the rail-head is beyond the premises of the lease area, the owner should make arrangements to transport the materials?

SHRI S. SAVARIDOSS: Most often what happens is even if it is a lease area, from the point of view of mining, the owner has got roads to transport and it is his responsibility for transporting materials to places outside the lease area. The mining operation is closely interlinked. From the point of view of conscious management. I want to make sure that some standards of safety should be maintained.

MR. CHAIRMAN: In regard to the development of mines, do you include all kinds of constructions including building construction and road construction?

PROF. K. V. SUBRAMANYAM: The reason is this: the standard of safety and welfare that the Mines Act enforces is much higher than the standard of safety that we have in road construction. In Bellary and Hospet area I have seen women working on the road carrying their children on their bellies

MR. CHAIRMAN: The mine owners should shoulder certain responsibility.

Do you want to make them responsible even though they are not directly connected?

SHRI S. SAVARIDOSS: Yes. They should be brought within the purview of the Act.

MR. CHAIRMAN: Coming to page 2 of the memorandum, you have suggested one representative from amongst the managers. Whom do you think he will represent?

SHRI S. SAVARIDOSS: He will represent the mine owners. There should be one representative of the Managers.

MR. CHAIRMAN: It is stated at page 3 of the memorandum that we should recommend to the Central Government to nominate three persons from among the recognised unions and three persons from among the unrecognised unions to the Mining Board!

SHRI S. SAVARIDOSS: We slightly differ from that. We stand by the Memorandum submitted by the C.I.T.V. on that particular questions.

MR. CHAIRMAN: What is the difference?

SHRI S. SAVARIDOSS: The representatives of workmen should be elected by the workers themselves.

MR. CHAIRMAN: Do you mean to suggest that the representative should not be nominated on behalf of the Union recognised or unrecognised and that the representative of the workers should be elected from amongst the workers irrespective of the consideration to what union they belong?

SHRI S. SAVARIDOSS: Yes, Sir. In the proposal made by the C.I.T.V., we have suggested 8 representatives of Trade Unions working in different sections of Mines affiliated to the Central Organisation.

MR. CHAIRMAN: In your typed memorandum on page 2, you have stated: 'We suggest the following alternative proposals: (a) Eight representatives of trade unions working in different sections of mines and affiliated to All India Trade Union Organisations'.

Now you are making a suggestion that the procedure should be the same as it is in the Bill.

Again, in your cyclostyled memorandum, on page 3 you have stated 'in the case person employed below ground in a mine to be deleted.'

That means people employed underground and on surface should be treated alike in this respect.

SHRI S. SAVARIDOSS: Yes Sir. In our proposals on Page 4 of the same memorandum, we have stated 'Unless otherwise prescribed, no fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or uniform to all the Mine workers to be supplied under the provisions of this Act."

MR. CHAIRMAN: Is it in addition to appliances or in place of appliances?

SHRI S. SAVARIDOSS: It is in addition to appliances.

MR. CHAIRMAN: But you have omitted it. So, shall we take it as 'in addition?'

SHRI S. SAVARIDOSS: Yes Sir.

MR. CHAIRMAN: On Page 4 in respect of Sec. 79 of Clause (b) (iv) you have stated 'No previous sanction of the Central Government or of the State Government or any other authority would be necessary whether provided under any other law for the time being in force or not, to launch prosecutions against a Government servant who is accused for breach under the provisions of the Act, Rulse and Regulations thereunder.'

Now, have you seen the proposed amendment in the Bill? There is a period of three months fixed; it should be within three months from the date of sanction. There is a specific period laid down. Do you mean to say that no time or period should be laid down?

SHRI DINEN BHATTACHARYA: Are you proposing that there should be no time limit?

SHRI S. SAVARIDOSS: No. I agree with the time limit.

SHRI DAMODAR PANDEY: Do you with the suggestion that there should be four representatives of the owners and eight representatives of the workmen to be elected by the employees in the mines?

SHRI S. SAVARIDOSS: This is an aspect of the matter on which we do not want to exercise much attention, because, the proposed amendment should be given a trial. No doubt the C.I.T.U. and other unions have come forward with certain proposals but we preferred to remain silent We want to give the present change a trial.

SHRI DAMODAR PANDEY: Then, do you agree or disagree with their proposal? It should be one way or the other.

SHRI S. SAVARIDOSS: Sometimes, it can be both ways.

MR. CHAIRMAN: Generally, it should be both ways. Otherwise, we cannot carry one.

SHRI R. N. SHARMA: That means, he has got no view.

SHRI S. SAVARIDOSS: I want to give the present proposal a trial.

SHRI PARIPOORNANAND PANULI: Regarding pay etc., compared with other mines, are they different in your mines?

PROF. K. V. SUBRAMANYAM: So far as the unskilled workers—the lower level workers are concerned, it is on par with the rest of the industry but when you move higher, when you consider the skills that are exercised by me workmen and the conditions under which they have to work, they are underpaid. This is the way we can judge it. When ever there is an opportunity in B.E.M.L. or any other place, he goes away and that itself shows that he underpaid.

SHRI PARIPOORNANAND PANULI: Are the permanent workers entitled to clothing allowance for their uniforms, boots etc.? How much allowance are you giving for the uniform?

SHRI S. SAVARIDOSS: 18 rupees, dress allowance is paid per worker per year. This is in respect of only male workers. For female workers that system is not in existence. We have demanded that they should also be provided with working dress. We have demanded that the workmen, irrespective of sex should be supplied with uniform. The cash allowance now being paid is very inadequate to purchase clothes and all that. Women workers are not supplied with uniforms and they are not paid allowances also.

SHRI PARIPOORNANAND PANULI: Is it not discriminative? What steps have you taken in this regard?

PROF. K. V. SUBRAMANYAM: I have not been able to take any steps in this regard. My major problem is to deal with the Ministry of Finance. Every time I go for money, they say: 'We are subsidising to the extent of 2½ crores and you are asking for more money.' I have not bee nable to squeeze out resources. These are small problems campared to much bigger steps that I have to take in respect of elementary facilities like water supply and sanitation. My own opinion is that I would not like any woman employee in a place, which requires uniform. I feel that they should be withdrawn from a place which involves manual work. I am anxious to see

that my women labour is completely withdrawn from mining operations area. At the same time I do not want to have clerical staff who are males. We have got to provide uniforms to those people who are employed in areas where tar and other things fall on them. I feet that women should not be employed in such areas where clothing gets dirty, or, we should provide them uniform if they are so employed. I have got to do several things within the resources placed at my disposal.

SHRI PARIPOORNANAND PANULI: Kindly take steps to increase the allowances.

SHRI DAMODAR PANDEY: In the typed memorandum—see page 2—you have submitted, you have suggested 8 representatives of trade unions working in different sections of mines and affiliated to All India Trade Union Organisations. And immediately after that you have stated: 'At present the Government is nominating the representatives of the workers. While doing so, it picks up representatives of Trade Unions who are in favour of the mine owners with the result that they do not affectively champion the cause of workers, Since they really do not represent the workers, they are unable to deliver the goods. We, therefore, suggest that the new Bill should provide for election of the workers' representatives on the mining Board representing various sections of workers.'

Are these not two contradictory things? On the one hand you say that there should be 8 representatives affiliated to the All India Trade Union Organisations and on the other hand, you suggest you should have elections.

SHRI S. SAVARIDOSS: This is not a contradiction as far as I understand. In the first place we demanded that 8 representatives of workmen—those representing the four trade union organisations of the All India body—should be there. These are functioning in various units of mining industry. It means that. Another thing is that such of those representatives as are to be there, should be elected directly by the workmen. I think the point is made clear.

SHRI DAMODAR PANDEY: When you suggest that eight representatives should be chosen by election, the A.I.T.U.C. Union and the I.N.T.U.C. should elect and send their representatives? Am I correct?

SHRI S. SAVARIDOSS: It does not mean like that. If we put our candidates we should not presume that others would not put up their candidates.

SHRI DAMODAR PANDEY: Do you suggest that all these four Organisations should hold elections to elect their representatives? Do you envisage the mass election and general election to elect members. These are two contradictions. How do you reconcile this?

SHRI S. SAVARIDOSS: I want a detailed clarification about your point, before I answer.

MR. CHAIRMAN: He wants you to clarify.

SHRI VIRENDRA KUMAR SAKHALECHA: Section 79 deals with prosecution matter. I want to know whether 3 months period is necessary?

SHRI S. SAVARIDOSS: Yes.

SHRI VIRENDRA KUMAR SAKHALECHA: 'That requirement of sanction may be totally removed'. Do you stand by it—that is 3 months period.

SHRI S. SAVARIDOSS: I have explained in the explanatory note. The Mines Act purely is an Act provided for the safety of all workmen employed. It is therefore inconceivable that a Government servant who has neglected his duty will fully or not shall also receive protective umbrella from the Government or any other authority as this negligence might

have caused or in all probability could cause danger to the life and health of the workman or to the country's property. We know that no protection is given to the workman of the same mine under the same circumstances who because of lack of knowledge might have done so.

The question of 3 months period does not arise at all.

SHRI M. C. DAGA: Whether any chief Inspector has made a surprise visit or not and have they prosecuted any officers of your Mines?

PROF. K. V. SUBRAMANYAM: Most of the inspections made were surprising inspections. They have found fault in violation of rules.

SHRI M. C. DAGA: What are those violations?

PROF. K. V. SUBRAMANYAM: Whether any body is willfully violating the procedure and rules. Report will be sent to the Director or Mines Safety on the basis of the inspection made by the officers. If it is a serious violation action will be taken.

SHRI M. C. DAGA: Which was the last inspection in the period of six months. Whether any time any officers of your Department have been prosecuted?

PROF. K. V. SUBRAMANYAM: We had quite a number of surprise inspections a year ago.

SHRI DAMODAR PANDEY: I want to know whether there were surprise inspections in your period?

PROF. K. V. SUBRAMANYAM: Yes. We had a number of surprise inspections.

MR. CHAIRMAN: Is it possible for you to give a note on these points?

PROF. K. V. SUBRAMANYAM: Yes Sir.

SHRI R. N. SHARMA: You have suggested an amendment in the Mines Act-vide section 52, that a worker should apply for leave 15 days in advance and that it should not be three times in a year. Why do you want to restrict the freedom of the worker to go on leave? Can you not spare him before 15 days? When you know that a worker has to go on leave, why do you want him to apply 15 days in advance?

SHRI S. SAVARIDOSS: I do know whether this practice exists in other mines. The position now is that a worker can get his earned leave by sending an application to the management requesting for grant of leave.

SHRI R. N. SHARMA: You do not want to pay the workers any overtime if he is detained for longer period. Do you want that agency to pay which conducts the survey? Is it fair on the part of management to refuse payment when a worker is chosen for examination in the safety and occupational health survey?

PROF. K. V. SUBRAMANYAM: We conduct the health survey. If the Government conducts survey, we do not ask them to pay. We spare the services of our people for any service they ask. In most cases, the temptation has been to employ more people and pay overtime wages. We should pay overtime according to the provisions of the Act.

SHRI R. N. SHARMA: Under Mines Act only, the Mines Department can engage for survey work and nobody could engage....

PROF. K. V. SUBRAMANYAM: The Mines Department pays during such situations.

MR. CHAIRMAN: Thank you very much.

[The witness then withdrew]

VI. Shri P. S. Narayana, Consulting Mining Engineer and Geologist, Bangalore

[The Witness was called in and he took his seat]

SHRI P. S. NARAYANA: I thought there is need for submitting a memoranda. I am extremely happy with the objectives of the Government because these amendments appear to have been proposed with a view to see that the workers' participation being attempted is built upon solid foundations.

MR. CHAIRMAN: We would like to know your views and we will be happy if your views are followed by a memorandum. Now whatever you say will be treated as confidential but at the same time it will be made available to the M.Ps. Now you can offer your views on the amendments.

SHRI P. S: NARAYANA: The amendments proposed make the management of mines more rigid and I feel that they will really serve the needs of the industry. Mining is a big business and not a small activity and hence people who take up mining should understand first what they want to do. The amendments make managers, agents and owners more responsible for ensuring security in this industry. Certain provision for working minerals that were not provided for in the earlier Act, have now been included. There is a necessity today to create greater awareness of responsibilities and duties in people, who take up to mining activity. In this particular activity, managers and surveyors are essential. They need to be given proper education and training. There is need for prescribing qualifications to the managers of open cast mines as distinct from qualifications for managers engaged in underground and mechanised mines.

Today mining has become an important profession. Anybody who has got Rs. 500, can apply for a certificate of approval to obtain eligibility to become a mine owner. People are trying to build up as much work as is possible for them to develop. Self-help and economic self-sufficiency have come to play a great role. Many people are trying to take advantage of possibilities for growth this industry. Every mine owner owners, agents, and managers is thus safety, economy and efficiency measures.

The most important thing that emerged from the amendments is the necessity for the fixation of qualifications for managers for various grades of mines. We should now fix up grading of the mines based upon the quantum of investment, potential and planned operations. Therefore it is imperative that everybody should give a plan of operation before he commences work. All regulations are intended to see that there is no risk to capital invested and men employed besides the ore deposit itself. The safety considerations depend upon the objectives of the managements operating the mines. Therefore training and education are necessary not only to the workers but also to the owners, agents and managers. A minimum qualification to the owners, agents and managers is thus very necessary and needs to be prescribed.

MR. CHAIRMAN: You must have seen the amendments. Have you got specific suggestions to make regarding those amendments?

SHRI P. S. NARAYANA: I entirely agree with the amendments proposed. I have nothing to comment upon those amendments further.

MR. CHAIRMAN: Thank you very much Mr. Narayana.

[The Committee then adjourned]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Tuesday, the 31st October, 1972 at 09.00 hours in Assembly Chamber Legislative Assembly Goa, Daman and Diu, Panaji.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Khemchandbhai Chavda
4. Shri M. C. Daga
5. Shri Anadi Charan Das
6. Shri Bhogendra Jha
7. Shrimati Sheila Kaul
8. Shri Surendra Mohanty
9. Shri Boksi Nayak
10. Shri Paripoornanand Panuli
11. Shri Damodar Pandey
12. Shri Prabhudas Patel
13. Shri Ramji Ram
14. Ch. Ram Prakash
15. Shri Bhola Raut
16. Shri P. Antony Reddi
17. Ch. Sadhu Ram
18. Shri R. N. Sharma
19. Shri T. Sohan Lal
20. Shri Balgovind Verma
21. Shri G. P. Yadav

Rajya Sabha

22. Shri Virendra Kumar Sakhalecha
23. Shri B. K. Mahanti
24. Shri Sita Ram Singh
25. Shri Jagan Nath Bhardwaj
26. Shri Kasim Ali Abid

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*
2. Shri S. S. Prasad—*Deputy Director General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

I. *Goa, Mineral Ore Exporters' Association, Panjim and Goa Mining Association, Panaji, Goa.*

Spokesmen:

1. Shri S. S. Kantak, *Director & Technical Manager, Sociedade de Fomento Industrial Pvt. Ltd.*
2. Shri H. C. Gupta, *Mining Engineer, Sesa Goa Pvt. Ltd.*
3. Shri D. V. Rao, *Mining Engineer, V. M. Salgaocar & Brother Pvt. Ltd.*
4. Shri A. V. Salgaocar, *Personnel Officer, Sesa Goa Pvt. Ltd.*
5. Shri Ramesh Desai, *Labour Advisor.*

II. *Goa Mines Staff Association, Khandepar, Usgaon, Goa.*

Spokesmen:

1. Shri M. V. S. Khandeparkar, *Secretary.*
2. Shri R. B. S. Kakodkar, *Member.*
3. Shri L. D. Samant, *Member.*
4. Shri Uday Kate, *Member.*

III. *Goa Mining Labour Welfare Union, Assonora.*

Spokesmen:

1. Shri George Vaz, *General Secretary.*
2. Shri Melicio Fernandes
3. Shri Divakar Kakodkar.

IV. *National Mine Workers Union, Goa.*

Spokesmen:

1. Shri Vasudev Arjun Gavas, *General Secretary.*
2. Shri Dionisio Fernandiz, *Secretary.*

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1. *Goa Mineral Ore Exporters' Association, Panjim and Goa Mining Association, Panaji, Goa.*

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4. Shri A. V. Salgaocar, *Personnel Officer, Sesa Goa Pvt. Ltd.*
5. Shri Ramesh Desai, *Labour Advisor.*

MR. CHAIRMAN: I would like to inform you that whatever evidence you give before the Committee will be treated as public unless and otherwise you desire to treat it as confidential, and even though you desire to treat it as confidential, it will be made available to the Members of the Parliament for their perusal. Now, you are employed in different mines. You are not mine owners yourselves.

SHRI S. S. KANTAK: Yes, Sir.

MR. CHAIRMAN: Whatever view you express here, will be taken as the views of the mine owners?

SHRI S. S. KANTAK: Yes, Sir.

MR. CHAIRMAN: Your Association has submitted a Memorandum and it is before the Committee. Have you got anything to explain besides whatever is mentioned in the memorandum or anything to clarify further whatever mentioned in the memorandum?

SHRI D. V. RAO: In regard to amendment to Section 3, regarding exemption of certain minerals from certain sections of the Mines Act, I would like to draw your attention to the statement made by the then Minister Shri Gulzari Lal Nanda, when the Amendment Act was introduced. The intention of amending Section 3 was that small quarries should be covered, whereas actually in the body of the Act only certain minerals have been specified. So, we feel that the intention of the law makers should be considered. The same facilities of exemption should also be extended to all the minerals as long as the scale of operation is of a limited nature, as provided in the Act.

MR. CHAIRMAN: On this very point in the memorandum it is mentioned that all minerals without distinction, should be given the exemption. Do you mean to say that all kinds of minerals should be given the exemption?

SHRI D. V. RAO: Yes, all minerals, so long as the scale of operation is of a limited nature.

MR. CHAIRMAN: In case of minor minerals, certain exemptions are given. So, you say everything should be exempted?

SHRI D. V. RAO: All minerals should be exempted as long as the working is of a limited nature, and where it is an opencast working, (1) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six metres, (2) the number of persons employed on any one day does not exceed fifty and (3) explosives are not used in connection with the excavations. As long as these conditions are followed, we submit that same exemption should be granted to all the minerals.

MR. CHAIRMAN: What is the meaning of "all"? You do not want anything to be excluded?

SHRI D. V. RAO: We do not want that the entire Mines Act should not be applied to all the minerals. But as long as the scale of operation is of a limited nature, this exemption should be given to other minerals also.

MR. CHAIRMAN: Will you kindly clarify further? Do you mean that under these conditions the exemption should be given and not all? Here you say all minerals without distinction should be given the advantage of being excluded from the provisions of the Act.

SHRI D. V. RAO: We have said, "Any mine engaged in the extraction of any mineral provided these conditions are followed."

SHRI DAMODAR PANDEY: Two of you have been introduced as Personnel Managers. Do you feel that by seeking this exemption for not granting any leave to such workmen who are employed in such

mines and also seek exemption for their working under unsafe conditions, without in any way regulating their working conditions?

SHRI D. V. RAO: As long as same exemptions are granted to other minerals in the Act, similar things can be extended to other minerals also as long as they are of a limited nature.

SHRI DAMODAR PANDEY: Is it also a common practice in this part of the country that different lease holds are operating in continuity and all mines can be separated and the provisions of this Act, if we accept this suggestion of yours can be very well regulated to exempt even the bigger mines from the operation of the Act?

SHRI D. V. RAO: No, because scale of operation are very well laid out. Bigger mines would not come under the purview of this Act. It is not intended that bigger mines should be excluded. It is only for smaller mine owners where prospects are small, small mine owners, small entrepreneurs who are working on a limited scale. Such people can at least be benefitted by the extension. The intention is not to curtail

SHRI DAMODAR PANDEY: Do you feel that the exemption should be granted if any of these conditions are not applicable there or all the three conditions are not fulfilled? Is it all or any of the three conditions?

SHRI D. V. RAO: All the three conditions.

SHRI BHOGENDRA JHA: On the basis of the experience of the Association during the period while the Act has been in operation what harm has been caused to the mining industry in Goa because of non-exclusion of Goa Mines from the provision of the Act?

SHRI D. V. RAO: When the scale of operation is smaller, profit of margin is smaller.

SHRI BHOGENDRA JHA: In regard to particular minerals what harm has actually been caused?

SHRI S. S. KANTAK: There are very small iron ore mines where lumpy ore is being extracted Such people had to close their mines because they could not stick to all the provisions of the Act. Of course, sections 7, 8 of the Act gives power to inspect the mines. To stick to all the provsions of the mines. In fact, a number of mines have had to be stopped.

SHRI BHOGENDRA JHA: What is the number of such mines which had to be closed due to the implementation of the Act?

SHRI D. V. RAO: I cannot say it now off hand.

SHRI S. S. KANTAK: The number may be around 150?

SHRI BHOGENDRA JHA: Unemloying how many workers?

SHRI S. S. KANTAK: Out of 700 concessions 250 are working. Out of 250 about 90 are big mine owners. Balance 60 or 70 come under this category. They cannot afford economically to tap the sources, if they come under this provision. There are about 60 mines employing about 3000 workers.

MR. CHAIRMAN: Is it possible for your association to submit a statement on this point?

SHRI BHOGENDRA JHA: Do you mean to submit that if these mines are also excluded then they will be free to operate the mines even if there is danger to the life of the workers?

SHRI S. S. KANTAK: Once the height is limited, once there is no explosion there is no possibility of accident.

SHRI M. C. DAGA: I think the hon. witnesses must have applied their mind to the Statement of Objects and

Reasons of this Act. "In the light of the working of the Act, certain modifications of the provisions of the Act have become necessary. They mainly relate to (1) the removal of certain practical difficulties experienced in its enforcement; (2) provision for additional safety regulations; (3) closer association of workers with safety measures ; "I think you have applied your mind to these aspects. You have proposed that certain mines should be excluded. Have you applied your mind or you simply cover the interest of owners?

SHRI S. S. KANTAK: We are directly connected with labour, not the owners Although we are representing the Goa Mine Owners 'Association' we are a link between the employee and the employer.

SHRI M. C. DAGA: How are employees benefited by your suggestion?

SHRI SURENDRA MOHANTY: If I understood you correctly small mine owners have had to close down their mines due to this safety measures in the Mines Act. According to my information out of 774 mining units in Goa 553 are lying idle because of the objections and modifications, because many big mine lease holders are holding all the stock in their possesion and have moved the Supreme Court on account of non-implementation of the Mines Act. What have you got to say on that? Should the concessions lie idle?

SHRI H. C. GUPTA: I feel that, that appears to be besides this point. Provision for certain minerals is already existing. Some ore minerals are now being included so that they are exempted from the provision of the law. If there is no use of explosives danger does not exist.

SHRI SURENDRA MOHANTY: Accidents do not make distinction—small and big. What is the total number of accidents occurred during the last year? How many in the big mines and how many in the small mines? Number of accidents. There cannot be distinction whether big or small. You are working under two regulations, one of the Portuguese Government, that is, of 1906 and the other is of 1961. Thanks to the parties concerned, the Government of India Mines regulations are fully extended to Goa. You are still under operation of old Portuguese regulations. Am I right?

SHRI H. C. GUPTA: No, Sir.

SHRI S. S. KANTAK: No, Sir. So far as this Bill is concerned, the Mines Act of 1952 is fully implemented here since 1st October 1963.

SHRI SURENDRA MOHANTY: Have you any statistics in your possession to establish your case—the total number of accidents in the small as well as big mines?

SHRI S. S. KANTAK: The Department of Mines will be having the statistics.

SHRI SURENDRA MOHANTY: You are representing two Associations. You must be having the statistics in your possession.

SHRI S. S. KANTAK: No, Sir, we do not have this statistics.

SHRI M. C. DAGA: Can you cite a single mine where mining operation is carriedout, without using explosives?

SHRI S. S. KANTAK: Explosives are not used in the mines, which are closer to residential areas.

SHRI M. C. DAGA: How many workers are working there?

SHRI S. S. KANTAK: Less than 50. The work is done through machines.

SHRI M. C. DAGA: That means where machines are used , you do not want to include them?

SHRI S. S. KANTAK: Other conditions are also there.

SHRI R. N. SHARMA: It seems from the representation that the Mines Act should not apply wholly to the minerals. Is it the intention?

SHRI D. V. RAO: No, as long as the working is of a limited nature, the exemption granted to certain minerals should also be granted to all the minerals. It should not apply when the depth of the excavation exceeds 6 metres.

SHRI R. N. SHARMA: Do you suggest that if the depth of the excavation is upto 6 metres, then there will be no danger to the lives of the workers?

SHRI D. V. RAO: This provision already exists in the law. It should be extended to other minerals.

SHRIMATI SHEILA KAUL: You have suggested that the application of the Act should be excluded in case all operations are on restricted scale and also that where less than 50 workers are employed. Do you mean to say that lives of 50 are less important than the lives of 70 or so?

SHRI S. S. KANTAK: No. Provisions are already there.

SHRIMATI SHEILA KAUL: How do you say that when there are 50 you need not take that much notice as when there are 60 or 70 people?

SHRI D. V. RAO: Life of every individual is equally precious. We do not mean to say that life of 50 is less precious.

SHRI JAGAN NATH BHARDWAJ: Will you please let me know if the mines for which you are seeking exemption are of harder nature than those which have been given exemption. What suggestion do you offer? What measures do you have in case of hard rock, people start with a plan first with mechanised type of things. In that case smaller the number of men, more extensive the work can be. Work is very arduous. In such circumstances what guarantee do you offer that explosives will not be used?

SHRI D. V. RAO: As soon as the number exceeds the Mines Act comes into picture.

SHRI JAGAN NATH BHARDWAJ: What measures do you offer against the temptation of mine owner of using the explosive even if the number is less? There are hard rocks. Mine owner is tempted, those mines which have been exempted are of lose nature. It has been wisely considered that this should not be given exemption.

SHRI S. S. KANTAK: Where iron ore is just on the surface there is no need of explosives . It is in soft earth.

SHRI JAGAN NATH BHARDWAJ: There is naturally the temptation to finish the work earlier.

SHRI S. S. KANTAK: Even if we want we cannot. Actually there are some mines where explosives are not necessary.

MR. CHAIRMAN: Nobody else on this point?

SHRI BHOGENDRA JHA: It has been repeated in the memorandum that there has been discrimination. I would like to know if in order to do away with the discrimination the clause is totally deleted will the Association be satisfied?

SHRI D. V. RAO: That is diametrically opposite. In the present condition of economy it is better to help small mine owners and give employment.

MR. CHAIRMAN: You have come to plead for exemption?

SHRI D. V. RAO: Yes.

MR. CHAIRMAN: On this point I think it will be interesting to hear

the representative of the Ministry, the Deputy Director General.

SHRI R. N. SHARMA: Is it necessary to discuss it in the presence of witnesses?

SHRI DAMODAR PANDEY: One point behind. Sec. 2(h)(iii). They have suggested deletion of "or about" from (iii). Do you mean to say that the machinery which are repaired or which are overhauled for working in the mines should be exempted from the working of the provisions of the mines Act?

SHRI RAMESH DESAI: Actually the amendment that we have suggested is as original Bill suggests and accept in the case of people employed in the construction of plant which is of a vertiable nature. The main objection is that due to employment of the construction workers for certain work of the mines for temporary period—perhaps that number will so increase as to exceed 150 and above—in that case the provisions....

SHRI DAMODAR PANDEY: I am sceptic about the particular cause. You have suggested that the words "or about" should be deleted. You think "in" should be there, not "about" the mine.

SHRI RAMESH DESAI: Certainly it should be excluded. That is our submission.

SHRI DAMODAR PANDEY: Why?

SHRI RAMESH DESAI: All the workshop employees who are cateing to the needs of the mines have been extended Wage Board Award. Functional integrity between the workshop employees and the mine labour in the sense that all the service conditions are same. Leave provisions are same, except that it is a grievance with the people employed in the workshop and river side plot that they do not get any benefit under the Mining Labour Welfare Cess Fund. We may want to construct so many houses or hospitals, then the authorities inform that they are not mine workers.

SHRI DAMODAR PANDEY: What do you want? Should it be included or not?

SHRI RAMESH DESAI: It comes in conflict.

SHRI DAMODAR PANDEY: It comes in conflict now when you say that they are separate. The same fitters, the same electricians who are working in the mines, in case of breakdown of some van or machine in the workshop, they are likely to go there also. Do you suggest that there should be separate men to work in the mines and separate people to work outside the mines?

SHRI RAMESH DESAI: Those people who are attached to the workshop, who occasionally go on the mines, they are covered by the provisions of the Factories Act.

SHRI DAMODAR PANDEY: Why?

SHRI RAMESH DESAI: Because in some cases these workshops are situated at a distance of 13 to 16 kilometres from the mines.

SHRI DAMODAR PANDEY: Whatever it is, they should be covered in the Mines Act, because they are exclusively working for the repairs of the mines machinery.

SHRI RAMESH DESAI: If a part of the establishment is situated at 16 kms. from the mines, and provisions of the Mines Act are to be applied to that part of the establishment, then on what basis the supervision can be made by the Mines Manager? That is another difficulty. So far as Goa is concerned, we have stated that that all such places which are not covered under the Mines Act, because they are outside the precincts of the mines, they are already registered

under the Factories Act. But apart from that we have made no distinction between the workers employed at the mines and those employed at the maintenance work-shops so far as the service conditions, pay scales and other things are concerned. We have given them the same facilities, the same benefits. The Iron Ore Minerals Wage Board scales have been made applicable to workshop people as well as to the plot people. But the difficulty is that the plot people do not get the benefits of the Cess or Welfare Fund.

SHRI DAMODAR PANDEY: They should also be included in the Mines Act. I have observed one thing. The workmen who are engaged in the workshop, who are required to repair the machinery, if they have any grievances they have to go to State Government authorities for the removal of their difficulties. But their immediate neighbours have to go to the Central Labour machinery. That is one thing. Then many other things which are applicable under the Central rules, are not applicable to them.

SHRI RAMESH DESAI: So far as we are concerned, to maintain the functional integrity between the plot people and the workshop people on one side, and the workers on the mines on the other, that has been done.

MR. CHAIRMAN: Now I would like to clarify one more point regarding the constitution of the Mining Board. In this memorandum you have suggested, "two persons representing Managers of mines nominated by the Central Government in consultation with such organisations of Managers of Mines as may be recognised by the Central Government for the purpose." You all have stated in the beginning that either you are Mines Managers or Personnel Officers, connected with the working of the mines, and here you represent the interests of the mineral ore exporters and the Mining Association. Now, before coming here to represent their interests, was your organisation consulted?

SHRI D. V. RAO: Here we have only reproduced the same clause which is already there in the Mines Act Amendment Bill. So far as Goa is concerned, so far there is no Managers' organisation here.

MR. CHAIRMAN: Now, my next question is what other interests of Managers you will represent?

SHRI D. V. RAO: Only the interests of the Managers. Now, we have come under the banner of the exporters.

SHRI DAMODAR PANDEY: You have suggested that the Mining Board should be separate for each industry and each territory. Do you suggest that it should be a Board for one particular mining industry in one State or several boards for several mining industries in one territory?

SHRI D. V. RAO: No. It can be both ways. There need not be distinction between them.

SHRI DAMODAR PANDEY: How do you reconcile this? You have suggested separate boards for separate mining industries.

SHRI D. V. RAO: No, our intention is there should be one Board. But so far as Goa is concerned.....

SHRI DAMODAR PANDEY: When you suggest something, you must suggest keeping everything in view. The amendment will be for the whole country and not for Goa alone. So keeping this in view, would you suggest that there should be separate Board for each mining industry, or one Board for the total mining industries?

SHRI D. V. RAO: There can be different Boards in the same state also. It depends upon the problems.

SHRI DAMODAR PANDEY: Do not say can. What do you feel?

SHRI S. S. KANTAK: One Board in every state. It becomes better.

SHRI DAMODAR PANDEY: You do not hold any opinion on the subject?

MR. CHAIRMAN: Your Memorandum says "under the circumstances, section 22A is unnecessary and may tend to harm the growth of the industry and should not be introduced". What harm do you anticipate if this section is introduced?

SHRI D. V. RAO: Powers are there to regulate and grant permission. 22(1) provides for circumstances where no special provisions have been made. In 22(3) it is said ".... If the Chief Inspector, or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector, is of the opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof he may, by order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger". So both things are covered. This additional provision is not necessary. Depending upon the gravity of situation where dangerous condition is there we have to seek permission already. Where the inspector thinks that conditions are not up to the mark we can stop. There are several circumstances where control can be exercised. Where immediate danger is there they have got power to stop the mine. 22A becomes only an additional one. It may be that sometimes interpretation may be for smaller matters also. Such a provision is already there in 22(3). We feel that 22A may not be necessary in the light of that.

MR. CHAIRMAN: I wanted you to clarify what do you mean by harming the growth of industry. Do you mean to say that if they do not even listen to the instructions of the Mining Department; growth of this industry—generally people take it to be the growth of the owner—will be effected? Growth of the owners should be there, as you have told here, even at the cost of the life of labour? What do you mean?

SHRI D. V. RAO: What I mean where there is no immediate danger, legal remedies are there. I do not agree that growth of industry is the growth of the owner. We have growth of employment. Everything has to be taken in view. Closing of a mine means employment is stopped.

MR. CHAIRMAN: In the present concept it is the owner who benefits more, even not the manager.

SHRI D. V. RAO: That may be one of the views. Worker also suffers. Where there is no immediate danger there is no need to stop employment.

MR. CHAIRMAN: Your opinion is that 22A is unnecessary and also prejudicial to the growth of the industry.

SHRI D. V. RAO: Yes.

SHRI R. N SHARMA: Some unnecessary provisions are allowed to be carried on....

SHRI D. V. RAO: Employment of persons can be stoped under small pretext.

SHRI M. C. DAGA: Under section 22 they can be served a notice, and asked to stop. Some provisions are there.

SHRI D. V. RAO: There are legal remedies. Prosecution is there. Fine

is there. I do not say we should get away from the law. Employment of persons should not be stopped.

SHRI R. N. SHARMA: I think that there is no appreciation on their part when the Mines Department wants only not to stop the entire mines, there is provision for stopping the entire mine in this section. If somebody is not prepared to take notice he should be prosecuted. Do you find so much of objection to this clause? You feel it is redundant. What is the harm if it is continued?

SHRI D. V. RAO: It could be rectified. Employment of persons can often be stopped when danger is not of a serious nature.

MR. CHAIRMAN: What remedy do you suggest if instructions are not carried out? Do you suggest that there should be no provision like this?

SHRI D. V. RAO: Immediate stoppage is necessary when there is danger. When there is no danger stoppage of employment should not be there.

MR. CHAIRMAN: It is meant only for those cases.

SHRI D. V. RAO: If it is meant for those cases and if it is implemented in that way it is all right.

SHRI DAMODAR PANDEY: In the next clause you have suggested that the inspector while inspecting the mine should do so only in the company of the manager and should not be allowed to ask questions from any of the employee and should not give instructions to any of the employee otherwise than through the Manager. Do you mean to say that the Inspector should work under the guidance of the manager?

SHRI D. V. RAO: No, we do not mean that way. We said in the presence of the manager. The inspector cannot give instructions without the knowledge of the manager.

SHRI M. C. DAGA: So many things are done without the knowledge of the manager.

SHRI K. S. CHAVDA: The Association wants to amend Section 7, by inserting sub-section 1(c). But it is in the interest of the mine owners and also mines managers if the inspection is conducted by the Inspector alone. You have stated" In his excitement and enthusiasm the Inspector quite often by passes the mines manager who may be conducting him during the inspection." So, if the inspection is conducted by the Inspector in the absence of the mines manager, it will be better for the mines manager. They will not be humiliated according to you.

SHRI D. V. RAO: There will be indirect humiliation.

SHRI K. S. CHAVDA: Indirect humiliation is better than direct humiliation.

SHRI D. V. RAO: Humiliation in no circumstances is better.

SHRI K. S. CHAVDA: Do you agree that the workers will reply freely when the managers are present?

SHRI D. V. RAO: There have been instances where threats have been given by the Inspectors to the junior personnel.

MR. CHAIRMAN: You have stated here in one of the clauses—"During the course of the inspection the inspectors shall not seek information about the working of the mine from a person employed there in under threats or duress." I want to emphasise on the words "threats or duress". Don't you think that if a worker is called upon to explain in the presence of the manager he will be equally under threat or duress and he will not disclose the correct thing?

SHRI D. V. RAO: There is already a provision in the Act or protection of the workers.

MR. CHAIRMAN: But what is the harm in conducting the inspection for the Inspector without being accompanied by the mines manager? You do not want the Inspector to pressurise anybody. But at the same time the feeling here is that if a workman is examined in the presence of the Manager, he will not be in a position to give the correct picture, the correct facts.

SHRI D. V. RAO: So far as eliciting the facts are concerned, we have no objection. The idea is that it should be under cordial atmosphere.

SHRI K. S. CHAVDA: If the manager accompanies the Inspector, the purpose of inspection will be defeated. The inspection should be always in the absence of the manager, and without notice. It should be a surprise one.

SHRI D V. RAO: We have no objection to surprise inspection. But at the time inspection, it should be in the presence of the manager. The manager, as he walks he cannot change the circumstances. The mine will be as it is whether the manager accompanies the inspector or not. We have suggested the amendment for prevention of bad incidents.

SHRI M. C. DAGA: Here in 1(h) you have stated—"and shall also guide him in the compliance of them and shall not just be recording such non-implementation." Cannot they record the non-implementation?

SHRI D. V. RAO: The idea is they will not merely record the non-implementation, but they will try to understand the difficulties, the technical problems, and try to solve them.

SHRI DAMODAR PANDEY: Let us come to amendment to section 58—clause 22. Do you feel that overmen are not sufficiently qualified to inspect the mines.

SHRI D. V. RAO: He is qualified to do certain types of jobs, but you cannot call him a technical expert.

SHRI DAMODAR PANDEY: Are you aware that in many mines the overman certificate holders are designated as managers and they are working as managers? Are they not technically qualified to work as managers? Then the next item.

SHRI M. C. DAGA: Since you feel that this section is redundant what is the harm if the workers for whose safety the entire Act is enacted and for whom we are concerned themselves inspect their own working place? What difficulty do you have?

SHRI D. V. RAO: There is already a provision for safety. When he goes to his colliery he is supposed to test the working place. Also when there is a group of workers, one of them will act as a leader. When there is already a Government Department to look after this matter giving power in the hands of workers is dangerous. It becomes just like union management relationship. We have to see that demands are discussed. When the workmen who are working also have got inspection powers then the situation becomes different. The person who is working under you has got powers to inspect. This is something different.

MR. CHAIRMAN: Do you not realise that this man who is given power of inspection which is proper in this clause is entirely a different man and not only a subordinate to that manager, but entirely a different man and he is representative of the workers?

SHRI D. V. RAO: If he is a representative of the workers and holds equal qualifications as that of management it is all right. He should at least have qualifications equal to inspector.

MR. CHAIRMAN: Your objection is inspection but about qualification, is not about it?

SHRI D. V. RAO: I am aware of mining units in different countries where regular mining engineers are employed to inspect mines.

MR. CHAIRMAN: Your objection appears to be on technical qualification. You have used the word not conducive to discipline and control.

SHRI D. V. RAO: Keeping that in mind.

MR. CHAIRMAN: He is a workers' representative.

SHRI D. V. RAO: He should at least have qualifications equal to that of manager.

MR. CHAIRMAN: Here the Act provides that a foreman . . . If it is so is your objection only on the ground of qualification or on the ground of discipline or so?

SHRI D. V. RAO: As long as qualification is maintained we have no objection to inspection. A foreman becomes a manager as the mine is small, production and employment is limited. Where first class manager is there a mine should be inspected by first class manager.

SHRI M. C. DAGA: Have they consulted labour on this point before submitting the memorandum? Are you representing the interest of labour on this clause?

MR. CHAIRMAN: After arguing this point do you feel that they feel that the man should be equally qualified?

SHRI B. K. MAHANTI: Mines foreman has also responsibility of safety of a mine. He is liable to the charge.

SHRI D. V. RAO: He is getting certain responsibility as a foreman. There are illiterate foremen. There are people who put their thumb impression and work as foreman.

SHRI B. K. MAHANTI: Before 1964 you had no qualified engineers. Under the existing law mining foremen have certain responsibility.

SHRI D. V. RAO: He is subjected to the orders of the superior.

SHRI B. K. MAHANTI: In that respect, mines managers are carrying out orders from owners.

SHRI H. C. GUPTA: Intention of amending the clause is to get inspection done by a technical expert. Foreman is not a technical expert.

SHRI DAMODAR PANDEY: You have objection only about the technical person, not about clause.

SHRI M. C. DAGA: If he has worked in the mine for 10 years does he have no experience?

SHRI H. C. GUPTA: No.

MR. CHAIRMAN: Mr. Rao, you have also appreciated that there is ample opportunity in which workers have been provided representation to participate. What happens if a worker participates in the management. Do you expect there also a kind of discipline or not? I wanted to understand your objection. If it is on the question of qualification that can be one point. This is about discipline. A workers' representative may be a class IV employee and he may be president of the Union. He may go with the Union delegation and sit with the management. All over India they say workers should form their own leadership. They talk about workers' participation in the management and they talk about discipline.

SHRI D. V. RAO: The very person who works under the management should not have inspecting power over the manager.

MR. CHAIRMAN: When he carries on negotiations he may sit above him.

SHRI D. V. RAO: If it is coming from the gentlemen I have to obey. . .

SHRI DAMODAR PANDEY: I go a little beyond your memorandum. Do you not feel that safety aspect should be in consonance with the safety regulations? For instance in Goa, most

mines are highly mechanised. Do you not feel that there should be separate provisions for separation of dust?

SHRI D. V. RAO: I think regulations are in way.

SHRI DAMODAR PANDEY: So, you feel there should be a provision?

SHRI D. V. RAO: Yes, I entirely agree with you.

SHRI R. N. SHARMA: I draw your attention to page 3, first para. 'The Goa Mining Association and the Exporters' Association want the representation of mines managers on the Mining Board. But they do not want that the mines managers should have a free hand in running of the mines, and that they should act according to the directions of the owners or the agents.

SHRI D. V. RAO: They should be liable to the extent to which they are held responsible under the Act. Under the amendment Act unqualified agents or owners cannot give instructions to them.

SHRI R. N. SHARMA: Have you not seen unqualified owners giving instructions?

SHRI D. V. RAO: We have only stated that they should be liable to the extent to which they are held responsible in the Act.

SHRI R. N. SHARMA: There are instances of illiterate owners giving such instructions. That is our experience. You must bear in mind that this provision must be incorporated.

SHRI D. V. RAO: I entirely welcome the new trend. But the only idea is that he should be liable only to the extent of his obligations.

SHRI R. N. SHARMA: Page 4, clause 17(3). Do you give incentive to your workers?

SHRI D. V. RAO: Yes, some companies are paying on the basis of work done.

SHRI R. N. SHARMA: That is, for extra work done, he gets extra amount. Minimum pay for minimum work. But what is the purpose of the Act for which it is treated as ordinary pay? Which are the things linked with it?

SHRI D. V. RAO: Overtime allowance and leave wages.

SHRI R. N. SHARMA: My experience is that the workers getting overtime are not given any incentives.

MR. CHAIRMAN: We will take a note of this.

SHRI PARIPOORNANAND PAINULI: What is the total number of mine owners in Goa?

SHRI D. V. RAO: Approximately 200.

SHRI PARIPOORNANAND PAINULI: Is it a fact that an overwhelming majority of these mines remain closed?

SHRI D. V. RAO: Yes.

SHRI PARIPOORNANAND PAINULI: Overwhelming majority of mines of iron ore remain closed, is it a fact?

SHRI M. C. DAGA: How many mines are working?

SHRI S. S. KANTAK: 150 out of 700.

SHRI PARIPOORNANAND PAINULI: Overwhelming majority are inoperative.

SHRI S. S. KANTAK: Are closed.

SHRI PARIPOORNANAND PAINULI: Is it a fact that these mines remain closed because there is no agency to take their ore for export?

SHRI S. S. KANTAK: Firstly there is economic point. If they open they

have to maintain under rules and regulations certain staff which they cannot afford.

SHRI PARIPOORNANAND PAINULI: If these mines were in operation how many people would have been employed?

SHRI S. S. KANTAK: About 3000.

SHRI PARIPOORNANAND PAINULI: If one of the important factors is that they are unable to export their ore, can your Association not help them in purchasing their iron ore?

SHRI S. S. KANTAK: It is purchased.

SHRI PARIPOORNANAND PAINULI: My information is that most of these mines remain closed because they fail to sell their ore outside.

SHRI S. S. KANTAK: Not correct.

SHRI PARIPOORNANAND PAINULI: If your association proposes to purchase?

SHRI S. S. KANTAK: We are ready to purchase.

MR. CHAIRMAN: So, thank you Mr. Rao for all that you have clarified.

[*The witnesses then withdrew*]

II. Goa Mines Staff Association, Khandepar, Usgaon, Goa.

Spokesman:—

1. Shri M. V. S. Khandeparkar, *Secretary*
2. Shri R. B. S. Kakodkar, *Member*
3. Shri L. D. Samant, *Member*
4. Shri Uday Kate, *Member.*

(*The witnesses were called in and they took their seats*].

MR. CHAIRMAN Whatever you state here will be treated as public and is liable to be published unless you desire that it shouuld be kept confidential. Even if it is treated as confidential it will be made available to Members of Parliament for their use.

SHRI R. B. S. KAKODKAR: Sir, we were working as managers till liberation of this Territory. Mining industry started in 1947-48. The development of this industry was all due to our hard labour. Government of India, after liberation of this Territory, protected the rights of erstwhile Portuguese Government employees. Semi-Government and autonomous Bodies are also protected. After the extension of this Act we are expected to have competency certificates. We cooperated with the Directorate by applying for the same. There was a condition that one had to be above 35 years of age. I, along with many, had the experience. My application for a manager's post was twice rejected and there are similar cases. We could not appear for the examination which was discontinued in 1969. We only appeal to you to protect our rights by granting service certificates of competency. We do not request to bring back the Portuguese laws or rules but to protect our rights.

SHRI VIRANDRA KUMAR SAKHLECHA: Competency certificates should be given to you. Do you hold competency?

SHRI R B. S. KAKODKAR: We were working for 15 to 20 years.

SHRI R. N. SHARMA: Mr. Chairman I think whatever has been made before us just now is the restricting order of the Mines Order about age limit. Because of age limit many people could not appear for service certificate examination.

SHRI R. B. S. KAKODKAR: The Service Certificate Examinations have been discontinued.

SHRI BHOGENDRA JHA: I think this was restricted only to those people who were working as managers in 1961. What were the grounds for rejecting your petition for Service Certificate Examination?

SHRI R. B. S. KAKODKAR: The grounds were that we were underaged at that time, even though we had adequate experience. When we attained the age prescribed, the examination was discontinued.

SHRI BHOGENDRA JHA: Are you opposing the rigorous examination?

SHRI L. D. SAMANT: Ours is probably the only country in the sphere of opencast mining which follows this system of competency examinations. In much more advanced countries like U.K., U.S.S:R:, Canada, Australia, Scandinavia, such examinations are not being held.

MR. CHAIRMAN: What about Canada and Australia?

SHRI L. D. SAMANT: No, sir. I am talking about advanced countries like Scandinavia, U.K., Belgium where such certificates are not required.

MR. CHAIRMAN: I asked a specific question about Canada and Australia. First you said No. When you quote certain countries, you should be sure about the conditions there.

SHRI L. D. SAMANT: The last year's competency examinations conducted by DGMS were jeopardised due to coercive tactics adopted by a section of examinees. In certain centres the examinations could not be held. This has shaken the faith of mining community in the real value of Competency Certificate holders to manage the mines. One of the statements made by a spokesman of DGMS and as appeared in the press, he mentioned three things. First "further concessions in regard to tests will reduce the status and prestige of the certificate which it once had; secondly the certificate being made cheap, there will be more candidates for the managers job than the industry will need, and thirdly, the agitators are unwillingly playing into the hands of some unscrupulous mine owners who want to create a situation of surplus mining personnel in order to exploit it.' This clearly indicates that the competency certificates are not awarded for ensuring safety and economic exploitation of minerals, but they are more meant for status and prestige of few managers.

SHRI R. N. SHARMA: You should talk on behalf of the entire mining staff and not only for managers.

MR. CHAIRMAN: Thank you very much.

SHRI R. B. S. KAKODKAR: I would like to make a small appeal. We, Goan people are very soft people. We do not have a tendency to agitate, to do anything rowdy, and our people have the habit of silently suffering. If Government does not accede to our request, which we feel is very genuine, we will silently suffer. But it is upto you, Sir, to give us justice.

MR. CHAIRMAN: Thank you, very much.

[The witnesses then withdrew]

III. Goa Mining Labour Welfare Union, Assonora.

Spokesmen:—

1. Shri George Vaz, *General Secretary.*
2. Shri Melicio Fernandes
3. Shri Divakar Kakodkar.

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: I have to inform you that the evidence that you give before this Committee is liable to be treated as public unless you desire that it should be kept confidential. Even if it is treated as confidential it will be made available to Members of Parliament.

SHRI GEORGE VAZ: We have no objection if it is published. We represent the Goa Mining Labour Welfare Unit which has been functioning for the last 10 years. I am George Vaz, General Secretary of the Unit and he is Mr. Diwakar Kakodkar, one of our ex-presidents and Shri Melicio Fernandes is an associate. We are all connected with the Mining Labour Welfare. We are trying to get the Mines legislation in force. Mining industry is a major industry. During the Portuguese time 37000 mining labour was employed which has been reduced after liberation because many mines have been closed and there has been intensified mechanisation. A big section of contract labour got reduced by about 50000. Today the number is about 20 to 22000. Contract labour is 15000. Mine owners have implemented the Wage Board Award. Although they have implemented it, it has covered only regular office staff or regular labourers. The contract labourers have not been benefited. They are the real toilers for which Parliament should do something. Mining industry is a lucrative industry and you know one of the mine owners Mr. Chowgule is the richest man paying most of personal tax, according to the *Finance Times*. Within the last 15 years people from nowhere become millionaires. This section of labour is to be protected under the Mines Act. We have to go through the peculiar geographical circumstances here. Just two weeks back Mr. Karan Singh came here in connection with Tourism. Side by side there is mining going on. On the base of the hill there is agriculture. These three sections are there. River sides are there. Sea face—beautiful beaches are there which may be developed as tourist centres. Green revolution we are trying to introduce. You all might have seen. We are interested in the Mines Bill being made applicable where so far it has not been made applicable. When these concessions were leased out by Portuguese Government they were given for paltry sums like 200 rupees. Where you had capital or not, people started the industry Ore used to be transported even in bullock carts and country crafts. Today it has become a highly mechanised industry with Japanese help. Japan has sent trained personnel with the result that the industry got mechanised. Local mine owners, with this assistance and the assistance they got after liberation, have become mine magnates.

Drinking water facilities are not made available. During the last 10 years they have definitely improved the position, which was very bad during Portuguese regime. The Department has still got lots to do. Accidents might have been reduced. Shri Taneja is doing a good job here. Question of labour in the loading points should be taken up. Regarding actual loading in the barges, Department of Mines Safety has no say. There is no one to say that it is done in a wrong place. A shovel comes and starts operating at the bottom. There is possibility of the thing collapsing and workers being killed. Mines Act is so worded to-

day that river side plots which are far away from lease holds, are not covered. Therefore, I propose that workers working on river side plots of Goa should be covered. This is a new problem which the Mines Act, if it is going to be amended should take into consideration. In 1952 this was not visualised. Today the loading points at river side are the main artillary.

MR. CHAIRMAN: Are these not covered by any Act.

SHRI GEORGE VAZ: Factory inspectors do not go there. They are not covered by any Act.

SHRI DAMODAR PANDEY: You expressed your views. When you say contract labour are not getting Wage Board leave, etc. do you say that even contract labour are not covered by Mines Act?

SHRI GEORGE VAZ: Contract labour which work on the Mines are naturally covered under Mines Act. Suppose an Accident takes place, the Inspector of Mines will not recognize the contract labour because they are piece rate.

SHRI DAMODAR PANDEY: When they are covered by the Mines Act, what prevents them to get the leave pay, overtime and all these things?

SHRI GEORGE VAZ: The principal employer does not accept any responsibility about the contract labour.

SHRI DAMODAR PANDEY: But the legal position is that they are equally covered under the Mines Act and as such, they are equally entitled to leave pay, overtime, etc.

SHRI GEORGE VAZ: But these mukadams and contractors they are ignorant people. They have never read the Act.

SHRI DAMODAR PANDEY: I am asking you as a Union representative.

SHRI GEORGE VAZ: We have tried our best to organise the labour. These contract labours are taken on daily wages and they are paid advances. The moment they find that the workers are going to the Union, they stop the wages.

SHRI DAMODAR PANDEY: Do not they get any protection from the Government?

SHRI GEORGE VAZ: They are brought in batches. Unless the number exceeds twenty, they will not be covered under the legislation.

SHRI DAMODAR PANDEY: But the total number of labour force should be taken as that of a particular mine and not that particular contractor.

SHRI BALGOVIND VERMA: In case the Contract Labour Abolition Act is applied here, will it serve the purpose?

SHRI DIVAKAR KAKODKAR: This Act is applied everywhere. But there are loopholes in the Act and these loopholes are taken advantage of by the mine owners. If there are less than 20 workers, then the mine owners do not keep a list of them at all. In this way, he evades the Contract labour Act. So, the workers do not get any benefits at all. There are about 15,000 contract labours working in Goa. The mine owners have become the richest men by exploiting these workers.

SHRI R. N. SHARMA: How many cases have you fought for the labour?

SHRI DIVAKAR KAKODKAR: Hundreds of cases.

SHRI M. C. DAGA: Is there any signed contract between such workers and the employers?

SHRI DIVAKAR KAKODKAR: No written contract. Mostly it is understanding. They are working on piece rate. There are no hard and fast agreements.

SHRI BHOGENDRA JHA: I would like to know whether the workers at the river side loading plots get the same wages as the workers at the mines get?

SHRI GEORGE VAZ: In the beginning the mine-owners resisted giving the same wages to the river side workers. We had to agitate and finally they agreed. But these workers are not covered under the Act. Wherever there is a strong union, the wages are paid according to the Wage Board Award. But they do not get the benefits under the Iron Ore Mines Labour Welfare Organisation for which cess is being collected all over the country. They say you are not mine workers, and as such they are deprived of the facilities like quarters, medical aid, midday meals, etc. Today the mine-owners themselves are saying that these people should be included as mine workers.

SHRI DIVAKAR KAKODKAR' The mining industry is 17 to 20 years' old. There is rejection of nearly 10 crores lying. When rain comes it goes to the fields. This rejection has destroyed agricultural fields. You must have gone and seen in Velgeum. They have destroyed product worth 10 lakhs. There is no production. Local Government has done nothing for them. They think it is a Central Government question. Top bureaucrats when approached they also do not do anything. I would earnestly plead that you will do something for this.

MR. CHAIRMAN: Thank you.

[*The witnesses then withdrew*]

IV. **National Mine Workers Union, Goa**

Spokesmen:

1. Shri Vasudev Arjun Gavas, *General Secretary.*

2. Shri Dionisio Fernandiz, *Secretary.*

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: Before you start I would like to inform you that whatever you speak here will be treated as public unless otherwise you desire that it should be kept confidential. In that case also it will be made available to Members of Parliament for their reference. I request you to introduce yourselves and your colleauge to the Committee. We have received your memorandum just now. We would like to seek certain clarifications; if you have to say anything beyond this memorandum, you can say. Will you kindly introduce yourselves?

SHRI V. A. GAVAS: I am V. A. Gavas, General Secretary, National Mine Workers Union, Goa working committee member of the Indian National Mine Workers' Union. He is Mr. Dionisio Fernandiz, Secretary of National Mine Workers' Union.

MR. CHAIRMAN: Have you got anything to say?

SHRI V. A. GAVAS: No Sir, I want to press on the points that majority of the workers, about 7000 of them, which are directly connected with the Mines are not covered uptil now under the Mines Act. Those working on the plot, building, way bridge, stacking workshop. Great injustice is caused to these bulk of workers. These workers should be given justice by covering them under the Mines Act.

MR. CHAIRMAN: Have you any suggestion?

SHRI V. A. GAVAS: My points Nos. 2, 3, 4 are covering this. I have suggested a new point about establishment of workers. Guarantee should be given. If guarantee is not given, this clause will be affecting the interests of workers.

MR. CHAIRMAN: I would like to seek one clarification. On page 1, you

have suggested that the words "any part of any machinery" should be added by the words "belonging to the same management and used for all purposes of mineral operations". Why do you want to suggest this?

SHRI V. A. GAVAS: There are special conditions prevailing here. To suit them they have centrally erected workshop. From the central workshop they are directly connected with the mines activity but they are not under the lease purview of the mines.

SHRI R. N. SHARMA: If it belongs to contractor, is it covered or not?

SHRI V. A. GAVAS: There are about 10,000 workers in contract system. They are not benefited under any Act. They are real workers in the mining industry. Benefits under the Mines Act should be given to these workers who are in majority. We are representing them. Their responsiblity is not taken saying that they are workers of contractors and are not recognized. If these workers are not given shelter under this Act, it will be a great injustice to the toiling labourers in the mines. Contract labour should also be covered and given the benefit of the Mines Act.

I want to stress one more point. On page 2, I have suggested—item 5. After the words 'direction of the mines' add the words 'and payment to the miners and fixation of wages thereof'. If the manager is not having power to fix the salary then he cannot take maximum work from the worker because they say if you are ordering to work you have the responsibility of fixing the salary. Efficiency falls down. If we want efficiency, the manager should be empowered to fix the salary of labourers, supervisors and those who are working directly under the manager. This is my special suggestion, Sir, and I hope the Committee will take it into consideration.

MR. CHAIRMAN: All right. Thank you very much.

[The Committee then adjourned.]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Thursday, the 2nd November, 1972 in Committee Room, New MLAs. Hostel, Nagpur.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Khemchandbhai Chavda
4. Shri M. C. Daga
5. Shri Anadi Charan Das
6. Shri K. G. Deshmukh
7. Shri C. D. Gautam
8. Shri Bhogendra Jha
9. Shrimati Sheila Kaul
10. Shri Surendra Mohanty
11. Shri Boksi Nayak
12. Shri Damodar Pandey
13. Shri Prabhudas Patel
14. Shri Ramji Ram
15. Ch. Ram Prakash
16. Shri Bhola Raut
17. Shri P. Antony Reddi
18. Ch. Sadhu Ram
19. Shri R. N. Sharma
20. Shri T. Sohan Lal
21. Shri G. P. Yadav

Rajya Sabha

22. Shri Virendra Kumar Sakhalecha
23. Shri B. K. Mahanti
24. Shri Sita Ram Singh
25. Shri Vinaykumar Ramlal Parashar
26. Shri Jagan Nath Bhardwaj
27. Shri Kasim Ali Abid

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

Shri S. S. Prasad—*Deputy Director General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

I. *Madhya Pradesh and Vidarbha Mining Association, (Coal Committee), Nagpur.*

Spokesmen:

1. Shri Asa Singh, *Chairman.*
2. Shri Brij Bhushan, *C.M.E.*
3. Shri M. K. Jha, *C.M.E.*
4. Shri R. D. Biswas, *C.M.E.*
5. Shri Dudley, *Secretary.*
6. Shri Chaudhury, *Chairman/M. D. MOIL.*

II. *Nagpur Stone Quarry & Crusher Owners Association, Nagpur.*

Spokesmen:

1. Shri B. T. Pardhy, *Chairman.*
2. Shri H. H. Shah, *Hony. Secretary.*
3. Colonel H. S. Kochar (Retd.), *Member.*
4. Shri R. C. Thakkar, *Member.*

III. *Bhartiya Koyala Khadan Mazdoor Sangh, Chandametta (Chhindwara).*

Spokesmen:

1. Shri S. B. Singh Parmar, *Secretary.*
2. Shri S. S. Shakrawar, *Legal Adviser & Member Executive.*

IV. *Vidarbha Industries Association, Nagpur.*

Spokesmen:

1. Shri V. S. Yajnik.
2. Shri P. M. Joshi.
3. Shri J. L. Bhatia.

V. *Indian National Mining Overmen, Sirdars, Shotfirers. Association, Chhindwara.*

Spokesmen:

1. Shri S. P. Tiwari, *Vice-President.*
2. Shri Beeru Singh, *Jt. Secretary.*
3. Shri Abdul Wahid, *Cashier.*

VI. *Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh, Nagpur.*

Spokesmen:

1. Shri G. M. Khode, *President, M.R.M.K. Sangh.*
2. Shri S. W. Dhabe, *President, M.P.R. K. K. Sangh:*
3. Shri Hira Lal Singh, *Vice-President.*
4. Shri S. D. Raut, *General Secretary.*
5. Shri S. K. Moulik, *Secretary.*
6. Shri Mahadeorao Titre, *General Secretary.*

VII. *New Chirimiri Ponri Hill Colliery, Chirimiri.*

Spokesmen:

Shri G. Srinivasan, *Technical Consultant.*

VIII. *M. P. Mine Workers Union, Chhindwara.*

Spokesmen:

Shri R. K. Haldulkar, *President.*

IX. *Small Scale Mining Industry, Nagpur.*

Spokesmen:

1. Shri G. C. Shukla
2. Shri Bhim Sen Bisen
3. Shri G. D. Gupta

I. Madhya Pradesh and Vidarbha Mining Association (Coal Committee, Nagpur

Spokesmen:

1. Shri Asa Singh, *Chairman*
2. Shri Brij Bhushan, *C.M.E.*
3. Shri M. K. Jha, *C.M.E.*
4. Shri R. D. Biswas, *C.M.E'*
5. Shri Dudley, *Secretary.*
6. Shri Chaudhury, *Chairman M. D. MOIL.*

[The witness were called in and they took their seats.]

MR. CHAIRMAN: Gentlemen, before I request you to explain anything in connection with the Memo. that you have submitted before this Committee, or anything you want to say besides what you have mentioned in the Memo., I would like you to note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI ASA SINGH: On behalf of the Madhya Pradesh and Vidarbha Mining Association, we thank you for

giving us an opportunity to present our view-point before this Committee. We all represent this Association.

Before we say anything on our memorandum, I wish to say that whatever we may say here, may be treated as public. We have nothing to hide from any one. Would you like us to go through our Memo. and give points in addition to it? How will you like us to proceed?

MR. CHAIRMAN: So far as the memorandum is concerned, it is before us; but if you have to add anything or clarify any point, you can do so.

SHRI ASA SINGH: We would like to elaborate on some points. Now, the office of the Chief Inspector of Mines is designated as that of the Director General of Mines Safety and, Similarly, various officials have been re-designated. The Mines Act may be amended accordingly, to incorporate proper designations of the officers of the Director General of Mines Safety. This is our general observation.

SHRI SURENDRA MOHANTY: What difference will it make?

SHRI ASA SINGH: We know that the officers are the same. But for the new entrants, there will be no Chief Inspector of Mines in the country. Therefore, I think the lacuna in the clause can be corrected by doing this. We now come to the submissions which we have made, clause-wise.

MR. CHAIRMAN: Are you saying something in addition to what you have mentioned in the memo?

SHRI ASA SINGH: We have submitted two or three Memos. If you correlate them, you will get our points clear. Now, I take up Section 12, *i.e.* the mining boards.

SHRI M. C. DAGA: Do you mean clause 7, section 12?

SHRI ASA SINGH: This is a drastic change from the present set-up of the mining boards. At present, there are nine mining boards; but it is proposed to have one mining board for the whole of the country. We feel the conditions of the various mining areas differ so much that by having one mining board, it may not be possible really to appreciate the conditions prevalent in the different mining areas. We do appreciate that the present number of mining boards is too much; and needs reduction. We feel that this could be done by having, may be three or four regional boards. These regional boards will have better knowledge of these areas; and if any technical problem is referred to them, they shall be in a position to give their comments on the proposed legislation, in a much better way, than the one mining board for the whole of the country.

SHRI K. C. DESHMUKH: Do you want separate mining boards for separate mines?

SHRI ASA SINGH: The suggestion is that regional boards set up for a particular region could deal with all the mines in that region. They can be three or four.

SHRI V. K. SAKHALECHA: The conditions are different in different mines. How can you have regional boards which will satisfy you?

SHRI ASA SINGH: If there is one board for the whole country, some of the problems peculiar to certain areas may not be brought to light of such a board.

SHRI V. K. SAKHALECHA: The point you made out against one mining board is that different conditions exist in different mines. That goes away. If region-wise boards are set up.

SHRI ASA SINGH: In the alternative, we can have broad mineral groupings. That would be better than what is proposed now. Again we apprehend that because ours is such a wide country, it would be difficult for people to travel from one part of the

country to another. To avoid that, regional boards may be better.

MR CHAIRMAN: What is the exact suggestion you are making?

SHRI ASA SINGH: We suggest regional boards, one for the northern region, one for the southern, one for the eastern and one for the western region.

MR. CHAIRMAN: Today there is no regional system. Either it should be Statewise or groupwise. Will you clarify it?

SHRI ASA SINGH: The four or five southern States may be grouped together and there may be one mining board for them. Similarly for the other regions also.

SHRI J. N. BHARDWAJ: The main policy of the country is to have national integration. If you have regionwise division, will it not go against that policy?

SHRI ASA SINGH: One particular mineral may be spread from one part of the country to another and it will be difficult for all the members to meet very often. I appreciate the emotional value attached to national integration. But from the point of view of the working of the boards themselves, it will be better if the States are grouped, so that it is convenient for members of that board to meet often. Ultimately the suggestions of these 4 or 5 boards could be pooled together by the Government and a decision taken.

SHRI J. N. BHARDWAJ: In the case of Railways, P&T, Defence, etc., members have got to go from one corner of the country to another. It is not mere emotion or sentiment. It is a question of specialisation in solving the problems of a particular mineral.

SHRI ASA SINGH: Since the Mines Act is applicable to all the minerals, our idea in suggesting regional boards was simply that these boards will be able to appreciate the conditions applicable to various minerals in the same zone. Railways are also divided into zones. This is on the same lines.

SHRI J. N. BHARDWAJ: Your main worry is Mines Act. Are we not here to amend it?

SHRI ASA SINGH: Mines are mines. The conditions may vary from one mineral to another, but broadly they are similar and in the legislation we need not make it so tight as to make it mineralwise. I think the present applicability of the Mines Act to all the minerals is quite reasonable.

SHRI K. S. CHAVDA: According to the proposed bill, there will be an All-India Mining Board, consisting of 17 members. One of them will be a technical person in the service of the Government. You have said, while speaking on amendment to Section 12(a), that the technical officer from Government is not specified and you say now that he should be a mining man. Now, do you want that that mining man should only be from Government service; or may he be from private service also?

SHRI ASA SINGH: He can be from the Government. We do not have any objection to that. We feel that he should be a technical person, that is a mining technical person, not just a technical person. We just wanted a clarification. Technical person may mean non-mining technical person also.

SHRI K. S. CHAVDA: He should be a mining man and technical person.

SHRI SURENDRA MOHANTY: I would like to know whether, in the functioning of the Directorate of Mines Safety on zonal basis, you experience any practical difficulty.

SHRI ASA SINGH: By having the Directorate on zonal basis, the industry has better access to the officers concerned; and if the zonal officers-in-charge are given the necessary authority to dispose of various matters at the zonal level, this

could simplify things for the mining community, rather than cause any encumbrance.

SHRI SURENDRA MOHANTY: Do you mean to suggest that since the Directorate of Mines Safety is organised on a zonal basis, these boards also can be planned that way?

SHRI ASA SINGH: I do not have any such view in my mind. I just said that an analogy can be derived. They have to make their Zones, depending upon the location and the number of mines. There are two zones in the eastern wing. Two mining boards need not be there. The jurisdiction of the Directorate of Mines Safety should have no connection with the jurisdiction of the proposed mining board.

SHRI SURENDRA MOHANTY: When you suggested zonal arrangement an exception was rightly taken that it might dampen the so-called national integration. My question is whether you experienced any practical difficulty in the functioning of the Directorate of Mines Safety which is itself organised zone-wise.

SHRI ASA SINGH: Rather, it facilitated the operation of the Mines Act.

SHRI K. G. DESHMUKH: One thing remains to be clarified. You want boards on regional basis. Do you want that there should also be an at India Board to coordinate them?

SHRI ASA SINGH: What we have in mind is that there can be independent bodies, reporting independently to Government; and Government coordinating their recommendations.

SHRI K. C. DESHMUKH: It will be difficult for Government to do it.

SHRI ASA SINGH: As I visualize it, the boards send their recommendations to the Government like other interested persons or bodies connected with the proposed legislation. They will also send their representations to the Government. It is for the Government to take a total view of the matter and take action for the country as a whole.

SHRI V. K. SAKHALECHA: We could not understand, on what basis, you want to oppose the idea of one mining board. There are nine mining boards in the Act. You said earlier that it is mine-wise and it is not mineral-wise. On what argument do you want to rely? You want to oppose zonal set-up on one basis. Is it on the basis of mines, minerals or zones?

SHRI ASA SINGH: We did not oppose the existence of the present mining boards. The Government might have felt some difficulty in dealing with so many Boards.

SHRI K. G. DESHMUKH: Then, do you stand by nine boards.

SHRI ASA SINGH: Let me make myself clear. There may be points for, or against nine boards. But we surely feel that the creation of one mining board may not help.

SHRI K. G. DESHMUKH: One mining board does not reflect exactly, all the prevailing conditions.

SHRI DAMODAR PANDEY: I get more confused. You have submitted two different memoranda on this point. One says that the metalliferrous mines should have equal representation with the coal-mining people and the other speaks of different mining boards for different groups of industries etc. But here, you are making a third argument. What do you propose to have? Is it equal representation on production basis, or equal representation of peole engaged? What type of equal representation do you want?

SHRI ASA SINGH: The various bodies mines connected with the mine. Should be properly represented. We did not mean to say either on production basis, or on the value of the produce basis; because, we cannot really correlate the particular tonnage of coal with the tonnage of mangansese

SHRI DAMODAR PANDEY: What can be the criteria of representation? Suppose four Directors are to be nominated, what should be the criteria?

SHRI ASA SINGH: I think four for employers will be too small a representation. We have got various organizations representing the coal. There are organizations representing non- coal mines also. In addition, there are certain areas which are not represented on any association, even though it is also open to those areas for membership, e.g. let us take the mining industry in Goa. The present constitution of the Association does not debar them from becoming members but they are not members. If we take only the members from these organizations, possibily, the interests of that part of the country may not be represented.

SHRI DAMODAR PANDEY: What should be the criteria of representation on the board, if at all the Government decides that it should have only four members on the board?

SHRI ASA SINGH: I do not visualize that four members of the mineral producers can adequately represent the technical side for various mining areas of the country. That is my feeling.

SHRI DAMODAR PANDEY: So, you are definitely of the opinion that only different boards of different industries or zone-wise boards, can serve the purpose of mining industry.

SHRI M. C. DAGA: If there is a single board at the Central level and all the States are given due representation, would you agree? If there is one single board and the States are given representation on the board, do you agree?

SHRI ASA SINGH It will be too unwieldy to work effectively.

SHRI M. C. DAGA: if there are many boards, different boards will take different decisions.

SHRI ASA SINGH: At least each board will look into the problems of that particular area and make recommendations. Ultimately it is for the Government to study all the recommendations of the different boards and take a final decision.

SHRI K. S. CHAVDA: In the case of one all-India board, would you agree that there should be 4 members from underground mines and 2 members from open cast mines?

SHRI ASA SINGH: Still it will not be fully representative, because the conditions of underground mines in particular areas may vary and it is not possible to have a representative from every area. With 4 or 6 representatives, the interests of the mineral producers will not be adequately served.

SHRI BHOGENDRA JHA: In regard to the definition of 'Agent', your memorandum seeks far-reaching amendments. The Bill says: "whether appointed as such or not". He may not be formally appointed as agent, but if he takes part in the management, control supervision and direction of the mine or of any part thereof, he is an agent. When these things are included, why do you want to exclude the manager from this?

SHRI ASA SINGH: The manager's functions are clearly defined in the Act itself. It has been rightly provided than an agent has to be superior to the manager under the Act. We are suggesting that this should be retained in the proposed definition also, making it clear that the agent is superior to the manager.

SHRI BHOGENDRA JHA: The Bill says, "management, control, supervision and direction of the mine or any part thereof". So, an agent can be any person whether he is appointed as such or not, who has any hand in the management, control, supervision and direction of any part of the mine also. How can he necessarily be superior to the manager of the whole mine?

SHRI ASA SINGH: There are clear-cut functions of the agent and the

manager. All the mines do not have agents. But each mine has to have a manager. Otherwise, the mine cannot run. If there are 20 mines belonging to one owner or corporation, for easy administration, the owner may group certain mines and put 3 or 4 managers under another technical head, who is their superior and to whom they report. It is essential that such an agent which is thought of in the proposed Bill is such that he is really superior to the manager, so that he can give instructions to the manager. What is being taken out of the existing legislation are the words "and such superior to the Manager". We feel these words should be retained for clear-cut administration.

SHRI BHOGENDRA JHA Even if he deals with a part of the mine, he must be superior to the manager?

SHRI ASA SINGH: If he can issue directions to the manager for that part of the mine, he has to be superior. If he can issue directions to the manager, it should be obeyed, to avoid any day-to-day administrative problem. Manager is more of a technical person. He has, of course, to manage technically as well as have administrative function; but the administrative function of an agent is much more than that of a manager.

SHRI M. C. DAGA: How do you distinguish between control, supervision and management? Unless the manager can go out of headquarters, supervision is not possible. This is the one reason you give. I am putting another question. Do you distinguish between the words, management, control and supervision? I suppose I have got control over a man. Do you think it may not be supervision?

SHRI ASA SINGH: If you say that if mine is under the control of a particular person, it should normally imply everything. But because of legal lacuna pointed out by various courts, this might be a fine distinction. But, generally speaking, management should include everything i.e. control and supervision.

SHRI M. C. DAGA: What is that fine distinction?

SHRI ASA SINGH: I think, generally, by the word "supervision" in a mine, is meant the actual inspection of each area and working spot and it indicates what a manager must do and an agent need not do. The Manager has to do technical as well as managerial supervision. Therefore, the word "supervision" need not be there.

SHRI M. C. DAGA: In this case, if there is any violation of the Mines Act—and suppose the agent remains absent then—can the agent be made responsible for any such violation?

SHRI ASA SINGH: Under the existing law, unless the agent proves that according to his function, he has made the necessary arrangements, to enable lower officials to see that all the provisions are carried out he will also be held responsible. In my opinion, the agent should not be held responsible, for acts of commission or omission of others.

SHRI R. N. SHARMA: I have been hearing this definition; and also the proposed definition or the amendment of short form, made by the representative of this Association. They want that a person should be considered as an agent, only if and when he is so appointed. But even without his being so appointed, the person controls, supervises, orders and directs the manager also. Then, he escapes prosecution also, because he is not formally appointed as an agent.

SHRI ASA SINGH: I think you are correct. But those days are generally gone; however there may still be some cases. Even after the amendment comes into force, I may tell the Hon. Members that there can be some cases when some person may come on behalf of the management once a year and might give instructions, which act again, cannot be proved. The Manager will have to carry out such instruction if he is to serve there. That is a practical of view.

Further general orders are to be given in writing; and all that. If an agent or any superior person advises the manager and something goes wrong, it is very difficult to prove, that this man gave instructions and so this man could be defined as the agent, under the Mines Act.

SHRI R. N. SHARMA: In view of this, will the Department not be right in trying to rope in such kind of people who are not appointed as such, but still acting as agents?

SHRI ASA SINGH: If there are cases in which a person gives instructions generally and is not appointed as such we feel that such person should be roped in. But there can be cases where a man may visit a mine once in a while and gives instruction; and something goes wrong because of that.

SHRI R. N. SHARMA: Do you agree with this intention of the Department, and with this amendment?

SHRI ASA SINGH: It is already there, in fact. The word, "whether appointed as such, or not" are already there in the existing law.

SHRI R. N. SHARMA: But we are not keeping the same provision here. He may not be superior to the manager; but still, he will be controlling, supervising and giving instructions in connection with a mine or part thereof.

SHRI ASA SINGH: As far as technical knowledge and skill are concerned, even lower official may have such knowledge. But if a particular man like the agent orders a lower official, the latter will have to obey, administratively. There should be no confusion in the flow of orders or in carrying them out.

SHRI M. C. DAGA: Your main purpose is to save them.

SHRI ASA SINGH: No, Sir.

SHRI V. K. SAKHALECHA: The main intention in removing these words from the definition of the word "agent" is to make them superior to Managers, under this Act. Does the agent gain superiority from the words of this Act, or by the authority of the owner? Because, as an agent, he derives his authority from the owner.

SHRI ASA SINGH: That is an administrative right. But the manager can as well say, "I do not carry out your instructions, under the Act." But he may be thrown out, administratively. That is different. But, for the smooth functioning of the Act, it is very essential that the orders are carried out and we should provide in the Act.

SHRI V. K. SAKHALECHA: These words are redundant, because he derives the authority as an agent, by acting on behalf of the principal. He is an agent of the owner. Therefore, these words do not mean anything. Suppose a case comes to the court and the manager says that he did not obey the agent according to the law, what will happen?

SHRI ASA SINGH: My submission is that Act has laid down various types of duties for various officials and it has been provided that they have to carry out orders of their superiors. Similarly, manager must carry out the ordes of the Agent under this Act. If he does not carry out such instructions, the administration will collapse.

SHRI V. K. SAKHALECHA: There is no written order that he is superior to the manager, because he derives his authority from the owner.

SHRI ASA SINGH: He should derive authority under the Act also. That is our submission. Only if he is technically qualified, he can give instructions in regard to technical matters. The manager has got every right to disobey him if he is not a technical man and he gives directions on technical matters.

SHRI K. G. DESHMUKH: Agents are only lay men. Sometimes they are the brothers or some relatives of

the owner. In view of this, don't you think the agent should be a technical man or at least a man conversant with mining activities?

SHRI ASA SINGH: In the organised sector, all the agents are technical men. There are a number of small mines where due to financial or other reasons, some non-technical man is appointed. In such cases the owner may like to appoint some blood relation or friend. In such cases, the law provides that if he is not a technical man, he is not going to give technical instructions to the manager. But even then for administrative purposes, the manager should carry out the instructions of that agent.

SHRI DAMODAR PANDEY: If something goes wrong due to his instructions, can he be prosecuted?

SHRI ASA SINGH: Yes.

SHRI R. N. SHARMA: Do you agree that the mining industry still employs people who are paid for being prosecuted only?

SHRI ASA SINGH: I think those days are fast vanishing, Sir.

SHRI DAMODAR PANDEY: Yesterday we visited a mine and even the manager was not having any qualification.

SHRI ASA SINGH: If he was authoristd by the Directorate General of Mines Safety to act as Manager, the Director of Mines Safety must have considered him suitable for carrying out that function.

SHRI BHOGENDRA JHA: You are seeking a material amendment in section 2(i) (h). You want to delete the words, "including the concomitant operations of handling and transport of mineral upto the point of despatch from the mine". Suppose mining takes place at a point where it is not practically possible to have, say, even a repair shop or loading and unloading oerations, and some employees of the same management are handling the loading and unloading operations and also repairs, etc., at some other place, should they not be treated as employees of that mine?

SHRI ASA SINGH: If the repair shop belongs to the same owner, it is part of the mine under the existing law and the amending Bill also does not change it. But take the case where the minerals are being despatched 10 miles away by an entirely different contractor or through a system of aerial ropeways, etc., we feel those persons employed at those loading points should not form part of the employees of the mine.

SHRI BHOGENDRA JHA: Suppose the mine-owner wants to treat them as employees of the mine and they are engaged in loading and unloading operations say, at a distance of 2 or 3 or 4 miles. Still should they not be treated as employees of the mine?

SHRI ASA SINGH: The Mines Act provides for the welfare of mine workers. If the owner wants to extend those facilities to others, it is all right.

SHRI R. N. SHARMA: If a mine-owner deliberately shifts the loading and unloading points or the repair workshop to a distant place to avoid those employees being treated as employees of the mine, what is the remedy?

SHRI ASA SINGH: It is not practicable. It is always better to have these facilities as close to the mines as possible. What does it matter if there are 20 or 30 more persons who are being treated as employees under Mines Act. Only people who are working very far off will not be treated as employees of the mine. It is difficult to say how many miles it should be.

MR. CHAIRMAN: There is some sort of demarcation and "mining boundary" is a good definition. If it is within the limits, it is covered; otherwise, it is not covered. That is clearly the employer's view. You find it everywhere.

SHRI DAMODAR PANDEY: He is giving a different opinion; and he has agreed with certain views.

SHRI ASA SINGH: No, Sir. You will see that the words are already provided, if you read the complete provision. Mine includes workshop, even if it is not within the premises. We suggest that the words used, "precincts and premises" could be defined in a better way. What is "premises" and what is "precincts", can be definitely defined. Tomorrow, some different legal interpretation could be there. Or, a single word could be used for this.

SHRI DAMODAR PANDEY: You feel that the words "in or.....the mine" in Section 2(h) should be there. Is it the right definition for covering those works which are just outside the mine area, or, should they be treated as part of the mine?

SHRI ASA SINGH: I may point out that this is only the definition for the persons employed but the definition of the mine is given separately in another section; and workshop is included there.

SHRI BHOGENDRA JHA: On Section 12, clarification is needed on one point. As far as I understand, the memo, and the witness want to have a better approach to the board, perhaps have it slightly nearer the spot also. I could understand if he wants four or more boards because in the same mining industry in a zone, there is a similarity. If there is a single board, the pooling of all resources might help the mining industry in other parts of the country. So, for mutual consultation and for the amendment of the Mines Act, it would be better to have a single board. The representatives of various parts of the country can sit at a central place and exchange experiences.

SHRI ASA SINGH: I feel that a single broad representing the various types of conditions and interests, will be too unwieldy. Even if the representation provided in the proposed constitution is doubled, it will not give full representation to the various interests or conditions of work. This is why we had suggested it on geographical basis. Of course, what the Hon. Member has said is theoritically possible and we may have a board, maybe with 60 or 80 members; but it would be too unwieldy to operate.

SHRI DAMODAR PANDEY: On Section 9(a), you feel that for the safety or the occupational survey, (for which overtime is required to be paid) over-time should not be paid, because it is not for the benefit of the owner, agent or the manager. What do I understand by that? Under Section 9(a)(iii), you have said that the survey of safety or occupation should not be treated as duty, because it is not for the benefit of the mine-owner, agent or manager. What do we understand by this?

SHRI M. C. DAGA: Is he representing the interests of the manager or of the agent?

SHRI ASA SINGH: As an association, we have reconsidered this and I think we do not need any change in this proposal.

SHRI DAMODAR PANDEY: Then, do you agree with our proposals?

SHRI ASA SINGH: Yes, Sir.

MR. CHAIRMAN: I would like to draw your attention to Section 13(c), about which you have said that the word "recognised" is to be clarified. I think the word 'recognized' is always clarified within the meaning of the Trade Unions Act and recognition of trade unions thereunder. What further clarification do you need?

SHRI ASA SINGH: Under the Central legislation, if I remember it correctly, there is nothing like a representative union. There may be particular mines in which none of the unions may be recognized. Maybe, in a very small sector, this problem could arise.

MR. CHARIMAN: This is only meant to give recognition where there is no union.

SHRI DAMODAR PANDEY: Representation will be given on this board to various interests, including this. This is also one of the interests, meant for those people, who may not be recognized.

SHRI V. K. SAKHALECHA: There is nothing like "centrally recognized". These are recognized under State Acts.

SHRI B. K. MAHANTI: The nominees of all those organizations should be represented there.

MR. CHAIRMAN: Here again, one person should be nominated by the owners and the other by the Central Government. What is your view about it? Should it continue?

SHRI ASA SINGH: I think it is all right and can continue.

MR. CHAIRMAN: If the owners nominated a person, whose interests will he represent?

SHRI M. C. DAGA: Owners, Sir.

SHRI ASA SINGH: From the point of view of the harmonious working of the industry, the person who really knows as to who really controls the majority, is the owner.

MR. CHAIRMAN: This nomination is for the workers.

SHRI ASA SINGH: The man on the spot knows. Various parties may claim majority; three or four of them. Each of them may claim 80 per cent. Then, the total of the four claims may come to 320 per cent.

MR. CHAIRMAN: So, you think that employers can nominate a person who can represent the interests of the workers?

SHRI ASA SINGH: Yes, Sir.

SHRI J. N. BHARDWAJ: On page 3 of your memorandum, you have said that the wording of section 18(5) is not proper. What is your suggestion?

SHRI ASA SINGH: We feel it is not well worded and it has to be a separate section. This actually provides where a person could be roped in for the contravention of a particular legislation. It is not very well linked with sub-section (5). We have no objection to the content of it.

MR. CHAIRMAN: About section 58(cc) it appears you are not in favour of having inspection by a workers' representative. Why?

SHRI ASA SINGH: In the present stage of our industry and the knowledge of the common worker we think this is too premature and it should not be done at this stage.

MR. CHAIRMAN: Are you not in favour of inspection by an overman from outside or from that particular industry?

SHRI ASA SINGH: At the present stage, workers' inspection is not desirable. However, without prejudice to that we may say that the qualification of an overman is too low to judge the working of a mine. If at all, it should be a mining engineer who has worked as a manager for at least 5 years who knows really how a mine is run.

SHRI DAMODAR PANDEY: Do you agree in the first instance that there should be workers' inspection?

SHRI ASA SINGH: The Mines Act and various other Acts are very comprehensive and the Directorate of Mines Safety is well staffed with technically qualified persons. They can easily look after the interests of the employees.

SHRI DAMODAR PANDEY: What should be the ideal condition under which workers can appoint their own inspectors?

SHRI ASA SINGH: That ideal situation will be when a major portion of our workers are literate enough to understand the problems. There should be a single union for the whole industry. Our experience of multiplicity of unions is, if one

trade union makes one demand about the emoluments, the second union will make two demands, the third union will make three demands and so on. The same thing may happen about workers inspector also.

SHRI DAMODAR PANDEY: Would you agree that there are employers in the country who are equally illiterate and unfamiliar with the mining conditions? They also have different organisations and quarrel among themselves. So, it is both ways.

SHRI ASA SINGH: So long as a man has the finance to invest, he may invest in mines. But he himself should not run the mine. He should have some qualified people to run it.

SHRI DAMODAR PANDEY: Likewise, the unqualified workmen also can appoint some technical persons to represent them and look after their interests.

MR. CHAIRMAN: One of the two things they have said is that the person inepecting on behalf of the workers, should be technically qualified.

SHRI DAMODAR PANDEY: No, Sir. He objects to the fundamentals. I am on the fundamental cause. He agrees to the fundamentals now, that is if an unqualified employer has a right to run the mine through a tetechnical officer equally, an illiterate worker has got the right to represent his interests through a technically qualified representative.

SHRI ASA SINGH: I have never said that all the workers should be right to run the mine through a technically qualified, before getting representation. But I said that the workers should be sufficiently enlightened, a great majority of them; and if at all it is necessary, it is better to have one union in that mine. If there are four employers running one coal mines, you know it will collapse very soon; but in spite of having four unions, the manager runs the mine.

MR. CHAIRMAN: The point is very limited. Do you agree that even if the worker himself is, or the workers themselves are not qualified, they can also engage a technically qualified person on their behalf, to represent them in the same way as an unqualified employer can appoint a manager.

SHRI ASA SINGH: Basically, I feel that at the present stage of the industry and when a great number of Acts are in operation to look after the safety of the workers, not only the Director-General of Mines Safety, the Controller of Bureau of Mines and Coal Board look after the safety aspect of the mines, there are sufficient number of qualified engineers employed at mines to look after to the safety of workmen. However, without prejudice to this basic point, if at all Hon. Members still feel so, inspector on behalf of the workmen, should be very well qualified, a practical man and not simply a theoritically well qualified man with any practical knowledge. That is why I said that he should be with at least five years experience as mining manager.

MR. CHAIRMAN: I think this point is not clarified. It is very much limited. Out of the answer that you have given to Mr. Pandey's question, only one point arises. It is that even though an employer may be unqualified, may be illiterate, that employer is entitled to run the mines by employing a technically qualified man as manager. Similarly, do you concede that the workers' organization or the workers can also employ an equally qualified person to inspect the mines on their behalf? It is a lmited point.

SHRI ASA SINGH: It is the government which is compelling the employer to employ a qualified person to look after the safety of the workmen and the mine. Otherwise, he may be appointing any body. There is no comparison between an employer employing a qualified manager under Mines Act and the workmen having their inspectors.

MR. CHAIRMAN: Let us not proceed with this point further.

SHRI V. K. SAKHALECHA: Are you supporting this view that a technical person should be chosen for inspection on behalf of the workmen?

SHRI ASA SINGH: We have already a lot of technical people Sir.

SHRI V. K. SAKHALECHA: Are you having a view different from your memo? The memo, which you have submitted emphasizes a different point, from what you have said now, in regard to the amendment of Section 52 (c). It is not stated clearly that the representative should be technically qualified. Your emphasis here is that he should be from the mine; and not from outside.

SHRI ASA SINGH: Nothing is hidden from the workers, whether it is a good management, or a bad management. I am not suggesting anything can be hidden, even if the employer wishes. It cannot be done. The point is that at this stage of the development of our mineral industry, it is not necessary. to have a workers inspector.

MR. CHAIRMAN; That is enough.

SHRI B .K. MAHANTI: I want to ask one thing.

MR. CHAIRMAN: On this point, there can be no question. Any other point?

श्री भोला राउत : मान लीजिए कि कोई वर्कर है जिस को प्रैक्टिकल नालिज है और 15,20 वर्ष से वह खानों में काम करतता है। वह उन की वर्किंग की नालिज रखा है और वर्किंग कन्डीशन्स के बारे में भी जानता है और सुझाव दे सकता है कि उन में किस तरह से सुधार लाया जा सकता है। एक दूसरा आदमी है जो कि थ्योरिटीकल एक्सपर्ट है। आप इन दानों में से किस आदमी को पसन्द करेंगे ?

श्री आशा सिंह : हम नहीं चाहेंगें कि कोई थ्योरी वाला आदमी आए। उस को टेक्निकल चीज का अनुभव होना चाहिए और कम से कम पांच साल का मैनेजीरियल एक्सपीरियंस होना चाहिए।

MR. CHAIRMAN: I think we have had enough of discussion with you. I would like to thank you, Mr. Singh and your friends.

SHRI R. N. SHARMA: It is very surprising that you are allowing all these facilities.

SHRI ASA SINGH: Actually, two or three memoranda have been submitted. Some of the Hon. Members have got two, some three. There is one point which I would like to emphasize, which is not included in the memo.; and it is regarding Clause 17, Section 33. Clause 17, Sub-clause (3) says that, 'For the purpose of this Section, "ordinary rate of wages" means the basic wages plus any dearness allowance and underground allowance and compensation in cash including such compensation, if any, accruing through the free issue of foodgrains.' We feel that the scale of variable D. A. provided, is meant to look after the impact of the cost of living. By having V.D.A. once in a day, the increase in cost of living is compensated. The variable dearness allowance part, should be excluded from the over-time. No doubt due to high cost, the financial needs of a workman for 24 hours have gone up and he is to be compensated for such increased cost of living; but if he works for more time, he should be given his wages but variable Dearness Allowance and the production incentives, should be excluded from that, to avoid confusion.

MR CHAIRMAN: You have made that point in your memorandum also and we have noted it. We thank you very much for the clarifications you have given.

SHRI ASA SINGH: We also thank you for this opportunity you have given us.

[*The witnesses then withdrew*]

II. Nagpur Stone Quarry & Crusher Owners Association, Nagpur.

Spokesmen:

1. Shri B. T. Pardhy, *Chairman*
2. Shri H. H. Shah, *Hony. Secretary*
3. Colonel H. S. Kochar (Retd.), *Member*
4. Shri R. C. Thakkar, *Member*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: Gentlemen, the evidence you give before this committee will be treated as public and is liable to be published. Even if you make a specific request that it should be treated as confidential, it will be made available to the Members of Parliament.

Your memorandum is before us. If you want to say anything besides that, you may do so.

SHRI B. T. PARDHY: Hon. Chairman and Hon. Members of the Joint Committee, you are all welcome to Nagpur and we are grateful to you for the opportunity you have given us for submitting our views. We have already submitted our memorandum, detailing our practical difficulties in the working of stone quarries and also our humble suggestions and relief desired. It would have been better if the hon. Chairman and hon. Members could have visited one or two stone quarry sites and seen the working first-hand, which would have supported our memorandum. We requested the Nagpur officials to arrange a site inspection but unfortunately we were told that the programme was very tight and there was no time. I take this opportunity to recapture the salient features of our submissions as detailed in our memorandum.

Working in our stone quarries is purely one-man show. The area is very small. The labour strength in the quarry is on an average 15 to 20. Work is seasonal. Almost all quarries are worked with manual methods and it is a labour-oriented trade. The production is roughly 3000 tonnes per season on an average. The lease period is small. It varies from 10 months to 5 years. There is no uniformity. Famine work is all *gitti* work, i.e. stone quarry work, which is an extensive occupation today. Our work could also be compared with it.

We have already submitted our memorandum and limitations before the Expert Committee who examined the difficulties in working of non-coal open case quarries and we await the outcome of our submissions.

In view of the necessity for exclusion from the main Act and the amendments which mostly apply to major minerals, we humbly suggest that open cast stone quarries may be considered as fit for exemption under section 83 of the Mines Act. In the U.K. there is a separate Act for Mines and a separate Act for quarries. In our memorandum, paras 21, 22, 23, 24 and 25 onwards deal with these in detail. Our suggestions are contained in para 44.

SHRI K. G. DESHMUKH: What is the depth of your quarry?

SHRI B. T. PARDHY: 15 to 20 feet on an average.

SHRI K. G. DESHMUKH: In one season, you exhaust the whole 20 feet?

SHRI B. T. PARDHY: The first year is taken up in preliminary work and it is not possible to obtain any material worth the name.

SHRI K. G. DESHMUKH: If you are exempted from the Mines Act,

what about the safety of the workers when you use explosives?

SHRI B. T. PARDHY: We take sufficient care to keep all the surroundings clear and safe and properly fenced. Safety is our first care. Also, we do not want total exemption. There are provisions dealing with explosives, in the Mines Act, which take care of all the requirements. It is also on a small scale.

SHRI C. D. GAUTAM: I want to know what will be the control over you.

SHRI B. T. PARDHY: Various Acts are already there, which take care as to what explosives we are using.

SHRI V. K. SAKHALECHA: There is a separate legislation in the United Kingdom pertaining to quarries. Do you suggest that, instead of the Mines Act, there should be a separate enactment?

SHRI B. T. PARDHY: That is what we submitted, taking into consideration all our limitations and also the small scale of our working; and, of course, not forgetting the safety measures.

SHRI DAMODAR PANDEY: Can you give an idea as to what criteria should be there for exemption from the Act? Should there be any definite criteria for exemption, or all the stone quarries, as such, should be exempted from the Mines Act?

SHRI B. T. PARDHY: It could be achieved much better by making it group-wise and according to the number of labourers. I think it would answer the point.

SHRI M. C. DAGA: In your memo., you have said that it should be applicable where there are about 200 labourers. Is it correct?

SHRI B. T. PARDHY: Yes, Sir.

SHRI M. C. DAGA: Suppose there are labourers numbering 30, 40 or 49. Should it not then apply?

SHRI B. T. PARDHY: I have not said that it should not be applicable; but we have said that with small scale working, it is possible for responsible men to look after all the interests properly; but when it comes to the application of the entire Act and also the appointment of managers and foremen and very senior staff whose pay is not even our income, it is beyond our capacity.

SHRI R. N. SHARMA: You have said that the Mines Act should not be applied to people engaging about 50 persons. Do you represent only the stone quarries which are employing only 50 or below?

SHRI B. T. PARDHY: In this region only, Sir.

SHRI R. N. SHARMA: You do not represent people who are engaging 50 and above?

SHRI B. T. PARDHY: There is no body like that, in this region, Sir.

SHRI R. N. SHARMA: Do you not want exemption from particular provisions?

SHRI B. T. PARDHY: Safety is too fundamental a provision, to seek exemption.

SHRI R. N. SHARMA: You want representation on the mining board and you want to be excluded from the application of the Mines Act.

SHRI B. T. PARDHY: Having the "Mines Act" will mean our having the manager and all others—in our case, the Certified Blasters and others.

SHRI R. N. SHARMA: I understand that for mining small quarries, even a over-man, who is certificate-holder, is given promotion as manager.

SHRI B. T. PARDHY: I am not aware of that.

SHRI R. N. SHARMA: Do you employ only first class people?

SHRI B. T. PARDHY: We need at least Certified Blasters and Certified Mates, trained in the safety and precautionary measures to be adopted.

SHRI R. N. SHARMA: What are those provisions, from which you want exemption? You are exempted from having a manager. What are those further provisions from which you want exemption?

SHRI B. T. PARDHY: For instance, baggaging. A small operator gets his gun-powder in the morning; and nothing is left in the evening. There is a structure to be built according to the plan, after it is submitted and approved.

SHRI R. N. SHARMA: You want to use magazines; but do not want the application of the Mines Act.

SHRI B. T. PARDHY: It is for large units.

MR. CHAIRMAN: That is all; thank you, Mr. Pardhy.

SHRI B. T. PARDHY: Thank you, Sir.

[*The witnesses then withdrew*].

III. Bhartiya Koyala Khadan Mazdoor Sangh Chandametta (Chindwara).

Spokesman:

1. Shri S. B. Singh Parmar, *Secretary*
2. Shri S. S. Shakrawar, Legal *Adviser and Member Executive*

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: Gentlemen, before I request you to introduce yourselves, I may inform you that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence you tender is to be treated as confidential. Even though you may desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI S. S. SHAKRAWAR: I am Shakrawar from the Chandametta unit of the Bhartiya Koyala Khadan Mazdoor Sangh. I have with me also Shri S. B. S. Parmar.

MR. CHAIRMAN: We have the memo. of the Bhartiya Koyala Khadan Mazdoor Sangh before us. If the Hon. Members want to seek any clarification on any point, they may do so.

SHRI DAMODAR PANDEY: You have said that there should be a separate mining board for major minerals. Do you suggest there should be separate boards for all the minerals?

SHRI S. S. SHAKRAWAR: We suggest separate mining boards for major minerals and one mining board for minor minerals, because in the Statement of Objects and Reasons, it is stated that this Bill is meant for removal of certain practical difficulties, etc. If we want to remove certain practical difficulties, it is necessary that the difficulties of every separate mineral mine should be considered and that cannot be done by one single mining board. There may be an all-India mining board comprising of selected members of these different mining boards.

SHRI DAMODAR PANDEY: You say workers should be nominated by election through secret ballot. Do you

propose to do it industry-wise or region-wise or nation-wise?

SHRI S. S. SHAKRAWAR: It is better if there is industry-wise election. We oppose the nomination. The election should be by secret ballot.

SHRI K. G. DESHMUKH: That means, every worker will be entitled to vote?

SHRI SHAKRAWAR: Yes.

MR. CHAIRMAN: What are these E.C. banks in the railways?

SHRI SHAKRAWAR: The Hon'ble Chairman can better through light on it as he is connected with Railway Workers Organisation. Perhaps E stands for "essential" and C for "commodity".

MR. CHAIRMAN: Or, does it mean Employees' Cooperative Banks?

SHRI SHAKRAWAR: May be. I am not sure.

MR. CHAIRMAN: Are you sure that every employee in the railways is entitled to vote for the elections or only those who are members of the E.C. Banks?

SHRI S. S. SHAKRAWAR: Only those who are members of E.C. Banks are entitled to vote.

MR. CHAIRMAN: So, should this secret ballot be conducted among those who are members of the different unions or should it be conducted among the non-members also?

SHRI S. S. SHAKRAWAR: It should be among the union members, all taken together.

MR. CHAIRMAN: You have suggested that the committees referred to in section 13 should consist of at least 7 persons of whom 3 should be representatives of workers to be nominated by such unions who have at least one-third strength of the total unionised workers in the field. Who should determine this membership?

SHRI S. S. SHAKRAWAR: The record of membership is kept by the Registrar of Trade Unions. Our intention is that at least there should be representation of 90 per cent of the workers. It should not be a simple representation by one man.

SHRI M. C. DAGA: Referring to Section 18, Clause 5, you have said that in the event of contravention of any of the provisions referred to in sub-section (3), "he shall be given a show cause notice by the Chief Inspector or Inspector and shall also be given opportunity of hearing and adducing evidence to show his innocence. If on such enquiry and investigation, he appears not to be *prima facie* liable, he shall not be prosecuted." Is it more progressive? You will kindly note it. You represent the workers. Does this Association want that it should be re-worded as such? We say, you are fighting the cause of the labour; whereas you are defending here the owners and the agents. You say, they will have to give notice. What Section 18 says is that before you prosecute them, you will have to give notice.

SHRI V. K. SAKHALECHA: Mr. Daga, don't express your opinion before-hand.

MR. CHAIRMAN: Did you follow what my friend wanted?

SHRI S. S. SHAKRAWAR: The principles of jurisprudence have also got to be kept in mind, while formulating a legislation. There should be justice with everybody. No doubt, we all advocate the cause of the workers, but, at the same time, it is necessary that a fair opportunity should be given to all, may be he is a worker, or may be he is a represen-

tative of the management. Further, when prosecutions are launched, it is not always that the managers, agents or the owners are prosecuted. In many cases, I have also defended the workers who have been prosecuted for no fault of theirs; and they had to suffer harrassment. So, the principle of criminal jurisprudence is that no one should be held guilty, unless his guilt is proved. Whatever we have suggested here is that there should be a *prima facie* fixing of liability by the proper authorities upon a person, before prosecuting him; may be he is a manager, owner or a worker.

SHRI M. C. DAGA: The Act provides that he should be given a chance to prove that he is innocent. It also says, "unless he proves that he had used diligence....."

SHRI S. S. SHAKRAWAR: Shifting the burden of proof on the accused, will be against the principles of criminal jurisprudence.

SHRI M. C. DAGA: In the Essential Commodities Act, we always leave the burden on the accused.

MR. CHAIRMAN: Mr. Daga, you are also a lawyer.

SHRI M. C. DAGA: I said, you are defending owners and managers. The law is more progressive.

MR. CHAIRMAN: All right. He is expressing his views. Then, does any other Hon. Member want to ask anything?

SHRI BHOGENDRA JHA: The witness has said that in order to support the principles of jurisprudence, he is emphasizing that the manager or the agent should not be prosecuted. Here, the question is not of punishment, but only of prosecution. After prosecution, one may be sentenced or acquitted. So, the question is whether the witness is against the prosecution of the managers or the owners of their agents—I mean even their prosecution.

SHRI S. S. SHAKRAWAR: In the prosecution proceedings also, the burden never shifts on the accused, to prove his innocence. This is the first point. Why I have opposed those words, is this. It is not always the owner or the manager or agent who is prosecuted. Many times, they shift their responsibility on the workmen and they have to suffer, for no fault of theirs.

SHRI BHOGENDRA JHA: Then, that sort of persons must be getting extra payment from the owner. Is it for the Bhartiya Khadan Mazdoor Sangh to defend black legs?

SHRI S. S. SHAKRAWAR: I am not advocating the cause of managers, agents etc.

MR. CHAIRMAN: Mr. Shakrawar is entitled to have his opinion. I think there should be no dispute on this.

SHRI V. K. SAKHALECHA: In the bottom of your representation, what you have suggested is only this, that the Inspector can prosecute any person, but he should give a notice before prosecution; and prosecute only if there is a *prima facie* case. You said that he should be given a chance to defend himself, before prosecution. Your purpose is that prosecution should not be there for harrassing a person.

SHRI K. G. DESHMUKH: If a show-cause notice is given, it is all right.

MR. CHAIRMAN: I do not think we have any questions. Thank you, Mr. Shakrawar.

SHRI S. B. S. PARMAR: Mr. Chairman, may I say something about Section 52 in the chapter on leave,

though it is not suggested in the proposed amendment?

MR. CHAIRMAN: Do you want to add something to your memo.?

SHRI S. B. S. PARMAR: I may submit that in Section 52(i), (a) and (b) of the principal Act, the words "16" and "20" be substituted by the words "12" and "16" respectively.

This is in accordance with the view expressed by the wage board constituted for the coal mine workers also.

Sub-sections (2) and (3) of section 52 of the principal Act which puts certain restrictions should be omitted. From sub-section (4) of section 52 the words "or sub-section (3)" should be omitted. In sub-section (4) of section 52 of the principal Act, the figure 30 should be substituted by the figure 90. Today he can accumulate leave only up to a maximum of 30 days. It should be 90 days. Sub-sections (5) and (6) of section 52 should also be omitted, because these also put restrictions on the workers' rights. There should be no time-limit for applying for leave. He can apply at any time, even a day before because due to circumstances beyond his control, he may not be able to foresee things.

MR. CHAIRMAN: You say that sub-section (6) should be omitted. That means, leave should not be refused at any time?

SHRI S. B. S. PARMAR: There is a Supreme Court judgment, I think, which says that leave is a matter of right and it cannot be denied.

MR. CHAIRMAN: Do you want that leave should be treated as a matter of right?

SHRI S. B. S. PARMAR: Yes.

SHRI S. S. SHAKRAWAR: About the number of working days our respected Prime Minister and Labour Minister have suggested that there should 7 working days in a week to increase production. We do agree that production should be increased, but by simply having a 7 days working week, production may not improve.

MR. CHAIRMAN: That issue is not before us now.

SHRI S. S. SHAKRAWAR: But the question of hours of work is before the committee. We want that the hours of work should be decreased. There should be 4 shifts in a day with 6 hours per shift. This will provide more employment and better physical capacity of the workmen to work.

MR. CHAIRMAN: Thank you very much.

SHRI S. S. SHAKRAWAR: Thank you.

[*The witnesses then withdrew*]

IV. **Vidarbha Industries Association, Nagpur.**

Spokesmen:

1. Shri V. S. Yajnik
2. Shri P. M. Joshi
3. Shri J. L. Bhatia

(*The witnesses were called in and they took their seats*)

MR. CHAIRMAN: Gentlemen, whatever you depose before this committee is liable to be made public and also be published. But even if you want any part of it to be confidential, in that case also it will be made available to the Members of Parliament for their use.

SHRI R. N. SHARMA: Do you want there should be rescue stations for rescuing mine workers who are trapped underground?

SHRI V. S. YAJNIK: Certainly I do.

SHRI R. N. SHARMA: But you do not want to pay rescue cess.

SHRI V. S. YAJNIK: It is purely because it will affect the economy of the mines. It will unnecessarily raise the cost of production.

SHRI R. N. SHARMA: Do you know there is already a cess?

SHRI V. S. YAJNIK: We do not deny it. But this particular cess should come as a subsidy from the Government.

SHRI R. N. SHARMA: Your association is called Vidarbha Industries Association. Is it in any way connected with the mining industry?

SHRI V. S. YAJNIK: All kinds of industries are represented in it. Mining also happens to be an industry and we represent that also.

SHRI R. N. SHARMA: Are there mining industry people?

SHRI V. S. YAJNIK: I am one of them.

SHRI R. N. SHARMA: I find there are representatives of other associations also.

SHRI V. S. YAJNIK: There is quite a large number of associations.

SHRI R. N. SHARMA: What is your argument about having different mining boards?

SHRI V. S. YAJNIK: India is a very large country. If there is one joint board for the whole country, it will be a hell of job to tackle all these problems.

SHRI R. N. SHARMA: Do you know what is the function of the mining board?

SHRI V. S. YAJNIK: Its function is also there. The centralization of the functions of 9 mining boards into one.

SHRI R. N. SHARMA: You want mining boards for every industry. What is the ground for your giving this suggestion?

SHRI V. S. YAJNIK: From time to time, they enquire into the prosecutions referred to them by various boards.

SHRI R. N. SHARMA: Do they review the prosecution cases by the various courts?

SHRI V. S. YAJNIK: I do not say that.

SHRI B. K. MAHANTI: Do you represent the mining board of Maharashtra?

SHRI K. G. DESHMUKH: You have suggested that there can be nine boards, as at present. Don't you think it is a large number?

SHRI V. S. YAJNIK: I have suggested nine boards, in order to facilitate the work. As it is, there will be a lot of pressure on this one board. Therefore, it is better if the work is divided into various boards organized in various parts of the country.

SHRI K. G. DESHMUKH: If the different boards take different decisions, what will happen?

SHRI V. S. YAJNIK: There should be a central agency, to coordinate the functions of different regional boards.

SHRI K. G. DESHMUKH: You mean, a coordinating agency also?

SHRI V. S. YAJNIK: It is absolutely imperative.

SHRI BHOGENDRA JHA: I want only one clarification. The memo. states two grounds for not charging special cess. They say, it will affect

the economy of the mines; and will increase the cost of the product. Would they be satisfied if a proviso is made that, in no case the price will be increased and that this cess will be charged only in profit-making mines?

SHRI V. S. YAJNIK: I think in that case, the profit-making mines would not mind it.

SHRI B. K. MAHANTI: Are you prepared to reduce the price if this provision is not there?

SHRI V. S. YAJNIK: I have not thought about it, Sir.

MR. CHAIRMAN: Any other question? Mr. Bhatia, do you want to say anything?

श्री भाटिया : मैं यह कहना चाहूंगा कि बड़ी माइंस की लीज ग्रान्ट करने के लिए रूल सेप्रेट है और माइनर मिनरल्स की लीज ग्रान्ट करने के लिए रूल सेप्रेट है लेकिन माइनर मिनरल्स के लोगों की सेफटी के लिए कोई सेप्रेट एक्ट न होने की वजह से 1952 का जो माइंस एक्ट है, वही हम पर भी थोप दिया गया है । छोटी-छोटी मिनरल्स माइंस में जहां 40,50 वर्कर्स काम करते हैं वहां बड़ी माइंस में हजारों वर्कर्स काम करते हैं और उन हजारों वर्कर्स के लिए जो स्टाफ होना चाहिए वही स्टाफ हम पर भी ठोस दिया गया है जिस से हमारे ऊपर बहुत बड़ा बोझ पड़ जायेगा । हमारा कहना तो यह है कि हम नहीं चाहते कि यह चीज हमारे ऊपर भी लागू हो । हम ऐसा समझते हैं कि हमारे ऊपर माइंस एक्ट लागू ही नहीं होना चाहिए ।

सभापति महोदय : तो आप क्या चाहते हैं ?

श्री भाटिया : हम माइंस एक्ट नहीं चाहते हैं ।

सभापति महोदय : आप जो सुझाव दे रहे हैं उस के अनुसार तो आप की माइंस के लिए कोई कानून नहीं होना चाहिए ।

श्री भाटिया : कानून जरूर होना चाहिए । हम यह चाहते हैं कि जहां तक ब्लास्टिंग का सम्बन्ध है, उस के लिए तो कुछ प्रोवीजन होना चाहिए लेकिन इस के अलावा हमारे ऊपर माइंस एक्ट नहीं लाग् होना चाहिए ।

सभापति महोदय : धन्यवाद ।

[The witnesses then withdrew]

V. Indian National Mining Overmen, Sirdars, Shotfirers Association, Chindwara.

Spokesmen:

1. Shri S. P. Tiwari. *Vice-President*
2. Shri Beeru Singh, *Jt. Secretary*
3. Shri Abdul Wahid, *Cashier.*

[The witnesses were called in and they took their seats]

MR. CHAIRMAN: The witnesses may kindly note that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

Now, does any Hon. Member want to ask any question on the memo this

Association has submitted? The memo. is before us. I would ask the witnesses whether they want to add anything besides what is written in the memo.

SHRI BEERU SINGH: In addition to the memorandum, we want to make some points. In section 52(1) (a) and 1(b) of the principal Act, the words "one day for every 16 days and one day for every 20 days" should be substituted by "one day for every 12 days and one day for every 16 days" respectively, as recommended by the wage board. Sub-sections (2) and (3) of section 52 of the principal Act should be deleted. From sub-section (4), the words "or sub-section (3)" should be omitted. In sub-section (4) of section 52, the words "30 days" should be substituted by "90 days." Then, sub-section (5) should be deleted.

MR. CHAIRMAN: Instead of that, what do you want?

SHRI BEERU SINGH: We want that 15 days advance notice should not be insisted upon. Whenever it is required, they should be allowed to go on leave.

MR. CHAIRMAN: Suppose a worker comes in the morning and says "I want to go on leave from today just now"

SHRI BEERU SINGH: It is for this committee to decide.

SHRI DAMODAR PANDEY: Do you consider your organisation as an organisation of workmen?

SHRI BEERU SINGH: Yes.

SHRI DAMODAR PANDEY: Sections 12 and 13 provide that representation should be given to workmen. How do you separate yourself from the category of workmen and say there should be representation for you separately?

SHRI BEERU SINGH: We are the technicians, workers on the spot and we understand all the things properly.

SHRI DAMODAR PANDEY: It is quite likely that the workmen may elect you since you are technically qualified to represent them on the committee. Why do you feel hesitant that you will not be elected by the workmen?

SHRI S. P. TEWARI: We are at present the link between the management and labourers directly.

SHRI DAMODAR PANDEY: Representation is only for the workmen. If you say you are workmen, you are likely to be elected. Why do you want separate representation?

SHRI S. P. TEWARI: If we join with the labourers, there is no link between the workers and management.

SHRI DAMODAR PANDEY: So, there are two castes in labour-one super caste and another lower caste.

SHRI S. P. TEWARI: We are technically highly skilled workmen.

SHRI DAMODAR PANDEY: If there is an electrical accident, who will be the proper person to judge the fault—you or the electrical fitter?

SHRI S. P. TEWARI: The electrical supervisor.

SHRI DAMODAR PANDEY: So, in that respect, they are a different class of workmen?

SHRI S. P. TEWARI: Yes.

MR. CHAIRMAN: Thank you very much.

SHRI YAJNIK: Thank you, Sir.

[*The witnesses then withdrew*].

VI. **Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh, Nagpur.**

Spokesmen:

1. Shri G. M. Khode, *President, M.R.M.K. Sangh.*
2. Shri S. W. Dhabe, *President, M.P.R.K.K. Sangh.*
3. Shri Hira Lal Singh, *Vice-President.*
4. Shri S. D. Raut, *General Secretary.*
5. Shri S. K. Moulik, *Secretary.*
6. Shri Mahadeorao Titre, *General Secretary.*

[*The witnesses were called in and they took their seats*]

MR. CHAIRMAN: The witnesses may kindly note that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI K. G. DESHMUKH: They have not given any memorandum.

SHRI S. W. DHABE: We have submitted it, Sir. The memo. has been given by Indian National Mine Workers' Federation. We fully endorse the views of the National Mine Workers' Federation. We have got some suggestions to make in this connection. With your permission, I would introduce myself and my colleagues. I am S. W. Dhabe; and I have here with me, Shri Khode, Shri Raut, Shri Maulik and Shri Titre.

I would now like to place one or two observations of the National Labour Commission before this Committee, in order to enable you to understand what we want to say here. Firstly, the most important aspect of this Mines Act is its implementation; and, for that purpose, I would invite this Committee's attention to page 45 of the National Labour Commission's recommendations, which deals with the "implementation of the labour laws and other working conditions"; and the first thing which they have said at pages 44 and 45 is this. This is the report of Justice Gajendragadkar, Chairman of this Commission.

I want to stress that the Act should give the implementation rules and not leave it to the authorities. Secondly, the language of the law should be unambiguous, so that prosecution and implementation may be possible. I am making two suggestions. I suggest that the recommendation made by this Commission is in regard to the difficulty in implementing the laws and the powers of prosecution. These two principles have been unanimously accepted by the Commission. Another proposition which they have made is at page 318 which says that there cannot be a common labour code. We will have to give scope for local adjustments and needs, for a vast country like India. We will have to consider whether it is necessary to look into the requirements of a particular area and industry. On this, I will make my submission on the provisions of the law. Now, the first difficulty which I want to point out is that, in the original parent Act, the definition of the term, "owner" includes the managing director or managing agents. It is Section 2, sub-clause (1); but, in the particular clause dealing with prosecution for responsibility, we have used only the word "agent" or "manager." And therefore, when the prosecutions were launched against the managing agent

or the director of a company, the Supreme Court has held that they are not liable, because there are two sets of definitions in these various provisions. I suggest that our purpose will not be served, unless the owner is liable and the responsibility is that of the owner and not of the employee. When we have used the words, "prosecution" or "responsibility", we have used the words, *not* the "owner", but "manager" or "agent". Therefore, I need not go into all provisions, but we should take note of the decisions laid down by the Supreme Court. That case has been missed, in drafting this legislation. You can see it at A.I.R. Supreme Court 1961, page 838. The words used under Section 21, are "owner, agent or manager, who does not comply with the provisions." It was held that the Managing Director or the Managing Agent cannot be held liable. The definition of "owner" is wider. Therefore, I suggest that the terminology should be the same, including that in the definition clause. If the definition clause is different, then the responsibility becomes uncertain. Then, Sir, my second suggestion is about Section 12, that is, about the mining boards. The mining boards should also be industry-wise; and it will be more useful if industry-wise mining boards are constituted on all-India basis, and not regional basis; and secondly, the managers should not be given representation in the mining boards. If this committee wants to give such representation, equal representation should be given to workers. Therefore, my suggestion is that this should be on parity basis. Otherwise, the management representatives will be more than the representatives of the workers. Therefore, whatever board we may constitute, it should be seen that the representation given to the owners, including managers, should be equal to that given to the workers. The reason is that the managers are supervisory staff and they will represent the interests of the owners. You are providing in section 9A(3) that overtime shall be paid at the ordinary rate of service. This is very vague and different courts have interpreted it differently. We want that the wording should be "ordinary rate of wages" with an Explanation saying that wages mean salary and allowances.

MR. CHAIRMAN: What about fringe benefits?

SHRI S. W. DHABE: It should be including the fringe benefits. It should not be left to the courts to say what ordinary rate of service is. It should be unambiguous.

About section 58, what we require is workers' representatives and not merely technical experts. We suggest that the trade unions should have the right to nominate the experts on this committee.

MR. CHAIRMAN: You say that they should be trade union nominees on behalf of the workers?

SHRI S. W. DHABE: Yes, because they know everything about the industry. If they are simply academic experts, it is no use.

SHRI V. K. SAKHALECHA: The Bill says "overman".

SHRI S. W. DHABE: That should be deleted. The trade unions should be given the right to nominate.

Regarding section 79 which is the penalty clause, non-compliance with section 22 should also be included in it and made punishable. It should also be made recognizable.

As regards the implementation machinery, there is no power to the union to apply for the prosecution of the employer for breach of the provisions of the Mines Act. This should be provided for. It should not be left to the inspector to initiate prosecution. Under the ordinary law, a person who is affected has the right to move for prosecution. So section 79 should be so amended as to give the power to workmen or the union to initiate prosection. Also, this limitation business

should be taken away. Even if the inspectors are given the prosecution powers, additional power should be given to the union or the workmen to initiate prosecution if the employer commits breach of the law.

MR. CHAIRMAN: Is it to help the workers?

SHRI S. W. DHABE: It will help the worker. The employer will also think twice.

MR. CHAIRMAN: Should the union assist the prosecution, or should they launch the prosecution themselves?

SHRI S. W. DHABE: They should have power to initiate prosecution. To-day, only the Inspector does it. It is not the purpose; the purpose is to guarantee protection to the employee under the law. If you give power to the workmen, it will act as a deterrent to breaches of this law. Section 79 must, therefore, be carefully considered.

MR. CHAIRMAN: In some cases, the union may use it as a handle.

SHRI S. W. DHABE: It is not that any third person, or the Government administrative officer is proceeding against them. They were going to the magistrate.

MR. CHAIRMAN: I do not ask for the actual proceedings. But if this power to initiate prosecution is given to the union, would it not be used to intimidate the employer?

SHRI K. S. CHAVDA: What kind of machinery do you want to be constituted?

SHRI S. W. DHABE: In Section 79 of this Act, the power be vested in the workers and the union for initiation of prosecution directly.

SHRI V. K. SAKHALECHA: Workers, or union of workers?

SHRI S. W. DHABE: The workers or the union. Sometimes, the workto the Inspector. We should have some districts, specifically declared as mine districts,—I mean districts where we have large concentration of mines. To-day, Inspectors are appointed for the whole of Madhya Pradesh and Maharashtra. They do not have the time to inspect the mines. Therefore, we should have one Inspector for each mine-district.

SHRI V. K. SAKHALECHA: You are pleading that the power should be given to prosecute. At the same time, you say that the Inspectors are not prosecuting, if they go with the employer.

SHRI S. W. DHABE: But there are other provisions, for which Inspectors are necessary. We have to see many things. The implementation machinery should be given first priority. I am not in favour of a corporation. To-day, the Department of Mines Safety is working much better. We must find out as to what is the requirement of the law.

SHRI V. K. SAKHALECHA: If you prefer to choose between the Inspectors and giving more powers to the workers, which one will you choose?

SHRI S. W. DHABE: Both are required.

MR. CHAIRMAN: Have you finished?

SHRI S. W. DHABE: Yes, Sir. My request is that I may be permitted to give my statement in writing.

MR. CHAIRMAN: You have given constructive suggestions. We will examine them.

SHRI R. N. SHARMA: Have you gone through Section 72(b) and (c)? If not, kindly look to them also and give suggestions thereon; but I put it to you that this morning, the representatives of the M.P. and Vidarbha Mining Association have said that there is no need for having any wor-

Act *in toto*; and there is no lacuna in it. Do you agree?

SHRI S. W. DHABE: I disagree with it completely. There is not even 10 per cent implementation of labour or mining law.

SHRI R. N. SHARMA: Their point is that they are sufficiently staffed.

SHRI S. W. DHABE: When the employers' organization says that they do not need any machinery, it proves my case that they get protection from Inspectors.

SHRI R. N. SHARMA: While giving power to workers, or their representatives, do you mean to say, that the implementation part will be speedier?

SHRI S. W. DHABE: Yes, Sir.

SHRI R. N. SHARMA: Regarding technical experts, do you agree that these mining people, when they say that he must be a mining engineer or Overman, and that then only, he can supervise the mine?

MR. CHAIRMAN: You have already said that the union should be given unrestricted powers.

SHRI K. G. DESHMUKH: You are leading the witness, Sir.

SHRI R. N. SHARMA: You have quoted one Supreme Court judgement about the managing agent being prosecuted. In the parent Act, the managing agent is already provided. Look at the definition of the owner.

SHRI S. W. DHABE: That is what I say. The Supreme Court has said that because "Definitions" includes "managing agent", the managing agent cannot be prosecuted.

SHRI R. N. SHARMA: The mining association has also during the last two years, represented, while speaking about the ordinary wages, that it should only be the basic wage, because the varying D.A. should be excluded from its purview.

MR. CHAIRMAN: He wants that the fringe benefits should also be included.

SHRI K. S. CHAVDA: He has given sufficient light.

[*The witnesses then withdrew*]

VII. New Chirimiri Ponri Hill Colliery, Chirimiri.

Spokesman:

Shri G. Srinivasan, *Technical Consultant*

[*The witness was called in and he took his seat*].

(*The Chairman drew his attention to Direction* 58 *of the Directions by the Speaker*).

SHRI G. SRINIVASAN: In the definition of employee in clause 2, I would suggest "with the knowledge and consent of the manager" to safeguard against outsiders or dismissed workers or illegal strikers entering into the mine.

Coming to clause 15 which seeks to amend section 23A, regulation 199 relates to the place of accident not getting disturbed till 72 hours or the inspector visits the premises. There is some anomaly between the regulation and the Act. Clause 15 refers to loss of life or serious bodily injury to three or more. But the regulation refers to any loss of life or serious injury to three or more. Under the regulation, even if one life is lost, the place cannot be disturbed. This anomaly should be removed.

By clause 21, section 57(u) is being amended to give powers for providing the boundary to the mine. I submit that every mine will naturally have boundaries. What is wanted is that the boundary pillars should be erected or it should be shown in the plan, etc. This should be clarified. In section 57(x), for the British measurement of fifty yards, the metric equixalent of

forty-five metres is provided. But in the mineral concession rules 27(1)(h), fifty metres is being mentioned. I suggest that in consonance with the mineral concession rules, it should be "fifty metres" instead of "forty-five metres" in section 57(x) also.

MR. CHAIRMAN: All these points are covered in your memorandum.

SHRI G. SRINIVASAN: We have had some unfortunate cases in the High Courts and Supreme Court about rest day and rest interval. When we are amending the Mines Act, this also can be looked into.

MR. CHAIRMAN: That is not there in the Bill. Anything which is outside the Bill, we canot consider now.

SHRI G. SRINIVASAN: Then, I withdraw that.

MR. CHAIRMAN: Thank you, Mr. Srinivasan, for the evidence you have given.

SHRI G. SRINIVASAN: Thank you.

[*The witness then withdrew*].

VIII. M.P. Mine Workers Union, Chhindwara

Spokesman:

Shri R. K. Khadilkar, *President*.

[*The witness was called in and he took his seat*].

MR. CHAIRMAN: Before the witness proceed, they may kindly note that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

Besides these five suggestions that you have given in writing—which I will read out, or place before the Committee later on, have you anything to say?

SHRI K. S. CHAVDA: Over and above what you have written.

SHRI R. K. HALDULKAR: The first point which I want to emphasize is about the hours of working.

MR. CHAIRMAN: You have made suggestions already in writing.

SHRI R. K. HALDULKAR: I have not been able to make them clause-wise. In addition, I suggest that there must be some powers given to the unions for the inspection and penal actions they may undertake.

MR. CHAIRMAN: Initiate penal action against whom?

SHRI R. K. HALDULKAR: Against the employers, because at present, the union or the workers have got no powers. Generally, accidents take place at present in the mines and there is no safety for the workers; and the workers are simply consulted at present. They have got no statutory powers. The unions have got no statutory powers. So, the Union's representatives must be given powers for giving penal punishments to the employers.

MR. CHAIRMAN: Do you mean to say that the union should be given powers to give penal punishments to the employers?

SHRI R. K. HALDULKAR: They must be able to prosecute the defaulting employers.

MR. CHAIRMAN: Thank you very much; any other question?

SHRI K. S. CHAVDA: No question, Sir.

MR. CHAIRMAN: Thank you, Mr. Haldulkar.

[*The witness then withdrew*].

IX. Small Scale Mining Industry, Nagpur

Spokesman:

1. Shri G. C. Shukla
2. Shri Bhim Sen Bisen
3. Shri G. D. Gupta

[*The witnesses were called in and took his seat*].

MR. CHAIRMAN: The witnesses may kindly note that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI G. C. SHUKLA: I am Shukla, carrying on mining activities on a small scale. I own a small dolomite, a float-ore manganese mine and a small mica mine. I have with me Mr. Bhim Sen Bisen of the Mansar Mine and Mr. G. D. Gupta.

Now, Sir, I have got this written representation.

MR. CHAIRMAN: We have not seen it.

SHRI K. S. CHAVDA: You can sign it and give it to the Chairman.

MR. CHAIRMAN: Do you want to say anything desides that?

SHRI BHIM SEN BISEN: Regarding the amendment to Section 22, in sub-section (3), the words "until he is satisfied that the danger is removed" are to be substituted for the original words, "until the danger is removed." This is a very dangerous power given to the Inspector which is likely to be misused.

SHRI DAMODAR PANDEY: In spite of these powers, you are working

SHRI B. S. BISEN: My point is whether such powers are necessary in a democratic rule. You are giving powers to the bureaucracy, by which they can kill people. Regarding 22-A, it is a new insertion which invests them with very great powers and no mine owner will be able to work. When such powers are given to individuals who are human beings with all the temptations . . .

MR. CHAIRMAN: But only human beings can be inspectors.

SHRI BHIM SEN BISEN: I do not think they can be above human temptations. If such a power is vested in them, no mine can work. Even during British rule, such a power was not vested.

SHRI G. C. SHUKLA: In section 22A, certain powers have been given to the Chief Inspector. A time has been prescribed and within that time, those rectifications have to be made. If dangerous conditions exist in one place in the mine, the Chief Inspector may prohibit the employment "in or about the mine" etc. "In or about the mine" means the entire mine.

SHRI M. C. DAGA: Read further. It also says "any part thereof".

SHRI G. C. SHUKLA: The prohibition of employment of persons should be confined to the places where the dangerous conditions exist. It should not be prohibited in places where there is no danger.

About section 3(b), we have made a written submission that mines working on a small-scale, *i.e.* mines work-

on an average, should be exempted from the provisions of this Act. At present, the section says "fifty". In that case, implementation of the provisions of the Mines Act will impose huge financial burdens on small units.

MR. CHAIRMAN: We will examine that suggestion. Thank you, Mr. Bisen and all of you.

[*The Committee then adjourned*]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972

Friday, the 3rd November, 1972 at 15.00 hours in Committee Room, Sachivalaya, Bombay

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Khemchandbhai Chavda
4. Shri M. C. Daga
5. Shri Anadi Charan Das
6. Shri K. G. Deshmukh
7. Shri C. D. Gautam
8. Shri Bhogendra Jha
9. Shrimati Sheila Kaul
10. Shri Boksi Nayak
11. Shri Damodar Pandey
12. Shri Prabhudas Patel
13. Shri Ramji Ram
14. Ch. Ram Prakash
15. Shri Bhola Raut
16. Shri P. Antony Reddi
17. Ch. Sadhu Ram
18. Shri R. N. Sharma
19. Shri T. Sohan Lal
20. Shri G. P. Yadav

Rajya Sabha

21. Shri Virendra Kumar Sakhalecha
22. Shri Sita Ram Singh
23. Shri Vinay Kumar Ramlal Parashar
24. Shri Jagan Nath Bhardwaj
25. Shri Kasim Ali Abid

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

Shri S. S. Prasad—*Deputy Director General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

Greater Bombay Quarry Owners' Association Ltd. Bombay.

Spokesmen:

1. Shri Devkaran N. Tanna, *President.*
2. Shri Chunilal Gulati, *Jt. Hony. Secretary.*
3. Shri Damjinanji Vedant, *Jt. Hony. Secretary.*
4. Shri K. C. Ram Nath, *Office Secretary.*
5. Shri M. S. Sawhney, *Member.*
6. Shri S. D. Veera, *Member.*
7. Shri N. D. Tanna, *Member.*

[*The witness were called in and they took their seats*].

MR. CHAIRMAN: Before I request the witnesses to introduce themselves to this Committee, I have to inform them that the evidence they give would be treated as public and is liable to be published, unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is laible to be made available to the Members of Parliament.

SHRI D. N. TANNA: I am Devkaran N. Tanna, President of the Greater Bombay Quarry Owners' Association.

MR. CHAIRMAN: We have your memo. before the Committee; and we would like to hear if you have anything to say besides this or in explanation of this memo.

SHRI D. N. TANNA: Ours is a quarry and not a mine, within the meaning of the Indian Mines Act. There are so many decisions from the High Courts of several States, that quarry is not a mine. After those decisions from the High Courts, the legislation was changed; and ultimately, we were pushed within the meaning of the Mines Act. I have got some points which I will give you over and above those mentioned in the Memo. and I am circulating them. They are only small points. The first item I have mentioned therein is that stone-quarries or open cast quarries were originallly not mine, even according to the judgment of the Bombay High Court and other High Courts which have held that the quarry is not a mine. It was thereafter that the legislation was changed and we were brought within the meaning of the Mines Act. Right from the Himalayas to Cape Comorin, there are numerous quarries; and if they are supposed to be governed under the Mines Act, I would say that the present Directorate or the present Inspectors or other staff, would not at all be adequate. It should be multiplied, if Government really wants to supervise them. That is why I say it is not a mine, but it is a quarry and it should be treated as open-cast work. The third para of the paper I have just given you will speak on this point. We have therefore represented that only mines like gold or silver ones can observe these rules. For them too, it is difficult. In open-cast mines, where we are getting only stone, it was originally held that it was not a mineral. Now, you have got it included as a mine. In that sense, even water is a mine. But for the purpose of the Mines Act, it is not a mine. It is a well-known fact that the Mines Act

applies only to mines, but quarries are being worked all around India, in big cities as well as the small villages; and nobody pointed out the Mines Act before us, except in a few cities like Bombay, Poona etc. It is not at all known to others that there is an Act like this, which they have to comply with. Unfortunately or fortunately, we have to comply with the regulations and rules laid down by the Directorate and by the legislation. These quarries are definitely open-cast workings and there is no danger. It is unlike underground quarries like coal and other mines giving minerals, where there are so many dangers, but here, it is an open-cast. There is no such danger to any life of human being or property. There is no reason why the Mines Act should be applied here. In this respect, I have personally satisfied the top most officer. I am representing this case since 1965. Our first representation was in 1965 in Dhanbad, with the then Chief Inspector of Mines Safety. He agreed with me that such an Act is not required for open-cast work and if it is to be applied, it should be applied all over India. It means an over-all burden to maintain 1,000 more Inspectors and other staff by the Central Government. This was what the then Chief Inspector of Mines Safety had said. This being the case, we communicated our case to the then Ministry of Power and Mines. The Chief Inspector then said that he would surely put up the case whatever might happen in the Ministry. Most unfortunately, the Ministry favourably considering the question was changed; and thereafter, the matter was dropped. Perhaps if you see the files of the Ministry, this will be available there. When we had given evidence at Nagpur before that expert committee, there were 10 to 13 associations who supported me. Ultimately, though nothing was promised to us, I could see from the attitude of the Chairman that the committee was favouring us. I do not know what happened to their report, whether it is in our favour or not. But the report must have been definitely put up. We handed to the committee a written representation with three separate statements. I hope copies of these are already in your hands. If required, I can submit more copies. As I have submitted, all the State Governments have their own rules and regulations which the quarry owners have to comply with and there is no necessity to apply the Mines Act to them. It is not as if the quarry owners can do anything they like if the Mines Act is not made applicable to them.

With these words, in conclusion, I would request the hon. Chairman and hon. members of the Joint Committee to exempt open-cast quarries from the Mines Act or in the alternative, there may be a suitable separate legislation for the open-cast quarries so as to enable the trade to survive with its economic reserves. Thank you.

MR. CHAIRMAN: In your memorandum you have said,

> "...the proviso from the principal Act to section 3(1)(b) should be delated and the proposed Act may be read as laid down in the adjoining sheet".

In the adjoining sheet, you have enumerate certain conditions and you have said that under those conditions, the open-cost quarries should be exempted from the provisions of the Mines Act. Do you want total exemption or do you want some relaxation?

SHRI D. N. TANNA: We do not want this proviso. If this proviso is delated, the whole section does not apply to us.

MR. CHAIRMAN: Instead of that, do you want there should be something or nothing at all?

SHRI D. N. TANNA: We would rather like to have nothing. But if the committee thinks it should be there, there should be some suitable arrangements between the quarry owners and the Directorate, as may be deemed fit by this committee.

MR. CHAIRMAN: Will you send us in writting what your suggestions are with regard to open-cast quarries?

SHRI D. N. TANNA: Yes, Sir.

SHRI K. S. CHAVDA: If the Mines Act does not apply to you, what would you suggest for the welfare of the workers and their safety? Do you want a separate Quarries Act?

SHRI D. N. TANNA: I have already said that all the State Governments have adequate rules and regulations for the welfare and safety of the workers. But if this parliamentary committee wants some Act, there should be separate legislation for us. If the Mines Act is made applicable to us, we cannot economically operate especially when the Directorate are so rigid. They would not budge an inch.

MR. CHAIRMAN: Just now, you have said that you will be submitting a separate note.

SHRI D. N. TANNA: Give me a fortnight's time.

SHRI K. S. CHAVDA: If you give it in writing, it will be better.

SHRI D. N. TANNA: If you see our memoranda (a), (b) and (c), you will find it; and it is already there in the memo. which I have submitted to the Expert Committee.

MR. CHAIRMAN: You must remember that whatever you want to submit to this Committee, must be separate. What you submitted to the Expert Committee does not automatically come to us. So, after hearing you, we understand that you are going to submit a separate note.

SHRI D. N. TANNA: Within a fortnight, Sir.

SHRI R. N. SHARMA: Mr. Chavan, the gentleman said that he has circulated the details of the note he had submitted to the Expert Committee to the members of this Committee. I do not know what he will give again.

SHRI K. S. CHAVDA: He does not mention in it, what he has said just now. It will be better if Mr. Tanna gives in writing, whatever he wants to convey as his views on this.

SHRI V. K. SAKHALECHA: Actually, it is attached to this.

MR. CHAIRMAN: I think there should be no confusion regarding the views you have submitted to the Expert Committee. Now, if you want to submit a fresh statement, making some concrete suggestions you can do so, within a fortnight.

SHRI D. N. TANNA: Before 18th, I will send it.

SHRIMATI SHEILA KAUL: While we were in Nagpur, we went to see to open-cast working. We found the working conditions to be totally unsatisfactory. Now, if there were certain rules framed by the State Government, those rules should have been applied there. I wonder if the Hon. Members remember our going to this open cast which we saw near the roads; and the conditions were most unsatisfactory. But what I felt and said even in yesterday's interview was this. I said there were hardly any rules. Otherwise, those rules should have been applied by the State. What was it that stopped the State from applying those rules? Even then, it was a thing by the road-side and it was really manganese that they were trying to get; but, unfortunately, no rules were applied there. A woman worker said there was nothing for their comfort. That is why I felt that there should be some rules from the Centre.

SHRI D. N. TANNA: The rules of the State are there. But at present, the States do not interfere with the affairs of the Indian Mines Act, and especially the Mining Directorate.

SHRI V. K. SAKHALECHA: What are the rules which are applicable in Maharashtra State? Is there any Quarry Act in Maharashtra?

SHRI D. N. TANNA: Yes, Sir.

SHRI R. N. SHARMA: I would like to know the salient features of the Maharashtra Act.

SHRI K. G. DESHMUKH: I do not know whether there is any such Act.

MR. CHAIRMAN: We understand that there is no Act. He says there is an Act. Let him show it.

SHRI D. N. TANNA: No Act, but only rules and regulations.

MR. CHAIRMAN: Let us understand it one by one. First, you said there is an Act. Now, you say there is no Act, but only rules and regulations. Can you tell us what are the rules and regulations?

SHRI D. N. TANNA: In regard to digging of earth there ars rules. Even for excavation, there are rules.

MR. CHAIRMAN: Are they State rules or they are under the Mines Act?

SHRI D. N. TANNA: They are State rules.

SHRI K. S. CHAVDA: The witness says that the State is reluctant to implement the rules.

SHRI V. K. SAKALECHA: The question is that he has quoted the rules, for which he cannot show any Act. There cannot be any rules without an Act. In his memo. to the Experts Committee, he says that "actions under any of the sections providing any punishment, shall not be put into effect if and when, for the same offence, any action is taken by State or Central Government, under the Criminal Procedure Act, or any other Act."

SHRI K. G. DESHMUKH: Criminal Procedure Code can be applied anywhere.

SHRI C. D. GAUTAM: Do you refer to the rules formulated under the Land Revenue Code?

SHRI D. N. TANNA: Not only this. It is the working of the safety devices; then the excavation and others.

MR. CHAIRMAN: Mr. Tanna, the point is very clear and simple. What my friends are pointing out, is this that there cannot be rules without any Act. If there is any State Act, you have to be specific. If you want exemption from the Mines Act of the Centre—for which you say your suggestion will come to us later on it is a different matter; but when talk about rules or Acts, you have specifically to name them, and say what are the rules. If you are in a position to say, you can say; otherwise, leave it.

SHRI D. N. TANNA: I had not complied with the request of the Hon. lady Member. When the Mines Act is applicable to us, the State Government do not bother, whether the quarry is working or not; and whether they are executing our jobs correctly or not.

MR. CHAIRMAN: Because it is not their responsibility.

SHRI D. N. TANNA: That is why, when the Hon. lady Member asked why the State Government did not take action in Nagpur, I would have to reply that the State Government never bothered.

SHRIMATI SHEILA KAUL: Somebody should bother.

SHRI D. N. TANNA: It is the Centre. Suppose I meet with an accident, only then the State Government comes into the picture.

MR. CHAIRMAN: You mean, the ordinary law of the land.

श्री वी० के० सखलेचा : क्या आप यह बता सकेंगे कि यहां कितनी क्वेरीज चलती हैं और उस में कितने आदमी काम करते हैं ?

SHRI D. N. TANNA: As far as I am concerned, I will say that there

are 52 members of our association, who are all registered with the Mines Act, but there is an equal number, or more than that, which is not registered under the Mines Act. Nobody bothers.

SHRI V. K. SAKHALECHA: According to him, there are 100 or 104 quarries. It is according to his knowledge. Is it so?

SHRI TANNA: Yes, Sir.

SHRI V. K. SAKHALECHA: What is the total number of quarries working?

SHRI D. N. TANNA: If I go to the quarry which is not a member of our Association, they will simply go away without talking to me.

SHRI V. K. SAKHALECHA: That means, you cannot give us the number as more than 100.

SHRIMATI SHEILA KAUL: How many people are employed in the quarry?

SHRI D. N. TANNA: About 20 to 30 people are employed on an average in every quarry.

SHRI V. K. SAKHALECHA: The lease is granted for how many years?

SHRI D. N. TANNA: That depends upon the members. It may be 5 or 10 years. But there is option to renew it for a similar period. One or two renewals are allowed.

श्री वी० के० सखलेचा : आप का सारा रेप्रेजेन्टेशन यह है कि क्वेरीज पर माइंस एक्ट अप्लाई नहीं होना चाहिए क्योंकि जो आर्डीनैंरी ला आफ दि लैंड है जैसे कि इन्डियन पीनल कोड और क्रिमनल प्रोसीजर कोड, उन से आप गवर्न होते हैं । आप की क्वेरीज कई मीटर तक गहरी है तो आप एक्सप्लोजिव्ज भी इस्तेमाल में लाते हैं ?

श्री तन्ना : जी हां, काम में लाते हैं ।

श्री सखलेचा : जहां एक्सप्लोजिव्ज इस्तेमाल होते हैं, तो वहां पर तो लाइफ के लिए काफी डेन्जर्स होते हैं । उस के लिए क्या प्रोवीजन है ?

SHRI D. N. TANNA: If you are exempting us from the Mines Act, the Explosives Act automatically applies in Bombay.

SHRI K. G. DESHMUKH: That is only for explosives, not for the welfare of labour.

MR. CHAIRMAN: He has said that if the quarries are exempted from Mines Act, there can be alternative legislation exclusively for quarries.

SHRI J. N. BHARDWAJ: What are your apprehensions if Mines Act is applied to you? Secondly, what guarantee is there for the safety of workers if Mines Act is not made applicable to quarries?

SHRI D. N. TANNA: There are several Acts, rules and regulations under the law of the land for this purpose. The safety and welfare of the workers are being looked after very well by the Maharashtra Government as well as by the quarry owners themselves. But if you want me to further elaborate it, I will include it in the memorandum I will be sending.

श्री जे० एन० भारद्वाज : किन किन चीजों का डर है जिस की वजह से आप चाहते हैं कि माइंस एक्ट एप्लाई न हो ?

SHRI D. N. TANNA: Economically it is not possible for the quarry owners to comply with the Mines Act.

SHRIMATI SHEILA KAUL: What do you if a worker loses his limbs while working in the quarry? What benefits do you give to him?

SHRI D. N. TANNA: The workmen's Compensation Act gives adequate re-

lief to the worker who meets with an accident in a quarry or in any factory.

SHRI K. S. CHAVDA: But prevention is better than cure. Accidents should be prevented.

SHRI R. N. SHARMA: First of all, he wants that Mines Act should not apply because the State Acts apply. He is not clear what he means by State Acts. Do you mean that you are required to take permission and licence from the State and that Act applies? Is it for protecting the lives of the workers?

SHRI D. N. TANNA: Yes.

SHRI R. N. SHARMA: The Mines Act says, there should be 8 hours work. You want exemption from Section 44.

SHRI D. N. TANNA: Even the State Act says the same, viz., 8 hours.

SHRI R. N. SHARMA: In case the Mines Act is made applicable, you want that that Act may be made applicable, but not Section 44 thereof. You can read your Memo. Section 44 says that there should be limitation on working hours. Section 45, from which you want exemption, says that children should not be employed. You want that the children should also be employed. Section 46 says that women should not be employed. You want that women also should be employed. Please read your memo. We have pointed out only certain items. I can read your memo, for your benefit, if you so like.

SHRI D. N. TANNA: Shall I reply? We did not say that you should delete it. We said they remain there.

MR. CHAIRMAN: Let us understand.

SHRI D. N. TANNA: It is a misunderstanding.

MR. CHAIRMAN: These are clauses mentioned and he has actually reproduced these things. At the same time, they are accepting 7, 8, 44, 45 and 46. That means they can be applied but about other things he has given alternative suggestions.

SHRI R. N. SHARMA: What are those other suggestions? Will the witness kindly read them?

SHRI D. N. TANNA: We have only said that you should remove the proviso.

SHRI R. N. SHARMA: After the removal of the proviso, how would it read?

MR. CHAIRMAN: He says the proviso should be deleted, but this would be odd.

SHRI D. N. TANNA: Nothing is to be deleted. The Act itself remains as it is except the proviso.

SHRI R. N. SHARMA: What is it that you want to get rid of out of the proviso?

MR. CHAIRMAN: He says that provisions 7, 8, 44, 45 and 46 should apply. As a matter of fact, the confusion is there because he has reproduced the whole thing here as it is in the Act.

SHRI M. C. DAGA: You are right, Sir.

MR. CHAIRMAN: Then, in that case, what is your suggestion? What should happen? Should this be deleted?

SHRI D. N. TANNA: No, Sir. This should be kept, but only the proviso should be removed.

MR. CHAIRMAN: You have written here, "provided that the depth of the excavation, or where it is opencast working, measured from its highest to its lowest point nowhere exceeds six metres." What do you want in place of it?

SHRI D. N. TANNA: This letter came to me from the Joint Director

of Mines Safety, Goa on the 4th. We were supposed to send the memo. to the Secretary of the Lok Sabha before the 15th. That is why we thought that it would take time, if we were to go through the whole Act. We felt, in order to make it clear, if you remove this proviso, we shall have no grudge.

MR. CHAIRMAN: From the Act, which are the portions which you want to be deleted?

SHRI D. N. TANNA: "Provided that (i) not more than twenty persons are employed on any one day in connection with any such excavation; (ii) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six metres or, in the case of an excavation for coal, fifteen metres."

MR. CHAIRMAN: Do you want this to be removed?

SHRI D. N. TANNA: Because it is not a coal mine, Sir.

MR. CHAIRMAN: By removing this, what do you want to achieve? What do you want in its place?

SHRI D. N. TANNA: Nothing, Sir.

SHRI V. K. SAKHALECHA: This proviso is regarding prospecting in any mine or part thereof, in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale. This proviso is regarding those industries in which prospecting is done. It does not concern him.

SHRI C. D. GAUTAM: It does not apply here.

MR. CHAIRMAN: May I request you, Mr. Tanna, at this stage to tell us, since you have not said that the quarries should be exempted from the Mines Act, or that only particular Sections of the Mines Act should be made applicable and others not, whether you want to make any alternate suggestions for quarries? Will you kindly let us have a fresh memo.? That will be much better.

SHRI D. N. TANNA: Yes, Sir.

श्री जी० पी० यादव : अभी आप ने कहा कि हिमालय से कन्या कुमारी तक इस प्रकार के काम चलते हैं और उस में सरकार को बहुत से लोगों की बहाली करनी पड़ेगी अगर वह इन माइंस और क्वेरीज को कन्ट्रोल करना चाहती है। इस में सरकार को बहुत सी कठिनाईयों का सामना पड़ेगा और बहुत से लोगों की बहाली करनी पड़ेगी। मैं यह जानना चाहता हूं कि अगर सरकार इसकी व्यवस्था कर दे, तो उस में तो आप को कोई आपत्ति नहीं है ?

श्री तन्ना : हमारा कहना तो यह है कि माइंस एक्ट बिल्कुल ही हम पर एप्लाई नहीं होना चाहिए।

SHRI R. N. SHARMA: You have said that there are about 102 quarries which are working and not registered under the Mines Act.

MR. CHAIRMAN: Half of them are not registered.

SHRI R. N. SHARMA: He says, 52 are registered, which are not under his Association.

MR. CHAIRMAN: There are a minimum of 104.

SHRI R. N. SHARMA: Would you kindly help the Mines Department with a list of those unregistered mines?

MR. CHAIRMAN: Next question.

SHRI R. N. SHARMA: You want separate legislation for quarries. The exemptions for smaller mines are already provided. What is worrying you? Is it the number of staff you

have to appoint or the helmet, boot or leave or rest interval?

MR. CHAIRMAN: In reply to Mr. Bhardwaj, he said that the difficulty is about the economic working.

SHRI R. N. SHARMA: You want economy at the cost of the welfare of labour? Do you say that the provision of leave, boots or helmet are costing you much and you do not want to implement them? Or is the provision of drinking water, rest centre, creches or what? Which provisions of the Mines Act are handicapping the growth of the quarries and coming in the way of their economic working?

SHRI D. N. TANNA: From our representation to the Expert Committee, you can easily find out what we want and what we do not want. It is not the question of boots or helmet or even the appointment of staff. For a small quarry, it is difficult to have a qualified manager, qualified blaster, etc. If the Mines Act is simplified according to our suggestions, we will accept it. We will send our suggestions in writing as to how the Mines Act can be simplified.

MR. CHAIRMAN: That means, with certain modifications, the Mines Act can be applied to you?

SHRI D. N. TANNA: Yes.

SHRI R. N. SHARMA: In your memorandum you have said that for hard rock, the provision of benches should not apply. Bench is only for the safety of the workers, so that any stone which is falling may not hit the worker.

SHRI D. N. TANNA: About benches, we have represented our case more than a dozen times. Benching can be done only in certain rocks. In certain rocks, it is not possible to maintain benches. Rock is not such a thing which can be cut according to our desire.

SHRI R. N. SHARMA: You want that there should be no benching even if quarry mining is done 100 feet below?

SHRI D. N. TANNA: If it is hard rock, it is not possible.

SHRI R. N. SHARMA: What is hard rock?

SHRI D. N. TANNA: I can take you to one of the mines and you see if it is humanly possible to have benches.

MR. CHAIRMAN: Can you arrange for a visit to the mines tomorrow?

SHRI D. N. TANNA: It is closed for four days now for Diwali.

SHRI BHOGENDRA JHA: You have said that on an average 20 to 25 people work in a quarry. The proviso to Section 3(1)(b) even as it stands now exempts all quarries employing less than 50 persons. So, where is the necessity to delete this proviso? Here is one proviso, where an employer of workers numbering 50 on a single day, is exempted. If they are actually employing only upto 25, why do they want the abolition of this proviso?

SHRI D. N. TANNA: We are already exempted from this, Sir. We had only 3 days to consider this Act and send a memo. So, instead of going through the whole Act, we did give our views in certain cases.

MR. CHAIRMAN: On this point he is going to present afresh memo. and he is going to tell us therein, what provisions should be exempted and what provisions should not be exempted. Or, whether they would have a total exemption from this Mines Act.

SHRI BHOGENDRA JHA: He says that he sent certain things harriedly.

MR. CHAIRMAN: He says he has not gone through it in detail.

SHRI BHOGENDRA JHA: Then it is all right.

SHRI V. R. PARASHAR: You have said that you have 52 members in your Association. May I know what is the

average number of labour working in each of your members' quarries?

SHRI D. N. TANNA: Not more than 25, Sir.

SHRI V. R. PARASHAR: Are these 25 workers included in the number of people who dress the stones also?

SHRI D. N. TANNA: Yes, Sir.

SHRI V. R. PARASHAR: How many are used for excavating purposes?

SHRI D. N. TANNA: Dressing of stone is not being done at present in Bombay. Actually, those days are gone when we had to tinker and do such things. Now, they want every thing to be done by concrete.

SHRI V. K. SAKHALECHA: What about crushing etc?

SHRI D. N. TANNA: For crushing, there are about 8 people; that is the maximum.

SHRI V. R. PARASHAR: Are they engaged on job-work or daily wages?

SHRI D. N. TANNA: Daily wages, Sir. I will say this, that the crushing section is throughout under the supervision of the State Government and the Factories Act of the Maharashtra Government.

SHRI M. C. DAGA: I will put one question.

MR. CHAIRMAN: He has already said that he is going to submit a memo.

SHRI M. C. DAGA: What are the provisos which will affect your industry?

SHRI D. N. TANNA: The entire Bill, Sir. The very definition of the bill, according to me, is incorrect. So, I do not want it.

MR. CHAIRMAN: He says that the Mines Act should not apply to the quarries. Well; thank you very much, Mr. Tanna. We hope you will submit a fresh memo. and send it to the Lok Sabha Secretariat.

SHRI D. N. TANNA: Thank you, Sir.

(The Committee then adjourned).

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Friday, the 4th November, 1972 at 10.30 hours in Committee Room, Sachivalaya, Bombay.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Khemchandbhai Chavda
5. Shri Anadi Charan Das
6. Shri K. G. Deshmukh
7. Shri C. D. Gautam
8. Shri Bhogendra Jha
9. Shrimati Sheila Kaul
10. Shri Surendra Mohanty
11. Shri Boksi Nayak
12. Shri Damodar Pandey
13. Shri Prabhudas Patel
14. Shri R. Balakrishna Pillai
15. Shri Ramji Ram
16. Ch. Ram Prakash
17. Shri Bhola Raut
18. Shri P. Antony Reddi
19. Ch. Sadhu Ram
20. Shri R. N. Sharma
21. Shri T. Sohan Lal
22. Sardar Swaran Singh Sokhi
23. Shri G. P. Yadav

Rajya Sabha

24. Shri B. K. Mahanti
25. Shri Sita Ram Singh
26. Shri Vinaykumar Ramlal Parashar
27. Shri Jagan Nath Bhardwaj
28. Shri Kasim Ali Abid

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

Shri S. S. Prasad—*Deputy Director General of Mines Safety.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

Poona Quarry Owners Association, Poona.

Spokesmen:

1. Shri S. T. Nanda, *President*
2. Shri R. T. Shinde, *Vice-President*
3. Shri B. Y. Ogale, *Manager, Dhanowin Mine*
4. Shri S. D. Chowgule, *Chairman, Mazdoor Co-op. Society*
5. Shri K. C. Dhotre. *Director.*

[*The witnesses were called in and they took their seats*].

MR. CHAIRMAN: I would like the witnesses kindly to note that the evidence they give would be treated as public and is liable to be published unless they specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though they might desire their evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. The Memorandum which you have submitted, is before us. The only important point raised therein, is that the quaries should be exempted from the operation of the Mines Act. It is the only point emphasized again and again. Would you kindy say why they should be exempted? If they are exempted, what is your proposal regarding alternatives?

SHRI S. T. NANDA: There are already half-a-dozen State Acts.

MR. CHAIRMAN: That is mentioned already. You have said something about the Workmen's Compensation Act, Industrial Disputes Act and that they would take care of the interests of the workers. But about the safety aspect, you have not said anything.

SHRI S. T. NANDA: We have given our views thereon at para 6.

MR. CHAIRMAN: Do you want separate legislation?

SHRI S. T. NANDA: Yes, Sir.

MR. CHAIRMAN: Have you got anything more to say about this?

SHRI S. T. NANDA: In substantiation of our statement, we will give you any information that you may ask for. These gentlemen who have come with me represent 200 workers. Theirs is a co-operative society. We are generally representing the Poona quarry owners. That is why I say you may ask any question concerning workers. These are the persons concerned with them. The stone-quarrying work in the Maharashtra State is done by the Wadar class of people. In the whole of Maharashtra all construction work is done in stones, other than towns like Bombay.

SHRI SURENDRA MOHANTY: You have mentioned in your memo. that you do not provide the workers engaged in the quarries either with helmets or shoes. You have also mentioned something interesting, i.e. that the Wadars consider stone as religious and do not wish to tread on

the stone with shoes. Have these gentlemen here, come with shoes, or without shoes? If they have come with shoes, they would have certainly treaded on many stones, while coming here. How do you reconcile this archaic custom which runs counter in a very elemental way? If I have understood your memo, correctly, you even hesitate to provide your workers with shoes or helmets. You take the plea that if there is a helmet, it will be difficult to operate the hammer. Since this law is not applicable only to Maharashtra, this does not appear to be practicable. Any progressive legislation must aim to rid the society of archaic faiths and beliefs.

SHRI S. T. NANDA: In every city of India, you must have seen that before the shop-keeper enters his shop, he bows and touches the ground. We have brought here today the manager of the society and two others. These three represent the real group of people working a co-operative society. You can ask them. Not a single worker is prepared to use the helmet or shoe for various reasons. They will not like to tread on the stone which gives them their bread, with the shoes on. Walking on the road with shoes is absolutely different. About the helmet, they work with 18 to 20 lbs. hammers and it is impossible to work and hammer a stone with the helmet on. You are welcome to Poona and see the actual working.

SHRI SURENDRA MOHANTY: Your average production is 25 to 30 metric tonnes per day and you sell at the rate of Rs. 3 per tonne. It works out to Rs. 90 on an average. What is your labour cost?

SHRI R. T. SHINDE: It is Rs. 2 to 2.50 per metric tonne.

SHRI SURENDRA MOHANTY: So, only for 50 paise per tonne, you are running the quarries!

SHRI R. BALAKRISHNA PILLAI: Even without implementing the provisions of the Mines Act, you say the workers are getting payments as per the Minimum Wages Act, Payment of Wages Act, Workmen's Compensation Act and Industrial Disputes Act. That means you are paying them the wages declared from time to time by the Government, gratuity, bonus, provident fund and other things. Are you keeping registers and can you prove that you are paying all these things?

SHRI R. T. SHINDE: Yes, Sir.

SHRI R. BALAKRISHNA PILLAI: Then why can't you agree to the other provisions also because they do not incur much of expenditure? These shoes, helmets, etc., will not cost much.

MR. CHAIRMAN: Before we proceed further, I would like to hear these workers. Mr. Deshmukh can put the questions in Marathi and they can reply in Marathi, which Mr. Deshmukh can translate into English for our benefit.

SHRI K. G. DESHMUKH: Yes, Sir. I asked why the boot is not provided and the worker, Shri Chowgule, replies that there is no religious or sentimental reason for not using the shoes; it is not used because it slips on the stone.

MR. CHAIRMAN: Mr. Shinde is another member and he would like to say something.

SHRI R. T. SHINDE: In this connection, I would say that a Wadar hesitates to use boots because there is, for him, a religious sentiment against it. The other practical difficulty is that when a labourer cuts a stone, he steps on the stone and then he cuts. If he does not stand on the ground, he has to climb the stone and cut it. Now, the stone has an uneven surface. When surface is uneven, if the boots are there, there are greater chances of slipping.

SHRI R. BALAKRISHNA PILLAI: That is not mentioned in the memo.

MR. CHAIRMAN: That is an explanation arising out of the question that my friends have asked regarding non-supply of boots.

SHRI R. BALAKRISHNA PILLAI: In the memo., it says that according to the Wadar customs, the labour refuses to walk on the stone on sentimental grounds, because stone is the thing which gives them bread.

MR. CHAIRMAN: Another thing he has said is that there are chances of slipping; and, therefore, they do not use it.

SHRI R. BALAKRISHNA PILLAI: Therefore, his memo is refuted by his statement. Mr. Chowgule is not supporting it; that is what we gathered from the translations which were given. He said that they are not using the shoes because it is dimcult to use them.

SHRI DAMODAR PANDEY: Mr. Nanda, you have mentioned in the memo that you will welcome a separate legislation to suit the stone quarries. Can you give some suggestions as to what type of legislation you would lik to have?

SHRI S. T. NANDA: We have said that all the State Acts are covering the working of the small stone quarries; but, still, if you want any other safety provisions, they can be incorporated. I think you are particularly interested from the safety point of view; *i.e.* if any safety clauses can be provided by negotiations.

SHRI DAMODAR PANDEY: Whatever you have mentioned, does not take care of the hours of work and the way in which work should take place. You have mentioned the Minimum Wages Act, the Industrial Disputes Act and other Acts. That does not take care of hours of work, or how the work should proceed; and then, if you work beyond certain hours, what should be the fate of the workmen, what age limits should be there for workmen, etc. How do you propose to do it in the proposed quarry legislation which you want to have?

SHRI S. T. NANDA: The Mines Act is too comprehensive, for this type of small quarries. According to you, we have to engage a mining engineer, a foreman and a qualified blaster; and according to the economics of our working, it is not possible to follow the instructions contained in the Mines Act.

SHRI DAMODAR PANDEY: Do you propose that there should be no hours of work in the proposed legislation?

SHRI S. T. NANDA: In the State legislation, 8-hours' working is there.

SHRI DAMODAR PANDEY: Which legislation?

MR. CHAIRMAN: What is the State legislation? Yesterday also, there was a reference to a State legislation. Can you mention the particular State legislation?

SHRI B. K. MAHANTI: I think the Industrial Disputes Act does not help here.

SHRI K. S. CHAVDA: Over and above the four Acts which Mr. Nanda has mentioned, there is no provision regarding the height of the benches and I feel that in the mines, accidents do happen mostly because of the height.

SHRI DAMODAR PANDEY: What is the State Act which specifies hours of work and the way in which the quarry work should proceed?

SHRI R. T. SHINDE: Regarding this question, we have a regulation which is divided into four parts. The first deals with administration, the second with safety, the third with labour. For the welfare of labour, there are State laws which cover

them; and for the safety of labour, we are asking for the replacement of the Mines Act, by a law which may suit our working conditions.

MR. CHAIRMAN: That means, there is no Act dealing with safety aspect.

SHRI K. S. CHAVDA: Mr. Nanda, you say on the very first page, that the average number of labourers working with the individual quarry owner does not exceed 12, except in the case of one member. Will you please give the separate figures regarding the number of employees engaged in excavation work, number engaged in crushing and so on?

SHRI S. T. NANDA: There are quarries in which only 5 persons or 8 persons are working in a group, according to the requirements of the owner.

SHRI R. BALAKRISHNA PILLAI: If the number of persons is below 7, no law will be applicable.

SHRI CHAPALENDU BHATTACHARYYIA: You said that you work on Basalt stone. Is that stone very hard or very easily breakable?

SHRI S. T. NANDA: It is very hard.

SHRI CHAPALENDU BHATTACHARYYIA: What is the rate of accidents in a quarry? Can you give me specific figures?

SHRI S. T. NANDA: It is very rare; but I cannot give you figures just now.

SHRI CHAPALENDU BHATTACHARYYIA: How deep do they go?

SHRI S. T. NANDA: Upto forty feet.

SHRI CHAPALENDU BHATTACHARYYIA: Can you give us any idea about the increase in cost that you will have to incur for giving effect to the new legislation?

SHRI S. T. NANDA: It is as good as being impossible for the average quarry owner.

SHRI R. T. SHINDE: As per Mines Act we have to employ a manager, blaster etc. It will come to Rs. 1,500- per month.

SHRI CHAPALENDU BHATTACHARYYIA Even for a quarry employing even five men?

SHRI R. T. SHINDE Yes, Sir. We have been asked to employ a manager, foreman and blaster, for each and every quarry, whatever may be the number of workers there.

SHRI CHAPALENDU BHATTACHARYYIA: At one place, you said that rather than gun-powder, you have been forced to use cartridges, gelignite etc. Is it correct?

SHRI R. T. SHINDE: Yes, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: Has not your production improved because of that?

SHRI R. T. SHINDE: The area of production of stones from blasting operations is more when it is done through gelignite. Therefore, safety is affected. Because blasting fragments of stone will fly to long distances.

SHRI CHAPALENDU BHATTACHARYYIA: If the quarries are taken out of the purview of the Mines Act, how will you give effect to the provisions about age group, hours of work, etc.? Are you prepared to give effect to these under Standing Orders?

SHRI R. T. SHINDE: That has always been done.

SHRI CHAPALENDU BHATTACHARYYIA: Irrespective of the fact whether Standing Orders Act applies

to units employing less than 50 workers or not, you can enter into a contract with your employees and get it ratified.

SHRI R. T. SHINDE: Yes.

SHRI B. K. MAHANTI: Is this a cooperative society of workers alone or outsiders are there?

SHRI R. T. SHINDE: It consists of the workers working there.

SHRI B. K. MAHANTI: So, there is no employer-employee relationship and the Industrial Disputes Act is not applicable.

SHRI R. T. SHINDE: It is applicable.

SHRI R. BALAKRISHNA PILLAI: When there is no employer, how can you raise a dispute against the employer?

SHRI R. T. SHINDE: The elected body of the society is supposed to be the owner of the society and the workers are supposed to be the workers.

MR. CHAIRMAN: This point whether the Industrial Disputes Act applies in such cases or not will be checked up.

SHRI B. K. MAHANTI: Have you got any trade unions?

SHRI R. T. SHINDE: No.

SHRI B. K. MAHANTI: You say that the cost of production will increase if the Mines Act is implemented. Now also the Mines Act is applicable. By what percentage has your cost gone up because of this?

SHRI R. T. SHINDE: The average income of a small quarry is not more than Rs. 300 to 400 and if we try to implement the provisions of the Mines Act, we cannot work economically. How can we employ a manager and others paying them Rs. 1,500?

SHRI B. K. MAHANTI: Suppose the Mines Act is not applicable, by how much will the cost be reduced?

MR. CHAIRMAN: He said the manager will cost Rs. 1,500.

SHRI S. T. NANDA: So far no quarry owner has appointed any manager or blaster.

SHRI R. BALAKRISHNA PILLAI: So, the Mines Act is not implemented. The Industrial Disputes Act is not applicable to them.

MR. CHAIRMAN: He says it is applicable. It is a question to be verified.

SHRI R. BALAKRISHNA PILLAI: My view is, it is not applicable. How can the welfare of the workers be looked after? Workers in other fields are getting benefits under the labour laws. How can the quarry workers get these benefits?

SHRI R. T. SHINDE: We do not want that we should be totally exempted from the Act. As regards the welfare of labour and financial benefits to labour, the State laws like the Minimum Wages Act, the Payment of Wages Act, the Workmen's Compensation Act, etc. take care of this. These are in operation. By those Acts, the labour is entitled to get the benefits.

MR CHAIRMAN: Your answer is that these laws will take care of the questions which he has asked.

SHRI R. BALAKRISHNA PILLAI: If that is applicable, what will be the exact difference in commitment on the part of the employer, in implementing this amended Act in your quarries?

MR. CHAIRMAN: The question actually boils down to the difference between the two, viz. if you implement the Mines Act as far as employees are concerned; and if only the four Acts mentioned earlier are there.

SHRI R. T. SHINDE: By implementing the provisions in regard to the labour, the cost goes up.

SHRI CHAPALENDU BHATTACHARYYIA: By how much?

SHRI R. T. SHINDE: Three times.

SHRI R. BALAKRISHNA PILLAI: Your answers are vague.

SHRI R. T. SHINDE: Now, in the construction work, because of the increased cost of brick work, our business is going down and down. Then if stone costs much more, our community will not get work.

SHRI R. BALAKRISHNA PILLAI: The Committee feels that there is a tendency on the part of the employer to avoid giving anything to the workers.

SHRI BHOGENDRA JHA: All of us are waiting to put questions. But only two Members are taking all the time.

SHRI R. N. SHARMA: I will be the last.

SHRI JAGAN NATH BHARDWAJ: You are saying that the separate legislation should be worked out to cover the quarries. Instead of that, will your purpose be served if quarries are classified into grades?

SHRI S. T. NANDA: Yes Sir; it will serve our purpose.

SHRI P. ANTONY REDDI: Do you give daily wage, or piece rate to the workers in your quarries?

SHRI S. T. NANDA: They work on piece work basis. As a class, they will not work on daily wage basis. The minimum wage is Rs. 5.50.

SHRI K. S. CHAVDA: Certain supplementaries arise out of this.

MR. CHAIRMAN: You wait for some time.

SHRI S. T. NANDA: A question was put to me, whether I engage them on piece-work basis or daily basis. These people are working in this line for generations. They are born in that profession. They will not take to any other profession. These are fundamental things which I wanted the Hon. Members to understand. Secondly, they will always refuse to work on daily wages, even though on paper, we cannot say so. The minimum wage is Rs. 5.50. If time permits, you can go to anybody, any worker and enquire. Nobody will tell you that he is earning anything less than Rs. 10|- per day. I am prepared to prove it from any quarry in Bombay or anywhere else.

SHRI K. G. DESHMUKH: I would like to know, on how many days in a year, you provide them with work

SHRI S. T. NANDA: In the rainy season, there is no work.

MR. CHAIRMAN: For how many months?

SHRI S. T. NANDA: Depending on the construction in hand. It is not completely stopped; but it is on a reduced level. The labour is also engaged in much less number. They go back to the field.

MR. CHAIRMAN: Is it so, even if the rail falls on one occasion, continuously for four or five days?

SHRI S. T. NANDA: The work is interrupted.

SHRI B. Y. OGALE: The Society sees that the work goes on.

SHRI K. G. DESHMUKH: It means that they do not provide work for the whole year. In rainy season, when one set of people go away, others might come in the next season.

SHRI R. T. SHINDE: The work stops for three or four days. After that, there is no continued stoppage of work.

SHRI K. G. DESHMUKH: You are contradicting Mr. Nanda now.

MR. CHAIRMAN: He says that if it continued to rain, then work stops; but whenever it is intermittent, they work.

SHRI K. G. DESHMUKH: What guarantee is there for the workers, that you must engage those very workers who were working with you earlier, that is, before the interuption?

MR. CHAIRMAN: Is there any Act to protect the right of the worker who was with you in the previous year, to ensure that he should continue to be there in the next year?

SHRI R. T. SHINDE: This is covered by the Workmen's Compensation Act.

SHRI CHAPALENDU BHATTACHARYYIA: This can be done only through contract.

MR. CHAIRMAN: You can employ anybody you like. Suppose I am a workman. Then I may not work for two or three months. Can I get work with you thereafter?

SHRI R. T. SHINDE: The work is stopped only for a couple of days. After the sky is clear, the same labour is employed.

MR. CHAIRMAN: It means that they are your labour continuously throughout the year. You do not pay for the period of interruption, but the worker retains his right to work with you.

SHRI R. T. SHINDE: For his livelihood we must pay advances.

MR. CHAIRMAN: You also do not say, "I do not require you this year. You go elsewhere"?

SHRI R. T. SHINDE: We cannot say that.

MR. CHAIRMAN: There is no law which stipulates that he should necessarily do this.

SHRI R. T. SHINDE: The condition of this particular business is this, that a particular caste, that is, Wadar, can do only this work.

SHRI K. G. DESHMUKH: I would like to ask you one thing. You are speaking on behalf of Maharashtra. In this part of the State. *i.e.* in Satra and Kolhapur and also Poona, it is so; but it is not the case with Vidarbha.

SHRI R. T. SHINDE: It may be Wadar or some other particular caste; but not all the castes of labour can work; only those castes. Some three or four castes are there.

MR. CHAIRMAN: Our point is, whether there is any guarantee that the same labour will be employed again. There is no guarantee, but from the side of the employers, the necessity may arise that they will have to employ the same labour again.

SHRI BHOGENDRA JHA: How many times have you had to pay compensation during the last, say, three years under the Workmen's Compensation Act?

SHRI S. T. NANDA: Excepting minor accidents, there have been no major accidents.

SHRI BHOGENDRA JHA: Some parts of the body may have become paralysed or the limbs might have been crushed.

SHRI S. T. NANDA: No such accidents have happened in our quarries. Only minor injuries have been there. For minor injury, we take them to the hospital and give treatment. There is no defaulter in this respect in our quarries to our knowledge.

SHRI BHOGENDRA JHA: How many quarry-owners are there who have not to pay income-tax?

SHRI S. T. NANDA: We have not enquired from all the quarry owners.

But so far as I am concerned, I am paying income-tax.

SHRI BHOGENDRA JHA: If the condition about appointment of manager is removed, wili the other provisions be suitable to you?

SHRI S. T. NANDA: The Act provides for qualified manager, qualified foreman and qualified blaster. We cannot afford to appoint them.

श्री साधू राम : आप की जो यह क्वेरी आनर्स एसोसियेसन है, इस के कितने सदस्य हैं ?

श्री नन्दा : 20 हैं ।

श्री साधू राम : कितने वर्कर्स काम करते हैं ?

श्री नन्दा : मेरी क्वेरी में कुल 5 हैं । किसी में 15 होंगे और किसी में 10 लेकिन एवरेज वर्कर्स 12 हैं ।

श्री साधू राम : जितने वर्कर्स क्वेरीज में काम करते हैं, क्या उनकी कोई यूनियन्स बनी हैं ?

श्री नन्दा : जी नहीं ।

श्री साधू राम : आप ने बताया था कि वर्कर्स को डेली वेजेज 5 रु० 8 आने मिलते हैं और कई आदमियों को 10 रुपये रोज तक मिल जाते हैं । इस का हिसाब आप ने कैसे लगाया है ?

श्री नन्दा : लारी पर जो वर्कर्स का माल लादा जाता है, उस के हिसाब से पेमेंट होता है ।

श्री टी० सोहन लाल : आप की एसोसियेसन के जो सदस्य हैं, इन के पास जो क्वेरीज हैं, ये रायल्टी की बेसिस पर हैं ?

श्री नन्दा : हमारे ज्यादातर मेम्बर्स दे लैंड आनर्स से क्वेरीज मन्थली रेन्ट पर ली हुई हैं । गवर्नमेंट भी शार्ट टर्म लीज पर जमीन देती है ।

श्री टी० सोहन लाल : आप की जो क्वेरीज हैं उस में आप लेबर को एम्पलाय करते हैं लेकिन आप ने बताया कि उन के पेमेन्ट का हिसाब ट्रक्स पर माल लादने की बेसिस पर होता है । जिन के पास अपने क्रशर्स हैं, उन में वे कितने कर्मचारी रखते हैं ?

श्री नन्दा : यह तो क्रशर्स के साइज पर डिपेन्ड करता है ।

श्री टी० सोहन लाल : अगर क्रशर्स नहीं हैं, तो इन्कम टैक्स भी नहीं देते होंगे ?

सभापति महोदय : अगर आप क्रशर आनर्स हैं तो आप जबाब दे सकते हैं वरना आप बोदर मत कीजिए ।

श्री राजी राम : मैं यह पूछना चाहता हूं कि माइंस एक्ट के बन्धन और प्रभाव से बचने के लिए आप ने अपना मेमोरेन्डम पेश किया है और 20 यूनिटों का आप का एक एसोसियेसन है । क्या आप यह पसन्द करेंगे कि जो मजदूर इन क्वेरीज में काम करते हैं वे अपनी काआपरेटिव सोसाइटी बना कर काम करें ?

श्री नन्दा : 20 यूनिट्स जो हैं वे 25 मील के एरिया में हैं और वे अलग-अलग काम कर रही हैं ।

श्री राजी राम : दो दो, चार चार यूनिट्स मिल कर अपनी काआपरेटिव सोसाइटी बना कर काम करना क्या सम्भव नहीं होगा ?

श्री नन्दा : वह हो सकता है, मुश्किल नहीं है ।

श्री अगोले : काआपरेटिव सोसाइटी बनाने लिए कम से कम 11 आदमी चाहियें ।

श्री जी० पी० यादव : स्टोन क्वेरीज की जो काआपरेटिव सोसाइटीज हैं, उन में जो लोग काम करते हैं और जो आप के यहां काम करते हैं, उन की वेजेज़ में कितना अन्तर है ? आप कितना देते हैं और वे कितना देती हैं ?

SHRI R. T. SHINDE: The rate of payment to labour for piece rate work is the same all over in the society as well as in my quarry.

श्री जी० पी० यादव : काआपरेटिव सोसाइटी की लेबर को भी उतना ही मिले जितना कि प्राइवेटली एम्लपायड लेबर को, यह कैसे सम्भव हो सकता है ।

श्री आर० एन० शर्मा : यादव जी ने जो प्रश्न किया है, उसी के सम्बन्ध में मैं कुछ जानकारी चाहूंगा । आप ने बताया कि प्राइवेट क्वेरी-ओनर जो हैं और जो काआपरेटिव सोसाइटी है, इन दोनों के वर्कर्स को बराबर ही वेजेज़ मिलते हैं । आप ये वेजेज़ क्यूबिक डेप्थ पर देते हैं ?

श्री नन्दा : जी हां, क्यूबिक डेप्थ पर देते हैं ?

श्री आर० एन० शर्मा : क्या रेट हैं ?

श्री शिन्दे : 9 रुपये पर हन्ड्रेड क्यूबिक

श्री आर० एन० शर्मा : इस का मतलब यह हुआ कि एक आदमी एक दिन में कम से कम 100 क्यूबिक फुट तैयार कर लेता ।

श्री नन्दा : ज्यादा ९ ।
100 से 125 क्यूबिक फुट तक कर लेता

श्री आर० एन० शर्मा : स्टोन ब्लास्टिंग कौन करता है ?

श्री नन्दा : यह वादार करते हैं ।

श्री आर० एन० शर्मा : ब्लास्टिंग का कास्ट आप उन से ले लेते हैं । उस के बाद कितना होता है ?

श्री नन्दा : ब्लास्टिंग का खर्च उस के अन्दर है ।

श्री आर० एन० शर्मा : 100 क्यूबिक फुट में कितना पत्थर निकलता है ?

श्री नन्दा : 5 मेट्रिक टन निकलता है ।

श्री आर० एन० शर्मा : उस की 12रु० 50 पैसे कीमत मिली और उस में से आप ने 9 रुपए वादार को दे दिये और उस में ब्लास्टिंग इत्यादि का खर्च शामिल है । इन का मिनीमम वेज किस ने फिक्स किया ?

श्री नन्दा : यह मिनीमम वेजेज एक्ट के अनुसार है ।

श्री आर० एन० शर्मा : यह किस ने बनाया है ?

श्री नन्दा : सेन्ट्रल गवर्नमेंट

श्री आर० एन० शर्मा : क्या इस के बारे में सेन्ट्रल गवर्नमेंट ने कोई कमेटी बनाई है ?

श्री नन्दा : इस की इन्फार्मेशन लेबर मिनिस्ट्री देगी ।

श्री आर० एन० शर्मा : मिनिमम वेवेज एक्ट बन जाने से कोई वेजेज का क्वान्टम तो तय नहीं हो जाता है । यह जो 5 रु0 50 पैसे है यह क्या उस एक्ट के अनुसार है ?

नन्दा : इस एक्ट का

श्री आर० एन० शर्मा : मेरी जानकारी है कि सेन्ट्रल गवर्नमेंट ने इस के लिए कोई कमेटी बनाई है लेकिन उस कमेटी ने आज तक कोई रिपोर्ट नहीं दी ।

SHRI B. Y. OGALE: The State Government appointed a committee and they have visited the quarries. They have already submitted the report on the 26th January.

श्री आर० एन० शर्मा : उस में मिनिमम वेजेज 5 रु0 50 पैसे है ?

श्री नन्दा : जी हां ।

श्री आर० एन० शर्मा : ब्लास्टर के लिए क्या है ?

श्री नन्दा : 5 रु0 50 पैसे ।

श्री आर० एन० शर्मा : क्लर्क के लिए क्या है ?

श्री ओगले : 169 रुपये पर मन्थ ।

श्री आर० एन० शर्मा : उस ने यह कहा है कि 6 दिन काम करेंगे तो सातों दिन का उन्हें मिलना चाहिए ।

श्री नन्दा : 5 रू0 50 पैसे में वह इन्क्लूडेड है ।

श्री आर० एन० शर्मा : आप ने जो चार एक्ट्स का जिक्र किया है, उन में 3 एक्टों के अनुसार वर्कर को अर्न्ड लीव मिलेगी, इस के बारे में आप को कोई जानकारी है ।

MR. CHAIRMAN: If you cannot answer this question, it is not necessary.

श्री आर० एन० शर्मा : आप को पता है कि माइन्स एक्ट में उस के लिए प्रोवीजन है ?

SHRI S. T. NANDA: After every 20 days, they get one day's earned leave.

SHRI R. N. SHARMA: The same is also there under the Factories' Act. आप छुट्टी देते हैं ?

श्री ओगले : जी हां ।

श्री आर० ए० शर्मा : आप रजिस्टर मेन्टन करते हैं ?

MR. CHAIRMAN: Mr. Ogale, what you say is recorded. When you say you give, we take it that you are giving. Whether you actually give or not, we are not concerned.

श्री आर० एन० शर्मा : आप ने चार एक्टों--मिनिमम वेजेज एक्ट, पैमेंट आफ वेजेज एक्ट, वर्कमैन कम्पेसेशन एक्ट, इन्डस्ट्रियल डिस्प्यूट्स एक्ट--का जिक्र किया है और कहा है कि वे आप के ऊपर लागू होते हैं, इसलिए माइंस एक्ट नहीं लागू होना चाहिए । इस एक्ट में यह है कि अगर बहुत पानी पड़े या बहुत तेज़ धूप हो तो वर्कर शैल्टर हाउसेज में चला जाए । तो क्या आप ने शैल्टर हाउसेज बनवाए हुए हैं ?

श्री नन्दा : इन लोगों की झोपड़ियां क्वेरीज के बहुत नजदीक बनी हैं और ऐसे समय में वे वहां चले जाते हैं ।

No doubt near but beyond the blasting limits.

श्री आर० एन० शर्मा : लेकिन आप ने स्टेटमेंट दिया हुआ है कि क्वेरीज के नजदीक लोग नहीं बसते हैं ।

SHRI R. T. SHINDE: Another point, Sir. Suppose I start a quarry to-day. That site is absolutely clear now; but when the population develops, more construction and new construction come over, near about the quarry.

MR. CHAIRMAN: If you have not provided them with rest centres, why don't you say that? What is the harm in saying that?

SHRI R. N. SHARMA: Is there any Act which provides for this?

SHRI S. T. NANDA: That is why we wanted a separate legislation.

SHRI R. N. SHARMA: Do you supply them drinking water? Or, are they expected to manage it themselves somehow?

SHRI S. T. NANDA: One employee is kept aside for giving water.

SHRI R. N. SHARMA: Is there any legislation providing for this facility, other than the Mines Act?

SHRI S. T. NANDA: No, Sir.

श्री आर० एन० शर्मा : You employ only about 12; and the minimum number is 5. आप की चिन्ता है कि माइंस एक्ट के अन्तर्गत आप को क्वालीफाइड मैनेजर्स रखने पड़ेंगे । शायद माइंस एक्ट का आप को पूरा जानकारी नहीं है । 20 आदमियों के ऊपर जो मैनेजर होगा, उस के लिए क्या क्वालिफीकेशन है ?

श्री नन्दा : धनवाद का पास किया हुआ होना चाहिए ।

SHRI R. N. SHARMA: What examination is it? Foreman's examination?

SHRI R. T. SHINDE: Foreman is also not available for anything below Rs. 300/-.

SHRI R. N. SHARMA: You are talking about Manager for Rs. 1500/-. I am pointing out that it is not Rs. 1500/- but it is Rs. 300/-.

MR. CHAIRMAN: He says that the Manager and the Foreman are necessary, under the Act.

श्री आर० एन० शर्मा : रिटन में आप ने 800 रुपये बताया है । लेकिन आप को मैनेजर की जरूरत नहीं है ?

श्री नन्दा : आप का एक्ट बोलता है ।

श्री आर० एन० शर्मा : हमारा एक्ट नहीं बोलता । आप कहेंगे तो बोलेगा लेकिन अभी नहीं बोलता है ।

एक बात मैं यह जानना चाहता हूं कि आप कहते हैं कि आप के यह वर्कमेन कम्पेंसेशन एक्ट लागू होता है । अगर इंजरी हो जाती है तो आप ले जा कर उस की दवा-दारू करा देते हैं । आप को पता है कि इस एक्ट के अन्तर्गत जब कोई आदमी इस तरह से काम नहीं कर सकता हैं, तो उस की जिम्मेदारी आप की है और आप को पैसा देना चाहिए ।

श्री नन्दा : जी हां, पैसा देते हैं ।

श्री आर० एन० शर्मा : आप को यह भी पता है कि इन्डस्ट्रियल डिस्प्यूट्स एक्ट में यह प्रोवीजन है कि 240 दिन अगर आप के यहां काम हो और वह वर्कर काम किये हो तो जिस दिन वह बैठ जाएगा, तो आधी मजदूरी का हकदार होता है जिस को लॉ आफ कम्पसेशन कहते हैं ? These Acts which you are mentioning do not apply to you nor does the Mines Act apply as you have stated

SHRI S. T. NANDA: They apply but it is not possible to implement them. अप्लाई करता है लेकिन उस को इम्पलीमेंट करना मुश्किल है ।

श्री आर० एन० शर्मा : 7 मीटर का बच बनाने के लिए माइंग एक्ट आप को कहता है, क्या यह सही है ?

श्री नन्दा : जी हां ।

SHRI R. N. SHARMA: That means, you do not implement that also.

MR. CHAIRMAN: That is why they are seeking exemption.

SHRI R. N. SHARMA: Even so far as the benches are concerned, it is only 1.5 metres and not 7 metres.

SHRI CHAPALENDU BHATTACHARYYIA: Metalliferous mines regulations are different from coal mines regulations.

SHRI S. S. PRASAD: It is 7.5 metres at 60 degrees slope.

SHRI R. N. SHARMA: Are you prepared to have a canteen?

SHRI B. Y. OGALE: We had one but our experience was bitter.

SHRI R. N. SHARMA: Even if it is run on a no-profit-no-loss basis it becomes bitter! Do you follow the provisions of first-aid?

SHRI B. Y. OGALE: Our own doctors are there.

SHRI R. N. SHARMA: If you follow all these things, why do you want separate legislation?

SHRI B. Y. OGALE: On page 5, we have explained it.

SHRI R. N. SHARMA: The Mines Act says that if there is danger to the people employed, it should be stopped till the danger is removed. It is a precautionary measure. Do you want that after the accident it should be stopped? Why do you want exemption from this?

SHRI B. Y. OGALE: There are no accidents in our quarries.

SHRI R. N. SHARMA: That is because it is not reported. Do you feel that in stone quarries there is no danger to life and so this section should not apply to you?

SHRI R. T. SHINDE: Of course, the possibility of danger exists. But there have been no accidents.

MR. CHAIRMAN: Mr. Sadhu Ram wants that some of these questions should be put to the workers who are present in Marathi. For instance, Mr. Nanda said that such and such wages are paid and so on. Will Mr. Deshmukh put these questions in Marathi to him and get the answers?

SHRI K. G. DESHMUKH: Yes, Sir He says that he does piece work and he gets Rs. 10 to 12. Most of the workers do piece work. It is with one man and not pair of men. The daily rate is Rs. 7. This is his answer.

श्री राधू राम : मैं एक प्रश्न और पूछना चाहता हूं । ये जितने सारे वर्कर्स क्वेरीज में काम करते हैं, ये चुने हुए आदमी हैं या वैसे ही ये लोग आए हैं ?

सभापति महोदय : जो इन लोगों की सोसाइटी बनी हुई है, ये उस के मेम्बर हैं ।

SHRI CHAPALENDU BHATTACHARYYIA: Please ask them whether the hammer they use is between 15 to 20 lbs. as has been suggested here. What is the weight?

SHRI K. G. DESHMUKH: (in Marathi—to the witness). He says it is 12 kg.

श्री चपलेन्दु भट्टाचार्य : कितने आदमी चलाते हैं ?

श्री के० जी० देशमुख : (साक्षी से मराठी में प्रश्न किया और उत्तर भी मराठी में दिया) वह कहते हैं कि एक आदमी चलाता है, चार कैसे चलाएंगे ।

MR. CHAIRMAN: Let us not be surprised. Now, Mr. Nanda, I thank you and all others. Kindly convey my thanks to them also.

SHRI S. T. NANDA: Thank you, Sir, very much.

[The Committee then adjourned]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Wednesday, the 10th January, 1973 at 10.00 hours in Committee Room, Tamil Nadu Legislative Secrotan at, Madras

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Khemchandbhai Chavda
5. Shri M. C. Daga
6. Shri Anadi Charan Das
7. Shri C. D. Gautam
8. Shri Bhogendra Jha
9. Shri Paripoornanand Painuli
10. Shri Damodar Pandey
11. Shri Prabhudas Patel
12. Shri R. Balakrishna Pillai
13. Shri Ramji Ram
14. Ch. Ram Prakash
15. Shri Bhola Raut
16. Shri P. Antony Reddi
17. Ch. Sadhu Ram
18. Shri R. N. Sharma
19. Shri T. Sohan Lal
20. Sardar Swaran Singh Sokhi
21. Shri T. V. Chandrashekharappa Veerabasappa
22. Shri R. P. Ulaganambi

Rajya Sabha

23. Shri Monoranjan Roy
24. Shri Sita Ram Singh
25. Shri Vinaykumar Ramlal Parashar
26. Shri Jagan Nath Bhardwaj

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*

2. Shri H. B. Ghose—*Director General of Mines Safety.*

3. Shri M. Subramanyam—*Director of Mines Safety, Southern Zone, Mysore.*

4. Shri M. Datta—*Director of Mines Safety (H.Q.), Dhanbad.*

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

WITNESSES EXAMINED

I. *Neyvelli Lignite Corporation Ltd., Neyvelli.*

Spokesmen:

1. Shri N. Neelakantan—*Superintendent (Mines).*
2. Shri P. V. Kalyanaraman—*Senior Personnel Officer.*

II. *India Cements Ltd., Madras.*

Spokesmen:

1. Shri A. Srinivasan—*Personnel Officer.*
2. Shri V. S. Krishnan—*Superintending Geologist and Mining Engineer.*
3. Shri R. Krishnamurthy—*Mines Manager.*

III. *Associated Cement Cos. Ltd. M. Karve Road, Bombay*—20.

Spokesmen:

1. Shri J. P. Munsiff—*General Manager (Operations)*
2. Shri M. M. Prabhu—*Head of the Mining Department (Operation Division).*

IV. *Lignite Mines Labour Union, Neyvelli.*

Spokesman:

Shri K. Thiruvengadam—*Secretary.*

V. *Neyvelli Mines United Workers Union (AITUC), Church Road, Neyvelli-1.*

Spokesmen:

1. Shri K. M. Sundaram—*President.*
2. Shri K. Kesavan—*Secretary.*

I. Neyvelli Lignite Corporation Ltd., Neyvelli

Spokesmen:

1. Shri N. Neelakantan—*Superintendent (Mines).*
2. Shri P. V. Kalyanaraman—*Senior Personnel Officer.*

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: You may kindly note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you may desire your evidence to be treated as confidential, such evidence is liable

to be made available to the Members of Parliament.

SHRI N. NEELAKANTAN: We want to amplify what is given in the memorandum. Ours is an integrated project and the open-cast mines supply lignite to other units. Such open-cast mines will expand as time goes on, and that is our problem. The change proposed in the amendment to the definition of the term 'mine' may affect its working to a considerable extent. We feel that the present definition of the term 'solely' may be retained and if the definition of the term 'primarily' is used, it may lead to a lot of confusion. So, we request that the term 'solely' may kindly be retained.

As regards the appointment of a manager, the present amendment stipulates that only one person should be the sole manager. This will make the management of the mines extremely difficult as with greater sophistication and more machinery to be employed, a number of disciplines have to be worked in the mines. Under the regulations, the Manager has got a number of executive responsibilities and he has to carry out daily supervision and in addition he has to meet subordinate officials consisting of about 180 Front Line Supervisors and Foremen every day. If only one Manager has to be kept, his function of co-ordinating the various disciplines will become difficult and he would not be able to function under the regulations. As the mines are spread over a larger area and as it involves wider jurisdiction, one Manager is not sufficient. So there should be provision for appointing more than one Manager for a mine or mines can be divided into sections and sectional managers having the same responsibilities will help the Manager discharge his functions efficiently and effectively.

About leave privileges, we have got two types of rules the leave under the Mines Act, and the revised leave rules of the Central Government. While most of the workers in the mines are granted leave in accordance with the provisions contained in the Mines Act, the supervisory staff employed in such mines are allowed liberalised leave benefits in accordance with the Revised Leave Rules. According to the proposed amendment, the supervisory staff would get a lot of benefit. They would be entitled to the existing benefits under the Revised Leave Rules in addition to those under the Mines Act. Thus there will be disparity between the workers and the supervisory staff in the matter of leave privileges and this will create a lot of bad blood among them.

Now I want to refer to the Motor Transport Workers Act which is not referred to in the Memorandum. As we are having open-cast mines, a large number of trucks, tractors and lorries are employed and their drivers are governed by the Motor Transport Workers Act and the Mines Act. In respect of factories there is a provision that the persons who are governed by Factories Act, need not be covered by the Motor Transport Workers Act. As there is no such provision in the Mines Act, we are having a number of difficulties with regard to overtime wages. According to the Motor Transport Workers Act, a person is getting only 1½ times his ordinary wage but according to the Mines Act, he can get twice the wage as overtime wages. This aspect of the matter may be looked into.

With regard to the safety provisions, the Motor Transport Workers Act suggested open-type *pathan chappals* but the Mines Act provides for closed-type boots. Some of them claim *pathan* type *chappals* and others boots. As a large number of drivers are employed in the open-cast mines, the provisions in the Mines Act should be applied to them.

MR. CHAIRMAN: In your evidence you have suggested that sectional managers could be appointed instead of one manager. Do you mean to say that for all intents and purposes, the decision of these Managers will be final?

SHRI N. NEELAKANTAN: Within the section their decision would be final.

MR. CHAIRMAN: Then why should there be a General Manager if there are Sectional Managers?

SHRI N. NEELAKANTAN: For co-ordination purposes.

MR. CHAIRMAN: When you have Sectional Managers why should there be a technical person as General Manager?

SHRI N. NEELAKANTAN: Sectional Managers will personally supervise daily whether safety measure etc. are in effective order. The General Manager is mainly a co-ordinating person and if he is made the sole manager, and made to attend to the day-to-day functions, he would not have time to carry out co-ordination and management functions and various disciplines in an effective and efficient manner.

MR. CHAIRMAN: As regards disparity in leave privileges of workers and other staff in the open-cast mines, how do you propose to remove it? Do you suggest that they should be equal for all employees?

SHRI N. NEELAKANTAN: Those workers who are governed by the provisions of the Revised Leave Rules should get leave benefits provided for therein. In additional they should not get the advantageous benefits provided for in the Mines Act. They should not get the benefit of both. They should not opt for one of them.

MR. CHAIRMAN: So, you want the better of the two or one of the two.

SHRI N. NEELAKANTAN: One of the two, he himself may like to choose. He can take any one of the two and not the better of the two.

MR. CHAIRMAN: As regards the last point about the motor transport workers what do you propose to do?

SHRI N. NEELAKANTAN: I submit that all the workmen whether they are drivers or truck drivers or lorry drivers who are covered under the Motor Transport Workers Act, so long as they are working in the mines, they will be considered as persons governed by the Mines Act and all the provisions of that Act alone will apply to them with respect to leave with wages, rest days, etc. and the provisions of the Motor Transport Workers Act need not apply.

MR. CHAIRMAN: In some respects they may be said to have better facilities under the Motor Transport Workers Act. How do you propose to deal with them?

SHRI N. NEELAKANTAN: Under the Motor Transport Workers Act any such person who is employed in a factory, as defined in the Factories Act 1948, is excluded from the definition of motor transport worker.

MR. CHAIRMAN: You want the same provision in respect of mines to stand.

SHRI N. NEELAKANTAN: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: Firstly you said that under the Motor Transport Workers Act, 1948, is excluded from the definithan under the Mines Act....

SHRI N. NEELAKANTAN: They get less overtime wages....

SHRI CHAPALENDU BHATTACHARYYIA: So that we will revise it up and the quantum of benefits will increase by modifying it under the Mines Act and they will get better benefits....

To put it in an extreme language you suggest that dyarchy of inspection in such an integrated unit will make for confusion, if not anarchy.

SHRI N. NEELAKANTAN: Yes.

SHRI CHAPALENDU BHATTACHARYYIA: The General Manager should have only co-ordinative functions. If he is to look after statutory things, his co-ordinative functions will suffer.

SHRI N. NEELAKANTAN: Correct.

SHRI CHAPALENDU BHATTACHARYYIA: You will realise that in such a vast enterprise as this, Sectional Managers after all carry out the orders of the General Manager.

SHRI N. NEELAKANTAN: Yes.

SHRI CHAPANENDU BHATTACHARYYIA: You will realise that orders if some untoward thing happens and if the entire blame or responsibility falls upon the Sectional Managers as you suggest, the General Manager may be actually responsible for decision-making, but will not be responsible for the consequences.

SHRI N. NEELAKANTAN: Regarding the executive functions, what I suggest is that the Sectional Managers will carry out with respect to the safety provisions which are day-to-day functions. So long as we define what their functions are under the Regulations, they will be responsible for what they carry out. With regard to the higher management decisions, the General Manager will be responsible. We can put the responsibility on the General Manager for such decisions which he has taken.

SHRI CHAPALENDU BHATTACHARYYIA: To that extent your stand has to be modified.

SHRI N. NEELAKANTAN: Yes. The General Manager should not have day-to-day functions because that will be difficult.

SHRI CHAPALENDU BHATTACHARYYIA: You do not think that a provision for more than one Manager will lead to inefficiency of the undertaking—jurisdictional disputes and things like that.

SHRI N. NEELAKANTAN: No, if we define their area of work, it may not.

MR. CHAIRMAN: On the contrary he states that it will improve.

SHRI MONORANJAN ROY: In your Memorandum you have stated that you do not want in the definition the word 'primarily', but you want it to be 'solely'. You also said that the amended definition would create confusion. Actually what sort of confussions will be there.

SHRI N. NEELAKANTAN: Supposing there is a mine like Neyvelli Lignite Corporation, Limited. There may be some service units. We have got lorries separately, trucks separately and then diesel engines separately. A few number of trucks will also work in thermal station or in some other units of the integrated project. We will not be able to know which is primary and which is secondary. It is only such of the workshop facilities which are only for the mines we can bring under the Mines Act. Such workshop facilities which are both for the mines and for other units we can keep them under the Factories Act.

SHRI MONORANJAN ROY: You have mentioned confusion with regard to use of trucks which are common for two or three units.

SHRI N. NEELAKANTAN: Workshops and servicing units.

SHRI MONORANJAN ROY: In your last point you have asked that drivers and cleaners of the motor transport should be put under the Mines Act and not under the Motor Transport Workers Act. In that case even if the word 'solely' is substituted where those workers will go, by which Act they will be guided?

SHRI N. NEELAKANTAN: If the trucks are operated in the mines and if they are solely for the mines and so long as they are working inside the mines, the drivers who are operating the trucks will be under the administrative control of the Manager and they will be working in the mines alone. But for servicing purposes if we have a servicing unit, we may not have other servicing units for the rest of the Corporation. If we have a number of servicing units, it may

prove costly and we may not have all the sophisticated equipment which we can have for efficient service in an efficient mining workshop. So, they can function under the Factories Act so that these trucks can be maintained and serviced well. From the operation point of view, if it is working in the mines, the drivers will be working solely in the mines and they will be covered by the Mines Act.

SHRI MONORANJAN ROY: What are the disadvantages for the driver if he is kept under the Motor Transport Workers Act instead of Mines Act.

SHRI N. NEELAKANTAN: If he is governed by two sets of Acts we are unable to tell him under what conditions he is working. Some times if he is kept under the Motor Transport Workers Act and certain facilities are given to him or there are certain disadvantages to him. That is why we want him to come under one Act so that he knows what are his working conditions.

SHRI MONORANJAN ROY: What are the advantages and disadvantages if he is kept either under the Motor Transport Workers Act or under the Mines Act? Suppose he is kept under the Mines Act, what are the disadvantages and what are the advantages?

SHRI N. NEELAKANTAN: Under the Motor Transort Workers Act he gets 1½ times of ordinary wages as overtime wages. But under the Mines Act he gets double the ordinary wages as overtime wages. If he is under the Motor Transport Workers Act he must be paid double the wages for a substituted holiday. Under the Mines Act a day of rest can be fixed by putting a notification in advance and wherever operational work like ours is carried on for seven days a week, most of the workers carry on their work according to the weekly day of rest notified by us. On the contrary if he is covered under the Motor Transport Workers Act and when you substitute a holiday he gets double the wages which the other workers would not get. So, one section is getting a certain disadvantage. There that-disparity comes.

Then, as regards foot-wear according to Motor Transport Workers Act they have to be provided one pair of foot-wear in one year and it must be of open type *pathan chappals*. But the Mines Act insists a closed type of boots to be given twice a year. Two times we give them foot-wear. But if he is under the Motor Transort Workers Act, he is at a disadvantage and he will get an open *pathan chappals* once a year.

SHRI M. C. DAGA: Have you at any time requested the Government to appoint an additional manager stating that the work is very heavy and that you cannot control the work. How many times have you requested the Government about this?

SHRI N. NEELAKANTAN: There are very few mines in the country which have 15 engineers. Our mine is mainly highly mechanised. There are 15 engineers and one manager. As the Manager I have been having this difficulty: a lot of responsibility is pressed on me for the day-to-day supervision. In addition, I have to co-ordinate and supervise the work of 15 engineers.

SHRI M. C. DAGA: Have you ever written that the work is very heavy and so you want an additional manager?

SHRI N. NEELAKANTAN: There should be a Manager for the mines and Sectional Managers under him. But, the Mines Act has specified that it is one mine. Because it is specified as one mine, there can be only one Manager. We could not go further because always it was considered as one mine. Now only we are amending it. Therefore, we thought it is the right time to approach the Committee.

SHRI M. C. DAGA: Will it satisfy you if the 'Manager' is defined as

'Manager includes Additional Manager'? Or, do you want to make a distinction between the two?

SHRI N. NEELAKANTAN: There can be one Sole Manager for the mine. In addition to the Sole Manager, there can be such number of managers as may be decided by the management. If provision is made for more than one manager, it will help the management to appoint the required number. At present, there is no provision so, the management is not appointing additional managers.

SHRI M. C. DAGA: Mr. Chairman, the provision in the Act is that every mine shall have one manager. The witness suggests that a mine can have more managers than one. It is suggested that a proviso may be inserted in the proposed Section 17 to enable appointment of additional managers.

MR. CHAIRMAN: Additional managers may be more than one.

SHRI M. C. DAGA: Should there be distinction between the section manager and the chief manager? Will they have the same owers and the same qualifications? How will you distinguish between the two?

SHRI N. NEELAKANTAN: There is a change in the new amendment: "Save as may be otherwise prescribed, every mine shall be under a sole manager...." Having been a Manager for 17 years in an open cast mine, the problem is we are unable to go up in the managerial line, because we are tied down under the regulations with day-to-day supervision, etc. Though I am having a lot of experience, nobody is able to go up because we are tied up with the day-to-day work. If assistance is given to me by apointing additional managers to be in charge of certain sections, who will have coordination responsibility in those sections, it will be very helpful.

SHRI M. C. DAGA: If there is any trouble, section managers will be responsible? Is it not?

MR. CHAIRMAN: Section manager will be responsible for the specific work entrusted to him by the manager in that section.

SHRI M. C. DAGA: Will he be holding the post of manager with equal status as the sole manager?

MR. CHAIRMAN: In a Government department, everybody has a specific responsibility. There is the top man—he is the general manager. Although the general responsibility rests with the general manager, specific responsibility rests on the persons concerned *viz*, the manager in the section. Because it is not possible for you to take the responsibility for what is happening in the sections, you want the specific responsibility to be entrusted to the manager in the respective sections.

SHRI M. C. DAGA: With regard to Section 2 Clause (2) the witness used the term 'solely' and 'primarily'. How does he distinguish between the two?

SHRI N. NEELAKANTAN: Sub-clause (viii) says as follows:

> "all stores and workshops situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;"

Whether it is primarily for the mines or for other things is the question. The management may have mines or other power stations. Neyveli is an integrated project.

SHRI M. C. DAGA: How can you distinguish that it is working primarily for the mines?

SHRI N. NEELAKANTAN: If 'more than one manager' is accepted, we are not interested in 'solely' or 'primarily'. The factory should be under one Act.

SHRI M. C. DAGA: I have not understood the distinction between the two words 'primarily' and solely.

SHRI N. NEELAKANTAN: There are 20 trucks working in the workshop. Suppose 7 trucks are given for the mines and the remaining trucks are in the factory, the remaining trucks may come under the Factory Act. If the seven are used primarily for the mines, they can bring them under the Mines Act. There must be a separate manager.

SHRI M. C. DAGA: Do you want to fix a percentage?

SHRI N. NEELAKANTAN: Yes.

SHRI M. C. DAGA: If suppose 50 per cent of the trucks are earmarked for the mines, they will be considered to be for the mines and the remaining 50 per cent in the workshop will not be considered to be for the mines? What is the percentage you want to fix?

SHRI N. NEELAKANTAN: When it is completely serving the mine, we can bring it under the Mines Act. If it is serving in areas other than mines, that can be brought under the Factory Act.

SHRI M. C. DAGA: Can you fix any percentage? Apart from this, do you suggest any other remedy in the interest of labour?

MR. CHAIRMAN: The witness has no remarks to offer in regard to other Sections of the Act. The witness is giving clarification to the items in his memorandum.

SHRI BHOGENDRA JHA: Do you want Deputy Managers or Assistant Managers or you want somebody to assist you?

SHRI N. NEELAKANTAN: The responsibility to be taken with respect to regulation and working of the mines should be under the man who carries out the work and directly supervises the working of the mine. He should have the same responsibility as the manager.

MR. CHAIRMAN: There can be more than one manager in the mine. The Additional Manager should have powers and responsibility under the Mines Act.

SHRI BHOGENDRA JHA: In order to save the General Manager from the responsibility under this Act, your suggestion is being made?

SHRI N. NEELAKANTAN: It is not for saving the General Manager from the responsibility under the Act. The General Manager is responsible for carrying out the duties entrusted by the management. He has the co-ordinating function. If there is any failure of the provision for safety taking place because of failure of coordinating function, he will be held responsible. Under the Mining Regulations, daily personal supervision, daily personal meeting with the foreman and mining supervisors have to be done by the general manager. That he is unable to function. In order to make him function effectively we have to pin the responsibility correctly.

SHRI BHOGENDRA JHA: If the suggestion is accepted, the general manager will not be directly accountable in terms of the Mines Act. To fix the responsibility on the general manager, will it not be sufficient if the general manager is given the assistance of a deputy manager or an assistant manager?

SHRI N. NEELAKANTAN: In that case there will be complication of responsibilty. The general manager has to delegate his powers and has to give authorisation to somebody. He does not take that much of responsibility. Involvement in the job will be less; safety of the mine will also suffer. If responsibility and powers are fixed, safety will be ensured and the involvement will be there. Involvement will be better if the manager and the sectional managers are given responsibility and powers under the Mines Act. We are finding in actual practice that nobody feels the responsibility unless he is made responsible under the Act or appointed under the Act. Only if he is given responsibility under the Act, involvement will be more.

SHRI DAMODAR PANDEY: If we accept your proposition of keeping

the word 'solely' in the Mines Act and not the word 'primarily' as proposed to be amended. Will there not be confusion? Suppose the same dumper which is operating the mines goes to workshop and if the workshop is not working under the Mines Act. Suppose the workmen in the workshop, in case of breakdown, goes to the mine, will not be anamalous that sometimes they will be for half an hour under the Mines Act and another half an hour under the Factories Act. Is it not desirable to have an integrated approach for all the workmen?

SHRI N. NEELAKANTAN: The expression 'solely' was creating a certain amount of confusion in the Mines. If the expression 'prmarily' is substituted in its place, the confusion would be more.

SHRI DAMODAR PANDEY: As the expression 'solely' was abused by the employers, the expression primarily' was brought out. Is there likely to be more confusion because of the impending mechanisation of the mines and the workshops which would be primarily used for the purpose connected with the mines....

SHRI N. NEELAKANTAN: At present the Factories Act applies to the workers who are working in more than one unit. Why the management is afraid of the Mines Act is because of the provisions providing for one Manager. One Manager to be in charge of it would be a more difficult thing. If there are more Managers, then there is no difficulty.

SHRI DAMODAR PANDEY: There should be a separate Manager for the Workshop and then the Workshop and the Mines could be grouped together. . . .

SHRI N. NEELAKANTAN: Yes.

MR. CHAIRMAN: Whether you prefer that it should be under the Factories Act or under Mines Act?

SHRI N. NEELAKANTAN: To avoid confusion let it come under the Mines Act.

SHRI DAMODAR PANDEY: Your objection to clause 2 related to your second amendment and if the second amendment is accepted, then the first amendment has no meaning

SHRI N. NEELAKANTAN: Yes.

SHRI DAMODAR PANDEY: About leave privileges, what is the percentage of workmen governed by the Central Rules?

SHRI N. NEELAKANTAN: Out of about 4,600 employees about 1,000 employees are governed by the Revised Leave Rules and the rest by the Mines Act.

SHRI DAMODAR PANDEY: Have you got Standing Orders or have you just applied the Central Government Rules?

SHRI N. NEELAKANTAN: We have got our own Leave Rules. We have also got Standing Orders for persons upto first Line Supervisors.

SHRI DAMODAR PANDEY: There could be only one Standing Order in an establishment.

SHRI N. NEELAKANTAN: Standing Orders apply to workmen. But certain workmen in the regular establishment get additional leave benefits.

MR. CHAIRMAN: The witness has made it clear that as between the Mines Act and the Factories Act, he would prefer that they should be governed by the Mines Act.

SHRI DAMODAR PANDEY: Why do you want to restrict it to the Mines Act?

SHRI N. NEELAKANTAN: One person should not get the benefit of both the Liberalised Leave Rules and the leave provisions of the Mines Act.

MR. CHAIRMAN: So your suggestion is that they should be under one Act.

SHRI N. NEELAKANTAN: Yes.

SHRI R. N. SHARMA: How many (stretchers) you are having in the mines?

SHRI N. NEELAKANTAN: We will send the information later to the Committee.

SHIR R. N. SHARMA: I want it to be recorded that there is none.

Also what is the number of First Aid posts provided by the Management?

SHRI N. NEELAKANTAN: about 40 to 50.

SHRI R. N. SHARMA: Are wholesome drinking water arrangements made available to the workers?

SHRI N. NEELAKANTAN: Wholesome drinking water is provided by two methods one by pipe-line and another by ground water after analysis.

SHRI R. N. SHARMA: Ground water not wholesome water.

SHRI N. NEELAKANTAN: It is considered as wholesome drinking water.

SHRI R. N. SHARMA: The Mines Act provided for wholesome drinking water.

SHRI N. NEELAKANTAN: That water is supplied both to the workers and the officers. Water from the bore-well is also supplied.

SHRI R. N. SHARMA: Out of about 4,600 workers, how many are there female workers?

SHRI N. NEELAKANTAN: There are no famale workers.

SHRI R. N. SHARMA: Should I take it that you agree with the rest of the amendments proposed to the Mines Act?

SHRI N. NEELAKANTAN: Yes.

SHRI R. N. SHARMA: If you go through the provisions of the Mines Act, you will find that you can divide it into sections and appoint more Managers.

SHRI N. NEELAKANTAN: As far as I know there is no provision.

SHRI R. N. SHARMA: Your workers want that their service conditions should also be in line with the Neyveli Lignite Corporations Rules. Are you prepared to accept that?

SHRI N. NEELAKANTAN: That is the policy of the Management?

SHRI R. N. SHARMA: Are you prepared to bring the officers in line with the workers in regard to leave facilities?

SHRI N. NEELAKANTAN: It has to be decided by the Management.

SHRI PARIPOORNANAND PAINULI: There are 4,600 workers. Can you tell us, how many fatal accidents and cases involving serious injuries there were in the past three years?

SHRI N. NEELAKANTAN: There were no fatal accidents in 1971 and 1972. There were about 30 cases of serious injuries.

SHRI R. N. SHARMA: Have you paid compensation in such cases and if so, what is the amount?

SHRI N. NEELAKANTAN: We have paid compensation. We will furnish the information relating to the exact amount of compensation to the Committee later.

SHRI PARIPOORNANAND PAINULI: How many workers you have employed in vehicles?

SHRI N. NEELAKANTAN: In the mines there will be about 90 or 100 persons covered under the Motor Transport Workers' Act.

SHRI PARIPOORNANAND PAINULI: Are they compulsorily insured?

SHRI N. NEELAKANTAN: They are not insured.

SHRI PARIPOORNANAND PAINULI: Whose responsibility it is to insure, whether it is the responsibility of the management or the workers themselves....?

MR. CHAIRMAN: About the last question put by Mr. R. N. Sharma whom should we consult in the management, who will be able to answer the point?

SHRI N. NEELAKANTAN: The Chairman of the NEYVELI LIGNITE CORPORATION.

SARDAR SWARAN SINGH SOKHI: Why do you insist on appointing more Managers. Instead, why don't you have Superintendents for different sections like mining, prospecting, maintenance, etc. What is the harm in that?

SHRI N. NEELAKANTAN: The Superintendents of different sections may not be able to take the responsibility, unless they are designated as Managers.

SARDAR SWARAN SWARAN SOKHI: You can have qualified Mining Engineers as Superintendents. Why can't you have one Manager and also as many Superintendents as you want?

SHRI N. NEELAKANTAN: If a Manager is taken at a higher level, then his general function would be to co-ordinate the work of Superindentends working under him. According to the mining regulations the Manager has to supervise certain things personally. If he is a man at a higher level, it will not be possible for him to carry out those functions under the Regulations. It must be made physically possible for him to carry out the daily functions under the Regulations. Hence, he is designated as Manager, so that he can discharge his responsibility correctly and effectively. That is why this amendment has been requested.

SARDAR SWARAN SINGH SOKHI: Instead of calling them Managers, you call them Superintendents. What objection you have?

MR. CHAIRMAN: You use the word 'Superintendent' in the Act and he will accept it. What objection he can have?

SARDAR SWARAN SINGH SOKHI: How can you do away with the Motor Transport Workers Act, even if they are brought under the Mines Act?

SHRI N. NEELAKANTAN: We are not wanting to do away with any provision of any Act. What we are asking for is this. The workers should not be covered by two or three Acts. Their conditions of work should be covered by one Act.

SARDAR SWARAN SINGH SOKHI: Suppose a truck driver goes outside on the road and involves himself in an accident and kills somebody. How do you deal with that?

SHRI N. NEELAKANTAN: We are not talking about technical aspects. We are talking about working conditions of motor transport workmen. A worker must be covered by one set of conditions under the Mines Act. If a worker is controlled by two sets of conditions, certain confusion will arise in the administration of that individual. Let the individual be controlled by one particular set of provisions under an Act, so that he will have all the facilities. As regards accidents and other things they will be covered by technical Regulations.

SARDAR SWARAN SINGH SOKHI: Your motor transport operators are not covered by insurance. Do they come under the Factories Act?

SHRI N. NEELAKANTAN: They are covered by the Mines Act. They

are like persons employed in the mines. They are eligible for workmen's compensation. For accidents and risks he is covered by Workmen's Compensation Act and we pay accordingly and promptly.

SARDAR SWARAN SINGH SOKHI: Why insurance is not necessary for the motor vehicles?

SHRI N. NEELAKANTAN: Third party insurance only is required.

SARDAR SWARAN SINGH SOKHI: Why not comprehensive insurance?

SHRI N. NEELAKANTAN: The individual is covered by the Workmen's Compensation Act and if he is to be paid anything, the management takes the responsibility for paying the individual. There is no difficulty from the individual's point of view. Third party insurance we are doing.

SARDAR SWARAN SINGH SOKHI: Instead of having Managers, would you accept the word 'Superintendents'. The Tata Mining Department is having Superintendents in all departments. They have got a bigger show than yours. They are having Superintendents of maintenance, operation, mining, prospecting, etc. having different qualifications. Do you accept that?

SHRI N. NEELAKANTAN: In fact I am told that is not working effectively. Involvement of Superintendents in the job is less and by changing these things we can also make them more interested and safety-conscious.

SARDAR SWARAN SINGH SOKHI: How a private company is doing like that.

SHRI N. NEELAKANTAN: If the Manager is at a higher level and a number of people are put at the lower level, their involvement in the carrying out of day-to-day functions will be far less and they will not be discharging their responsibility effectively.

SHRI R. BALAKRISHNA PILLAI: In a Memorandum submitted by one of your Unions, it is stated that the Coal Mines Provident Fund Scheme should be abolished in Neyveli Lignite Corporation and the N.L.C.P.F. Scheme should be implemented. What is your opinion about this suggestion?

SHRI N. NEELAKANTAN: After one particular date, I think in 1966 the Act was passed by Parliament and we were forced to bring all the workmen working in the coal mines under the Coal Mines Provident Fund Scheme. So, we have no choice. Before that particular date all the persons employed were under the N.L.C.P.F. Scheme. The bulk of the people, 75 or 85 per cent working in the mines were controlled by the N.L.C.P.F. Scheme. But because of the Act which has been passed, we have no choice in it.

SHRI R. BALAKRISHNA PILLAI: Suppose we amend the Act according to their wish, will the Management have any objection?

SHRI N. NEELAKANTAN: The Management has no objection.

SHRI R. BALAKRISHNA PILLAI: Your mines are open-cast mines according to them. So, they want us to provide some provision to give them more wages or more allowance. There is a lot of dust due to heavy wind and weather. Hence, they want more remuneration for their job. What is your opinion?

SHRI N. NEELAKANTAN: As it is, for difficult conditions of working we are paying the mines allowance when compared to other workers who are not paid this allowance. We are paying also depth allowance for persons who have to walk to greater depths. These are two additional allowances which we are paying to our workers. When compared to other places, our wages are fairly high and favourable to the workers. For open cast mining as a whole if anything is done, we will consider that during that wage award.

MR. CHAIRMAN: You kindly send us information about the two points.

[*The witnesses then withdrew.*]

II. India Cements Ltd., Madras.

Spokesmen:

1. Shri A. Srinivasan—*Personnel Officer.*
2. Shri V. S. Krishnan—*Superintending Geologist and Mining Engineer.*
3. Shri R. Krishnamurthy—*Mines Manager.*

[*The witnesses were called in and they took their seats.*]

SHRI A. SRINIVASAN: We thank the Chairman and Members of the Committee for giving us this opportunity to give evidence before the Committee.

MR. CHAIRMAN: You kindly note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI A. SRINIVASAN: I understand it.

MR. CHAIRMAN: If you want to say anything regarding your Memorandum, you please say.

SHRI A. SRINIVASAN: With regard to definition of 'mines' we personally feel that you may delete reference to the words 'under any other lease or licence or permission garnted under any other enactment or agreement, permit or order . . .' Otherwise, we feel that persons who have not been making these quarrying operations or excavations under any of the licences, prospecting licence or mining licence, will go completely out of the scope of the definition. I do not know whether it is an inadvertent result of the enlargement of the definition. If that were so, I would request the Members of the Select Committee to consider whether it would be worthwhile deleting reference to lease or licence or permission....so that the activities of illicit quarrying operators can also be brought under check. Otherwise, there is likely to be the contention on behalf of illicit quarrying operators that they are not coming within the scope of operators of mines as proposed to be defined.

Clause 12 of the Bill substitutes new Sections 17 and 18 of the principal Act. At present joint and several responsibility with regard to all statutory requirements and implementation of all statutory provisions rests on the owner, agent and manager. The owner or the agent appoints the manager. The proposed intention is to curb the powers of the agent and the owner with regard to giving of instructions to the manager, unless the owner or the agent who is the appointing authority, is also qualified to be appointed as a manager. We feel that in view of the powers already granted under the Act for the department to take action against all these three categories of officers, there is no need to impose any curb on the authority of the owner or the agent. We personally feel that by reason of this proposed amendment the authority of the owner or the agent may be eroded and there may be constant friction developing between the manager who is the person appointed and the agent or the owner who is the appointing authority.

MR. CHAIRMAN: Do you mean to say that there should be no insistence of any qualification for agent or the owner?

SHRI A. SRINIVASAN: In spite of his not possessing the required qualification for acting as the manager, you have imposed on him certain statutory liabilities. If the manager commits any irregularity or illegality with regard to statutory provisions, by all means, take action against him. The existing position may remain unchanged except for probably stating that the owner or the agent is responsible

for the financial commitments. The agent or the owner shall provide the necessary finance for implementation. Those things can remain. I request you to take this into account and see whether it is necessary to enforce any drastic restrictions on the existing powers of the owner or the agent.

Clause 17 (i.e., amendment to Section 33 of the Act) deals with computation of ordinary rate of wages. At present, you have excluded bonus which I take it is usually profit sharing, from the scope of the computation. Sub-clause 3 of clause 17 of the Bill states:

"(3) For the purposes of this section....uniforms" The only significant addition is, inclusion of a phrase "other than a bonus given as an incentive for production over and above the norm fixed for each category of worker." Just as you are excluding overtime payment from the concept of computation of this overtime, I submit that this incentive for production, which is peculiar to a few persons or to a few categories of workers and which is not the regular wage but wage earned over and above the regular wage, should not at all form part of the definition of 'ordinary rate of wages' for the purpose of computation of overtime. In this connection, I draw your attention to a corresponding provision in the Factory Act [Sec. 59(3)]—Till now there has been no attempt to include therein the concept of production bonus. Even in factories production bonus is quite well known. All the same, for the purpose of computation of ordinary rate of wages, production bonus is not taken into account. I would request you to delete the provision. Where there is a factory and quarry belonging to the same management by reason of the inclusion of incentive bonus in this, it is likely to result in conflict between the factory workers and quarry workers. At the moment, so far as cement workers are concerned, under the recommendations of the Wage Board, both the factory workers and quarry workers are getting the same rate of wages. It is not as if quarry workers are getting less than the factory workers. By reason of inclusion of incentive bonus for the computation of overtime wages, you are going to add an additional component to the wage earning capacity of the quarry worker alone as distinguished from the factory worker. I am quite sure this will lead to a lot of discontent. It may be avoided and there is no reason why this incentive bonus should be included for the purpose of computation.

SHRI M. C. DAGA: In clause 12, you have referred to sub-clauses 3 and 4 of Sec. 18. Will not sub-clause 5 of Sec. 18 serve your purpose?

SHRI A. SRINIVASAN: I do not want to seek any escape from liability on the part of owner or agent for the acts of the manager. I am only saying that even now when there is a legal liability on the part of the owner or the agent, why do you want to place restriction on his powers to supervise the work of the manager? Otherwise, you are making him almost a nullity so far as the conduct of mines is concerned. I am not seeking any relief from the provisions of this Act at all.

SHRI K. S. CHAVDA: I would like to know whether there should be a separate legislation for open cast mine. What is your opinion?

SHRI A. SRINIVASAN: We do feel that open cast mine is a very simple form of mining and all the rigid regulations for underground mines need not necessarily be applied to open cast mines.

SHRI K. S. CHAVDA: This definition of 'mine' is defective. There is a loophole leading to illicit quarrying and mining. What are you going to suggest to plug that loophole?

SHRI A. SRINIVASAN: In this definition you include under 'mine' lease or prospecting licence or a permission or a grant. Whenever there is quarrying operation or exploration, you simply take action as if it were a permitted action.

MR. CHAIRMAN: It becomes illegal quarrying.

SHRI K. S. CHAVDA: What is your suggestion? Suppose a private individual is allowing somebody in his own quarry to do some mining, whether it can be objected to by amending this Act?

SHRI A. SRINIVASAN: It can be.

SHRI K. S. CHAVDA: It is a Government property. Licence has to be obtained.

SHRI A. SRINIVASAN: We cannot carry on any mining operation unless we obtain mining lease from the Government, even in the land belonging to us, even in our own patta land. Mining operations can be carried on either in our patta land or poramboke land belonging to Government, but before carrying on operations we have to take out a mining lease issued by Government by notification. That prescribes a lot of conditions, subject to which alone these operations have to be done.

SHRI K. S. CHAVDA: Then this Act will automatically apply even without changing the definition.

SHRI A. SRINIVASAN: I am not able to understand the need for this modification. Now, in the definition of mine', if you want to bring in every type of mining operation within the scope or ambit of this legislation I welcome it. I am asking whether by restricting it to only the operations carried on under permission of Government, you are leaving out this illicit quarrying operation.

SHRI R. BALAKRISHNA PILLAI: If it is legalised, then the Act will apply.

MR. CHAIRMAN: Owner's responsibility should be left as it is.

SHRI R. BALAKRISHNA PILLAI: The Act is not at all responsible for the benefit. Only the question of implementation.

MR. CHAIRMAN: That is for us to consider.

SHRI SITA RAM SINGH: Limestone quarries come under what category?

SHRI A. SRINIVASAN: We call it limestone quarries. They come under quarries or open-cast mines. Quarrying operation is included within the definition of mines'. Open cast mining also comes within the definition of 'mine'. We have to get a certificate of approval before getting a prospecting licence. The Government have to say whether the person in whose favour we are going to issue licence is the person competent to run the mine and whether he will satisfy the requirements. It cannot be done without the permission of the Government.

SHRI SITA RAM SINGH: With the permission of the Government you can sub-lease it. What about private owners who run the mines? Do you think they should be given the same facilities?

SHRI A. SRINIVASAN: The responsibilities of the owner are defined in Section 18 of the Act.

MR. CHAIRMAN: Your point is that the powers of the owners should not be curtailed by the introduction of an amendment to the Act. Whatever definition is there in the Act would be enough.

SHRI A. SRINIVASAN: Yes.

SHRI DAMODAR PANDEY: About illegal mining what you have in mind?

SHRI A. SRINIVASAN: Illicit quarrying is carried on and the persons involved in it do not subject themselves to the Governmental regulations with regard to payment of proper wages or observance of timings or introduction of beneficial measures for the workers. If they are to be left out of the purview of this ligislation..

SHRI DAMODAR PANDEY: You admit that they do not observe the provisions of the Mines Act?

SHRI A. SRINIVASAN: Even now they do not observe any of the provisions of the Mines Act?

SHRI DAMODAR PANDEY: Would you agree that even the operations

connected with the manufacture of brick and clay should come under the purview of the Bill?

SHRI A. SRINIVASAN: Yes. Even in such operations it is better that there should be a supervisor or some regulating authority.

SHRI DAMODAR PANDEY: Mining Manager.

SHRI A. SRINIVASAN: Not necessarily so.

SHRI DAMODAR PANDEY: It is now proposed to give more responsibility to the Manager whom you have appointed in the matter of safety measures.

SHRI A. SRINIVASAN: I do not want you to take away the safety aspect of the mining operations from the Manager. What I am saying is that the owner is also equally interested in the safety measures. After all, it is an internal arrangement between the Manager and the owner and why do you want to place restrictions on the instructions being given by the owner to the Manager? In case there is a difference of opinion between the owner and the Manager, they can discuss the matter and settle it.

SHRI DAMODAR PANDEY: In the case of a conflict during the discussion between a technical person and a non-technical person, whose opinion should prevail?

SHRI A. SRINIVASAN: So long as the liability is not taken away from the owner, it does not matter if the owner's view prevails.

SHRI R. N. SHARMA: You want that the illicit quarrying of minerals and also the persons involved in such operations should be brought within the purview of the Bill and that a licence should be taken out for such operations.

SHRI A. SRINIVASAN: They should be made to conform to the regulations.

SHRI M. C. DAGA: It is already there in the Act.

SHRI A. SRINIVASAN: No.

SHRI R. N. SHARMA: Now there is no legal provision for payment of incentives to the workers.

SHRI A. SRINIVASAN: It is done by arrangement between the two parties.

SHRI R. N. SHARMA: For good performance you give incentives and so you have no objection in calling it as 'ordinary wages'.

SHRI A. SRINIVASAN: Incentive payment which is also a wage is given in addition to the ordinary wage. I am not at all questioning the right of any person to receive incentive bonus.

SHRI R. N. SHARMA: You want that your opinion as owner should prevail even in technical matters because you have resources under your control. But in the intrest of the safety of all concerned, will you reconsider the issue and hand over the power connected with the safety aspect to the technical person?

SHRI A. SRINIVASAN: You are entitled to your opinion.

SHRI CHAPALENDU BHATTACHARYYIA: Do you agree that the difinition 'mine' as provided for in the original Act should stand as it is?

SHRI A. SRINIVASAN: When the difinition is wider, why do you want to limit it to only operations carried out under a mining lease or prospecting licence or permit.

SHRI CHAPALENDU BHATTACHARYYIA: About illegal operations it is really a matter for the policy to stop it and no action can be taken under the Mines Act.

SHRI A. SRINIVASAN: You can say that these operations cannot be

carried out without a licence and if it is done, the person concerned would be prosecuted and the Act should be amended accordingly.

SHRI CHAPALENDU BHATTACHARYYIA: You suggest that the clause of the Bill relating to the responsibilities of the owner even in respect of decision-making in technical matters should stand as it is.

SHRI A. SRINIVASAN: By merely appointing a person as Manager, the owner or the agent cannot absolve himself of the responsibility.

SHRI CHAPALENDU BHATTACHARYYIA: Do you agree that in this case an anomaly would arise in fixing the responsibility?

SHRI A. SRINIVASAN: No. In several enactments there is vicarious liability cast on persons for acts of omissions done by other people. We have to live under such conditions only. So, if I am the owner or the agent of a mine and I appoint a Manager, for whatever act of omission commited by the Manager also I will be holding myself liable. I cannot say I have pointed so and so, he has done something wrong, therefore, you leave me out. If I say that, that type of argument won't find acceptance at all.

SHRI CHAPALENDU BHATTACHARYYIA: You said that in the matter of incentive bonus a discrimination will develop between the factory side and the quarry side. Looking ahead would you agree that this wage structure itself will undergo change and the discrimination which you envisage may not actually come to pass.

SHRI A. SRINIVASAN: Unfortunately I am representing a Cement the factory and quarry workers are Company where the wages of both indentical. We cannot have a different pattern of wages for the quarry workers alone. The recommendations of the first and second Cement wage Boards have been in force for the past 10 years and now there is an agitation for revision of the recommendations once again. Under that Act we are obliged to pay as per the recommendations of the Cement Wage Board to the quarry workers also. Now by reason of this Mines Legislation introducing a different concept of overtime wages, you are certainly going to introduce complications.

SHRI CHAPALENDU BHATTACHARYYIA: We are making it more dynamic.

SHRI A. SRINIVASAN: By reason of this, notwithstanding the definition contained in the Factories Act we may have to pay more to the workers also. That is one thing. That introduces much larger issues.

SHRI MONORANJAN ROY: At page 3 of your Memorandum you have suggested that in the proposed sub-section (3) of section 33, defining 'ordinary rate of wages, reference to bonus given as an incentive for production' may be deleted.

SHRI A. SRINIVASAN: We feel that just as overtime wages are excluded from the computation or ordinary wages, incentive bonus also should be similarly excluded from the definition of 'ordinary wages'.

MR. CHAIRMAN: He wants that incentive bonus should be excluded from the definition of 'ordinary wages' for the purpose of computing overtime wages only.

SHRI A. SRINIVASAN: Yes certainly.

SHRI MONORANJAN ROY: Do you want that incentive bonus should be excluded from the definition of 'ordinary wages' for the purpose of computation of overtime wages.

MR. CHAIRMAN: Clause 17 deals only with that and nothing else.

SHRI A. SRINIVASAN: Only for the purpose of computation of over-time wages.

SHRI MONORANJAN ROY: Supposing a man works in a quarry and you have to pay double the wages. How do you arrive at the wage to be paid for overtime work? You take the basis pay, D.A., cost of food or something like that.

MR. CHAIRMAN: You are putting this question to him when he is specific about the purpose. You are asking about calculating overtime allowance.

SHRI MONORANJAN ROY: If it is excluded from the difinition or 'ordinary wages' for the purpose of computing overtime wages only, for other purposes how do you like that to be?

SHRI A. SRINIVASAN: I will straightaway tell you that the Employees Provident Fund Act defines 'wages'. Contribution is based on the difinition of 'wages' for the purpose of Empoyees Provident Fund Act. Similarly for the purpose of emloyees' state insurance scheme there is a particular difinition of 'wages'. We have to go only by the definition contained in each of these Acts. For the purpose of making contributions, it is not open to us to include excluded categories or to exclude included categories.Each Act has got to be enforced with reference to the difinition contained in that Act.

SHRI MONORANJAN ROY: Let me be clear. Your purpose of excluding this incentive for production from the ordinray rate of wages is to exclude it so far as payment of overtime is concerned.

SHRI A. SRINIVASAN: Certainly

SHRI MONORANJAN ROY:..And not for payment of bonus, provident fund or gratuity.

SHRI A. SRINIVASAN: If provident fund, bonus or gratuity will depend upon overtime wages as also upon incentive, I certainly do not stand in the way of any such legislation roping in this incentive.

MR. CHAIRMAN: This Bill confines only to computation of overtime wages and nothing else.

SHRI MONORANJAN: ROY: This also includes a provision relating to provident fund. There is a Supreme Court case also.

MR. CHAIRMAN: His observations relate only to the payment of overtime wages.

SHRI MONORANJAN ROY: If it is a question of incentive for production being totally excluded from the difinition of 'ordinary wages' then it may tend to exclude it from provident fund also.

MR. CHAIRMAN: This is for the purpose of mining Act only. Let us confine to this point only and the rest of the things we may talk elsewhere.

SHRI BHOGENDRA JHA: With regard to the proposed Section 17 in the Bill, the owner or agent, in case where he is not qualified, he can also give advice or suggestions, but not issue instructions to the Manager.

SHRI A. SRINIVASAN: The distinction is rather fine. What is the difference between suggestion and instruction?

SHRI BHOGENDRA JHA: The instructions have to be obeyed by the Manager and advice or suggestions have to be taken into account.

SHRI A. SRINIVASAN: They need not necessarily be followed.

SHRI BHOGENDRA JHA: Correct. Here the Clause in the Bill fixes the responsibility squarly on the Manager alone for failure or safety measures. In cases of emergency the owner or agent can issue instructions to the Officers below the Manager directly over the head of the Manager. Only in cases of emergency we have pro-

vided that power. What is your objection to that? In case of emergency they can issue instructions over the head of the Manager. In case where there is no emergency they can give advice or suggestions.

SHRI A. SRINIVASAN: With regard to the instructions given by the owner or agent to the Manager, the Manager will look at it from his own point of view, while the owner or the agent looks at it from an all-ambracing point of view. He takes into consideration several things.

M. R. CHAIRMAN: This point has been made abundantly clear that he will not be content as owner to give advice only but he must also give instructions. It has been further clarified by questions put by Mr. Pandey. The member also asked 'between the two whose instruction should prevail and the witness said 'the owner's should prevail.'

SHRI BHOGENDRA JHA: He wants the owner or the agent to be made accountable, so that responsibility can be fixed on him.

SHRI A. SRINIVASAN: I do not shirk that responsibility or liability.

SHRI BHOGENDRA JHA: The responsibility is fixed upon the Manager who must be a qualified person.

MR. CHAIRMAN:: But he wants to share that responsibility.

SHRI A. SRINIVASAN: We personally feel that it may lead to unnecessary frictions in the day-to-day working if we are going to say that it is the Manager and the Manager alone who can give instructions. It is a point of view which we submit for your conseideration.

My colleague here has got a memorandum with regard to the ancillary legislation and not directly connected with the Mines Amending Bill. That can also be taken into account. They are supplying lime stone quarried by them exclusively to India Cements.

MR. CHAIRMAN: That can also be taken into consideration. But we cannot examine the witness.

SHRI A. SRINIVASAN: Please take that into account for future consideration.

(The witnesses then withdrew).

III. Associated Cement Cos. Ltd. M. Karve Road, Bombay—20.

Spokesmen:

1. Shri J. P. Munsiff, *General Manager (Operations).*
2. Shri M. M. Prabhu, *Head of the Mining Department (Operation Division).*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: You may kindly note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you may desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

You have submitted a memorandum. Besides that, have you anything to say?

SHRI J. P. MUNSIFF: We have got nothing to say, besides what we stated in the memorandum. Apart from relating to the specific draft, we have put in the memorandum some general points also, so that even at the later occasion if an amendment has to be considered, the same can be considered.

MR. CHAIRMAN: You know the purpose of the visit of this Committee is to meet the various interests, go round for spot studying the various places and seek clarifications, if there are any points to be clarified and that is why the witnesses are given this opportunity. So, besides what you have mentioned in this memorandum, if you have anything to clarify or anything to add, you can say it now.

SHRI J. P. MUNSIFF: We do not have anything to say, besides what we have stated in our memorandum.

SHRI DAMODAR PANDEY: In item I, you have stated that there must be a separate legislation for open-cast mines. Can you give some details? Why should there be a separate legislation? What will be the difficulties experience by you, if it is an integrated Bill?

SHRI J. P. MUNSIFF: We have pointed out some of these things in our Appendix I. For example, we have said about appointment of surveyors. Compared to underground mining, in open-cast mines survey is much simpler and we feel there is not enough work for a whole-time surveyor in an open cast mine. Then we have said about precautions against dust while mining. In an open-cast mine it is all open to the atmosphere and whatever dust is produced, it is blown off by the wind, unlike in an underground mine. Some times it is a little difficult to comply with some of these things. There are some genuine difficulties. In smaller mines where no loading and transport machineries are used and where work is carried out mostly by unskilled labour employing tools like picks, crowbars, spades, etc. or in manually operated mines which are of seasonal nature, elaborate vocational training centre for such labour is not of much use and puts unnecessary burden on the mine owners. Such mines may be exempted from Mines Vocational Training Rules, 1966. Further, in case of mechanised mines where the labour strength is low and since only 1/5th of the total number of workers have to be given vocational training in a year, appointment of a whole-time Training Officer is not necessary.

SHRI DAMODAR PANDEY: A lot of dust is created in any road in a village or town.

SHRI J. P. MUNSIFF: This is exactly the reason why we feel an elaborate dust suppression measures are not necessary in case of open cast mines.

SHRI DAMODAR PANDEY: All such difficulties will be taken care of in the Regulations. It also provides certain exemptions for smaller mines. Can it not take care of such difficulties instead of having a separate provision in the Act? Can you not seek relief under the Regulations?

SHRI J. P. MUNSIFF: Under Section 3(i) of the Mines Act certain categories of mines are exempted from certain provisions of the Mines Act if some of the conditions mentioned therein are applicable. Under the new Amendment, marl and chalk excavations come under this category of exempted mines. Why should not bauxite, fireclay and white clay be also similarly exempted?

SHRI DAMODAR PANDEY: There are places where fireclay and bauxite are also excavated on a large scale.

SHRI J. P. MUNSIFF: There are these three conditions in open cast mining. Only if they come within that purview, those things can be exempted. In our representation vide Appendix II we had made out a case to exempt captive limestone mines from the levy of Welfare Fund proposed to be introduced.

SHRI DAMODAR PANDEY: I do not think by placing them here it serves any purpose. This Committee does not have any jurisdiction over the provisions of the Bill which have already been passed.

SHRI J. P. MUNSIFF: We had represented earlier also to the authorities concerned.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that extension of the Mines Regulations on a large number of these minerals have had any effect on production?

SHRI J. P. MUNSIFF: As far as we are concerned, 'No'. It has put us to some disadvantage.

SHRI CHAPALENDU BHATTACHARRYIA: Do you think that it has been particularly harsh upon the operators.

SHRI J. P. MUNSIFF: Yes. I feel they may not be strictly adhering to this. They may be having some sort of mining.

SHRI CHAPALENDU BHATTACHARYYIA: Would you like to remove the anamoly in the definition of 'mine' itself? Or you suggest amending the regulations will do?

SHRI J. P. MUNSIFF: Under this Act (Sec. 3) where recently you have put in chalk and marl quarries to be exempted. In the same way, fireclay, white clay and bauxite may also be exempted.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think change of regulations can take care of it?

SHRI J. P. MUNSIFF: Yes.

SHRI M. C. DAGA: Can you give labourers working in open cast mine any compensation if they receive serious injury?

SHRI J. P. MUNSIFF: Yes; compensation has to be paid.

CH. RAM PRAKASH: Do you want separate legislation for this purpose or Rules and regulations will do?

SHRI J. P. MUNSIFF: I think it may be very much complicated. Afterall, you cannot have rules and regulations.

CH. RAM PARKASH: There are mines which require very complicated and very difficult type of arrangement for safety.

SHRI J. P. MUNSIFF: Rigorous action must be taken to ensure the safety of workers. Safety should receive priority.

[*The witnesses then withdrew.*]

IV. **Lignite Mines Labour Union, Neyvelli.**

Spokesman:

Shri K. Thiruvengadam—*Secretary.*

[*The witness was called in and he took his seat.*]

MR. CHAIRMAN: You may kindly note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you may desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI K. THIRUVENGADAM: The notification of the Bill was not properly notified and so at the last moment we had to prepare the memorandum hurriedly.

MR. CHAIRMAN: Your trade union at the centre is meeting us at Delhi.

SHRI K. THIRUVENGADAM: Yes. With regard to amendment, we suggest that the words 'whether for wages or not' in clause 2(h) be amended as 'for wages'. The explanation allowing employers to employ persons without wages leads to exploitation of labour without any remuneration in the name of imparting

training etc. Therefore, it should be stopped and the loop-hole in the Act should be plugged. Our intention is that it should be only for wages and the relationship between the employer and the employee should not be disturbed. Our intention is that the words should be 'for wages only'.

With regard to section 2(q), serious injury alone is sought to be made known. In the proposed Bill also it is bifurcated into two—reportable injury and serious bodily injury. There is differentiation made in the Bill. We suggest that in sub-clause 2(q) at the beginning, the word 'serious' be omitted and at the end of the paragraph the words 'period exceeding twenty days' be amended as 'period exceeding two days'.

MR. CHAIRMAN: You want that any injury—even extending a period of 2 days—should be reported?

SHRI K. THIRUVENGADAM: Yes, it covers all. With regard to clause 6 seeking to amend section 10, an additional sub-clause be added as (f) as follows: "The office-bearer of a registered trade union connected with the concerned mine, on request in writing....." In Section 10, employer is allowed access to secrets of information obtained by the Inspector whereas the employee is deprived of such benefit of information. There is no point in denying equal status before law between employee and employer. That is why we want one more sub-clause to be inserted.

MR. CHAIRMAN: If there are more than one trade union?

SHRI K. THIRUVENGADAM: Our view is 'registered trade union'.

AN HON. MEMBER: If there are more than one trade unions?

SHRI K. THIRUVENGADAM: All will have to be given.

AN HON. MEMBER: There are 36 registered trade unions in Neyveli.

SHRI K. THIRUVENGADAM: I have said 'on request in writing'. Suppose they want, let them be given; otherwise not.

MR. CHAIRMAN: Do you think that anybody would not like to have that.

SHRI K. THIRUVENGADAM: Yes. With regard to the constitution of the Mining Board, we want to make a change. Our suggestion is that out of 17 members now proposed, there should be eight representatives of trade unions, 4 representatives of the owners, one representative of the Mine Managers and 4 representatives to be nominated by the Government.

MR. CHAIRMAN: Whom do you think the Mine Managers will represent in the Board?

SHRI K. THIRUVENGADAM: He would represent the owners.

MR. CHAIRMAN: If your suggestion is accepted, there would be nine representatives of the owners and don't you think that they would be in favour of the management?

SHRI K. THIRUVENGADAM: Sometimes the Manager feels that he is one among the employees also.

SHRI MONORANJAN ROY: Whether you can reconsider your suggestion for giving weightage to the management instead of giving weightage to labour?

SHRI K. THIRUVENGADAM: There would be eight representatives of labour. The suggestion with regard to one representative of the Mine Managers can be reconsidered.

[The witnesses then withdrew.]

V. Neyvelli Mines United Workers Union (AITUC) Church Road, Neyvelli-1.

Spokesmen:

1. Shri K. M. Sundaram—*President.*

2. Shri K. Kesavan—*Secretary.*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: You may kindly note that the evidence you give would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by you is to be treated as confidential. Even though you may desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament.

SHRI K. M. SUNDARAM: I am thankful to the Chairman and the Members of the Committee for having given us an opportunity to give our views so that the Act can be suitably amended in favour of the workmen in the mines but unfortunately we have not been given notice of the visit of the Committee. It has not even been published in the newspapers that the Committee is sitting in Madras.

MR. CHAIRMAN: The purpose of the Committee is known to all concerned. All the interests concerned have been informed about it and it is not the practice to inform individual unions about the visit of the Committee.

SHRI K. M. SUNDARAM: Trade unions connected with the mines are very few and I would have been thankful if the Unions had been directly informed about it.

MR. CHAIRMAN: Representative organisations should have informed you about the visit of the Committee but whatever you express now will be taken into consideration by the Committee.

SHRI K. M. SUNDARAM: I may not be able to do justice in suggesting amendments to the Bill because I have been able to get a copy of the Bill only just now. So I would be sending my written comment in greater detail to you within a week or 10 days.

According to the proposed section 12(e) and (g), four persons are to represent owners of mines nominated by the Central Government and two persons to represent the interests of Managers of Mines. All these representatives would represent the same interests, that is the interests of the owners of mines. This should be suitably amended.

Then to section 13 of the Act, the following new clause has been suggested:—

> '"(c) two persons to represent the interests of the persons employed in the mine of whom one shall be nominated by the owner, agent or manager of the mine concerned and the other shall be nominated by the Central Government in consulation with such organisations of persons employed in the mine as may be recognised for the purpose by the Government....' "

This is basically wrong and I oppose it. The employer should have no right to interfere with the nomination of labour. It is only the right of the trade unions. If there is no trade union, workers themselves can elect. So, also the Central Government should not nominate the representative of the workers. It is only the Central organisations formed on an All India basis which have got the right to represent them. The Government can fix the number of representatives and leave it to the Central

organisations to nominate their representatives. If there is no such organisation, it should be left to the workers themselves to elect their representatives. Otherwise, there would be room for unfair labour practices.

Then the following new section 22A is introduced:—

'"22A. Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with any such provision, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter...."'

When the employers err with regard to the safety provisions, there is no need for the Chief Inspector to give them notice as they are expected to know it and abide by it. So ignorance of law is no excuse. In the proposed Section 22-A when the employer errs, I think notice is not necessary. The employers have the highest-paid counsels who advise them. As if for ignorant people they need not be given notice at all. Further, the Chief Inspector may also extend the period of time given to comply with the safety provisions. This is giving full protection to the employers to violate the Rules. So, these things must be dropped.

MR. CHAIRMAN: I can understand that extension of time need not be given. But you say that no notice at all should be given.

SHRI K. M. SUNDARAM: Yes. When the prosecution comes up, they will be given another chance to defend. When the prosecution is launched, then notice will be given.

MR. CHAIRMAN: What is the idea behind giving notice?

SHRI K. M. SUNDARAM: Giving a fair opportunity to defend himself. That opportunity must be given only at the time of prosecution.

MR. CHAIRMAN: The prosecution should be started *suo motu.*

SHRI K. M. SUNDARAM: Yes, because employers are very well-equipped with the law and they want only violate the provisions.

MR. CHAIRMAN: Is there any danger of misusing the powers by the inspecting authority against the offence? Under this Act the employers may be Managers also or Superintendents in charge of sections.

SHRI K. M. SUNDARAM: Without casting any aspersion on the Enforcement Directorate, our experience has been, whether it is provident fund, or anything else, misuse of power has been always in favour of employers and not in favour of employees. In the case of employers of course I want to be guarded in casting aspersions.

MR. CHAIRMAN: We are discussing. This may be either way.

SHRI K. M. SUNDARAM: Our experience is not that. Misuse of powers has always been in favour of the employers. Therefore, it is I vehemently oppose extended time being given. When once he is guilty, where is the question of extending time? Why so much consideration is given to the employers? That is absolutely wrong.

Next, in this Amendment Bill, penal action has not been contemplated at all. Some penal action must be specifically provided.

MR. CHAIRMAN: You are going to send us a detailed Memorandum.

SHRI K. M. SUNDARAM: I will draw your attention to one particular point. In respect of Provident Fund,

the Government of India have decided that Courts must give imprisonment and it has been made mandatory. If the employers fail to pay thousands of rupees, they can get away with a simple fine of Rs. 100/-. Then, in that case, the prosecution becomes a protection to the employers. I will give more details in my memorandum.

SHRI K. S. CHAVDA: The witness has stated in his memorandum that theft should be abolished. What kind of thefts you contemplate? What kind of amendment you want to propose in the Act so that theft can be stopped?

SHRI R. N. SHARMA: I think the witness has ignored his memorandum and now he is dealing with the provisions of the Mines Act. Any question or clarification should be regarding the points made by the witness just now. The question is beside the point, beside the Mines Act.

SHRI K. S. CHAVDA: What kind of theft has taken place? I want to know what amendment the witness wants to suggest in the Act, so that theft cannot take place.

SHRI K. M. SUNDARAM: I want to have an opportunity to explain. You happen to be Members of Parliament and custodian of law and you give protection to the labourers in this country. My difficulty is, I do not know exactly this is a Select Committee.

MR. CHAIRMAN: Members are entitled to seek clarification on whatever you have given in writing and on whatever you have submitted here orally. It will be better if you submit to us a written Memorandum. That will be more authentic.

SHRI K. M. SUNDARAM: I will submit a detailed memorandum. I will take only a few minutes in clarifying the point raised by my friend here. Further down on Page 8. Clause 15, the words 'reportable injury or serious bodily injury' are sought to be substituted.

MR. CHAIRMAN: Are you now going to deal with the whole Bill Clause by Clause? As I said earlier, this Committee should have been in a better position to know your points previously, apply our minds and then ask questions also. Now if you discuss the Bill Clause by Clause, it will raise points to be clarified by the various hon. Members of the Committee. Therefore, I would suggest you to submit a detailed memorandum and that will definitely receive the attention of this Joint Committee. As regards the suggestion made by you in writing, my friend has asked a question on one of the points—Item No. 6....

SHRI R. N. SHARMA: None of those suggestions is relevant to the Mines Amendment Bill.

SHRI K. S. CHAVDA: In Item No. 6 the witness has stated that thefts should be abolished.

SHRI R. N. SHARMA: Mr. Chairman, the witness has made very valuable suggestions just now....

SHRI K. S. CHAVDA: He has given in writing some suggestions.

SHRI R. N. SHARMA: The Chairman has rightly invited him to submit a written memorandum. There is no question of asking for any clarification on his written suggestions just now.

SHRI K. S. CHAVDA: When the witness has submitted six points for the consideration of the meeting, have we not got the right to ask for a clarification regarding the submissions made by the witness?

MR. CHAIRMAN: Have you anything to say on Item No. 6, that is, thefts should be abolished.

SHRI K. M. SUNDARAM: As regards theft in the mines, this is the only public sector industry in the whole country incurring huge losses. In 1972 it has incurred a loss of Rs. 13 crores, roughly more a crore of rupees every month. According to our Union we have been very careful

because we are very much interested in this particular public sector undertaking working in Madras. According to us the losses are not due to trading results alone. If it is exactly trading results, according to us, there need not be any loss and to this tune of such a huge amount. One of the major points which has increased the loss is this. Theft of properties belonging to the Corporation has not been properly protected or guarded. Our Union has caught the thieves red-handed and when we take it to the notice of the authorities, they do not take any action at all. I can tell you, Mr. Chairman, recently theft properties are sold in some places. There are regular hawkers dealing with Neyveli Corporation properties. In a particular case we caught hold of a lorry. We took it to the police station and handed over the culprit to the Police.

MR. CHAIRMAN: What are the materials?

SHRI K. M. SUNDARAM: The materials are tubes, conveyor belts, steel scraps, spare parts and other things. It is going on regularly. Lorry full of materials are being taken away. We are very watchful about it. I can give you the lorry number and other details. I have not come prepared for that now. The Police Officer sent word to the Officers and they disown the articles. They say 'I do not know'. We ask the Officers. They say 'Why should I tell the identity and get myself involved'. They say 'I do not know, this is not my property'.

SHRI K. S. CHAVDA: What is your suggestion to stop this kind of thefts?

SHRI K. M. SUNDARAM: People must be honest and such Officers must be hauled up. Unless people are honest and patriotic and not inclined to let down the public sector undertaking, nothing can be done. I can think of only punishment, in whatever form it may be, I cannot say at the moment. But they must be seriously dealt with, they must be dismissed. I have not heard of any public sector undertaking other than the Neyveli Lignite Corporation where such thefts take place. Neyveli is the only such place. Cement bags, ever-silver plates, etc. intended for the Neyveli Lignite Corporation do not reach the Corporation. They are being distributed on the way itself.

MR. CHAIRMAN: Is there any marking on these materials?

SHRI K. M. SUNDARAM: Yes. South Arcot is a very remote place where there is no industry at all. There are markings to find out that it is the property of the Corporation.

SHRI DAMODAR PANDEY: You have asked for dust allowance. Will you be satisfied if the dust is suppressed?

SHRI K. M. SUNDARAM: Yes. I am not asking any allowance for allowance sake. If some device is found out to create a working condition in which dust will not be there, I won't ask for any allowance.

MR. CHAIRMAN: I think Mr. Sundaram will furnish his memorandum. We will consider it.

AN HON. MEMBER: The first question is about provident fund. Now, under the Mines Act, all the workers are compelled to pay provident fund.

MR. CHAIRMAN: Not under the Mines Act. Thank you Mr. Sundaram. You can send your memorandum to the Committee.

[The Committee then adjourned]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Thursday, the 1st February, 1973 at 09.30 hours in Committee Room, Rajasthan Vidhan Sabha Bhawan, Jaipur.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Khemchandbhai Chavda
5. Shri Anadi Charan Das
6. Shri K. G. Deshmukh
7. Shri C. D. Gautam
8. Shri Bhogendra Jha
9. Shri Boksi Nayak
10. Shri Prabhudas Patel
11. Shri Ramji Ram
12. Ch. Ram Prakash
13. Ch. Sadhu Ram
14. Shri T. Sohan Lal
15. Sardar Swaran Singh Sokhi
16. Shri T. V. Chandrashekharappa Veerabasappa
17. Shri G. P. Yadav

Rajya Sabha

18. Shri Monoranjan Roy
19. Shri B. K. Mahanti
20. Shri Sita Ram Singh
21. Shri Vinaykumar Ramlal Parashar
22. Shri Jagan Nath Bhardwaj
23. Shri Himmat Singh

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*
2. Shri H. B. Ghose—*Director General of Mines Safety.*
3. Shri M. Datta—*Director of Mines Safety (H.Q.), Dhanbad.*
4. Shri A. N. Sinha—*Joint Director of Mines Safety.*
5. Shri S. K. Mukherjee—*Deputy Director of Mines Safety.*

SECRETARIAT

Shri J. R. Kapur—*Under Secretary.*

WITNESSES EXAMINED

I. (a) *Federation of Mining Association of Rajasthan. Jaipur.*

Spokesmen:

1. Shri J. R. Taneja, *Vice-President.*
2. Shri A. S. Mathur, *Hony. General Secretary.*

(b) *Udaipur Mine Owners Association, Udaipur.*

Spokesman:

Shri J. R. Taneja, *Hony. Secretary*

II. *Bikaner Division Mining Association, Bikaner.*

Spokesmen:

1. Shri Gulab Chand Kochar, *President.*
2. Shri Amar Nath Chandna, *Hony. General Secretary.*

III. *Rajputana Mine Owners and Mineral Merchants Association, Ajmer.*

Spokesmen:

1. Shri E. C. Fram.i, *Member.*
2. Shri K. G. Maheshwari, *Member.*
3. Shri Motichand Golecha, *Member.*

IV. *Shri R. K. Bakliwal, Mining Consultant, 712, Daribapan, Jaipur.*

I. (a) *Federation of Mining Association of Rajasthan, Jaipur.*

Spokesmen:

1. Shri J. R. Taneja, *Vice-President.*
2. Shri A. S. Mathur, *Hony. General Secretary.*

(b) *Udaipur Mine Owners Association, Udaipur.*

Spokesman:

Shri J. R. Taneja, *Hony, Secretary.*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: Before we proceed with the business of the Committee, I request you to depose your evidence. I would like you to take a note that whatever you depose bebore this committee will be treated as public and is liable to be published. But if you still desire specifically that a part or whole of the evidence be treated as confidential, atleast it will be made available to the Members of Parliament. So with this observation, I would request you to introduce yourselves to the committee and if you want to add anything to the memorandum you have submitted, you can do so.

SHRI A. S. MATHUR: We have given explanations along with the amendments proposed. In the first amendment of section 2(1)(ii)(i) of the Principal Act, we have submitted that the words 'or a prospecting licence granted under Mines and Mineral (Regulations & Development) Act 1957' as amended in the Bill, may be deleted. In this case, our submission is that prospecting operations are of exploratory nature and no intensive mining is done during prospecting period and mineral is not raised for commercial purposes or for selling in the market. Since prospecting operations help in the development of industry, the inclusion of prospecting operations within the purview of the Mines Act may deter some persons to take a prospecting licence and it may slow down the progress of industry and exploration of minerals in future may not be done on a large scale because once this comes under the Mines Act, all the provisions will apply and then people will generally apply for a mining lease. Vast areas can be taken under prospecting licence while areas to be taken under lease are limited. The rates of rents for prospecting licence are less while those of mining lease are more. So it is economical to take a prospecting licence and work in that area to determine the mineral bearing zones and if there is any prospect for availability of minerals, then we will take mining lease. So this is the first step towards development of the mining industry. So our-submission is that this prospecting licence may be exempted from purview of the Minc Act.

SHRI J. R. TANEJA: I subscribe to his idea.

MR. CHAIRMAN: On page 1, you have mentioned that the period of mining leases and rent-cum-royalty leases for minor minerals varies from one year to five years. You know that this grant of lease is done by the State Government. Now what do you propose by mentioning this before the committee?

SHRI A. S. MATHUR: When the period of lease is less and the area of mining lease is also less, there is temptation for the lease-holder to extract maximum quantity during the lease period and in that lust for maximum return from that area, they may do some irregular thing So the lease periods may be more and the areas granted under the lease may be large. In such a case the lessee would be interested to invest in the development of that area to take all steps for the safety measures and that will be a very important step for the safety measures that the committee on Mines safety wishes to enforce.

MR. CHAIRMAN: Again in the same page, you have further stated that those who are small mine owners are actually self employed workers. Now do you seek to distinguish between self-employed workers *i.e.* small mine owners and others?

SHRI A. S. MATHUR: Most of the leases held by the mine owners in Rajasthan are small. The minerals worked by them are of low value and the annual turnover from these mines is also not much though they give their full time over the working of the mines. They themselves supervise the working in most cases. They go to the market to sell their minerals, they go for collection of the money and since the turnover is low and the

cost of the mineral is low and there is much competition in the market, say, for instance in quartz and falspar in Ajmer there are a large number of people working in those items and there was such a tough competition that every time they went to the market, the consumers tried to purchase at lower prices. If they are being sold at Rs. 10|- per ten then the consumers and industries try to purchase at Rs. 8|-, so there is lot of competition. When the supply is more and the demand is limited, naturally the period go down. In such conditions, the mine owners have to manage mines and it is not possible for these people to employ highly paid technicians or managerial staff. In Rajasthan more than 90% of the mines are being worked on a small scale. Most of the minerals are cheap. Our submission that they are self-employed workers means that they devote their full time. Their living depends upon that particular mining activity. They have no other source of income. Their income from this source is so low that they are not able to earn more than Rs. 250 or Rs. 300 a month and they run all the risk.

MR. CHAIRMAN: you want distinction to be made between small mine owners and big mine owners?

SHRI J. R. TANEJA: As you know, the industrial field ha been divided into 3 categories: Cottage industry, small scale industry and large scale industry. Similarly if the mining industry is also dealt with like it *i.e.* small scale mines, medium scale mines and large scale mines, then the first two categories will have some facility in regard to employment of these technicians and experts and Managers. Therefore, our submission is that the classification of mines may kindly be considered according to the industries as done in the industrial field.

MR. CHAIRMAN: Then again on page 2 of your Memorandum, you have given certain figures as to how the production is decreasing. You have suggested that if the proposed law is enacted, it will further help in decreasing the production of the small mines. So what is the idea behind this? Do you want that this law should not be enacted or do you want there should be some different law?

SHRI A. S. MATHUR: Since the mines which are being worked in this region are very small and if all the rules and regulations framed under these Acts are enforced, they cannot run the mines profitably and there is every danger that with the blanket application, many mines will not be economical to run. We do not say that safety measures should not be enforced, there must be safety laws, because life is precious but since the nature of workings, the number of persons employed is different in different cases, we have tried to impress on the committee that according to the nature of working, some laws may be enacted which may be applied to one type of working, another set of rules may be applied to the other. So taking into consideration number of workers and all these facts, some rules may be framed.

MR. CHAIRMAN: On page 4, you suggest that besides the Control Mining Board, there should be four mining zonal boards as well. How do you think that the constitution of these boards will, in any way, bring about any improvement in the Act or the working of the Act?

SHRI A. S. MATHUR: The Central Mining Board will have four representatives of the mine owners and it will be on all India basis. It will cover up all the ore mines and also your Public Undertaking mines. In such cases what exactly happens is that small scale units are not represented. They are neglected because the big Undertakings, big mines have a bigger voice and naturally the Government gives them better weightage. If zonal boards are formed, the small scale units will have representation on those boards and the zonal board

can also consider the local problems of that region. Central Board will not be able to go into the local difficulties or problems because it will be centralised. So if some zonal boards are formed, all the interests, *i.e.* of mine owners, of workers, etc., will be better represented and out of those zonal boards, the members for the Central board would be elected.

MR. CHAIRMAN: Page 5. Amendment of section 17 of the Principal Act. You have suggested that the words 'every mine shall be under a Sole Manager' may be deleted. Don't you think that if one Manager is entrusted with the management of more than one mine, it will be very difficult for him to manage and specially the supervision of safety rules and other working conditions may not be so effective as it is under the charge of one Manager?

SHRI A. S. MATHUR: We have tried to classify the mines according to the number of workers and the nature of working for small mines. We have already submitted that we are self-employed workers, so the owner himself takes lot of interest in mining. He looks after the management, but since he is a non-technical man, if a competent man under the Mines Act is appointed to look after that mine, he can give directions for the proper working of the mines to observe safety rules and it will be for the owner to implement all those directions of the Manager. We have also limited to two square miles *i.e.* it should be within a walking distance, he can go from one mine to another, so that it should be physically possible for the Manager. We have mentioned radius. This is just to give relief to the small scale units that we have made this suggestion.

Again for open-cast mines where risks are less, we have given the number of workers also and that of mines. In the third case, we have submitted that one man may be allowed to work as a Manager for open cast mines employing less than 50 workers. The idea behind is that those small mines which are not employing competent persons due to economic reasons or other reasons, they may get a chance to employ competent persons. It will be in the interest of the safety of the workers that we have given this classification of the mines. At present, according to the Metalliferous Mines Regulation, every mine has to employ a Manager, which is not practicable for most of the mines. There is also shortage of Competency Certificate holders.

MR. CHAIRMAN: Now on one thing more I would like to have your view and then my colleagues will like to seek some clarifications.

Now you want to have the clause regarding holding the mine-owners also responsible deleted. Now if the Manager has to carry out the instructions or advice of the owner why do you think because the Manager is in charge of the operation and is solely responsible and the owner is not responsible. Why do you think so?

SHRI A. S. MATHUR: Most of the owners, 99 per cent of the owners are non-technical persons, and when the Act provides for the employment of Competency Certificate holders, they know their jobs better and the owners has been deprived of issuing directives to these Managers. When the full responsibility has been given to the Manager and he is a competent person then the owner is absolved. We have not said that he is absolved from all the responsibilities. If he does not provide money to purchase equipments or adopt safety measures then the owner is liable, but for the technical mistake of the Manager the owner is not liable.

MR. CHAIRMAN: Then you suggest thereby that in matters of technical advice or instructions the owner's advice may not be accepted by the Manager.

SHRI A. S. MATHUR: The owner is not a technical person so he should not give him directions in such cases.

MR. CHAIRMAN: Let us be more clear on this point. If the owner is not technically qualified under the Act and he gives any instruction to the Manager, the Manager may not take his advice or instructions.

SHRI A. S. MATHUR: If it is against the safety measures.

MR. CHAIRMAN: Mr. Mathur, I want this point to be more clear. It is for the Manager as a technical expert and being a qualified person to decide what advice given by the owner is according to the rules and what advice is not according to the rules. Even if the suggestion of the owner is according to the rules but he is not technically qualified person, do you think the Manager is fully justified to ignore the instructions of the owner?

SHRI J. R. TANEJA: The Amending Bill has provided that the Manager is solely responsible.

MR. CHAIRMAN: I want to know your views on this subject.

SHRI J. R. TANEJA: We have agreed with this that the Manager should not abide by the owners' advice so far as it pertains to the safety measures, because the owner is not justified to issue instructions in this regard.

MR. CHAIRMAN: Alright.

SHRI CHAPALENDU BHATTACHARYYIA: Although it does come in major minerals and minor minerals so many things but what is this rent-*cum*-royalty?

SHRI A. S. MATHUR: There are mines of such minerals like building stones, Kankar, or this Murram, Bajri. These minerals are mostly used for construction purposes.

SHRI CHAPALENDU BHATTACHARYYIA: There are licences also.

SHRI A. S. MATHUR: There is permit.

SHRI CHAPALENDU BHATTACHARYYIA: Now you say that most of these mines, 90 per cent are small mines. When these Matalliferous Mines Regulations were extended to all these mines?

SHRI A. S. MATHUR: The Metalliferous Mines Regulations were enforced in 1961.

SHRI CHAPALENDU BHATTACHARYYIA: Can you supply us the figures of the mines which have closed down after the extension of these Metalliferous Mines Regulations in Rajasthan? If you can't give it just now, you can send them tomorrow.

SHRI A. S. MATHUR: I will have to collect the datas.

SHRI CHAPALENDU BHATTACHARYYIA: You have no idea of it. Is this in your knowledge that some mines have been closed after the enforcement of these Regulations?

SHRI A. S. MATHUR: Pertially they work and partially they don't work due to the enforcement of these Regulations.

SHRI CHAPALENDU BHATTACHARYYIA: You spoke about the growth rate. Can you give us the figures of increase or decrease in the output of minerals after the extension of the Metalliferous Mines Regulations?

SHRI A. S. MATHUR: As in all trades and industries when the demand is much more and more industries are coming up, so is the case in the mines. We cannot say exactly but 200 persons were working in 1961.

SHRI CHAPALENDU BHATTACHARYYIA: This is not my question. Supposing the output of mica was x in 1960. After making these Metalliferous Mines Regulations what is the output? Have it increased or decreased?

SHRI A. S. MATHUR: It depends upon the number of units that are being worked out. If the number is static. . .

SHRI CHAPALENDU BHATTACHARYYIA: We want to know actually the number of mines increased or decreased. What is the percentage? Have you got the figures?

SHRI A. S. MATHUR: The number of units has increased.

SHRI CHAPALENDU BHATTACHARYYIA: I suggest you that the production of mica has gone down during the last 3 years, not only in Rajasthan but in Bihar and Nellore.

SHRI A. S. MATHUR: It has gone down for some other reasons.

SHRI CHAPALENDU BHATTACHARYYIA: You suggest that prospecting should be kept out of the purview of these Metalliferous Mines Regulations. Can you agree that the prospecting of some of these minerals cannot be done on advanced geo-physical and geo-chemical methods or has to be done on some controlled basis.

SHRI A. S. MATHUR: In this connection we have also submitted that we do not seek exemption for the prospecting done in the oil fields.

SHRI CHAPALENDU BHATTACHARYYIA: Prospecting should go out of the purview. By that do you mean to suggest that as the prospecting has to be done on trial basis or for search therefore the prospecting should be kept out of its purview?

SHRI A. S. MATHUR: Yes, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: You have made some plea for quarry working. You have suggested that all mines should be exempted from the provisions of Mines Act and have quoted Metalliferous Mines Regulations, "Provided that where the ore-body consists of comparatively hard and compact rock, the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the height of the bench to be increased upto 7.5 metres while its width is not less than six metres." So actually you want to co-relate these changes and amendments with the nature of minerals worked and also to the extent of mine?

SHRI A. S. MATHUR: Yes, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: Agreed.

SHRI A. S. MATHUR AND SHRI J. R. TANEJA: Agreed.

SHRI CHAPALENDU BHATTACHARYYIA: You are thinking that there are no hazards.

SHRI A. S. MATHUR: There are very few mines which have come to that level. There are quarries where the work is being carried at the depth of 10 or 15 feet. There is no question of hazards.

SHRI CHAPALENDU BHATTACHARYYIA: What has been the case in a recent accident in a Bajri mine. There has been damage in the quarry work and elementary regulations are not observed and elementary safety measures are not provided. What do you suggest for it where elementary safety measures are not provided.

SHRI A. S. MATHUR: We have also submitted that where deep working is going on they have to be taken. We are working as open-cast and depth does not extend in certain cases more than 10 to 15 metres according to the nature of rock. Then these have to be exempted. Some minerals like lime, chalk, muram, Kankar only are exempted. We want all minerals should be exempted. Why chalk, marl have been exempted and why the building minerals, quartz., calicite are not exempted when they occur in the hard and compact rocks.

SHRI CHAPALENDU BHATTACHARYYIA: If the mining methods

be the same the same line of safety should apply.

SHRI A. S. MATHUR: All the minerals should be exempted to a certain extent as they have exempted chalk etc.

SHRI CHAPALENDU BHATTACHARYYIA: As regards Mineral Board your suggestion is that Zonal Boards will make greater enforcements of the safety measures than the one centralised Board.

SHRI A. S. MATHUR: It will naturally be for the enforcement of safety laws. If Zonal Boards are formed particular minerals will be taken into consideration and they can suggest about the rules and regulations.

SHRI CHAPALENDU BHATTACHARYYIA: At page 5 of your memorandum I see you have co-related the requirements of mining expertise with the area of minerals and number of men in employment. You think that this co-relation will meet the requirement of the safety.

SHRI A. S. MATHUR: Certainly, Sir.

SHRI CHAPALENDU BHATTACHARYYIA: Different regulations will not hamper the output of these minerals.

SHRI A. S. MATHUR: When the mine-owners cannot afford to get highly paid manager then they simply employ mate. It is better to have one mate than not to have any competent man.

SHRI CHAPALENDU BHATTACHARYYIA: My final question is that you have suggested that the owner should be absolved of the section if the discretion and powers for observance of safety laws be solely given to the Manager.

SHRI A. S. MATHUR: Agreed Sir.

SHRI CHAPALENDU BHATTACHARYYIA: But the owner will not be absolved for the financial responsibility. You agree?

SHRI A. S. MATHUR: We agree.

SHRI MONORANJAN ROY: Mr. Mathur, you wanted an amendment of Section 2 regarding prospecting licence.

SHRI A. S. MATHUR: Generally, Sir, the prospecting work is not done in a very intensive way to recover the minerals. This is just a trial or search for the mineral. They dig out some samples and send it for analysis to find out the quality of the mineral. They make small pits here and there to find out whether the mineral which is found at a distance of 50 feet is available at the distance of 100 feet also. Generally trial pits are not deep or extensive. They are set up at different levels to find out whether the mineral is extended from this zone to that zone.

SHRI MONORANJAN ROY: Regarding prospecting of the oil there are different type of safety measures.

SHRI A. S. MATHUR: We have not touched this subject because in Rajasthan the oil is not being explored or prospected by private agency. Why should we plead for oil when we have no experience of this. We have pleaded for our case only.

SHRI MONORANJAN ROY: You have mentioned about it.

SHRI A. S. MATHUR: We have not sought exemption for oil.

SHRI J. R. TANEJA: We have reproduced the amendment.

SHRI MONORANJAN ROY: There is no chance of hazards and having safety meansures during the prospecting period.

SHRI A. S. MATHUR: We have not sought exemption for oil.

SHRI J. R. TANEJA: We have reproduced the amendment.

SHRI MONORANJAN ROY: There is no chance of hazards so the safety measures are not required during the prospecting period.

SHRI J. R. TANEJA: There is no lust or greed during the prospecting licence. Under the M.C.R. the prospector cannot extract material for commercial purpose. So there is already a check on it.

SHRI A. S. MATHUR: The State Government has to watch everything. They have the staff to watch. They themselves don't allow otherwise because it is the question of payment of royalty.

SHRI MONORANJAN ROY: You mentioned about the cottage and small scale industries, now do you think that in the Act regarding safety measures of the industrial units there is any difference between the small scale, medium or large scale safety measures? Some sort of measures should be taken. And those measures of safety are to be observed in the small, medium and large scale factories.

SHRI J. R. TANEJA: Factory Act applies to all.

SHRI MONORANJAN ROY: What is the number prescribed?

SHRI J. R. TANEJA: It is 20. Less than 20 Sir.

SHRI MONORANJAN ROY: Even if five persons are employed in a small scale factory, it is run by energy and there too it applies.

SHRI J. R. TANEJA: In the factory Act safety measures have been differentiated by belt etc. and the coverings of all the machines also differ.

SHRI MONORANJAN ROY: Machines also differ from.....

SHRI J. R. TANEJA: We also want the same difference in the small scale and medium and large scale factories. In large scale industries there are more chances of accidents. I have been on the management here for the last twenty years but I have not seen any such accident. In the open-cast mining the rate of accident is much less.

SHRI MONORANJAN ROY: That is true. But do you want any special Act for the small mines and others.

SHRI J. R. TANEJA: In the memorandum, we have already said Sir, We want some relaxation in this Act.

SHRI MONORANJAN ROY: Accidents occur. But here you want certain relaxation so far as the small mines are concerned.

SHRI J. R. TANEJA: We are taking lots of measures and still accidents take place on the road, Sir.

SHRI MONORANJAN ROY: My last question is—in your memorandum regarding punishment you have stated, there will be imprisonment—Do you want that it should be deleted?

SHRI J. R. TANEJA: No Sir. Under the Act it is punishable with imprisonment for a term which may extend to two years and shall also be liable to fine which may extend to five thousand rupees. This is stringent and heavy punishment. The discretion of imposing punishment should be left to the Judiciary. We don't want acquittal but this should be left to the courts to impose any fine.

SHRI MONORANJAN ROY: You are more worried about the Judiciary.

SHRI J. R. TANEJA: No Sir. We are quite sure about the judiciary. But this should be left to them.

SHRI MONORANJAN: ROY: In most of the cases maximum punishment can not be given. The judiciary will have to go into the merits of the case when the judiciary has been given powers. But why do you want a certain relaxation?

SHRI J. R. TANEJA: Experience shows that this minimum fine will become prevalent and the judiciary will not take into consideration the other facts and the merits of the case.

SHRI MONORANJAN ROY: That is why this amendment has been suggested. There are a large number of mines which are investing crores of rupees and in those cases this amendment is particularly to see that the managers act according to their own technical knowledge and not at the instance of the owner.

SHRI A. S. MATHUR: This amendment will be very hard for the persons working in the small industries.

SHRI MONORANJAN ROY: This does not matter.

SHRI A. S. MATHUR: We never say that the life should be lost. But if a minimum punishment is prescribed in the Act, that will be imposed and they will not go into other details whether lesser fine could be imposed.

MR. CHAIRMAN: It is in continuation of this question that I wanted to ask one more thing that why at all you are opposed to fixing up of a minimum fine? Some minimum should be fixed otherwise don't you think sometimes it may be over and above the minimum even? So don't you think that some minimum is necessary?

SHRI A. S. MATHUR: If an offence is of a grave nature maximum should be imposed but . . .

MR. CHAIRMAN: In the absence of the minimum, minimum can be anything. So don't you think that some figures should be given as minimum? In the absence of any minimum in figures being laid down it can be anything. You have yourself stated that they take all the circumstances, all the facts and all the aspects of the case into account and then they come to the conclusion but suppose if they come to a conclusion that the minimum is more than two thousand rupees, then?

SHRI A. S. MATHUR: Minimum does not bar the court in this case also.

MR. CHAIRMAN: But they can do it more.

SHRI A. S. MATHUR: Still they can do it.

MR. CHAIRMAN: Suppose there is no minimum laid down in case of fine or punishment then don't you think that it will be absolutely on the discretion of the Court to decide and it can impose even more than the minimum.

SHRI J. R. TANEJA: The discretion to impose on a lesser point may also be taken. Maximum being five thousand and minimum being two thousand is much....

MR. CHAIRMAN: I think the suggestion should have been different.

SHRI J. R. TENEJA: At least this minimum should be brought to the minimum level so that the court may do justice.

MR. CHAIRMAN: If you keep a minimum what may be your suggestion?

SHRI J. R. TANEJA: That is for the Law-makers, Sir.

SHRI JAGAN NATH BHARDWAJ: You have suggested that the owner should not be held responsible. Indirectly it will have a financial bearing on the owner. So why the owner should shirk the responsibility?

SHRI A. S. MATHUR: You have delegated powers to the managers and you have already prescribed in the amendment that the owner is debarred to give directions about the working of the mines. So these two things go contrary to each other.

SHRI JAGAN NATH BHARDWAJ: Can the owner take disciplinary action against the Manager who does not work?

SHRI A. S. MATHUR: If he continues to defy, the owner can serve notice and he may appoint another person.

SHRI JAGAN NATH BHARDWAJ: If there is a clever owner and he gives undesirable instructions to the Manager, how can the poor manager be kept at the mercy of the owner?

SHRI A. S. MATHUR: There is always demand for good persons. A good person has no difficulty. It is the owner who runs after good persons.

MR. CHAIRMAN: Kindly seek clarification. Do not express your views.

SHRI JAGAN NATH BHARDWAJ: It appears, you are indirectly arguing in a way which is not convincing. You are trying to shirk responsibility of the owner in the running of the mine.

Mr. CHAIRMAN: Kindly seek clarification. Do not express your views.

SHRI JAGAN NATH BHARADWAJ: Do you think that you are not shirking responsibility in this way?

SHRI J. R. TANEJA: We only submit that since in the definition, it has been written that the owner is no more superior to the Mine Manager, therefore, we are also equally made responsible. It will give relaxation to them in their responsibility. The law gives them responsibility, which is good; but we should not be made equally responsible when we have proved to the law that we have done everything to the satisfaction of the Manager.

SHRI JAGAN NATH BHARDWAJ: In the Regional Board you seek representation. You say that representation will be helpful. But don't you think that if your Federation is strong and working properly, it can serve the purpose of the Board?

SHRI A. S. MATHUR: Boards have certain powers. When they are constituted under an Act, their recommendations are generally accepted. We may submit anything, but it is not necessary for the Board to consider it, while zonal boards' recommendations become obligatory for the Central Board to consider. It will have more weight.

SHRI JAGAN NATH BHARDWAJ: But I think your federation has more weight if it is strong. When the law is stronger than these things, why don't you trust the law?

SHRI J. R. TANEJA: Your attention is invited to the fact that you are transferring powers from the State Government to the Central Board to make rules and regulations under the Act, it will not be possible to give representation to each zone. We have, therefore, submitted that there should be four zones. They should know their problems mineral to mineral, zone to zone and when their representatives are on the Central Board, they can express views.

AN HON. MEMBER: I have heard you on philosophy behind the idea to provide maximum safety. If you have to provide maximum safety, there are certain deterrents which will ensure maximum safety. Here deterrents are punishment and responsibility of the Manager. On one hand, you say that the Manager should not be solely responsible or Manager should not act in a manner which would deprive the owner to exercise his discretion in a certain manner in regard to the operation of the mine. Now if you want the Manager not to have that sole responsibility, if you want the owner to share that responsibility, why don't you in the same way also concur with the idea of sharing punishment with the Manager?

SHRI A. S. MATHUR: For working of a mine, even a Manager is a

qualified man. He holds a competency certificate and we have to depend upon the ways of working of the Manager on the mine.

AN HON. MEMBER: If you do not want the Manager to be solely responsible in the matter of punishment, the owner will share it.

SHRI A. S. MATHUR: We have submited that for financial responsibility, owners are responsible, for the proper working of the mine, Managers are responsible.

AN HON. MEMBER: We are concerned with the question of maximum safety. You say, life is precious. If that is so, then philosophy of sharing the responsibility can also extend to the sharing of punishment.

SHRI J. R. TANEJA: Law has given a free hand to the Manager to adopt all measures of safety. The owner is not present. If something has gone wrong, why the owner should be held equally responsible?

AN HON. MEMBER: You want the Manager to be circumscribed by overall authority?

MR. CHAIRMAN: They want financial responsibility.

AN HON. MEMBER: You are probably aware that in Rajasthan alone during the last year, there had been 50 or more accidents. That number is very big and, therefore, unless deterrent punishment is given, it would not improve matters. In my view, there should be no question of minimum punishment, but there should be maximum punishment.

SHRI J. R. TANEJA: That is why we have requested you that minimum should be deleted and maximum should be left to the court.

AN HON. MEMBER: Mr. Roy has already told you his experience in the past.

SHRI J. R. TANEJA: Would you not agree with me that the executive should leave it to judiciary to deal with the offenders?

SHRI BHOGENDRA JHA: His argument leads to zonal board. In zones also, bigger mines will dominate.

SHRI J. R. TANEJA: That is why we should have representation on that particular Board, so that we can say what are difficulties zone to zone.

SHRI A. S. MATHUR: Everywhere big interests are dominating and we want proper representation and when only four persons from the owners represent Central Board....

SHRI BHOGENDRA JHA: With regard to punishment, the point of the Federation seems logical in adding to the provisions of the bill that the manager should be entirely responsible. They are insisting upon the word 'minimum' taking into consideration the general pattern of penal system. In that case and taking into account the fact also that the Manager will be mainly responsible....

MR. CHAIRMAN: The Manager will be solely responsible regarding safety measures.

SHRI BHOGENDRA JHA: Owners do not agree to that. With regard to financial implication of safety measures, management will give. With regard to safety also, when some financial investment is required, management will come in.

SHRI J. R. TANEJA: The Safety Department can investigate the matter that in this case, the owner has done everything to provide equipment to the Manager and, therefore, his name is deleted from the prosecution.

SHRI BHOGENDRA JHA: In such a case, when there is fine, the management will have to pay, when there is imprisonment, Manager will have to face it. So whether their purpose will be served and if the term 'minimum' is deleted along with another

word 'or', for example the sentence bears a fine of Rs. 5,000 will it satisfy you? If the minimum is also deleted, 'and' will remain. Fine and Imprisonment both. Fine for the management and imprisonment for the manager. If the 'minimum' and 'or' is deleted, would it satisfy you?

SHRI J R. TANEJA: It will create terror among the mine owners and nobody will enter this field.

SHRI A. S. MATHUR: That man is finished for life if he is imprisoned even for a day.

SHRI BHOGENDRA JHA: One thing I want to know what is the number of non-licensed or illegal quarries in Rajasthan and whether they will suggest any method through which this can be eliminated so that who are abiding by the law are not penalised and those who do not abide by law are rewarded.

SHRI A. S. MATHUR: When the lease is granted they send copy of the lease to the Mining Department of State Government.

SHRI BHOGENDRA JHA: I ask for the unlicensed quarries.

SHRI A. S. MATHUR: This is for the State Government to keep a strict watch because they collect the royalty. Even for Bajri which is taken from river bank they collect the royalty. They have got their own staff to keep a watch over the illegal activities.

SHRI BHOGENDRA JHA: According to you all the mines are completely licensed.

SHRI A. S. MATHUR: We do not say that they are absent, but they are controlled to the maximum possible limit. If somebody starts working without licence, the staff of the State Government Mines Department checks it. They keep a strict watch as they collect the royalty.

SHRI J. R. TENEJA: Now you have the rules that the product of the mines cannot be transported without a permit granted by the Department of Mines. Even if a truck is found with the goods quarried under licence but if it has got no permit of the Mines Department, it is not allowed to move.

SHRI CHAPLENDU BHATTACHARYYA: No further local fees are required for it.

SHRI A. S. MATHUR: The is strict watch.

SHRI B. K. MAHANTI: May I ask one question? In prospecting period you say the goods are excavated in smaller quantity, but if larger quantity is taken out, what is the check?

SHRI J. R. TANEJA: In prospecting licence you cannot make a pit beyond certain limit.

SHRI B. K. MAHANTI: You do prospecting because you want to acquire the mine or the quarry.

SHRI A. S. MATHUR: We do the prospecting with an idea whether we should apply for minining lease or not. . .

SHRI J. R. TANEJA: It is not extraction of minerals but it is only the search.

SHRI B. K. MAHANTI: Whether there are any hazards in such pits?

SHRI J. R. TANEJA: Hazard is not involved in it because the depth is limited. They give only the prospecting licence to go in search of a mineral. This is only for a short period. No prospector utilises the period more than a year. Within 3-4 months they come to a decision.

SHRI B. K. MAHANTI: I am considering about hazards.

SHRI A. S. MATHUR: It would not create any hazard.

SHRI C. D. GAUTAM: प्रास्पेक्टिंग लाइसेंस में भी कुछ कुछ मिनरल हैं जिसके लिए गहरा

गडढ़ा बनाया जाता है। उसको आप एक्जेम्प्ट कराना चाहेंगे जब कि उसमें एक्मीडेंट का रिस्क होता है। मैं मेजर मिनरल के लिए कह रहा हूं, उसके लिए चालीस पचास फीट अन्दर जाना पड़ता है ।

श्री माथुर : प्रास्पेक्टिंग लाइसेंस में मिनरल देखते हैं उसके लिए चालीस पचास फीट अन्दर नहीं जाना पड़ता है । सेफ्टी डिपार्टमेंट के लोग यहां बैठे हैं वह बताये कि क्या राजस्थान में ऐसा एक्मीडेंट नोटिस में आया । मेरे ख्याल में प्रास्पेक्टिग लाइसेंस में एक्मीडेंट हुआ हो—ऐसा नहीं आया है ।

श्री गौतम : डेप्थ स्पेसिफाइड नहीं है। अगर किसी प्रास्पेटिंक्ग लाइसेंस में पचास फीट नीचे गये तो उसमें रिस्क रहता है ।

श्री माथुर : पचास फीट प्रास्पेक्टिंग लाइसेंस में अलाऊ नहीं है ।

श्री गौतम : पचास नहीं, बीस फीट गहरा गडढ़ा हो तो उस में भी रिस्क हो सकता है। ऐसी बात सामने आये तो उसके लिए क्या प्राविजन नहीं होना चाहिये ।

श्री माथुर : उसके लिए प्रावीजन कर दिया जाए ।In such cases if it is desired it can be done but not in all cases. This is our submission.

SHRI K. G. DESHMUKH: Mr. Mathur, you have said something about Zonal Boards instead of one Central Board. So the Zonal Boards should be according to zones or according to minor, medium or major mineral whatever it may be. In that case what will be the co-ordination in the Boards? What is your idea?

SHRI A. S. MATHUR: Two, three or four Zonal Boards are appointed. Then these Zonal Boards will send their recommendations to the Central Board.

SHRI K. G. DESHMUKH: So Central Board should be there. What would be the status of the Zonal Board?

SHRI J. R. TANEJA: They are represented on that Board.

SHRI K. G. DESHMUKH: Then there is no sense in having a Board. It is only an advisory board and nothing more.

SHRI J. R. TANEJA: This is said that there should be one Central Board.

SHRI K. G. DESHMUKH: What is your idea either Independent Zonal Boards or there should be one Central Board having branches like that? Why you have said Zonal Board. All India Board will appoint 3 or 4 Zonal Boards then you will be satisfied?

SHRI A. S. MATHUR: Zonal or Regional Boards.

SHRI K. G. DESHMUKH: One thing about Mate. You have said that in Small mines the Mate should be given power to act as Manager. How it can be because there is prescribed certain qualification for a Manager while the mate is a layman.

SHRI A. S. MATHUR: He is also granted Competency Certificate.

SHRI K. G. DESHMUKH: By?

SHRI A. S. MATHUR: By Safety Department. No body can appoint a mate unless the candidate holds the Competency Certificate.

SHRI K. G. DESHMUKH: Is there any qualification prescribed?

SHRI J. R. TANEJA: Yes, Sir. The idea of the suggestion is that where the mines are personally controlled by self-employed owners and when the mate is qualified one, the mate can hold the charge of the Manager.

SHRI K. G. DESHMUKH: In that case a Manager appointed in a small

mine his qualification should be separate. He should not be a man of high qualification. Why you say Mate.

SHRI J. R. TANEJA: We have said Mate because it is compulsory to have a Mate in a mine, and if for more than one mine there is Manager, he can give instructions to Mate that do this or that and the Manager can go upto the radious of 2 miles.

SHRI A. S. MATHUR: We have specified the number of workers. We have not said that the Mate is employed for a big mine to act as a Manager.

SHRI K. G. DESHMUKH: My point is that instead of saying that the Mate should be given permission to act as a Manager why not have a Manager with lesser qualification?

SHRI J. R. TANEJA: It comes to the same.

SHRI K. S. CHAVDA: Mr. Mathur has said about Rules and Regulations. He has said that there should be separate rules and regulations for bigger, small and medium size mines. Mr. Mathur, you have divided the Metalliferous mines into 4 categories. So you want four sets of rules and regulations for all the categories. Will it satisfy you if there is a separate legislation for open cast mine?

SHRI A. S. MATHUR: There may be separate legislation or some rules and regulations may be incorporated in the existing bill regarding the requirements of the working of open mines. According to the statutory provisions there is a Manager, a foreman and mate which are employed for the safety of the mine. According to law it has to be provided but this is not mentioned that persons of such and such prescribed qualifications will be acceptable to the Safety Department. It will serve two purposes. The owner will not be burdened unnecessarily. Secondly there is a person who knows the safety laws, who is conscious of safety laws. He is managing the mine and he will certainly implement the safety measures. It will be in the interest of the industry and of the Government also that some competent person of a lesser qualification it may be mate's qualification or foreman's qualification is there in the mine whatever be the number of workers or nature of the mine. It is in the better interest of the industry also. The main idea is that safety measures should be regulated by somebody who knows them, but overhead expenses should not be so heavy over the mine-owners that they may not employ them. Instead of not employment, we should be able to employ some person so that safety measures can be implemented.

MR. CHAIRMAN: Mr. Mathur, I would like to clarify this point further. Do you want that the same standard of safety measures to be adopted in a small mine and a big mine or do you want that there should be variation in that or it should be of a different kind.

SHRI A. S. MATHUR: There are mines which employ big machinery, heavy machineries. There are so many regulations which have to be implemented there. There are some mines which do not employ any machinery, so there may not be the same regulations for big mines and for small mines.

MR. CHAIRMAN: You want different sets of safety measures so that the mines who are not employing big and heavy machinery they are not forced to implement the same regulations.

SHRI K. S. CHAVDA: Then you have given the figures of growth rate between 1955-56, 1968—70 and 1970—72, which has gone down. So you mean to say that it is due to setting up of regulations which have hampered the progress.

SHRI A. S. MATHUR: We have to be very prompt in action.

SHRI K. S. CHAVDA: You have mentioned that there has been a decrease in production.

SHRI A. S. MATHUR: It is a general trend in the country.

MR. CHAIRMAN: Thank you very much.

[*The witnesses then withdrew.*]

II. **Bikaner Division Mining Association, Bikaner.**

Spokesmen:

1. Shri Gulab Chand Kochar, *President.*
2. Shri Amar Nath Chandna, *Hon. General Secretary.*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: Before you proceed with your evidence before the committee, I would like you to know that whatever you depose before the Committee that is likely to be treated as public and also may be published. But even if you desire that either a part of your evidence or the whole should be kept confidential, still you should know that it will be made available to the members of Parliament.

With this observation I will request you to introduce yourself before the Committee and make your observations regarding this Amendment Bill.

श्री अमर नाथ : हम बीकानेर डिवीजन माइनिंग एसोसियेशन को रिप्रेजेंट करते हैं। मेरा नाम अमरनाथ है, मैं इस एसोसियेशन का आनरेरी जनरल सेक्रेटरी हूं। हमारी यह एसोसिएशन रजिस्टर्ड है। बीकानेर में छोटी छोटी माइन्स हैं, व्वाइट क्ले आदि की, उसका हम लोग धन्धा करते हैं।

सभापति महोदय : आपने जो मेमोरेन्डम कमेटी के सामने पेश किया है एसोसिएशन की तरफ से, उसके अलावा कुछ कहना हो या उसके सम्बन्ध में कुछ स्पष्टीकरण करना हो तो आप कर सकते हैं।

श्री अमर नाथ : यह मेमोरेन्डम जो कमेटी के सामने पेश किया है उसके अलावा कुछ और करना है। एक तो यह है कि जो सेक्शन 2 अर्ज है, इसका सब क्लाज जो है उस में माइन की तरह प्रास्पेक्टिंग लाइसेंस को भी मान लिया गया है और प्रास्पेक्टिंग लाइसेंस पर इस पूरे कानून को लागू किया गया है। इसके सम्बन्ध में मेरी एसोसियेशन की ओर से अर्ज है कि प्रास्पेक्टिंग लाइसेंस केवल एक वर्ष के लिए होता है। इसमें कुछ फीट खोद कर यह देखते हैं कि इस एरिया में मिनरल है या नहीं। उसमें अगर मिनरल निकलता भी है तो उसकी बड़ी थोड़ी क्वान्टिटी होती है। इस एक के द्वारा प्रास्पेक्टिंग लाइसेंस को भी माइन मान लिया जायगा तो प्रास्पेक्टिंग लाइसेंस लेने पर भी ज्यादा पाबन्दी हो जायगी। इससे मिनरल ढूंढने पर भी पावन्दी लग जायगी और इससे मिनरल ढूंढ़ने की प्रवत्ति है वह भी रुक जायगी। इसलिए हमारे विचार में यह क्लाज उचित नहीं रहेगा। मेरी अर्ज है, इस सब क्लाज में यह एड कर दिया जाय, एक्सक्लूडिंग प्रास्पेक्टिंग लाइसेंस।

जो मेमोरेन्डम दिया है उसके सिलसिले में अर्ज है। प्रिन्सिपल एक्ट में जो धाराएं हैं वह तो तमाम ही माइन्स पर लागू हैं लेकिन कुछ धाराओं को छोड़ कर बाकी धाराओं से कुछ मिनरल्स को एक्जेम्प्ट कर दिया गया है। अभी तक प्राविजन है कि 6 मीटर से ज्यादा गहरी नहीं हो, जमीन के अन्दर धन्सी हुई नहीं हो और उसमें एक्सप्लोजिव यूज नहीं होते हों। साथ ही आठ दस मिनरल ऐसी हैं जिनको कुछ धाराओं से एक्जेम्प्शन मिला है। मेरी अर्ज यह है कि कुछ मिनरल को माफ करते हैं और कुछ को नहीं तो यह ठीक नहीं है।

अगर छोटी माईन ऐसी है जिसमें पचास वर्कर काम करते हैं, छः फीट से गहरी नहीं है, जमीन के अन्दर नहीं धंसती है, एक्सप्लोजीव यूज नहीं होते हैं तो वह किसी भी मिनरल की हो, क्योंकि उसमें खतरा नहीं है, इसलिये उसको इस कानून की धाराओं के लागू होने से माफ कर दिया जाय ।

सभापति महोदय : आप बिल्कुल माफी चाहते हैं या दूसरे तरह का कानून उन पर लागू करना चाहते हैं।

श्री अमरनाथ : जो बहुत छोटी माइन्स हैं जिन्हें प्रिसिपिल एक्ट में माफ कर रखा है, उनमें इसके द्वारा तीन मिनरल और जोड़ रहे हैं, स्लेट, मार्ल और चाक जब यह मिनरल के बाद मिनरल इसमें जोड़ते हैं तो इसका नतीजा यह होगा कि डिपार्टमेंट की अगर मर्जी होगी तो वह किसी को माफ कर देगा, मर्जी नहीं होगी तो नहीं करेगा । इससे बात बनेगी नहीं । इसलिये इसमें स्पसिफाइड हो कि कौनसी भाइन माफ होगी । वह माइन माफ होगी जिस पर पचास से ज्यादा वर्कर नहीं हों, जो छः फीट से ज्यादा गहरी नहीं हो....

सभापति महोदय : उन पर कौनसा कानून लागू कराना चाहते हैं ? या कोई कानून लागू कराना नहीं चाहते हैं ?

श्री अमरनाथ : इसमें कुछ धाराओं से कुछ मिनरल को एक्जम्प्ट कर रखा है, सारे एक्ट से एक्जम्प्टेड नहीं है, मेरी अर्ज है कि एक्जम्प्शन का यह क्राइटेरिया नहीं होना चाहिए । यह अमेंडमेंट हो कि किसी भी तरह की माइन्स हों, जिसमें पचास वर्कर हों, बीस फीट से गहरी नहीं हो, जमीन में धंसी नहीं हो, एक्सप्लोजिव यूज नहीं होते हों--उन सबको माफ कर दिया जाय । इसमें मिनरल को स्पेसिफाई नहीं किया जाये । आल माइन्स हो जायें ।

सभापति महोदय : आगे चलिये ।

श्री अमरनाथ : धारा 12 है । इसके अन्तर्गत माईनिंग बोर्ड बनेंगा इसमें सारे भारत वर्ष के चार आदमी होंगे जो माइन ओनर्स को रिप्रजेन्ट करेंगे, चार आदमी होंगे जो माइन्स में काम करने वालों को रिप्रेजेन्ट करेंगे । मेरा निवेदन है कि चार जोनल बोर्ड बन जाये और फिर सेन्ट्रल बोर्ड बने तो माइन ओनर्स के लिये ज्यादा उपयुक्त होगा । यह उचित नहीं है कि सेन्ट्रल बोर्ड बने उसमें चार रिप्रेजेंटेटिव माइन ओनर के हों । यह हो सकता है कि वह चार रिप्रजेंटेटिव बड़े माइन ओनर के हों जब कि छोटे माइन ओनर को रिप्रेजेटेंशन मिलना चाहिए ।

सभापति महोदय : मैनेजर के नामिनेशन का प्राविजन है उसके बार में क्या विचार है ?

श्री अमरनाथ : अच्छी बात है । मैनेजर का नामिनेशन हो तो अच्छी बात है । डेमोक्रेसी में उनको चांस मिलना चाहिए ।

सभापति महोदय : क्या ऐसा नहीं हो सकता कि जो मेनेजर लोग जब जायेंगे वे आम तौर पर मालिकों के इन्ट्रेस्ट को वाच नहीं करें ?

श्री अमरनाथ : मालिकों के हित को लेकर ही वह वहां जायेंगे । वैसे इसमें एक अमेंडमेंट आ रहा है, वह आगे जायेगा । उसमें कहा है कि मालिक मैनेजर को हिदायत नहीं दे सकता । मैनेजर को यह अमेंडमेंट होने के बाद इतनी हाई पावर मिल जाती है कि माइन ओनर उसको कोई हिदायत नहीं दे सकता, वह जिसकी नौकरी में है, वह उसे निकाल नहीं सकता ।

एक माननीय सदस्य : एक मैनेजर को माइन ओनर रख सकता है तो वह उसको हटा भी सकता है ।

श्री अमरनाथ : इस बेसिस पर नहीं हटा सकते कि उसने कहना नहीं माना । मान

लीजिए, कोई गड्ढ़ा है उसके लिए कहें कि उसको बड़ा बनाना चाहिए तो वह कह सकता है इतना ही जरूरी है। इस बिना पर नहीं हटा सकते। ओनर डाइरेक्शन नहीं दे सकता है। कानून की इन्टेन्शन यह है। मेरा निवेदन है कि माइन्स मैनेजर को कहने का अधिकार तो रखें। इसलिए इसमें ऐसा कर दिया जाये :

It will not be obligatory on the Manager to comply any directions given by an owner which, in his discretion, are not concerned with safety or he does not feel suitable for safety.

कम से कम बोलने का अधिकार तो हो।

सभापति महोदय : बोलने का अधिकार तो है, माने या न माने–यह अधिकार उसको है।

श्री अमरनाथ :

"No instructions affecting the fulfilment of the statutory responsibilities of the manager or affecting the safety of persons employed in the mine shall be given to the manager...."

सभापति महोदय :

Affecting the safety. If you feel that it is affected.

उसमें तो अधिकार है डाइरेक्शन देने का।

श्री अमरनाथ : बात यही हो गई।

सभापति महोदय : एक्जक्टली। यह माने या न माने—यह अधिकार उसको है।

श्री अमरनाथ : यह स्पष्ट कर दीजिये, डाइरेक्शन देने का अधिकार है। माने या न माने—यह दूसरी बात है। हमें कहने का अधिकार तो हो।

सभापति महोदय : अच्छी राय देने का अधिकार है वह सबको है, उसमें लिखने की जरूरत नहीं है।

श्री अमरनाथ : इसमें लिख दिया है कि अच्छी राय भी नहीं दे सकता।

"shall be given to the manager."
..may be bhee nahin, shall be..

सभापति महोदय :Affecting the safety.

श्री अमरनाथ : अफेक्टिंग सेफ्टी दोनों तरफ हो सकती है, अच्छी तरफ भी और बुरी तरफ भी। इतना हो जाय कि हिदायत दे सकता है। कोई मेनेजर ऐसा आ जाय जो चाहे कि एक्सीडेंट हो तो उसमें मेनेजर का क्या बिगड़ेगा, उसका हद से हद इतना बिगड़ सकता है कि उसको प्रासीक्यूट कर देंगे या उसका सर्टिफिकेट छीन लेंगे। लेकिन उसकी गलती का खामियाजा मालिक को भुगतना पड़ेगा। हम लिख कर दे सकें कि अनसेफ वर्किंग है, इसको ठीक करायें। यह हक भी छीन लिया गया है। मैनेजर तो डिप्लोमा पास करके आता है लेकिन हमने भी बीस वर्ष तक काम किया है, हमें भी उससे ज्यादा अनुभव है। हम उसको हिदायत तो दे सकें।

सभापति महोदय : आपकी बात इन्ट्रेस्टिंग है। आगे चलिये।

श्री अमरनाथ : यह सेक्शन 17(3) पर मैं बोल गया। 17(1) के बारे में निवेदन है इसमें मेरा अर्ज करने का मतलब ऐसा है, मैनेजर की क्वालिफिकेशन है उससे कम वाले को मैनेजर रिक्रूट न किया जाय। मैनेजर तो नये नये आते हैं लेकिन पुराने एक्सपीरियन्सड लोग हैं उनको भी अनुभव है। मेरा कहने का मतलब है कि माइन्स में पुराने वर्कर होते हैं वह माइन्स के वर्किंग को समझते हैं। इसलिए ऐसा प्राविजन होना चाहिए कि जो पुराने लोग हैं जिनको पांच साल का एक्सपीरियन्स है, वह फीस जमा करा दे। यह आसान कर दिया जाय, जो पांच सौ रुपये जमा करा दे

certificate of approval shall be granted

इसी तरह से पांच साल का एक्सपीरियन्स वर्कर को है वह पांच सौ जमा करावे

He shall be granted Manager's permit for a small mine

यह स्माल माइन्स हैं, ओपन कास्ट हैं उनके लिए पांच साल का एक्सपीरियेंस्ड मिलना चाहिए। जो माइन्स के एरिया इधर हैं वह पत्थर के हैं उनमें ब्लास्टिंग की जरूरत पड़ती है, अन्डर ग्राउन्ड जाना पड़ता है। लेकिन बीकानर में सैण्डी डिपाजिट्स हैं, जिप्सम हैं। ऐसी डिपाजिट्स हैं जिनमें दो फीट कच्ची रेत है, उसके नीचे तीन फीट पर लेअर जिप्पम की है। दो फीट सैण्ड निकाल कर जिप्सम निकालना है तो पांच सात फीट ओपन कास्ट में वर्क कर सकते हैं। छोटी छोटी माइन्स हैं जो बीस फीट से ज्यादा नहीं जाती हैं। इसलिए जिस वर्कर को पांच सात साल का एक्सपीरियन्स है उसको मेट बना दे तो वह रेस्पान्सिवल रहेगा। जो छोटी माइन्स हैं उनमें मेंट बनाने में क्या एतराज होना चाहिए। जो ऐसे एक्सपीरियन्स्ड आदमी हैं उनको मैनेजर बनाने का अधिकार होना चाहिए। डी जी ए जी की यह नीति होनी चाहिए कि जिनको स्माल माइन्स मानते हैं उनमें मेट को परमिट दे दें, जो क्वालिफाइड मेट हो, जो पुराना मेट लगा हुआ हो, दस साल से काम कर रहा हो, पढ़ा लिखा भले ही न हो लेकिन रेगुलेशन जवानी जानता हो, उसने भले ही इम्तिहान नहीं दिया हो या रह गया हो, उसके रहते डिप्लोमा होल्डर को ले आयें तो पुराना जो एक्सपीरियेंन्सड स्टाफ है उसको निकालेंगे तो नही। उन लोगों को चांस मिलना चाहिए

एक इसमें आगे है क्लाज 22, इसके द्वारा सेक्सन 58 में एक नया क्लाज जोड़ा जा रहा है, सीसी :

After clause (c), the following clause shall be inserted:

"(cc) for providing for inspection of mines to be carried out by a technical expert (not less than an overman in status), on behalf of the persons employed therein, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;"

इसको मैं जहां तक समझा हूं, ऐसा मतलब दीखता है, जो टेक्निकल एक्सपर्ट आयेगा वह बाहर से आयेगा। लेबर के अन्दर से ही किसी की यह रेस्पान्सिविलिटी हो, हमारा ही एम्प्लाई हो फोरमेन हो, वह हमारी माइन को देखे और देख कर शिकायत करे –

सभापति महोदय : इस आदमी को इलेक्ट करने का आप लोगों का काम है।

श्री अमरनाथ : इस आदमी को इलेक्ट करने का हम लोगों का काम है। हमारा मतलब है कि एक कमेटी बनती है, उसके प्रेसीडेंट और सेक्रेटरी बनते है वह अपने में से ही बनते हैं। यह आदमी बाहर से आयेगा और इन्सपेक्शन करेगा। वैसे इन्सपेकशन में मैं एतराज नहीं करता हूं। मेरी अर्ज है कि जो एम्पलाई हूं उनमें से ही यह आदमी होना चाहिए।

सभापति महोदय : एक आदमी रखते हैं तो वह हर माइन का एम्प्लाई कैसे हो सकता है। नम्बर तो लिमिटेड है।

श्री अमरनाथ : टेक्निकल एक्सपर्ट होगा, इसमें यह है नहीं कि वह कहां से आयेगा। यह लिखा हुआ नहीं है कि कहां से आयेगा। वह आये और हमारा वर्कर है उसकी कन्सेन्ट से देखे कोई आ ज.य, और कहे कि मैं टेक्निकल एक्सपर्ट हूं, मुझे इन्सपेक्ट करने दीजिये।

सभापति महोदय : आपने फर्माया, मेट ने एक्सपीरियेन्स गेन किया है, वह काम जानता है उसको मैनेजर का काम करने का मौका मिलना चाहिए। इसकी आपको मना नहीं है, आपका मैनेजर है वह इन्सपेक्शन भी करे।

श्री अमरनाथ : वह टेक्निकल एक्सपर्ट कोई भी हो सकता है ।

सभापति महोदय : मेट भी हो सकता है। वह इन्सपेक्शन करे या टेक्निकल एक्सपर्ट करें–इसमें कोई फर्क नहीं मानते हैं । अगर आपका आदमी इलेक्ट हो जाय तो हमें क्या एतराज हो सकता है । आपका आदमी हो सकता है, वाहर का हो सकता है यह यूनियन पर डिपेण्ड करता है, वह किसी को इलेक्ट करे ।

श्री अमरनाथ : इसमें कहां लिखा है, वर्कर कन्सेन्ट देगा तव आयेगा । इसमें लिखा है :

"providing for inspection of mines to be carried out by a technical expert (not less than overman in status), on behalf of the persons employed therein,

आन विहाफ कोई भी आ सकता है । यह ऐसा हो ।

authorised by the persons employed therein.

सभापति महोदय : आपके कहने का मतलब है, वर्कर आफ देट प्लेस, यानि लोकल रिप्रेजेंटेटिव हो ।

श्री अमरनाथ : हमारा वर्कर हो या यूनियन का आदमी हो । वर्कर कह दे कि आप इन्सपेक्शन कर लीजिये तब इन्सेपेक्शन करें। नहीं तो कोई भी आ जायेगा ।

सभापति महोदय : इसमें एम्प्लायड या अनएम्प्लाइड का सवाल नहीं है । जो इलेक्ट होगा वह होगा ।

आगे चलिये ।

श्री अमरनाथ : यह अर्ज है कि 72 (वी) है, इसमें जो हम लोगों को सजा देनी है उसकी घोषणा मुकदमे से पहले हो गई है । इसमें सजा पहले ही दे दी गई है ।

सभापति महोदय : यह तो हर कानून में है, सब कानून में है । इसमें एक बात पर राय दें कि मिनिम आप चाहते हैं वह कितना चाहते हैं । हर कानून में मिनिमम और मैक्जिमम रहता है ।

श्री अमरनाथ : इसमें मैक्जिमम लिखा है

He will be punished with imprisonment to the extent of..

सभापति महोदय : बहुत से कानून में मिनिमम लिखा हुआ है । रेलवे में कोई बिना टिकिट चला जाय तो उसको इतनी सजा होगी । यह कानून में है ।

श्री अमरनाथ : मिनिमम करना है वह तो इतना करिये कि जिससे आदमी दुबारा धन्धे में लग सके ।

सभापति महोदय : आपका मतलब है, मिनिमम प्रेस्क्राइब्ड इज एक्सेसिव ।

श्री अमरनाथ : हां ।

श्री चावड़ा : आपकी राय में क्या हो ?

श्री अमरनाथ : मेरी राय में एक रुपया हो तो वह भी सवा लाख के बराबर हो जाता है क्योंकि वह दण्ड है ।

इसके साथ ही यह प्रार्थना है कि जो माइन्स हैं, उनमें गधा, घोड़ा, हाथी बराबर नहीं करना चाहिए । पिछले दिनों एक एक्सपर्ट कमेटी बनी थी उसकी नागपुर में मीटिंग हुई थी । उसमें इस चीज पर विचार हुआ है कि स्माल क्वेरी, मीडिमय माइन्स और लार्ज माइन–इन सब पर एक कानून लागू नहीं हो सकता । इस तरह से इसमें भी रिलीफ मिलना चाहिए ।

श्री चावड़ा : उस एक्सपर्ट कमेटी के सामने जाने की आपको सूचना प्राप्त नहीं हुई थी ?

श्री अमरनाथ : प्राप्त हुई थी, मैं जा नहीं सका। उस एक्सपर्ट कमेटी की रिपोर्ट आप साहबान ने पड़ी होगी।

श्री राय : जो एक्सपर्ट कमेटी ने रिपोर्ट दी उसकी आपको जानकारी है कि क्या रिपोर्ट दी ?

श्री अमरनाथ : यह मालूम नहीं है। रिपोर्ट पब्लिश नहीं हुई है।

श्री राय : आपने ओनर के बारे में कहा कि उसके डाईरेक्शन देने की पावर ओनर को होनी चाहिए। अगर आप माइन के स्वार्थ नफा के लिए कहें कि ऐसे चलाओ तो वह चलायेगा क्योंकि उससे लाभ ज्यादा होगा।

सभापति महोदय : आपने कहा की ओनर पावर रहनी चाहिए।

श्री अमरनाथ : मैंने यह नहीं कहा कि ओनर को पावर होनी चाहिए। मैंनेजर को डाइरेक्टिव देने की। मैंने कहा कि बतौर गाइडेन्स, एडवाइज कुछ कहने की पावर देनी चाहिए। इस अमेंडमेंट एक्ट में यह कहा है।

"देट नो डायरेक्शन शेल बी गिवन"। सेफ्टी के लिए कोई भी चीज हो तो डायरेक्शन दे। देखिए माइन्स पर कौन-कौन विजिट करता है। एक तो वर्कर्स देखते हैं। एजेन्ट देखता है, स्टाफ देखता है, इन्सपेक्टर देखता है। सब देखते हैं। अभी तक तो यह है कि सेफ्टी अच्छी हो माइन्स में तो प्रोडक्शन बढ़ता है। सेफ्टी बढ़ाने में मनेजमेन्ट का भी इन्ट्रेस्ट है। सेफ्टी का असर वर्कमेन्स केम्पेन्सेशन पर भी पड़ता है। सेफ्टी में स्टाफ और वर्कर्स का ही इन्ट्रेस्ट नहीं है। सेफ्टी में मालिक का भी इन्ट्रेस्ट है। सेफ्टी के लिए दस रुपया खर्च करना पड़ता है और उसमें खर्च नहीं किए और कोई आदमी दब गया तो उसको कम्पेन्सेशन देना पड़ेगा वह जितना पैदा नहीं होगा उससे ज्यादा देना पड़ेगा। उसकी सेफ्टी में इन्ट्रेस्ट ओनर को बहुत है और ओनर को बेचारे को डायरेक्शन देने का भी अधिकार न हो माने या न माने यह आपकी मर्जी। हम यदि नहीं करते हैं तो माइन्स में चेकिंग किस बात का। माइन्स का काम सेफ्टी का होता है। आपका इन्सपेक्शन स्टाफ नहीं करता है तो वह किस लिए है।

श्री राय : वह जो एक्सपर्ट वर्कर इलेक्ट हुआ वह अगर इन्सपेक्शन करता है तो क्या बुरी बात है। आपका एतराज है, आपका कहना है कि आपकी माइन्स का वर्कर इन्सपेक्शन करने का अधिकारी होगा अपने यहां के वर्कर के इन्सपेक्शन का क्या है ? वह तो वहां पर काम करता है। वह तो कभी भी शकायत कर सकता है कि, साहब, यहां पर यह होना चाहिए या यह नहीं होना चाहिए। एक वर्कर्स का रिप्रेजेन्टेटिव माइन्स में आयेगा और देखेगा कि सचमुच सेफ्टी मेजर्स एडाप्ट किए हैं या नहीं। आपकी माइन्स का वर्कर तो आपकी बात कहेगा। वह दूसरी बात कैसे कहेगा ?

श्री अमरनाथ : इस सिलसिले में मैं यह अर्ज करता हूं हर आदमी का मूड बदल जाता है। एक आदमी जब वर्कर रहता है, उस वक्त वह वर्कर रहता है, लेकिन यदि वह उसी माइन्स में या उसी मिल में या उसी फैक्ट्री में वह सेक्रेटरी या मैनेजर बन जाता है उस वक्त उसका दिमाग और हो जाता है। वह वर्कर नहीं रहता है और दूसरी दृष्टि से देखने लगता है किसी भी चीज को। अभी हम बैठे हैं आप एम० पी० साहब बैठे हैं और इस वक्त एक चीज को देख रहे हैं। अगर आपकी दूसरी ड्यूटी लगा दी जाती है तो आप उसको देखते हैं और उस चीज का इन्सपेक्शन करेंगे। अभी एक एम० पी० आते हैं और माइन्स को देखते हैं उस वक्त उनका मूड दूसरा होता है और उनके माइन्ड में माइनिंग एक्ट

रहता है और वह दूसरी दृष्टि से देखते हैं। वही वर्कर इलेक्ट्रेड हो गया है और उसका काम माइन्स का इन्पेक्शन करना हो तो वह और दूसरी दृष्टि से देखेगा। मैंने पहले यह भी अर्ज कर दिया कि इन्सपेक्शन करने के लिए, देखने के लिए जो एक्सपर्ट हो वह ऐसा हो जिसको हमारे वर्कर्स ने कहा हो। हमारे वर्कर्स ने तो इलेक्ट किया हुआ हो मे बी आउटसाइडर और इनसाइडर दोनों बात हो सकती हैं। अगर हमारे वर्कर्स चाहते नहीं हैं और वह कहते हैं कि हमारे यहां से इलेक्टेड नहीं है तो वह कितना ही एक्सपर्ट हो वह इन्सपेक्शन नहीं कर सकता है।

श्री राय : आपका कहना यह ह कि चाहे वह बाहर का हो लेकिन इलेक्टेड हो।

श्री अमरनाथ : कम से कम हमारे वर्कस का इलेक्टेड हो। जस माइन्स का वह इन्सपेक्शन करे कम से कम उस माइन्स के वर्कर्स तो उसके इन्सपेक्शन को एग्री करें।

श्री राय : एक ही आदमी तो इलेक्टेड होगा। इलेक्शन के लिए 5 आदमी खड़े हो गए और आपके माइन्स के वर्कर्स ने उसको वोट न दिया हो और वह इलेक्टेड हो गया हो तो उसमें आपको क्या एतराज है?

श्री अमरनाथ : इलेक्टेड किससे होगा?

श्री राय : वर्कर्स से होगा।.

श्री अमरनाथ : कौन से वर्कर्स से?

श्री राय : सब मिलकर करेंगे।

श्री अमरनाथ : सब मिल कर करेंगे और हमारी माइन्स वालों ने इलेक्ट नहीं किया तो कैसे बन जाएगा?

सभापति महोदय :

Mr. Hoy, Mr. Amar Nath is talking that he is elected representative but that elected representative must enjoy the confidence of our workers.

श्री अमरनाथ : हमारी कान्स्टीटुएन्सी ने तो इलेक्ट नहीं किया।

श्री राय : आपका यह सुझाव है कि हर माइन्स का अलग अलग होना चाहिए।

श्री अमरनाथ : वह चाहे न हो। वह इलेक्शन करा लें लेकिन हमारे यहां कि जो यूनियन है उससे उसका नोमिनेशन हो जाए। यह वर्कर्स की डिमान्ड है।

सभापति महोदय :

He says that outsider may come but he must enjoy the confidence of our workers.

श्री अमरनाथ : एक यूनियन दूसरी यूनियन वालों के अगेन्सट रहती हैं। यूनियनों का भी चक्कर है। अगर कोई टेक्निकल एक्सपर्ट बनकर अगेन्स्ट यूनियन वाला आ जाता ह तो वह हमारे वर्कर्स के अगेन्स्ट में जायेगा और हमारे वर्कर्स में रेस्टलेसनेस फैलेगी। 'डायरेक्टर जनरल आफ माइन्स सेफ्टी का इन्सपेक्शन स्टाफ है वह भी आता है इन्सपेक्शन के लिए। वर्कर इन्सपेक्शन के लिए आयगा तो क्या आब्जेक्शन हो सकता है, लेकिन हमारे वर्कर्स का कान्फीडेन्स तो हो।

श्री राय : आपका कहना है कि एक एक माइन्स में एक एक एक्सपर्ट रहेगा और वह देखेगा। अगर 10 माइन्स को मिलाकर एक एक्पर्ट होगा और वह वर्कर्स में होगा। 10 माइन्स में अगर एक माइन्स के वर्कर्स का उसमें कान्फीडेन्स हो या न हो उससे क्या। वह जो आदमी है वह इलेक्टेड हो चुका है बहुमत से।

श्री अमरनाथ : किससे इलेक्ट हो चुका है?

श्री राय : 10 माइन्स के वर्कर्स से।

श्री अमरनाथ : 10 माइन्स के वर्कर्स ने इलेक्ट तो कर दिया और उसमें हमारी माइन्स के वर्कर्स शामिल हैं तो वह अपने आप हो गया, फिर क्या एतराज़ है।

श्री राय : जब दो राइवल यूनियन्स होगीं तो क्या होगा ?

सभापति महोदय : मि० राय यह जानना चाहते हैं कि एक से ज्यादा यूनियन हैं आपकी माइन्स में और दोनों अगर एग्री न करें तो क्या होगा ?

श्री अमरनाथ : जिसकी मेजोरिटी है उसीका एक्सपर्ट आना चाहिए।

श्री भट्टाचार्य : चेयरमैन साहब बहुमत का नहीं कह रहे हैं। दोनों यूनियन एकमत से बाहर का आदमी इलेक्ट कर लें तो ?

श्री अमरनाथ : हमें क्या आब्जेक्शन है ?

एक माननीय सदस्य : जोनल बोर्ड के बारे में एक बात कहना चाहता हूं। एक जोन से एक ही आदमी इलेक्ट होगा या ज्यादा कराना चाहते हैं ?

श्री अमरनाथ : माइनिंग बोर्ड तो एक ही है सेन्ट्रल गवर्नमेन्ट का। उसमें माइन्स ओनर्स के चार रिप्रेजेन्टेटिव्ज हैं। हमारा एक बड़ा देश है कोई छोटा देश तो नहीं। हमारे इतने बड़े देश में छोटे और बड़े माइन ओनर्स के डिफरेन्ट टाइप्स के इसट्रेस्ट हैं। छोटों के और किस्म के इन्ट्रेस्ट हैं और बड़ों के और किस्म के इन्ट्रेस्ट हैं। उसमें चार आदमी माइन ओनर्ज के जायेंगे। यहां के माइन्स की क्या हालत है वह तो यहां वाले ही जानते हैं। बीकानेर में किस किस्म का माइन्स है वह तो हमीं जानते हैं तो वे हमारा क्या रिप्रेजेन्टेशन करेंगे। फेडरेशन इसलिए बनाना चाहते हैं कि वहां पर हमारा रिप्रेजेन्टेटिव मौजूद होगा तो वहां पर वह हमारी बात कह सकता है। जयपुर वाले चार मिलकर ही फेड्रेशन बना लेते हैं तो वे क्या जानते हैं कि बीकानेर में किस किस्म की माइन्स हैं। बीकानेर में ऐसी हालत है जिसका सौभाग्य इनको प्राप्त नहीं हुआ है वह हमें प्राप्त हुआ है। बड़ी सी माइन्स का वर्किंग तो राजस्थान कैनाल में हो रहा ह। राजस्थान कनाल में 20 से लेकर 35 फुट तक की मिट्टी उठाई जा रही है उसके लिए हेवी मशीनरी लगी हुई है। पवह तो माइन्स एक्ट में नहीं आता है, न वह प्रास्पेक्टिंग में आता है। वह 30-30 फीट तक का गड्डा करके छोड़ देते हैं, लेकिन एक छोटा आदमी 4 फीट का गड्डा भी खोद देता है है तो वह माइन बन गई।

सभापति महोदय : गड्डा तो माइन्स की डेफिनिशन में नहीं आता है।

श्री अमरनाथ : वह भी आता है, साहब। प्रोस्पेक्टिंग लाइसेन्स की लिमिट के बाहर खड्डा खोद दिया है वह भी आता है।

श्री राय : प्रोस्पेक्टिंग लाइसेन्स में हम लोगों ने उदयपुर में काफी डेप्थ तक खड्डे देखे हैं। वह इल्लीगली खोदते जाते हैं और कानून तोड़ते जाते हैं। एक दफा कानून तोड़ा तो 5 रुपया फाइन किया और दूसरी दफा तोड़ा तो 10-15 रुपया फाइन किया। इस तरह से 100-150 रुपया तक फाइन होता है लेकिन कोई परवाह नहीं करता है जैसे कि कोई पनिश्मेन्ट नहीं दी हो। इसलिए इसमें यह मिनिमम का किया है।

सभापति महोदय :

Mr. Roy, for your information I say that he has already dealt with this point. He has said that even if you want to propose minimum punishment, you propose such punished as mine-owner can survive. But if you want to punish a person who is earning only Rs. 10000/- a year an you punish

him with Rs. 2000/-, he will close working. That is what he said.

श्री अमरनाथ : इस पर अभी साहब के कहने पर एक छोटी सी अर्ज और कर सकता हूं कि एक दफा एक आदमी ने पेनाल्टी दी और दूसरी दफा फिर वह करता है तो आप इस बिल में यह कर सकते हैं कि सेकेन्ड रिपीटेड अगर वायलेशन होगा तो पहले से डबल होगा और थर्ड रिपीटेड वायलेशन होगा तो उससे डबल होगा। जो आदमी क्रिमिनल एडिक्टेड है उसको आप सजा दें। एक आदमी अगर पहली दफा ही आए और उस पर हेवी फाइन हो जाय तो मुश्किल होगा। पहले आफेन्स में इतनी सजा नहीं होनी चाहिए। अगर वह रिपीटेडली करता है तो मिनिमम चाहे रपीटेड आफेन्स के लिए बड़ा दें तो कोई आब्जेक्शन नहीं है। एडिक्टेड ही हो जाय तो क्या करें।

श्री बी० के० महन्ती : मि० चेयरमन, आपने कहा कि जो माइन ओनर स्माल स्केल पर काम करता है उन के लिए देअर शुड बी ए सेपेरेट प्रोवीजन। आपका कहना है कि सबको छोड़ दो।

सभापति महोदय :

He has also laid down certain conditions that on such and such condition all minerals are exempted.

श्री बी० के० महन्ती : आपने कहा है

because some minerals have been exempted so all minerals should be exempted.

हम लोग ऐसा करें No exemption should be given तो आपका क्या ख्याल है?

श्री अमरनाथ : एतराज़ तो है ही साहब। जो थोड़ा बहुत काम अभी हो जाता है वह भी नहीं होगा। हमें कोई एतराज नहीं है अगर आप देश में सब कुछ नेशनेलाइज कर दें। नेशनेलाइज करेंगे तो वह चल नहीं सकेगा। देखिए कि अभी जो हालत है यह मैं आपसे अर्ज करता हूं। जो छोटी छोटी माइन्स हैं उनको आप एक्जेम्ट कर दें तो यह सही है कि माइन्स ला का एन्फोर्समेंट ज्यादा अच्छी तरह से हो सकता है। इस वक्त की जो पोजीशन है वह यह है कि एक रीजन में एक रीजनल इन्सपेक्टर होता है, एक डिप्टी इन्सपेक्टर होता है और एक असिस्टेन्ट इन्सपेक्टर होता है, ये 3–4 आदमी हैं और उनके अन्डर में सैकड़ों एस्क्वायर माइल्स का एरिया दिया हुआ है जिसमें हजारों माइन्स हैं। वह क्या देख सकते हैं। इसके बजाय यह हो कि छोटी माइन्स को एक्जेम्ट कर दिया जाए तो बाकी की माइन्स पर इन्फोर्समेंट ज्यादा अच्छी तरह से हो सकता है। जिनके ऊपर एन्फोर्समेंट की जरूरत है उन पर एन्फोर्समेंट जरूर करें। छोटे छोटे खड्डे हैं जिनमें 40 से ज्यादा वर्कर्स नहीं होंगे। किसी में 90 ही वर्कर्स होंगे।

सभापति महोदय : एक बात आप बताइये कि जो कन्डीशन आपने बतलाई है उसके हिसाब से छोटी माइन्स को एक्जेम्पशन दिया जाए और बड़ी को न दिया जाय क्या यह यह बात तो नहीं है?

श्री अमरनाथ : आपने सारी कोल माइन्स का मैनेजमेंट ले लिया तो क्या हुआ। बिल्कुल ही एक्जेम्पशन को छोड़ देंगे और आप एन्फोर्समेंट कर सकते हैं तो मैं क्या कह सकता हूं।

श्री भगीरथ भंवर : कल आप भी थे और हम भी थे और कल एक पत्थर की खान देखने गये थे। वह एक छोटी खदान है। उनमें जो नियमों का पालन करना चाहिये वह कैसा हो रहा था वह आपने भी देखा है। छोटी माइन्स और छोटी कवेरीज में जब नियमों का पालन नहीं करते हैं और ऐसे ऐसे छोटे पिट्स कर रखे हैं जिससे कोई भी ऐक्सीडेन्ट हो सकता है और नुकसान

भी हो सकता है। जिसमें कम आदमी काम करते हैं। 15–20 आदमी भी नियमों का पालन नहीं करते हैं और आप कुछ माइन्स को छूट देने के लिए कह रहे हैं, तो क्या ऐसी माइन्स को नुकसान नहीं होता है, क्या ऐसी माइन्स में आदमी आहत नहीं होते हैं। इसके लिए आपने क्या सोचा है ?

श्री अमरनाथ : ऐसा है कि जो कल हमने माइन देखी है वह जो बेसिस बताये हैं उसमें एग्जेम्टेड में नहीं है। इसलिए नहीं है कि जैसा आपने किसी माइन में देखा होगा चाहे वह कितनी ही छोटी हो उसमें सैक्शन 3 लागू होगा और सैक्शन 3 को अगर आप देखेंगे तो उसमें यह है कि वह माइन एक्जैम्पट होगा जो कि जमीन के अन्दर धंसी हुई न हो। अगर सीधी माइन है तो वह एग्जेम्प्टेड है, लेकिन अगर वह जमीन के अन्दर धंसी हुई है तो फौरन माइन्स एक्ट के अन्दर आ जाती है। मैं उसका एग्जेम्पशन नहीं मांगता हूं। मैं सिर्फ उसका कह रहा हूं कि 50 से कम वर्कर्स हों और जो 10 मीटर से ज्यादा जमीन में घुसी हुई न हो। जमीन के अन्दर धंसी नहीं हुई है, ब्लास्टिंग न हो, उनके ऊपर एक्ट लागू न हो। वहां पर डिफिकल्टी एक और है कि एक्ट लागू होते हुए भी डी० जी० एम० या उसको एन्फोर्स नहीं कर सकते हैं। वह बिल्कुल अलग प्राब्लम है। वह मेरी प्राब्लम है से अलग है। उन क्वेरीज पर एक्ट लागू हो। न हम ऐसी क्वेरीज का एग्जेम्प्शन मांगते हैं जो कि 100 फीट नीचे हों और जिनमें ब्लास्टिंग का यूज हो रहा है। उनका एक्जेम्प्शन कौन मांगता है ?

श्री भगीरथ भंवर : ऐसे लोगों को लीज जो दी जाती है तो क्या होता है कि ज्यादा मुनाफा कमाने के लिए।

सभापति महोदय : उन्होंने अभी आपको बताया है और कुछ कन्डीशन्स रखी हैं कि किस किस कन्डीशन में एक्जेम्प्शन होना चाहिए। उसमें वह नहीं आती है।

श्री भट्टाचार्य : आप बीकानेर रीजन से आते हैं ?

श्री अमरनाथ : जी हां।

श्री भट्टाचार्य : वहां पर कुए खोदे जाते हैं ?

श्री अमरनाथ : खोदे जाते हैं।

श्री भट्टाचार्य : कितनी डेप्थ है ?

श्री अमरनाथ : 350 फीट की गहराई पर जाने पर पानी मिलता है।

श्री भट्टाचार्य : कितने दिन लगते हैं खोदने में उसको ?

श्री अमरनाथ : करीब करीब दो साल लगते हैं।

श्री भट्टाचार्य : ब्लास्टिंग होता है ?

श्री अमरनाथ : अगर राक हार्ड आ जायें तो। आम तौर पर नहीं होता है। बहुत ज्यादा राक आ जायें तो करते हैं। हमारे यहां राक ज्यादा नहीं है।

श्री भट्टाचार्य : भीलवाड़ा रीजन में हार्ड राक है ?

श्री अमरनाथ : हार्ड राक होगी। मैंने देखा नहीं है।

श्री भट्टाचार्य : कम्प्रेशर से ब्लास्टिंग होता है या ब्लास्टर से ?

श्री अमरनाथ : ब्लास्टिंग होता होगा।

श्री भट्टाचार्य : आपने अभी स्माल माइन्स और माइन आनर्स का जिक्र किया। वह हैवी मशीनरी कम्प्रेशर्स वगैरह तो नहीं लगा सकते हैं और 10 फीट से नीचे जाते हैं तो ब्लास्टिंग भी होता है या ब्लास्टिंग नहीं होता है ?

श्री अमरनाथ : वह राक की नेचर पर डिपेन्ड करता है ।

श्री भट्टाचार्य : मैं दूसरी बात पूछना चाहता हूं । यू हैव मेनी क्वेरीज एण्ड स्माल माइन्स । तो आपको कुछ अन्दाजा है कि मेटेलीफेरस माइन्स रेग्युलेशन्स जब से लागू हुआ है तो कितनी खदानें बन्द हुई हैं । कुछ अन्दाजा है ?

सभापति महोदय : आपके पास कोई फीगर्स हों तो हमें दे सकते हैं ।

श्री अमरनाथ : ऐसी हमने स्टेडी नहीं की । बीकानेर में कई माइन्स बन्द हो चुकी हैं इसकी वजह से । वह बेचारे ऐसे लोग हैं जिनकी सारी आमदनी एक हजार रुपये महीने की भी नहीं है । उनकी आमदनी एक महीने में ही खर्च हो जाती है अगर वे मेटेलिफेरस माइन्स रेग्युलेशन्स के अन्दर जो लगाना अनिवार्य है वह लगायें तो । कुछ तो इसलिए बन्द हो चुकी हैं और कुछ बन्द हो जायेंगी ।

श्री भट्टाचार्य : बीकानेर में मेटेलिफेरस माइन्स रेग्युलेशन्स लागू हो गये । उसमें मैनेजर रखना अनिवार्य है . . .

श्री अमरनाथ : मेट को भी मैनेजर की परमिट मिलती है । अगर ऐसी क्वेरी है कि जैसा कि आपने कहा कि जिसमें 150 वर्कर्स हैं तो वहां पर तो मैनेजर हो सकता है लेकिन ऐसी क्वेरी में जहां पर 10–5 ही वर्कर्स हैं तो उस पर क्या मैनेजर रखा जायेगा ?

श्री भट्टाचार्य : मैनेजर न सही अगर ब्लास्टिंग होता है तो ब्लास्टर होगा ।

श्री अमरनाथ : अगर 3 हजार रुपये महीने का खर्च आता है तो कैसे रखेगा ।

श्री भट्टाचार्य : फर्ज कीजिये कि 50 आदमी काम करते हैं । तो स्टोन क्वेरी का कितना आउटपुट होगा ?

श्री अमरनाथ : आउटपुट तो उसकी माइन के रिजर्व पर डिपेण्ड करता है । कितना ओवरबरडन है । ओवरबरडन के रिमूवल में कितना खर्चा आता है ।

श्री भट्टाचार्य : 3 हजार रुपया महीना खर्च करके 50 आदमियों को एम्प्लाय करे तो कितना माल निकलेगा ?

श्री अमरनाथ : मेरे ख्याल में 3 हजार का माल नहीं निकलेगा ।

श्री भट्टाचार्य : आपका मेंन सजेशन यह है कि डिपेन्डिंग ओन डेप्थ एण्ड डिपेन्डिंग ओन दी नेचर आफ दी मिनरल यह माइन्स एक्ट और रेग्युलेशन्स डिफरेन्स होने चाहिएं ।

श्री अमरनाथ : बिल्कुल साहब ।

सभापति महोदय : मि० अमरनाथ, थैंक यू वेरी मच । बहुत बहुत धन्यवाद । आपका जो डिसकशन रहा वह इन्ट्रेस्टिंग रहा ।

श्री अमरनाथ : आप लोगों ने हमको इतना सुना उसके लिए बहुत बहुत धन्यवाद ।

[The witnesses then withdrew]

III. Rajputana Mineowners & Mineral Merchants Association, Ajmer.

Spokesmen:

1. Shri E. C. Framji, *Member.*
2. Shri K. G. Maheshwari, *Member.*
3. Shri Motichand Golecha, *Member.*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: Well, gentlemen, before you proceed to give your evidence before the Committee I would like you to know that whatever you depose before the Committee that is likely to be treated as public and also may be published. But even if you desire that either the part of your evidence or the whole should be kept confidential, still you should know that it will be made available to the members of Parliament.

Now what you have mentioned in the printed memorandum I would like to seek clarification on two points. One is that you have stated that when the Manager is solely responsible for the management and implementation of the safety rules, the owner should not be subject to prosecution under the Act. Do you mean to say that the owner should not be answerable for any responsibility whatsoever in regard to the management and excavation of the mine.

SHRI K. G. MAHESHWARI: Mine-owners are equally responsible with the Manager so far as the present implications are concerned. Nevertheless if we entrust the whole responsibility in the hands of the Manager then he is bound to be effected for his own actions, and there is no justification for prosecuting the mine-owner.

MR. CHAIRMAN: Do you mean to say that if the management or the owner issues some instructions in that case the Manager is free to say that he will not accept it? Do you give up your right of issuing instructions to the Manager not only regarding the safety measures but instructions regarding the management of the mine?

SHRI K. G. MAHESHWARI: So far as the technical matters are concerned we want that the Manager should have full powers, but so far as other matters are concerned the mine-owner should co-operate with the Manager.

MR. CHAIRMAN: Now the second point I would like to be clarified is about the punishment to be given to the double parties whether Manager or the mine-owner. Here you have seen that they have prescribed the minimum punishment to be given under this Act. So don't you think that if this memorandum is not looked out the minimum can be anything. It can rather be more than what is prescribed in this Act.

SHRI K. G. MAHESHWARI: About prescribed minimum punishment, that will go against the justice for so many things. Only circumstances are considered when prosecution is made. When the Court considers the case, it does not consider the circumstances only, but it also considers the criminal intent of the person concerned. Here we try to consider in the very beginning that the mine-owner is the guilty person. Such view is not taken by the Court. The Court is an impartial body. It takes into consideration all the points of situation as well as all

the personal factors of the mine. Even in homicide and murders such rule prevails. If a man murders in his self-defence, there is punishment of different type. If a man commits premeditated murder then the punishment is more. The Court may distinguish in awarding the punishment, but if we prescribe the minimum punishment the things will be different. In the process it has been laid down that the Court will make a recording of the reasons for awarding lesser punishment than the minimum prescribed in the Act. Why the Court will take the trouble to go to that extent? In actual practice it will happen that the Court will not take responsibility on its own shoulders and it will start giving penalties, and so many innocent persons will become victim of this clause.

MR. CHAIRMAN: If the Court is convinced that you are innocent then they may not award anything.

AN HON. MEMBER: If you are found guilty then there is minimum otherwise if you are innocent in the Court then you are left out.

MR. CHAIRMAN: If the court may award any punshment?

SHRI K. G. MAHESHWARI: Maximum punishments are always in the Acts.

MR. CHAIRMAN: You mean to say that there should be no minimum punishment prescribed?

SHRI K. G. MAHESHWARI: We don't want that innocent person should be punished. We want that punishment should be there but the innocent person should not be punished.

SHRI CHAPALENDU BHATTACHARYYIA: In what part of Rajasthan do you operate your Mine?

SHRI K. G. MAHESHWARI: In Ajmer District.

SHRI CHAPALENDU BHATTACHARYYIA: What is the deepest mine in your region?

SHRI E. C. FRAMJI: It may be about 60-70 ft.

SHRI CHAPALENDU BHATTACHARYYIA: What do you use?

SHRI E. C. FRAMJI: Compressers and....

SHRI CHAPALENDU BHATTACHARYYIA: For how many years you are working?

SHRI E. C. FRAMJI: 31 years.

SHRI CHAPALENDU BHATTACHARYYIA: How many persons are working in your mine?

SHRI E. C. FRAMJI: 60 persons have been working. Sometimes less.

SHRI CHAPALENDU BHATTACHARYYIA: In your region production of mica is going on.

SHRI E. C. FRAMJI: At present we have not got this in abundence.

SHRI CHAPALENDU BHATTACHARYYIA: Now since these Metalliferous Mines Regulations have come into operation, is there any closure of mine in your region?

SHRI K. G. MAHESHWARI: So far as the closure of mines is concerned in Rajasthan we have mostly agricultural labour and for some period the labour is used otherwise.

SHRI K. S. CHAVDA: Yesterday we were inspecting some Mica mines. we saw the labourers working...

SHRI K. G. MAHESHWARI: We are all having no outside labour.

SHRI CHAPALENDU BHATTACHARYYIA: How much deep they go?

SHRI K. G. MAHESHWARI: About 5 to 6 metres.

SHRI CHAPALENDU BHATTACHARYYIA: For Mica?

SHRI K. G. MAHESHWARI: About 20 metres deep.

SHRI CHAPALENDU BHATTACHARYYIA: Has there been any

reduction of output of minerals for the last ten years.

SHRI K. G. MAHESHWARI: This is a subjective question.

SHRI CHAPALENDU BHATTACHARYYIA: Have you any figures?

MR. CHAIRMAN: If you don't know you can say no.

SHRI MOTICHAND GOLECHA: Production has gone down.

MR. CHAIRMAN: In a number of mines, the production has gone down.

SHRI MOTICHAND GOLECHA: Yes Sir.

SHRI CHAPALENDU BHATTACHARYYIA: What may be the capital required for a Mica operator?

SHRI MOTICHAND GOLCHA: 7 to 8 thousand.

SHRI CHAPALENDU BHATTACHARYYIA: For employment of a manager, what is the monthly expenditure?

SHRI MOTICHAND GOLECHA: We need about 300 rupees p.m. We advertise in the papers but trained people are not available.

SHRI CHAPALENDU BHATTACHARYYIA: What is the value of the minerals that you may receive?

SHRI MOTICHAND GOLECHA: About 5 thousand at the pit mouth.

SHRI K. G. DESHMUKH: In your memorandum it is said—'it is worth mentioning that no financial assistance is being given to any mine owner on their mineral stocks or the deposits of the Mine by any agency not even by nationalised banks. Ultimately mining enterpreneures are subjected to violations and prosecutions.

Is there any bank under the rules to give you any loans?

SHRI K. G. MAHESHWARI: No Sir. There is no Bank. These banks do not give any loans on these stones.

SHRI K. G. DESHMUKH: You say that the loan is not advanced to any mine owner. Is it a correct statement?

SHRI MOTICHAND GOLECHA: According to their rules banks cannot go beyond 10 sq. miles and the mines are everywhere situated at a far distance.

SHRI K. G. DESHMUKH: This is not a correct statement.

SHRI MOTICHAND GOLECHA: In Ajmer district no amount has been advanced.

MR CHAIRMAN: Thank you very much.

[The witnesses then withdrew.]

IV. Shri Bakliwal, Mining Consultant, Jaipur

(The witness was called in and he took his seat)

सभापति महोदय : इसके पहले आप कुछ कहें, आपको समझना चाहिए, आप जो कहेंगे वह साया किया जा सकता है, लोगों को बतलाया जा सकता है, पब्लिक डाकूमेंट ट्रीट किया जा सकता है । आप यदि चाहें कि नहीं किया जाय तो भी पार्लियामेंट के मेम्बर साहबान को दिया जायेगा । इस बात को आप नोट कर लें, उसके बाद जो कहना चाहें वह कह दें

आप कहेंगे, यह पब्लिक डाकूमेंट माना जाय ?

श्री बाकलीवाल : जी हां ।

जोधपुर से मैंने 1966 में इंजीनियरिंग पास की । उसके बाद एक साल तक मैं सर्विस में रहा, पांच साल से मैं राजस्थान में माइनिंग कन्सलटेंट का काम कर रहा हूं ।

इस बिल से रिलेटेड मैं कुछ नहीं कहूंगा । सिर्फ जो जनरल डिफिकल्टी माइन ओनर के सामने आ रही हैं, वह रखना चाहता हूं । आपने

जो मुझे इजाजत दी है कुछ मिनट यहां बोलने के लिए, उसके लिए मैं बहुत बहुत धन्यवाद देता हूं ।

राजस्थान के माइन ओनर के सामने बड़ी जो डिफिकल्टी आ रही हैं उनको कैटेगोराइज तीन तरह से करूंगा । प्रथम डिफिकल्टी माइन ओनर के सामने सड़क की है । माइनिंग डिपार्टमेंट और स्टेट गवर्नमेंट माइनिंग लीज ग्रान्ट कर देती है लेकिन वह माइन कहां है, उसकी एप्रोच कैसी है—यह कोई नहीं देखता है । एप्रोच ट्रान्सपोर्टेशन और सड़क की ऐसी प्राबलम है, जिसके कारण जो मिनरल मिलता है उसको कभी यूटिलाइज नहीं कर पाते हैं । जो करते हैं उनको काफी इनवेस्टमेंट करना पड़ता है, जो सड़क की प्राबलम हमारे राजस्थान के माइन ओनर के सामने, स्माल माइन ओनर के सामने है, वह इतनी मेजर है । इसके लिए मैं अपनी तरफ से सुझाव देना चाहता हूं कि जब लीज ग्रान्ट हो, उसके पहले कुछ प्राविजन एप्रोच के लिए कर दिया जाय । अदरवाइज जो लीज ग्रान्ट होती है उसका पूरा फायदा नहीं हो पाता है । उस पर साल, डेढ़ साल काम करते हैं उसके बाद लीज को खत्म कर देते हैं । पहली जो प्राबलम है, वह सड़क की प्राबलम है ।

दूसरी प्राबलम है, इलेक्ट्रीसिटी की । पावर के हमारे पास साधन नहीं होने के कारण से या पावर नहीं होने के कारण से मैकेनिकली माइन को आपरेट नहीं कर पाते हैं ।

एक माननीय सदस्य : यह तो स्टेट गवर्नमेंट के देखने की बात है ।

श्री बाकलीवाल : स्टेट की प्राबलम है—यह मैं पहले कह चुका हूं ।

सभापति महोदय : आप कहिये ।

श्री बाकलीवाल : दूसरी प्राबलम इलेक्ट्रीसिटी की है । पावर नहीं होने की वजह से मैकेनिकली माइन को आपरेट नहीं कर सकते, इससे प्राडक्शन या तो हो नहीं पाता । या प्राडक्शन बढ़ नहीं पाता है ।

तीसरी प्राबलम है फाइनेन्स की । आज एग्रीकल्चर यूनिट को बैंक की तरफ से, गवर्नमेंट की तरफ से, रिजर्व बैंक की तरफ से, सब तरफ से बिना गारण्टी के फाइनेन्स दे दिया जाता है । राजस्थान में माइनिंग इण्डस्ट्री को लोन दिया जाता है तो स्टेट गवर्नमेंट की तरफ से दिया जाता है । मेरा निवेदन है कि फाइनेन्स के लिए, हमको जो लीज बीस साल या पांच साल या दस साल के लिए दी जाती है उसको ही गारण्टी माना जाय और उसके बेसिस पर माइन ओनर को मशीनरी के लिए, माइन डेवलपमेंट के लिए लोन मिलना चाहिए ।

अगर यह तीनों चीजें, फैसेलिटी हमें मिलें तो मैं आपको विश्वास दिलाता हूं कि राजस्थान गवर्नमेंट को जितनी रेवन्यू मिल रही है उससे कम से कम थी टाइम्स रेवेन्यू और बढ़ जायगी ।

मैं कुछ इग्जाम्पल देता हूं, जयपुर से बीस मील पर लाइम स्टोन की माइन है । उस पर जो एप्रोच है, जैसे कल प्रोग्राम वहां जाने का हो भी रहा था लेकिन सड़क से एप्रोच नहीं होने की वजह से कुछ दूर पैदल चलना पड़ता है । मेरा निवेदन है कि अगर सड़क ठीक बन जाती है तो रेवेन्यू थ्री टाइम हो जायगी ।

इसी तरह से सिलिका सैण्ड की निवाई के पास तीन मील पर माइन है उस पर प्राडक्शन डेढ़ सौ टन है, अगर सड़क हो जाती है तो वह तीन सौ टन हो सकता है ।

सभापति महोदय : आपने तीन प्राबलम बताईं । इसके अलावा और कुछ कहना है ।

श्री बाकलीवाल : बस, मुझे यही कहना था ।

सभापति महोदय : थैंक यू वेरी मच ।

(The Committee then adjourned).

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Monday, the 5th February, 1973 at 15.00 hours in Committee Room, Parliament House, New Delhi.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Chapalendu Bhattacharyyia
3. Shri Dinen Bhattacharya
4. Shri Khemchandbhai Chavda
5. Shri M. C. Daga
6. Shri Anadi Charan Das
7. Shri C. D. Gautam
8. Shrimati Sheila Kaul
9. Shri Boksi Nayak
10. Shri Paripoornanand Painuli
11. Shri Damodar Pandey
12. Shri Ramji Ram
13. Ch. Ram Prakash
14. Shri Bhola Raut
15. Ch. Sadhu Ram
16. Shri R. N. Sharma
17. Shri T. Sohan Lal
18. Sardar Swaran Singh Sokhi
19. Shri G. P. Yadav

Rajya Sabha

20. Shri Monoranjan Roy
21. Shri Virendra Kumar Sakhalecha
22. Shri B. K. Mahanti
23. Shri Sita Ram Singh
24. Shri Vinaykumar Ramlal Parashar
25. Shri Kali Mukherjee
26. Shri Jagan Nath Bhardwaj
27. Shri Qasim Ali Abid
28. Shri Himmat Sinh
29. Shri Dwijendralal Sen Gupta

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri R. Kunjithapadam—*Under Secretary.*
2. Shri M. Datta—*Director of Mines Safety (H.Q.), Dhanbad.*

LEGISLATIVE COUNSEL

1. Shri P. L. Gupta—*Additional Legislative Counsel.*
2. Shri V. S. Bhashyam—*Deputy Legislative Counsel.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

I. *Centre of Indian Trade Unions, Calcutta.*

Spokesmen:

1. Shri P. Ramamurti, *General Secretary, CITU.*
2. Shri Robin Chatterjee, *General Secretary, Colliery Mazdoor Sabha of India.*
3. Shri Kumar Singh, *General Secretary, East Sitapur Colliery Branch of Colliery Mazdoor Sabha of India, Raniganj.*
4. Shri G. P. Goswami, *Secretary, J. K. Nagar Colliery Branch of Colliery Mazdoor Sabha of India, Raniganj.*

II. *Indian National Mineworkers' Federation, Calcutta.*

Spokesmen:

Shri Kanti Mehta—*General Secretary.*

I. Centre of Indian Trade Unions, Calcutta.

Spokesmen:

1. Shri P. Ramamurti, *General Secretary, CITU.*
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4. Shri G. P. Goswami, *Secretary, J. K. Nagar Colliery Branch of Colliery Mazdoor Sabha of India, Raniganj.*

[*The witnesses were called in and they took their seats.*]

MR. CHAIRMAN: Mr. Ramamurti and friends, I think, you know that whatever evidence you give before this Committee would be treated as public and is liable to be published, unless you specifically desire that all or any part of the evidence tendered by them is to be treated as confidential. Even though you might desire your evidence to be treated as confidential, such evidence is liable to be made available to the Members of Parliament. Now, I would request you to introduce your other colleagues. The memorandum you have submitted is before the Committee. So far as this memorandum is concerned,

we would like to seek some clrification. After that, my other colleagues will also like to ask something.

SHRI P. RAMAMURTI: First of all, I would like to point out that so far as our organisation is concerned, it is an open society and as far as we are concerned, we are completely open. Now, this paragraph 4 of our memorandum deals with amendment of Section 12. On page 4 of the amending Bill, Section 12 of the Principal Act is sought to be replaced. This is with regard to the constitution of the Mining Board and the total representation in that Board, as per details given on Pages 4 and 5 of the amending Bill, comes to 17. This Mining Act being concerned mainly with the question of enforcing the safety measures, that have been thought fit by the Government to be absolutely essential for the mining workers, it is but just that the workers who are affected thereby and whose interests are sought to be served, should get a majority in that Committee because it is these workers who should see to the implementation. Therefore, I would suggest that the majority of the members, whatever may be the number, even 17,—it should not matter whether it is 17 or any number—should consist of the workers' representatives. Now, of course, the situation has changed. All the mines have been taken over by the Government. They may become public undertakings and if they become public undertakings, the officials of these public undertakings will again be Government officials and they do not make much difference. Under these circumstances, this particular section should be so amended to see that the majority of the representatives are people from the workers. This is the first point.

SHRI DWIJENDRALAL SEN GUPTA: What do you mean by majority?

SHRI P. RAMAMURTI: Majority means, if the total members are 17, then, workers should be 9. I am asking for only bare majority.

MR. CHAIRMAN: Sen Gupta, after he completes, you can ask question.

SHRI P. RAMAMURTI: Secondly, I would also like to add something to what we have said here in this particular thing. Now, as far as the representatives of the workers are concerned, those representatives should be elected by the workers. This cannot be nomination by the Government. Certain unions and certain organisations may be recognised by the Government for various purposes. As far as this Act is concerned, I would insist that the Government should amend the provisions in such a way that the workers' representatives are really the representatives of the workers and the only way by which we can ensure this, is by way of secret ballot system. The election of the representatives of the workers must be provided for in this. Another thing that I would like to point out here is that, if we have an all-India Committee of this size, that will not be a guarantee to see that the provisions of the Mines Act, with regard to safety measures that are absolutely necessary in such mines, are implemented, because, a Committee of this type cannot be expected to go round and see all these things. Therefore, what I would suggest is that there should be Regional Committees constituted in the same way. There should also be sub-Committees, by whatever name you may call it, at the mine level consisting of the representatives of the management and representatives of the workers. They may also be elected, so that, on the spot and from day to day, they can look to the safety measures and see that they are actually carried out and if there is any difference of opinion between the two sides, then, the question can be referred to a higher committee who can come and investigate the whole thing. But, the actual implementation of the Mines Act is a question in which the mine workers must have a say. As it is today, it is left to the sweet will of the management, because, day to day management is in

the hands of the management, and the workers have no say whatsover to see that it is properly implemented. The Inspector goes and does something. In order to see that it is properly implemented, and to see to the day-to-day implementation, there must be a Joint Committee of the management and workers. In such a Committee, majority of them should consist of the mine workers so that they see to these things. Unless these three provisions are made, I do not think that this Act can be properly and effectively implemented. I come to paragraph 7 of our memorandum. I have covered Paragraphs 4, 5 and 6. This refers to amendment of Section 2 (h). Please refer to Page 2 of the amending Bill. I would strongly object to anybody being appointed without wages. This is wholly an unwholesome practice and there must be a statutory provision. Even apprentices are paid something.

MR. CHAIRMAN: Is there any such thing said here?

SHRI P. RAMAMURTI: As far as the mines are concerned, many people are employed without wages for some time. They are not kept on the muster rolls and they do not pay them. Government itself has recognised the practice.

SHRI R. N. SHARMA: This is for the purpose of visiting. If you visit a mine, you have to seek appointment and go.

MR. CHAIRMAN: There is no appointment for the purpose of employment without any wages.

SHRI P. RAMAMURTI: This is a practice. Mine owners keep a large number of persons without wages saying that they will give them employment after some time. Taking advantage of this particular provision, they keep a large number of people without wages. It is not a question of somebody, some outsider, who has got to visit a mine and who has got to get an appointment for that purpose. This is certainly not the position. The position is that there are people who are being employed without wages. I want a statutory provision in this Act, that nobody shall be employed without wages. Provision can be made for the purpose of visiting etc. There is a visitors' permit. The present practice of employing workers without wages must be put an end to. No worker should be employed without paying wages.

MR. CHAIRMAN: Which section you are referring to? In 2(h) there is nothing like that.

SHRI P. RAMAMURTI: Yes that is there. The thing is that it is an irregular practice but here you are recogniing that practice. The worker should definitely get certain guarantee. Suppose, you do not put him on muster roll and he meets with an accident, the employer will say that he is not on the muster roll and so he was not our employee. So, there must be some guarantee. As far as these employees are concerned, it is easy for them to do that. Therefore, you must make a specific provision, that any body who is employed in mines must be paid wages and must be specifically put on muster roll. In order to see that these provisions are not violated, it must be specifically provided that every employee who is employed in the mines gets appointment order before his appointment because today the practice is that the management is obliged to keep the records only for three years. They can destroy the records pertaining to the period before three years. Suppose there is a worker who is employed since long but if the muster roll is destroyed after three years, there is nothing to prove that he is an employee. Both these provisions should be added to this. Similarly with regard to section 2(h) (vi) this gives rise to lot of unfair practice because what would happen is that a worker will be kept on the muster roll. Today he will be asked to do watch and ward of the mine and next day he will be asked to do watch and ward at Manager's bungalow or somewhere else. This is a common practice that is happening. Or he is asked to do watch and ward

in the residential area. So there are no permanent persons who are kept on watch and ward duty at the mines. This practice is prevailing in all the mines. Therefore whoever is employed by the mining company, wherever he might be employed must be there. The provision excluding residential area, should be cut out. In the Railways, Mr. Chairman, you might be knowing the Gangmen are doing such types of duties and as far as mining is concerned, it is much more easy. Therefore, this provision should not be allowed. Then with regard to paragraph 9 in respect of section 23 the present act gives power to the management to re-start a mine after an accident after 72 hours if the Inspector does not come. This would completely nullify whatever benefits or whatever safeguards are given there because the proper thing is to appoint a sufficient number of inspectors to visit immediately within 24 hours. So once you enact the act, you must see that the act must be implemented and you cannot say that the Inspector cannot visit the factory because he was busy somewhere and therefore, the evidence can be destroyed. On the other hand, it must be obligatory that the Inspector must visit the place of accident and for that purpose the Government must appoint sufficient number of Inspectors and before the Inspector actually visits and investigates the case of accident, the mine shall not be allowed to be started. Otherwise, in most of the cases the Inspector will not be able to visit.

SHRI M. C. DAGA: But time limit is there.

SHRI P. RAMAMURTI: I would like that the time limit should be reduced from 72 hours to 24 hours.

MR. CHAIRMAN: His idea is that because of the insufficient number of Inspectors and because of the time factor the employer should not get an opportunity to say that now the inspection may not take place and let the factory be started. So this may create a situation where for want of sufficient number of Inspectors, this may go by default.

SHRI P. RAMAMURTI: This provision is made so that investigation can take place.

Now, please refer to line 27 page 3 of the Bill regarding 'reportable injury'. It means 'any injury other than serious body injury which involves.....20 days'. This definition resembles to a definition in IPC. The dividing line between what is called grievous injury and non-reportable injury is very thin and the managemnt should not be allowed to debar the worker from taking advantage of this provision. Reportable injury should be defined as "all injuries and not grievous hurt".

Then para 11. We have complained here about the non-visiting of the Mines Inspector. I would suggest that it must be made obligatory for every Inspector to visit every mine at least once a month. There should be inspection of every mine once a month. On that basis the government can work out the number of inspectors required. As such, the Government can appoint inspectors on the basis of 20 mines per Inspector. I want this addition to be made.

In regard to Section 29(1) of the Act, our point is that compensatory leave is not given for a long number of months. Our point is that the compensatory leave should be given to a mines worker in the following week. A statutory provision should be made to this effect. Supposing a worker works on Sunday he should be given compensatory leave in the following week. Here there is a mention of two months. The whole purpose of giving this holiday is that the worker may recuperate the health.

In para 14 we are only reiterating what the Central Wage Board for the coal mining industry has observed. There should be more holidays for such an industry. Earned leave

should be one for every 12 working days and one for every 16 days otherwise.

In para 15—it is an important thing—and this Committee will agree with me that the provision of drinking water is an absolute essential. We are saying drinking water should be provided in all the villages and here the mine workers work under most difficult conditions and it should be made obligatory to provide drinking water at the place of work.

MR. CHAIRMAN: Please see Section 19, sub-Section 1.

SHRI DINEN BHATTACHARYA: The place is mentioned no-where.

SHRI R. N. SHARMA: The provision is that water should be made available by the management.

MR. CHAIRMAN: It is provided that for the workers below, effective arrangement for the supply of water should be made.

SHRI P. RAMAMURTI: The punishment for non-provision of water should be very drastic.

I come to Section 26(3) which refers to the treatment given to the workers in case of disease. Our point is that as far as these mining workers, particularly in the coal mines are concerned, they get certain occupational disease which crops up because of gases that they inhale and there is stone dust too in the case of mine workers. As a result of it the worker is liable to contract T.B. etc. When he contracts occupational disease, peculiar to a particular occupation, these occupational hazards must not be treated just like other diseases i.e. all right you go to hospital and get the treatment. But there should be a Health Committee to go into the question of the peculiar occupational diseases and the worker must be given full pay during the period of his treatment.

MR. CHAIRMAN: This will also be a new clause.

SHRI P. RAMAMURTI: Yes.

You know conditions in mines throughout the world—not only in the Socialist countries but even in capitalist countries. They should be given certain amount of consideration. In most of the countries their working hours are six. I do not see why in our country also we should not reduce the hours of work to six hours because he has a lot of hazards.

MR. CHAIRMAN: Do they not come under the list of 'intensive workers'? If they come under 'intensive workers', then they will have to work for lesser hours.

SHRI P. RAMAMURTI: Even in Railways, for example 'Khalasi' you will call him most intensive worker. But as far as mining worker is concerned, whatever may be the intensity of work he should be asked to work for six hours. This may be applied to underground mining worker. In the mining industry everyone is working underground. This Committee should recommend that. This will also be a new clause.

I would give another suggestion. An underground worker reports for work at 8 O'Clock. Sometimes he has to go a long distance and he even after going down in the mine takes 10 to 15 minutes to adjust himself. For finding a place to work he may have to walk. All these things take time. When we say that he has to work for six hours or eight hours, the actual time should be taken down from the time he signs over there. Sign on and sign off should be taken into account and not from the time the worker actually starts his work in his place. Sir, you being the President of the Railway Workers Union must appreciate it.

SHRI CHAPALENDU BHATTACHARYYIA: At present the principle is 'bank to bank'. Hours of work are from bank to bank.

MR. CHAIRMAN: If bank to bank meets his purpose, he must not have said anything.

SHRI P. RAMAMURTI: Just as in the case of the running staff signing off and signing on is taken in view, similarly it may be taken in the case of coal mining workers too.

Inside the pitch nobody knows the time. Siren runs outside. Inside, there is nothing. There must be a statutory provision for the sirens going inside the factory also half an hour before the commencement of work and half an hour before the ending of the work.

MR. CHAIRMAN: These suggestions also mean the introduction of new clauses.

SHRI P. RAMAMURTI: Yes.

Then, there are certain collieries which do not work during the monsoon season on account of the hazards and apprehension of inundation for which the collieries remain closed during the monsoon season for a month or two. In those cases, where the collieries remain closed during the monsoon period on the apprehension of inundation, the wokers must be treated as continuous workers and during this period lay-off must be given. This requires a new clause for which there is no provision here.

Lastly, when the workers do not take Erned Leave, just as in Government service, they must be allowed to accummulate the Earned Leave for a number of months, at least for 120 days.

Another point is, for the purpose of calculating whether a worker has been in continuous work for 190 days or 240 days, it is stated here that Earned Leave should also be taken into account. What about the Sick Leave to which he is entitled? This particular Section must be made clear. It should cover both these things.

The last thing is, there are some officers kept for the purpose of seeing that the safety measures are carried out; but this is only for nominal purposes because their major work is production. This should stop. The safety officers appointed should be used exclusively for looking after the safety measures and not for production purposes.

These are our main comments.

MR. CHAIRMAN: Now I would like to seek a claricatión from you about the constitution of the Mining Boards. You have just now suggested a partial modification to your Memorandum or an addition to it, that the majority of the representatives on the Mining Board should be representatives of workers. Now, don't you think that if this suggestion is accepted it will be only the workers' decision? Instead of that, if the representatives of the workers are equal in number to that of the employers—in view of the nationalisation of coal mines, I think it will be mostly representatives of the Government—don't you think it would be more impartial than to suggest that the majority of the representatives on the Mining Board should be representatives of the workers?

SHRI P. RAMAMURTI: I would prefer a majority of workers' representatives because they are the people who are actually concerned. But I may be prepared to compromise on a position where both the Management and Workers have an equal number provided that the technical personnel whom the Management would like to appoint are also included in the Management quota; there should be no additional people.

MR. CHAIRMAN: The second thing I want you to clarify is this. You have suggested in your memorandum that the workers' representatives should be representatives of the various Trade Unions.

SHRI P. RAMAMURTI: No, that is a mistake. What we have said is that at present the Government is nominating the representatives of the workers and while doing so it picks up representatives of trade unions who are in favour of mine owners with the result that they do not effectively champion the cause of workers.

MR. CHAIRMAN: So you don't want the representatives of Trade Unions to be there.

SHRI P. RAMAMURTI: Trade Union representatives should not be nominated; they can be appointed by elections.

MR. CHAIRMAN: That means the representatives of the workers should be elected from amongst the workers themselves and not by the Trade Unions?

SHRI P. RAMAMURTI: Yes.

MR. CHAIRMAN: At the same time, I would like to point out to you that in the very beginning you made a declaration in reply to my observation about keeping your statement secret or making it public, that you do not want it to be kept a secret. But here, why are you suggesting secret ballot?

SHRI P. RAMAMURTI: Why are we having secret ballot for electing Members of Parliament? Here also, pressure is being brought on the workers.

MR. CHAIRMAN: But here you have suggested that the Trade Unions should set up the candidates.

SHRI P. RAMAMURTI: No. They can set-up candidates. Others also can stand.

MR. CHAIRMAN: Now the Trade Unions are setting up the candidates?

SHRI P. RAMAMURTI: Yes; and I want that the workers should have the right to stand whether the Trade Unions sponsor them or not.

MR. CHAIRMAN: The representatives can be outside the Trade Unions also?

SHRI P. RAMAMURTI: Yes.

MR. CHAIRMAN: In such a case if the representatives are elected by the workers through the means of a secret ballot, you will be agreeable to have an equal number of representatives of the workers and the Management including technicians in the Management quota, with an independant Chairman?

SHRI P. RAMAMURTI: Yes.

SHRI DAMODAR PANDEY: Do you not feel that this process will create one more division in the mining industry?

SHRI P. RAMAMURTI: Absolutely not, because the Trade Unions are for collective bargaining on behalf of the workers in regard to promotions, wages etc. That is what the Trade Unions are essentially concerned with whereas this particular Board or Committee is intended to see that safeguards are taken which are necessary to protect the health of the workers while the work is actually being carried out. Here there is no question of bargaining.

SHRI DAMODAR PANDEY: All workers are eligible for contesting the election, irrespective of trade union membership.

SHRI P. RAMAMURTI: Yes, all workers are eligible. They may not be members of any union, because it is not a collective bargain. Perhaps you are thinking about rival unions.

SHRI DAMODAR PANDEY: There are some contradictions in your Statement, especially about this nomination of candidates. You say Trade Union can nominate their candidates for election, then you say that workmen can also stand independently for election. For instance, if a trade union candidate is defeated and an independent candidate gets elected, then immediately he can claim that he is the representative of the workers.

SHRI P. RAMAMURTI: Certainly not. He is the representative of the workers. It will only mean that the particular union is not really the representative of the workers because that particular union which does not get its candidate elected, is no longer the workers' representative, that is all.

SHRI DWIJENDRA LAL SEN GUPTA: I want a clarification in respect of mining part, that is Section 12. Now, since the composition of the mining industry is changed much from the time the Bill was prepared, I seek your clarifications on 4 points. So far as Section 12 (a) is concerned, you have got two objections, one is the principle followed and the other is the system adopted. There it was to be done by nomination and you said that it should be by election. Now, you have also stated that about 7 to 8 persons should be nominated from among the employers which include representatives from Government side also.

But now you have said about the regional committee which is not envisaged here. So, even if the Committee accepts your suggestion, will you think that the constituent Board for which the election of the 8 representatives should be done on an All India basis? Or do you suggest that it should be done on regional basis? It may be presumed that the country may be divided into 4 regions and from each region two representatives may be elected.

SHRI P. RAMAMURTI: I had suggested that at a plant level there must be a Committee, the members of the plant level committee and the workers' representation of the plant level committee in a particular region can be on the basis of the division of the country into 4 or 5 regions. For example, there are some small mines in some States like M.P. Andhra Pradesh, Singareni Colliery, Assam, etc. and there are big mines in States like Bihar etc. So we may divide them into a number of regions, it is not on the basis of geographical regions but mining regions and on that basis you can divide it into different regions. And then you can have from these regions, workers' representatives and the mining representatives. Now, these representatives of the mining and workers at the pit head will elect their representatives in the regional committee and the regional committee Members themselves might elect the representatives to the All India Committee. This scheme works out the functions of the All India Committee practically. Essentially it should be the plant level committee and the regional committee that will play an important role in the All India Committee but some sort of direction and some authority and other things on an All India basis may be necsssary and representatives for this may be elected by the regional committees and by the workers.

SHRI DWIJENDRALAL SEN GUPTA: Unfortunately all these things are not there in your Memorandum, may be you have omitted. But my point is whether it is your suggestion that there should be some sort of electoral colleges or there should be ballot system. You have in your view something in the nature of electoral colleges.

SHRI P. RAMAMURTI: It may be so.

SHRI DWIJENDRALAL SEN GUPTA: And you want to make the plant level committees at the mines level. Now you want to make mining level committees and there are about 300 mines and so you want 300 committees.

SHRI P. RAMAMURTI: Yes, Sir.

SHRI DWIJENDRALAL SEN GUPTA: At page 2 of the Bill, line 8, it appears that you want to drop the worker or not.

SHRI P. RAMAMURTI: I may make it clear that there must be statutory

provision that no worker should be employed without this....If you drop that alone, that will not serve the purpose because he can still be employed.

SHRI DWIJENDRALAL SEN GUPTA: Whether there should be an employment in the mines or not should be a matter of the standing order. What you have to say?

SHRI P. RAMAMURTI: I want to cover only those people today who are not employed on wages. Whatever may be your intention, You will not be able to achieve a wider coverage. It is already up to the management to employ people to whom they will not bring them on the muster roll. Therefore, they will always say that he has not been employed. This will be the position. It will be difficult for a worker to prove that he has got any record. In order to enable carrying out the provisions of this Bill and have a wider coverage, you may consider a provision that no worker should be employed without wages.

SHRI DWIJENDRALAL SEN GUPTA: I am drawing your attention to the provision of the Industrial Dispute Act. Whether he is employed for hire or reward.

SHRI P. RAMAMURTI: A man is hired for something.

SHRI DWIJENDRALAL SEN GUPTA: Another point is that State has become nationalised industry.

SHRI P. RAMAMURTI: There are so many mines which are not covered by the State. You take, for example, Tisco and Mica.

SHRI DWIJENDRALAL SEN GUPTA: The Minister has said that he will take all the mines within six months.

SHRI P. RAMAMURTI: We are not concerned with that. Apart from coal mines, there are other mines.

SHRI DWIJENDRALAL SEN GUPTA: You have no complaint about the rescue Board.

SHRI P. RAMAMURTI: We have not suggested anything.

SHRI J. N. BHARDWAJ: As far as election is concerned, do you think that undesirable people will enter into election or not.

SHRI P. RAMAMURTI: This question relates to workers. It is for his purpose we are doing. As far as worker is concerned, when you are providing for his representative, you should not choose for him. It is for him to choose. There is no point in that. Then you need not appoint workers' representative.

SHRI J. N. BHARDWAJ: You have said that these workers who are without any wages, they should not be kept; they should be paid; they must be paid. For example, tomorrow, some scheme comes in where you have to give them free training and then give them employment. Are you not creating necessity for separate legislation?

SHRI P. RAMAMURTI: Under the Apprenticeship Act, those people who are appointed, they are being trained. You cannot appoint a person as an apprentice and not pay to him. If you have got any scheme for apprenticeship, you appoint him as apprentice and then pay him something.

SHRI J. N. BHARDWAJ: Could you give to this Committee a list of workers who are not paid but they are employed?

SHRI R. N. SHARMA: Mr. Chairman, Mr. Murti has enumerated the functions of the Mining Board. He has suggested the constitution on the lines suggested in the Bill. The functions of the Mining Board, it is just an appellate authority against the orders of the Chief Inspector of Mines. He has also suggested regional committees. At present, there are nine regional committees. Under the present Act and in the modification, there is a suggestion for having one committee and one mining

board. Will Mr. Murti suggest, how does he differ with the present constitution of the mining board? Does he agree with the present constitution of the regional mining committee which covers all mines in a broad region?

SHRI P. RAMAMURTI: My only difference is that as long as workers' representatives are there, the workers must have a say. Then as far as appeal is concerned, when he goes to appeal to the Regional Committee or even to the highest authority—Central Labour Mining Board—apart from that, I have suggested that there must be a committee at the mining level.

SHRI R. N. SHARMA: He is talking absolutely about a different committee which may be called Mine Safety Committee at each pit or each mine for which there is no provision in this Act. But if you are amending the present Act in terms of Mines Act which is just having an appellate authority, this Mining Board is the appellate authority where the workers are also represented and it is just a decision on technical matters, it is just an appeal against the orders of the Director-General of Mines Safety. It is none of the functions of the Mining Board to look to the day-to-day affairs of the Inspector or to look after the safety in mines. So, what Mr. Murthi has suggested, is that, if you take it on the face of it, there is no safety Committee everywhere. This is not stautory at present. This should be made statutory. Provisions should be brought in.

SHRI P. RAMAMURTI: You are right. I only want to add another thing. In order to see that the safety measures are properly implemented, a statutory provision should be made and you may call it by whatever name, wherein, equal representatives of the management and labour should be represented at the mining level.

SHRI R. N. SHARMA: Have you gone through the provisons, where, it has been stated that there should be workers' inspectors, inspectors appointed by the workers, who will be looking after the safety provisions in the mines. I hope this has come to your attention.

MR. CHAIRMAN: In the present provision of the Act, it is not.

SHRI P. RAMAMURTI: I am only saying that if the managements and workers sit together, they will be able to resolve many difficulties.

SHRIMATI SHEILA KAUL: Mr. Ramamurthi, you said that the workers should get wages and they should not be allowed to work without wages. How can that happen that they work without wages?

SHRI P. RAMAMURTI: Unfortunately, that is the condition. The employment in this country is very vast. With the collosal nature of the unemployment problem, these mine owners are able to entice the workers by saying that they will be given employment after some time. They continue to work without wages. This is happening. This is our country. What can be done? This is the position.

SHRIMATI SHEILA KAUL: They work for 6 months?

SHRI P. RAMAMURTI: They work for 3 months. Then, they are thrown out.

SHRIMATI SHEILA KAUL: How do they eat?

SHRI P. RAMAMURTI: They some how get something from home. Most of these persons come from Gorakhpur and Bihar. They depend on some relatives. This is only for a short time. After some time, they will not get any job. This is happening.

SHRI M. C. DAGA: I would like to draw your attention to "reportable injury". If there is a bruise or abrasion, will that tantamount to serious injury or grievous injury? Suppose, there is only a bruise or abrasion, you say that this should be treated as a

serious injuiry. Can it be treated as a serious injury?

SHRI P. RAMAMURTI: What is wrong in reporting that? Whether it is serious or not, you should report everything. For example, some minor injuries take place. If these are reported, this might help in devising measure to prevent some major injuries taking place. This might lead to certain measures being taken which would prevent major injuries also. These things must be reported. Everything should be reported. It is for the Inspector to see whether any action is necessary to be taken.

SHRI M. C. DAGA: There is fine distinction between serious bodily injury and a reportable injury. Do you agree with this distinction or not?

SHRI P. RAMAMURTI: As far as bodily injury is concerned, it has got to be reported.

SHRI M. C. DAGA: That we do not disagree. I say whether there should be a distinction between the two or not.

SHRI P. RAMAMURTI: As far as this section is concerned, bodily injury has got to be reported. Apart from bodily injuries, there are certain smaller injuries,....

SHRI M. C. DAGA: Any injury must be reported. That is not the thing.

SHRI P. RAMAMURTI: Serious bodily injury must be reported.

SHRI M. C. DAGA: That has been defined in the Act.

SHRI P. RAMAMURTI: The definition of serious bodily injury is given in the amending bill. Apart from this, it is said that all injuries which involve hospitalisation for a period of more than 20 days will be reportable. These are the two cases which should be reported.

SHRI M. C. DAGA: The Bill provides that reportable injury means any injury which should be reported.

SHRI P. RAMAMURTI: That is my position.

SHRI M. C. DAGA: That is there in the Bill.

SHRI P. RAMAMURTI: It is not there.

SHRI M. C. DAGA: What is not there? The definitions of both "reportable injury" and "serious bodily injury" is given in the Bill.

SHRI P. RAMAMURTI: The provision is that he must be hospitalised for 20 days.

SHRI M. C. DAGA: If a person gets a simple injury, an abrasion or a bruise, whether it should be reportable injury or serious injury?

SHRI P. RAMAMURTI: It is not a reportable injury under the present provision. If a person is in the hospital, for less than 20 days, it is not reportable injury. A person may be kept in the hospital for 19 days. He may be discharged 19 days 23 hours after the injury. I want that all injuries should be reported.

SHRI M. C. DAGA: Even if a person gets a scratch on his person?

SHRI P. RAMAMURTI: Even then, this should be reported. What does it matter? They escape the clause by getting him discharged through an obliging doctor one day before the 20 days. In order to enable these persons to escape this provision, why should you keep that loophole?

SHRI M. C. DAGA: With regard to Clause 16 Section 23 A, you have said in your memorandum that the Managements may also bribe the Inspectors. You say that the Inspector is not an honest person and he will be very easily bribed. But, you also say that it should be obligatory for the inspector to visit the mines after the accident. You also say that the inspector is not a reliable person.

SHRI P. RAMAMURTI: I would suggest that it should be made obligatory for the inspector to visit the mines within 24 hours. I know that there is

lot of bribery and corruption going on. But, in spite of this, if the inspector actually visits the place, it will be very difficult for him to escape certain conclusions and with the amount of pressure from the public and also from the workers that is brought to bear upon him, when he is actually inspecting, it will be very dificult for him to give a report contrary to what has actually happened. Therefore, I say that it should be made obligatory for the inspector to visit the mines at least within 48 hours. For that purpose, there should be sufficient number of Inspectors.

SHRI M. C. DAGA: You say that the inspectors are dishonest persons. On the other hand, you say that they should inspect the mines.

SHRI P. RAMAMURTI: In the present-day conditions existing in our society, where black money is rampant, corruption is not something which can be eliminated fool-proof. We can only approach the problem and try to eliminate it to a certain extent. I am only suggesting some measures which will eliminate corruption to a certain extent. I am not saying that corruption is going to be comletely eliminated.

SHRI M. C. DAGA: One more question. You have said that the new Bill should provide for election of the workers' representatives on the Mining Board and you have said that the Board should consist of eight representatives of trade unions, 4 representatives of the mine-owners' one representative of the managers of mines and 4 representatives nominated by the Government. As per your suggestion, the workers will not be in a majority.

MR. CHAIRMAN: He has modified his suggestion.

SHRI M. C. DAGA: Do you not agree that election is a costly affair for the poor people? If they contest the election, they may lose that also.

SHRI P. RAMAMURTI: This is not the membership of the Parliament or the membership of the Legislature. This is a specific Committee and for that no worker would like to spend a lot of money.

SHRI K. S. CHAVDA: While giving evidence at Jaipur one of the representatives gave his opinion regarding separate legislation for open cast quarry and underground mine. Is it advisable according to you to have a separate legislation for open cast mine and underground mine?

SHRI P. RAMAMURTI: I do not think it is necessary if the same Bill can provide for both.

SHRI CHAPALENDU BHATTACHARYYIA: Do you maintain that the mining hazards under one thousand feet is the same as in open cast quarry of 25 feet deep?

SHRI P. RAMAMURTI: I do not say that. If the same Bill can provide that in the case of so many feet certain safety measures are necessary and in the case of other, certain other measures are necessary. I am told that the hazards do not necessarily depend upon the depth, but it depends upon so many other factors which are there.

SHRI CHAPALENDU BHATTACHARYYIA: Do you think that you are correctly advised in maintaining in the fact of experience that the hazards of a mining of 1000 feet are the same as the hazards in mining of 25 feet deep quarry?

SHRI P. RAMAMURTI: I do agree that in open quarry the hazards are less as compared to the mine of a thousand feet. All that I want to point out is, it is not only the depth but there are other considerations.

SHRI CHAPALENDU BHATTACHARYYIA: You maintain that you are not agreeable to the representative character of a Union. You want to have another election for the purpose of selecting representatives of Mining Board.

SHRI P. RAMAMURTI: Unfortunately, today the position is that the representative character of a union is not decided by means of secret ballot of the workers.

SHRI CHAPALENDU BHATTACHARYYIA: Would you agree as a fact of life that there is corruption even in election of Gram Panchayat? I would like to know from ycu that in case of such elections, on the face of the existing situation, do you or do you not apprehend that in the case of election of representatives some sort of unfair election practice may remain?

SHRI P. RAMAMURTI: I would not have objected and I would have agreed to the nomination of the representatives of the workers on the Board if the representative character of the Union is decided by means of secret ballot.

MR. CHAIRMAN: The point at issue is that Mr. Ramamurti prefers an election of representatives for this Mining Board by secret ballot and he will not prefer representatives of the Trade Union. Thank you Mr. Ramamurti.

(The Witnesses then withdrew).

II. Indian National Mine Workers Federation, Calcutta.

Spokesman:

Shri Kanti Mehta—*General Secretary.*

The witness was called in and he took his seat.

The Chairman drew his attention to Direction 58 of the Directions by the Speaker.

SHRI KANTI MEHTA: Thank you, Mr. Chairman. We are grateful for the opportunity you have given us to present our views on the proposed modifications of the Mines Act, 1952 as incorporated in the Mines Amendment Bill, 1972. We are happy to note that our suggestions for inspection by workers representatives which had been accepted by the First Safety Conference in 1958 have now found a place in the amendments proposed. We are hopeful that the amendments our Federation has suggested both in the memorandum and supplementary list later submitted will receive due consideration so that the difficulties experienced in the enforcement of the provisions of the Act are removed. I will not take much time of this Committee in going through all the amendments in detail. I would only emphasise a few which we think are important.

One is regarding the defiinition of "persons employed." Though the definition is there in the amended Bill we are not very sure whether it covers the persons employed by or through contractors. I hope the Committee will give due consideration to see that they also are covered by the provisions of the Act.

The second point is about the coverage in the original Bill and we have made our suggestions. There are some mines. likely limestone, etc. which are proposed to be exempted. We are of the opinion that they should not be exempted. It is on page 3 of our original memorandum.

The third point is about the Categorisation of injuries. It has been stressed by our Federation that we should have two categories—reportable injury and serious injury. Reportable injury should be defined as follows: "Even if a man has to go to hospital for a day it should be a reportable injury". Serious injury should be on that requires hospitalisation for 20 days and more. Even in the present Act there are mal-practices in this matter—we have often found that a man who is seriously injured. is kept in the hospital for 19 days and for one day he is brought out of the hospital and then again taken to the hospital just to avoid inclusion of this injury in the list of serious injuries.

Then our suggestion number 7 regarding amendment of Section 37. We have suggested that the people who are to be excluded from certain pro-

visions of the Act, should be on the basis of a salary limit. We would submit that most of the workmen in the coal mining industry because of merger of dearness allowance have a basic wage upto Rs. 750.00; this is therefore regarded as top-limit for workmen and consequently we would suggest that all those earning below 750 should be covered by this Section. If this is not acceptable, then we should see that at least this Section on over-time apply to these workmen; in other words they should be eligible for overtime. The recent nationalisation of the coal mining industry has changed the context in which the provisions of the Mines Act will apply. We are of the opinion that many of the existing mal-practices will not find scope in the public sector.

We are aware that there are still a large number of mines other than coal in the private sector. Even then we feel that the mines in the public sector which will account for a large area in the mining industry have the potentiality of bringing about considerable improvement in matters concerning safety and welfare for the workers employed therein. We hope that the amended Mines Act will be regarded as the minimum conditions that are necessary for safe operation of the mines and encouragement will be given to constant improvement by direct dialogue between the management of these mines and the representatives of the workers employed therein.

In addition to what have already been submitted before you, both in writing and by way of oral evidence by representatives of our Federation and its affiliates, we would like to stress that penalty clauses for negligence of safety provisions should be more meaningful. There are a quite large number of employers who are habitual defaulters in complying with the rules and regulations and they go scot-free due to defective legislations in regard to prosecution. Even in cases of accidents and disasters where Courts of Enquiry have held managements responsible, we are not aware of the follow-up action that is taken. For instance, I may quote the disaster of 1965 at Dhori Colliery where more than 250 people died. There was a Court of Enquiry. A Supreme Court Judge with two able assessors went into it and held the management guilty. but when the proceedings for prosection were instituted, the Sub-Judge who dealt with this matter held that the management is not guilty. Of course the Mines Department is reported to be pursuing this matter, but we are not as yet aware of the result.

We have had a number of disasters in this country where Courts of Inquiry have held the Management guilty but till today even the meagre punishments mentioned in the Act have not been meted out because of the dual legal procedure involved. For the information of the Committee I would like to state that just at the time of the Dhori disaster, there was another disaster in Yugoslavia and by the time our Court of Inquiry was set up they had finished their enquiry and the people responsible were given their due punishment.

So, I would urge that it would be worthwhile for this Committee to find out what punishments have been meted out to Managements whose negligence and non-compliance of statutory provisions have led to loss of lives. Our laws often frustrate the very objective they have in view. We feel that the whole system requires a radical change. Safety legislations must ensure that saving on safety measures must ultimately cost more to the defaulting managements. I would therefore urge that this duplicate procedure should be replaced by a single Court of Inquiry which should have the power to meet out the punishments to those who are held guilty.

In this connection we would like to point out that Section 22 has sometimes been used by some unscrupulous managements to deprive the workers of their legitimate dues. Often imposition of Section 22 by the Mines Department has been invited by managements so that they can colse the mines without paying lay-off compensation, we feel that if Section 22 has

to be imposed due to violation of safety measures by managements, the workers affected should be paid full wages for the period the mine is closed. Such a provision would act as a deterrent against deliberate and wilful violation of the provisions of the Act.

We would also suggest that the employees employed by or through contractors should be covered by the provisions of the Mines Act and the definition of an employee should be modified with that end in view. This is necessary because the contract system is widely prevalent in the mining industry.

Mining is regarded as "one of the most dangerous of peace-time professions" and ,therefore, the need for better social security measures is universally accepted. The safety Conference in 1958 had recommended that "as mining is a hazardous profession and the element of danger is ever present before the workers, there should be schemes to provide for payment of supplementary compensation in case of death or peramnent injury affecting the earning capacity of a mineworker". We would therefore reiterate the necessity of raising the present absurdly low rate of compensation to a level which will act as a deterrent to neglect of safety provisions. The present provisions in the Workmen's Compensation Act regarding injury leave should be modified upto at least six months with full pay in addition to free hospitalisation. Investment in safety measures must be made to pay. There should also be schemes giving adequate compensation to mine workers for partial or complete disablement due to accidents in mines or industrial diseases as also to those who are thrown out of employment due to the enforcement of the provisions of the Coal Mines Regulations, 1957. Such schemes should ensure that the workers suffer no financial loss.

It is in the context of what has been said above that we would like to caution the Committee against the provisions for better medical check up without adequate safeguards. Implementation of those provisions should ensure that the employees who are declared medically unfit are assured of alternative employment without loss in wages.

In this connection I would like to point out to the Committee that even in 1958, at the 1st Safety Conference, when we agreed to some of the provisions for better medical check up and other things, we had pressed this point. We have nothing against medical check-ups; in fact we consider them necessary; but then the employers must have adequate safeguards. We have Managements, for instance, who are prepared to ex-ray the workers every six months. If they are found to be suffering from pheumoconiosis, which is a very common diseases in the coal mining industry, they are thrown on the street without any compensation. They, therefore, prefer to die so that their families can live, rather than have themselves checked and be thrown on the street and thus expose themselves and their families to starvation. Therefore, while we welcome the provisions you have suggested in Section 9(a) in item 5 of your Bill, I would only sugest that you should tie up with them adequate safeguards in the implementation of the provivisions to ensure that the employees who are declared medically unfit due to their working in the mines are assured alternative employment without loss of wages.

We would like to urge that effective participation of representatives of the workers is also necessary for the proper implementation of the safety provisions. At the First Safety Coference it was decided that the Trade Union organisations would be given the right to inspect the mines and indicate violations in regard to safety measures if any. It was also decided that in every colliery or mine a Safety Committee with representatives of Management and Trade Union organisations would be set up.

We are glad to know that these two aforesaid measures have been given effect to in the proposed legislation. It is hoped that this will bring about greater involvement of the workers in improving the safety of the mines.

MR. CHAIRMAN: I want to seek a clarification on one point. I find that in your memorandum you have suggested that the Managers should be given only one representative. Do you agree that the workers also should not be given additional representation?

SHRI KANTI MEHTA: We want that the workers should be given an equivalent number of seats, but what we find is that the Managers are regarded as representing the employees whereas in practice the Managers always support the Management. As such they should be given their representation, whatever it may be, from the quota of Management and not of the workers.

MR. CHAIRMAN: Now in the quota of the representation by the management, should it also include the technical experts and the representative of the State Governments?

SHRI KANTI MEHTA: Yes. sir.

MR. CHAIRMAN: Then does it mean that on such Boards, the workers' representative and the representatives of the management including the representatives of the Government should be equal in number? I think the Government representatives on one side, the management on the other side and the workers on another side will meant that there will be equal representation.

SHRI KANTI MEHTA: Then what will happen to the nationalised collieries and their management?

MR CHAIRMAN: There is another point; in your statement you have stated that this double system of enquiry by a Court of enquiry into the accidents and starting the prosecution through a regular court should be given up. This is what you have suggested. Then why do you want to combine the two?

SHRI KANTI MEHTA: We do not want this double procedure and then again it looks very rediculous if a Supreme Court judge find a management guilty and the Special Court Magistrate holds that it is not guilty. It looks odd.

MR CHAIRMAN: The Court have got their own procedure. The court of enquiry have got their own jurisdiction and terms and reference and they have to proceed in their own way. Therefore if you mean to suggest that the court of enquiry should be on the basis of the judgement of the case, then have you got any concrete suggestion for this?

SHRI KANTI MEHTA: It think it should not be difficult to find out ways and means by which the court enquiry which is presided over by a high judicial official should also have the power of prosecuting the guilty and mete out the punishment.

MR CHAIRMAN: What in your suggestion? Whether there should be two separate set of rules, one for the regular mines, workers working underground, and another set for open-cast mines.

SHRI KANTI MEHTA: I do not think there is any necessity of having two sets of rules. I do not think so.

MR. CHAIRMAN: Better it is suggested that the same amount of safety measures is not involved in the open-cast mine or in colliery or in an underground mine.

SHRI KANTI MEHTA: Even that will happen because there may be some difference between one place and another place and there is a lot of difference even in safety conditions. Otherwise you should have a number of rules and regulations and generally what the Mines Department or

the Inspectorate does in this matter usually is that they give more attention where you have greater amount of risks and give lesser attention where you have less risk.

SHRI MONORANJAN ROY: I would like to ask one question about the reportable injury. You told that the case of a person who is injured and sent to the hospital for one day should be reported But have you got any objection if all injuries are required to be reported?

SHRI KANTI MEHTA: This means that all injuries should be reported. But we are dividing this into two kinds of injuries—one is the injury that requires hospitalisation for over a period of 20 days and the other is injury of a minor nature. For instance, in Assam there was a very high rate of serious injuries and this was pointed out in the first Coal Tribunal. We found suddenly after 1956 that the rate of serious injuries went down considerably. Then we thought that a new method or a way might have been found so as to avoid reporting.

SHRI MONORANJAN ROY: But we also find that those injuries which are of serious nature should be reported.

SHRI KANTI MEHTA: So far as reporting is concerned, all injuries should be reported. Both are to be reportable. It is not that munor injuries are not to be reported.

SHRI MONORANJAN ROY: You have suggested about the safety rules to be adopted not only those suggested by the Inspectors but by the workers themselves which is also a sort of participation by the workers. Now have you got any objection to workers suggesting safety rules?

SHRI KANTI MEHTA: I agree to the first part, in the sense that the safety conditions are being provided and I think that this will serve the purpose of involvement of workers is so far as improving safety measures in mines are concerned. I would rather feel better if the recognised trade unions representation of workers is made by nomination by recognised trade unions than by election, because during election other types of things come up rather than the purpose for which it is done.

SHRI MONORANJAN ROY: For that he will have no other work, he will have to look after no other work except the safety measures.

SHRI KANTI MEHTA: We have worked on this Normally we have found that wherever nominations are made by the unions, those nominated representatives have worked better than those who have been elected. It is because you will agree, in election, in this country, there are various other factors which come into the picture and vitiate sometimes the purpose for which such elections take place, that is our experience.

SHRI MONORANJAN ROY: In many of the mines, the unions do not exist. So in those cases you will agree that there should be elections through which the workers representatives should come.

SHRI KANTI MEHTA: What you are suggesting is that the workers representatives should come through election. But the point is that you should have proper type of representation by trade union. But I feel that proper representation by nomination would serve a better purpose than by an election.

SHRI J. N. BHARDWAJ: You have agreed that there should not be separate legislation for quarry. Do you think, it will be workable if the quarry including mine are catergorised as also the safety rules according to a particular need?

SHRI KANTI MEHTA: I personally think even four categories will not serve. Once, if you start categorising, there is no end. Even in the course of the life of a mine conditions change, I don't think any kind of separate legislation for different types of mines will serve the purpose.

SHRI J. N. BHARDWAJ: In the same legislation, if you do it.

SHRI KANTI MEHTA: I do not understand what purpose it will serve.

SHRI J. N. BHARDWAJ: How to emphasise in the case of mines which are more risky and dangerous rather than open surface quarry? Can you give some suggestions ?

SHRI KANTI MEHTA: There are many provisions which are common to many mines.

SHRI DWIJENDRALAL SEN GUPTA: You have, in your evidence, expressed a desire that everybody working in the mine including the contractor's labour should be covered. Is it covered now?

SHRI KANTI MEHTA: It may be covered; it may not be covered. I do not like that legislation should be vogue in this respect. I would like the legislation to be very specific and clear and not open to any doubt.

SHRI DWIJENDRALAL SEN GUPTA: Would you, while expressing your interest to cover them, suggest even at this stage that Act should be amended?

SHRI KANTI MEHTA: We would like the Mines Act to be amended to that effect. We are all for abolition. We would be very happy if the same is provided for in the Act. If there is no such provision in the Mines Act, I would like all the things that are meant for workers regarding safety and welfare of workers should also cover the workmen employed by or through contractors.

SHRI DWIJENDRALAL SEN GUPTA: Your first desire will be abolition of the contractor's labour. Even contracts, they should be covered by this Bill.

SHRI KANTI MEHTA: Yes, Sir.

SHRI DWIJENDRALAL SEN GUPTA: You have referred to the delay in the enquiry. Will you like that the moment there is an accident, there should be an advance enquiry commission as a matter of law and there should be a specific period during which this commission should finish the enquiry?

SHRI KANTI MEHTA: Of course, not for every accident. But, we can have a kind limit of where more than five persons are involved, this should automatically lead to the setting up of a court of enquiry at once. For other things, of course, it may depend on the circumstances of each individual case if less than five persons are involved.

SHRI DWIJENDRALAL SEN GUPTA: For fixing a time-limit for completion of the enquiry accident.

SHRI KANTI MEHTA: We have found it difficult. Our legal procedure has often led to a considerable delay. I wanted it to be very expeditiously conducted: I don't think whether our Constitution would allow that a man should not be given a proper chance of defence. We have found wherever commissions have been given time limit, very few committees in this country have been able to adhere to it. I would say, in many cases, it was beyond their power. They could not do it for various reasons. We would like that it should be very expeditious. It should be as quickly as possible. Otherwise, we have said, for instance, even till date this accident took place, nothing has happened.

SHRI DWIJENDRALAL SEN GUPTA: You have referred to what has happened in foreign countries. Do you suggest that what is possible in Yogoslavia should be possible here?

SHRI KANTI MEHTA: It should be possible. That is why I said that the committee may go into why such delays took place? I don't think there

is dearth of legal talent in this committee to find out ways which would help in this process of expediting this work.

SHRI DWIJENDRALAL SEN GUPTA: Laws delay our system are such that delays took place. Will you suggest that in such matters of accident, the enquiry did not be elaborate or should be what it is now? Whether we should go by the method as it is followed in Yugoslavia.

SHRI KANTI MEHTA: As I said, it is not actually that delays are not so much with the court of enquiry. Here, of course, the appointment took nearly six months by way of appointment. Suppose, there is a provision in the law that as soon as five people die immediately after that we have a kind of thing to go into that matter. That process will not be gone through again. It is there that such delays occur. After Dhori case was over, another legal process started by which another court had to go through for the purpose of prosecution.

MR. CHAIRMAN: Should there be a permanent court of enquiry?

SHRI KANTI MEHTA: There should be a permanent machinery which may not be in existence, but which can be commissioned at a given moment.

SHRI KALI MUKHERJEE: The question is whether adequate social security need be there or not. In view of the hazardous jobs which they perform in the mines, particularly those who normally work underground mines do you agree that some sort of life insurance should be done and the money should be paid by the company?

SHRI KANTI MEHTA: We have always been pleading that if any extra social measures are to be implemented in the case of mine workers, then, it is for the Government to decide as to how this has to be done and whether it needs modification of the Workmens Compensation Act. The fact remains and everybody also knows that for every accident in a factory, there are ten accidents in a mine. As such, they require more social security measures. We have also another problem. Unfortunately, in this country, even the Government has not accepted the unanimous recommendation for gratuity for coal mine workers. This has not been accepted as yet by the Government though nearly six years have elapsed. The feeling is there that they need more. This is not done. The second part is black lung disease. With increasing mechanisation it is going to be a very big risk in the mines. Once a person is affected with pneumoconiosis, he cannot be cured. It is a disease for life. The only thing that we can do is that, we can put him in another place. He may not be able to work in the underground. In other countries, in the United States for example, during the last three months, they have enacted a very elaborate black lung disease law. Again, in the case of Uranium mines, we have so many health hazards and we are not even thinking of how much our people are going to suffer within the next few years. There is the Radiation disease. Very little attention has been paid or is being paid. For example, in the case of smoking, in the United States, a lot of money is spent by both sides, one to prove that it leads to cancer and the Tobacco owners also spend lot of money to prove that it does not lead to cancer. Similarly, in the case of Uranium mines, the employers are trying to prove that it does not lead to radiation. But, the other side of the picture is something, which is horrifying. No attention is paid to these things. As I said, pneumoconiosis, silicosis, radiation etc. all these are diseases which are very dangerous in the case of mine workers. I feel that we should initiate steps from now at least to see that workers are protected. But, as I said, here again, there is another problem. Workers are resisting the checking for these diseases. Once they are checked, and they are found suffering from any of these diseases, they will be asked to leave the mine without any

compensation whatsoever. Even if compensation is paid—as is payable under the Act—though some of the State Governments have not applied these laws, though the law is nearly 5 or 6 years old—this is nothing as compared to the job. Unless you have a provision for alternative employment to workmen, without any loss in wages, who contract these diseases during the service to the industry, I do not think anything can be done in this respect. I would rather urge this Committee to see that those people who have to work under these conditions receive the consideration they deserve in respect of compensation.

SHRI M. C. DAGA: I would like to ask one question. You must have gone through this Clause 12—Sections 17 and 18. Do you agree with the sub-clauses mentioned therein or do you want any amendments?

SHRI KANTI MEHTA: I do not think our memorandum says anything different.

SHRI M. C. DAGA: You agree with the Clauses?

SHRI KANTI MEHTA: Yes

SHRI M. C. DAGA: Now, I would like to know as to whether all should be held guilty or only the persons who contravene should be held guilty.

SHRI KANTI MEHTA: Normally, the process is that the Manager is supposed to be responsible. He delegates authority. If it is proved, as it normally happens, that somebody has not carried out his orders, and that person is responsible then, the Manager is not guilty at that time. He is absolved. Only in cases, where he is also liable, he is held guilty. The ultimate responsibility is with the Manager. But, that does not mean that if somebody fails to carry out his orders due to which some accident takes place, he should be held guilty. That does not happen.

SHRI M. C DAGA: You have said that reportable injury means, if a person remains absent for one day. Suppose, a man gets a bruise or an abrasion, and he does not remain absent will it be counted as a reportable injury?

SHRI KANTI MEHTA: It is a very fine line. Once an accident takes place, normally, it should be reported. Even if he is not absent for a day, this should be reported. I would go to that extent. With the introduction of mechanisation, we should not forget that these minor injuries are going to increase. So, I would say that when you put a line, you will always have a border line case. Any injury sustained during work should be a reportable injury.

SHRI M. C. DAGA: You are now contradicting your own memorandum.

SHRI KANTI MEHTA: I am improving it, if I may say so.

SHRI DINEN BHATTACHARYA: I would like to seek only a clarification. With regard to the Safety Committee and the Mines Board, you said that there should be a tripartite body. With the nationalisation of both coking and non-coking coal mines if instead of a tripartite body, if there is a body consisting of equal number of representatives of the workers and the Management, with an independent Chairman, would it not be better?

SHRI KANTI MEHTA: As far as safety bodies are concerned, I do not think there is any necessity for a tripartite Committee. This is going to be a bipartite Committee. As far as Mining Boards are concerned, there may be other interests like State Governments, Central Government, and the Mines Department. They are not a part of the Management, but, they would like to be represented on the Mining Board. For Mining boards, there should be tripartite Committees and for safety matters, there should be bipartite Committees.

SHRI DINEN BHATTACHARYA: If the number exceeds that of the workers' representatives, would it not affect their interests?

SHRI KANTI MEHTA: Each side has an equal number. Two sides of a triangle are always longer than the third.

SHRI R. N. SHARMA: You have referred to all sorts of diseases which the miners do attract during the course of their duty. Have you gone through the report of the Indian Medical Association that 10 per cent of the coal miners are suffering from T.B.?

SHRI KANTI MEHTA: TB is a prevalent disease in the mines. But I would not be surprised, if a proper checking takes place at least on underground workers, many of them are suffering from pneumoconiosis and we have not evolved even our machinery to this extent to prevent this disease. The only point I would like to say that T. B. is a prevalent disease. It is a common phenomenon all over the country.

MR CHAIRMAN: Thank you Mr. Mehta.

[*The Committee then adjourned*]

RECORD OF EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE ON THE MINES (AMENDMENT) BILL, 1972.

Tuesday, the 6th February, 1973 at 11.00 hours in Committee Room, Parliament House, New Delhi.

PRESENT

Shri Anant Prasad Sharma—*Chairman*

MEMBERS

Lok Sabha

2. Shri Bhagirath Bhanwar
3. Shri Chapalendu Bhattacharyyia
4. Shri Dinen Bhattacharya
5. Shri Khemchandbhai Chavda
6. Shri M. C. Daga
7. Shri Anadi Charan Das
8. Shri K. G. Deshmukh
9. Shri C. D. Gautam
10. Shri Bhogendra Jha
11. Shrimati Sheila Kaul
12. Shri Boksi Nayak
13. Shri Paripoornanand Painuli
14. Shri Damodar Pandey
15. Shri Ramji Ram
16. Ch. Ram Prakash
17. Shri Bhola Raut
18. Ch. Sadhu Ram
19. Shri T. Sohan Lal
20. Sardar Swaran Singh Sokhi
21. Shri T. V. Chandrashekharappa Veerabasappa
22. Shri G. P. Yadav

Rajya Sabha

23. Shri Monoranjan Roy
24. Shri B. K. Mahanti
25. Shri Sita Ram Singh
26. Shri Vinaykumar Ramlal Parashar
27. Shri Kali Mukherjee
28. Shri Jagan Nath Bhardwaj
29. Shri Qasim Ali Abid

30. Shri Himmat Sinh

31. Shri Dwijendralal Sen Gupta

REPRESENTATIVES OF THE MINISTRY OF LABOUR AND REHABILITATION (DEPARTMENT OF LABOUR AND EMPLOYMENT)

1. Shri N. P. Dube—*Additional Secretary.*

2. Shri V. K. Chanana—*Deputy Secretary.*

3. Shri R. Kunjithapadam—*Under Secretary.*

LEGISLATIVE COUNSEL

1. Shri P. L. Gupta—*Additional Legislative Counsel.*

2. Shri V. S. Bhashyam—*Deputy Legislative Counsel.*

SECRETARIAT

Shri H. G. Paranjpe—*Deputy Secretary.*

WITNESSES EXAMINED

1. Shri H. B. Ghose, *Director General of Mines Safety, Dhanbad.*

2. Shri M. Datta, *Director of Mines Safety (H.Q.), Dhanbad.*

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Mr. Ghose, before we proceed, you know the procedure is that the evidence you depose before the Committee is treated as public and even if you desire that either a part or whole of it should be treated as confidential, it will be made available to the Members of Parliament.

Now, we have a note outlining the implementation of safety measures in the mines as laid down under the existing laws submitted by you. The Committee would like to be benefited by your views, if you have any; of course the note is self-explanatory but if you would like to further explain any point, you are welcome.

SHRI H. B. GHOSE: On this note, I have nothing further to explain, unless you put me specific questions.

SHRI DAMODAR PANDEY: In the changed context of things, now that 80 per cent of the mining operations are controlled by Government does the witness hold the same opinions which he had held earlier or has he any new proposal for amending certain provisions of the Act?

SHRI H. B. GHOSE: The fact that many mines have been nationalised now does not change the complexion of the safety aspect. I have therefore no further proposals in this regard.

MR. CHAIRMAN: You know that we have had discussions with various interests and you were also privileged to be associated with the discussions at most of the places. In view of the evidence given by the various interests that have appeared before this Committee and also in view of the Expert Committee Report, do you think that we should go in for separate legislation for underground mines—even small and open cast mines and quarries?

SHRI H. B. GHOSE: My personal opinion is that even if we have a separate set of regulations guiding the operations of the open cast mines, they could be incorporated in the same regulations. I do not propose anything separate, but the laws for open cast mines could be incorporated in the present regulations in an amended form.

MR. CHAIRMAN: I think you must have gone through the recommendations of the Expert Committee and the various aspects dealt with by the Committee. Will you kindly tell us something about it?

SHRI H. B. GHOSE: The principle point that has been bought out by the Expert Committee is that many of the minor mineral mines need not be covered under the Act and that certain more relaxations may be given to them, specifically for the use of explosives.

MR. CHAIRMAN: About the grant of leases for quarries and open cast mines by the State Governments, you must have seen the complaints made by various interests wherever we have gone--namely that leases are not granted on long-term basis, and, secondly, that in the licences small plots of land or areas are given which are not economically feasible for them to work and therefore it does not provide incentives for carrying out the work in the same way as in larger areas. Would you kindly give us your views on this point also?

SHRI H. B. GHOSE: The present policy followed by some of the State Governments in granting licences for a very small area or for a few months is a very bad policy. In fact, you may be aware that the Labour Ministry had written to most of the State Governments to change their present line of policy and grant licences for a larger area and for a longer period.

MR. CHAIRMAN: What is your view about the suggestion made about the composition or constitution of the Mining Board. The proposal here in the draft Bill is that instead of the present system there should be only a single centrally constituted Mining Board, whereas different people have made suggestions that there should be Regional Boards as well as a Joint Committee to see to the proper implementation of the safety rules. What is our suggestion?

SHRI H. B. GHOSE: All over India we have nine Mining Boards and the function of the Mining Boards, as laid down, is to examine certain references and appeals against the Chief Inspectors' orders. If there is only one Board all over India it would be better. You may have noticed that even the Chief Inspector is one of the Members of the Board. Though most of the references would be against the orders of the Chief Inspector, it is not necessary that there should be Regional Boards; the Central Board should be good enough.

MR. CHAIRMAN: How do you think that the interests of small mines or regional interests would be represented on the Board.

SHRI H. B. GHOSE: That can be examined. Most of the important State Government representatives would be there and they should be able to know the interests of their own mines. The Board can also call anybody as witnesses to state their views.

MR. CHAIRMAN: There is another point. Originally the proposal was to have on these Boards representatives of workers, representatives of employers, representatives of State Governments and technical experts and representatives of the Central Government also. Now, in view of the changed conditions consequent on the nationalisation of most of the coal mines, do you consider that this proposal should remain as it is or should there be a change? Do you consider that the same proposal should continue or there should be some change? In that case most of the employees represenatives now will be the public sector officials and I think they will be treated as Government representatives and there will be nothing wrong.

SHRI H. B. GHOSE: Yes, Sir, because a large number of these mines are nationalised to day, most of the people will be more or less treated as Government representatives. In my opinion whenever any representative

from any public sector represents his views, it really is supposed to be his own view and not the Government view because he knows where the shoe pinches.

MR. CHAIRMAN: And what will happen to the management's representatives?

SHRI H. B. GHOSE: They are technical men and they will be dealing with the technical matters. In my opinion, I think the Managers should be allowed as they are though there is a fear that they would be talking mostly in favour of the owners instead of labour. So it is not considered very serious because they will be dealing with the teachnical matters.

MR. CHAIRMAN: There is a suggestion that the views of the Management and the Management's representatives will always over-weigh the views of the Workers' representatives. How do you propose to balance them?

SHRI H. B. GHOSE: These will be balance by the Government's representatives as well as the Chairman and certainly the Chief Inspector is there.

SHRI M. C. DAGA: One thing is that the Chief Inspector shall be appointed by the Central Government and he will also sit over the judgement if there is a complaint against him. How can an accused also sit as a judge?

SHRI H. B. GHOSE: The Chief Inspector is not really an accused person. His presence in the Board would be to solve the Board's problems which are of technical nature and therefore it becomes necessary when the pudgement is made.

SHRI M. C. DAGA: We go to the Board because of the complaints being made against the Chief Inspector. We are aggrived persons but the Chief Inspector sits in the Board.

SHRI H. B. GHOSE: That will help the Board, Sir.

SHRI M. C. DAGA: That is not a satisfactory solution. Can you tell what are the qualifications that a Manager should possess to hold the post of a Manager?

SHRI H. B. GHOSE: So far as the owner becoming a manager of a Mine is concerned, the qualifications for holding that post are laid down in the statute.

SHRI M. C. DAGA: What are those qualifications? Do you issue any certificate?

SHRI H. B. GHOSE: Yes, sir, we do issue Certificates.

SHRI M. C. DAGA: How many Certificates you have issued so far especially during the last year? They are there for many years and they do not get Certificates and they cannot be Managers of their own Mines. But small mine owners have got to pay Rs. 700 or Rs. 800 if they have to appoint qualified Managers. They have been working for the last so many years and they have got experience. Under such circumstances, why should they need the services of these Managers?

SHRI H. B. GHOSE: We have got two principal Grades of Certificates for Managers—one is the First Class and the second is the Second class certificate. Up till now there are a little more than 2000 First class qualified persons and about 3000 second class qualified persons. Besides, there is another certificate that is being issued, *viz.* Permit Certificate If a man has got Certificate of Foreman he is asked to sit for a test and if he is found O.K. then he is allowed to take up the post of a Manager of a small mine.

SHRI M. C. DAGA: You have given your view as a 'sole manager'. What do you mean by that?

SHRI H. B. GHOSE: It is about single Manager. That means a mine cannot have two Managers, it must have only one Manager but a Manager can have two or three mines under him.

SHRI M. C. DAGA: What do you mean by 'reportable injuries'?

SHRI H. B. GHOSE: As the law stands today, Sir, we have got three types of injuries—one is minor injury, second is serious injury and the third is the fatal injury. If hospitalisation exceeds 20 days, then it is considered as serious injury and if hospitalisation is done for 48 hours or so, it is considered as a minor injury, and fatal is death.

SHRI M. C. DAGA: You know that your recommendation is that for open-cast mines, the same rule should be applied. But I think that so long there is no law, how can you frame rules? Without law, you cannot frame rules. We said that there should be a separate legislation for small mines like the ones in Rajasthan, Andhra Pradesh, etc. Small mines cannot put in so much money and they cannot employ technical Managers. Do you think that there is a difference between the open-cast mines and underground mines?

SHRI H. B. GHOSE: The present statute has already got the same regulations for both. In the present regulations we have got a few provisions applicable to open cast mines only.

SHRI M. C. DAGA: Regarding Clause 12, Section 17, suppose a Manager is entrusted with the whole work of managing the mine, you say the agent does not come into picture if anything happens. Even so, if any accident occurs, all should be prosecuted owner, manager and the agent—because the Manager and the agent are the representatives of the owner. Why should all be prosecuted?

SHRI H. B. GHOSE: Even the other day we had explained about an accident in which three persons were killed. On an enquiry we found that sufficient operation facilities were not provided in the mine. Therefore, we asked the agent but he could not give proper explanation and then the owner was asked who also could not give proper explanation. None of them was able to give explanation. As far as 17(3) is concerned, the owner should not give any instructions to the Manager unless he is similarly qualified as the Manager to carry out statutory responsibility.

SHRI M. C. DAGA: As far as clause 16, Section 23A is concerned, unless this continues, all the work at the place of accident would seriously inpede the working of the mine. They said the inspector must visit the mine and then to which it must be obligatory on the part of inspector to visit the mine. This should be removed. Unless this continues, all the work at the place would seriously impede the working of the mine. They said you cannot disturb the mine. We want this to embodied. What is your opinion?

SHRI H. B. GHOSE: In my opinion, I woud like to inspect the mine at once. Is it feasible? It is not always feasible, practicable, even though I personally would like to have it.

MR. CHAIRMAN: What you suggest that a time limit should be increased or staff is not adequate or the number of staff should be increased?

SHRI H. B. GHOSE: My submission is that let the time limit be 72 hours. In the meantime. If my Ministry can give you the staff, I can come to you again by saying that the time limit should be decreased.

SHRI M. C. DAGA: The question is instead of three or four persons, it shoud be one.

SHRI H. B. GHOSE: Unfortunately, three words are missing. It shoud read like this: "an accident causing loss of life or an accident causing serious body injury." Because we do not have the staff to enquire into serious body injury; after we get the report we decide whether it deserves more intimate inspection or verification.

SHRI M. C. DAGA: Clause 5, section 9 (a): Do you feel three days' notice should be given in writing?

SHRI H. B. GHOSE: This is not for the inspection. For undertaking a health survey, I have to give a notice to the management. Otherwise it would cause dislocation of work in the mine.

SHRI M. C. DAGA: This clause 2, regarding definition of a mine, do you suggest underground mine or do you think that there should be a change in the definition?

SHRI H. B. GHOSE: Supposing somebody is operating a mine without a mining lease and there is an accident. By bringing this amendment he will be simply getting scot free. I may tell you even the inspectors do not get a chance to put them right if the accident occurs. Why should the inspector take a blame on himself. A few changes seem to be apparently necessary.

MR. CHAIRMAN: If we accept what you say now, it will mean some more amendments from the side of the Govt.

SHRI H. B. GHOSE: That is why I am not recommending it from the Govt. point of view. I was telling like this: "after the last word and includes." Then it could begin newly as the following: "If they belong to the owner of a mine and lie in or about its precincts they shall be deemed to form part of that mine." That would take care of the snag. That was pointed out by many parties.

MR. CHAIRMAN: Here, at this stage, I would draw your attention to the recommendation of the Expert Committee: For a separate legislation for open cast mine, you see the recommendation reads as follows: "To enact regulations for not.....to have separate sets of regulations for them only." Do you agree with this?

SHRI H. B. GHOSE: I agree that there should be a separate set of regulations within the framework of the parent Act.

MR. CHAIRMAN: What action has been taken?

SHRI H. B. GHOSE: This has been examined by the Labour Ministry in detail.

SHRI M. C. DAGA: What about the punishment? Suppose a man commits a technical offence. How can you impose a fiine of Rs. 2000|-. But you say provided that unless there are special adequate reasons to the contrary..... Such fine later on was not less than Rs. 2000. Why should there not be a judicial mind to judge that you should impose a fine upto Rs. 2000? It may be a minor offence, technical offence.

SHRI H. B. GHOSE: We hope that this will make the mine owners a little more cautious about running their mines. For example, even though for every violation of the Mines Act and the regulations, I can prosecute, I do not do it because I cannot go to the Court all the time. What we do is that, we prosecute them only in very serious cases and this will apply only to very serious cases, where there has been a serious offence.

SHRI M. C. DAGA: If there is any violation of any rule, regulation or any provisions of the Act, the person responsible should be prosecuted. You are taking it personally. I say that when there is any contravention of the regulations by the mine owners, you can prosecute them and you can say that Rs. 2000 fine will be imposed.

SHRI H. B. GHOSE: This has been out in for serious offences. For example, if there is any contravention of regulations which results in loss of life, or serious bodily injury or if there has been some accident, then, the persons responsible should pay for it.

SHRI M. C. DAGA: I would like to ask one more question. This is about the definition 'up to the point of despatch.' I would like to know whether this should be within the area of the mine or whether this should be up to the station.

SHRI H. B. GHOSE: We have recommended upto the point of despatch considering that the point of despatch will be within the mine lease-hold.

SHRI M.C. DAGA: That should be made clear. You mean to say that within the premises of the.....

SHRI DAMODAR PANDEY: The present Act is heavily tilted towards looking after the underground mines. Now, the postion has changed in the country. You know that nearly 50 per of the mining materials in the open cast mines consist of sophisticated machines like continuous excavators etc. and don't you feel tha a system should be worked out so that the people handling these typese of machines, who are experts in their own way, can also become Managers under the Mines Act?

SHRI H. B. GHOSE: This point is under the examination of the Government arising out of the recommendations of this Expert Committee. But, now, my view is that if a man should be able to manage a mine, he should be a mining man.

SHRI DAMODAR PANDEY: Why? For instance, in a open cast quarry, there is nothing that a Mine Manager can do. Don't you think that the persons who handle these machines, should also be enabled to become Managers?

SHRI H. B. GHOSE: I will explain this way. Whether it is underground or quarry, there are engineers of different disciplines employed. There are Mechanical Engineers, Civil Engineers etc. I would point out an incident that occurred in the NCDC Mines, in which six workers were killed due to the falling off of the side. That happened only because somebody had not cared to see that there was a fault plane running parallel to the side. Only a Mining Engineer can do that. It is only a mining engineer who can detect a fault plane or any geological disturbances. Therefore, a mining engineer who can direct the other engineers as to how a quarry should be operated.

SHRI DAMODAR PANDEY: About this reportable injury, perhaps, you are aware of the fact that there are instances in the coalmines where the workers injured are kept in the hospital for 19 days, taken out of the hospital for a day and again re-admitted only to avoid claiming it as a serious bodily injury? Are you aware of this fact?

SHRI H. B. GHOSE: I am aware of the fact that people have been discharged after 19 days, but, I am not aware of the fact that they have been re-admitted.

SHRI DAMODAR PANDEY: In the light of that experience, would you not suggest that all injuries which require hospitalisation even for a day should be reportable injuries?

SHRI H. B. GHOSE: The difficulty also comes in other way. I am not casting aspersions on anybody when I say that it is our experience that some of the workers decide to stay on in the hospital for a longer period than is required.

SHRI DAMODAR PANDEY: What is their interest? They will not be getting money. They will only get half of their pay. Nobody would like to forego half of his salary. If they work, they will get full pay. If they remain in the hospital they will get half pay.

SHRI H. B. GHOSE: I know that he gets half pay only when he remains in the hospitals. But, he also gets food while he is in the hospital. This gives a psychological fillip for him to stay on in the hospital.

SHRI DAMODAR PANDEY: That is deducted for compensation?

SHRI H. B. GHOSE: Food is not deducted. This has been my experience only in a few cases, not so many.

SHRI DAMODAR PANDEY: Under the health survey scheme, are you aware of the fact that workers are unwilling to go for the health survey

only due to the fear that they might be thrown out of employment if they are found medically unfit?

SHRI H. B. GHOSE: Yes.

SHRI DAMODAR PANDEY: Do you not suggest in that case that instead of throwing the workers out of employment, who have contacted occupational diseases, there should be a provision to give them alternative employment without loss of wages if they are found medically unfit?

SHRI H. B. GHOSE: I always agree and I think everybody will agree that if a person has been found unfit due to occupational hazard, he should be looked after.

SHRI DAMODAR PANDEY: But, would you not categorically suggest that there should be a provision in the Act for giving them alternative employment without loss of wages?

SHRI H. B. GHOSE: There should be.

SHRI DAMODAR PANDEY: About court of inquiry, in all the major disasters which have taken place in our country, where the presiding officers of the status of ex-Supreme Court judges have held the mine owners guilty of the charge, there have been instances where the lower courts have found them not guilty. What will be your suggestion to conduct inquiry quickly and persons found guilty by such responsible persons, as judges, should be taken to task? What will be your suggestion?

SHRI H. B. GHOSE: As the law of the land stands, to punish a man, I have got to go to the judicial court. The Court of Inquiry merely tries to find out the causes and the circumtances leading to the accident and it apportions blame, but, it is not empowered to punish.

SHRI DAMODAR PANDEY: This is the present position. What should be done to improve it?

SHRI H. B. GHOSE: We have not got many suggestions just now. But, I may mention this point, that we are in correspondence with the Labour Ministry that there should be separate courts dealing with Mines Act offences.

SHRI DAMODAR PANDEY: In that case, would you agree that there should be a provision in the Act to refer the matter—of all such instances involving loss of life of three or four persons or more automatically to a Court of Inquiry and the judgment passed by them should be accepted?

SHRI H. B. GHOSE: It is not necessary. Only when the offences are of a serious nature or the offences are of such a nature, that the preliminary inquiry committee requires this to be examined further, we should recommend that this may be examined by the Court of Inquiry and not the normal day-to-day offences.

SHRI DAMODAR PANDEY: These recommendations itself delay sufficiently the process and in that way the very purpose of the court of enquiry is defeated.

SHRI H. B. GHOSE: Court of Enquiry completes the work as early as it can.

SHRI DAMODAR PANDEY: What would be your reaction to the suggestion that when your Inspector visits the mine, a copy of the violations which he has forwarded to the management, the same should simultaneously be forwarded to he Registered Trade Unions.

SHRI H. B. GHOSE: That is required to be displayed at the Notice Board.

SHRI DAMODAR PANDEY: I think you will agree with the sanctity of the workmen working there and also the propriety. So in that case the persons who are vitally interested in the matter of safety, don't

you think that they should know the violations?

SHRI H. B. GHOSE: Our experience is that at times this may be used for political purposes.

SHRI DAMODAR PANDEY: Politics apart. The workers should not be.

SHRI H. B. GHOSE: Just now I do not feel any change is necessary.

SHRI DAMODAR PANDEY: What is your reaction to the idea that every misappening should be made report table?

SHRI H. B. GHOSE: In certain cases that is not necessary.

SHRI DAMODAR PANDEY: But it is better that it should be reported.

SHRI H. B. GHOSE: That is why I asked you whether you mean death or any injury.

SHRI KALI MUKHERJEE: I found that all precautions against the risk of fire have been taken despite the fact that in a developing country like ours, sufficient techonological development has not taken place. So they do not realise despite the fact that considerable number of accidents had taken place due to managerial inefficiency as has been shown by the statistics provided to us. Precautions, of course, have been taken despite that ours is the highest and it has been told by the figures and the statements made from your end that accidents cannot completely be stopped or blocked. In view of the welfare measures that you have suggested and whatever is being done in the mines, would you agree with me that the workers are not sufficiently covered under the social security schemes?

SHRI H. B. GHOSE: It will be difficult for me to talk about social security. I can only talk of safety.

SHRI KALI MUKHERJEE: Welfare measures that have been suggested. For instance, I have been told that officers in some of the companies are insured against risk insurance, against fire or risk insurance, against accidents and life insurance against those who are working in mines. If economic pressure is there on the management, then naturally they will take necessary precautions against accidents, and these accidents will reduce very much. The management should be very careful about all these things.

SHRI H. B. GHOSE: Certainly they should be very careful as you say there are fairly large number of organisations where their whole staff including officers are insured against accidents and hazards.

SHRI KALI MUKHERJEE: Do you agree with me that if the vigilance will be much more enhanced, if the life insurance or risk insurance scheme is enforced, that will minimise the accidents?

SHRI H. B. GHOSE: My personal opinion is that we should increase the compensation rate much more what it is today.

SHRI KALI MUKHERJEE: Your suggestion that compensation should be much more on accidents and also some pension.

SHRI H. B. GHOSE: I only mean that compensation should be much more.

SHRI KALI MUKHERJEE: Would that include pension?

SHRI H. B. GHOSE: No.

SHRI CHAPALENDU BHATTACHARYYIA: That separate set of regulation may cover the situation without going into the question of amendment of the Mines Act itself. Now have you visualised that these separate set of regulations may go beyond the provisions of the Act itself?

SHRI H. B. GHOSE: We have considered, they will not go.

SHRI C. BHATTACHARYYIA: Then your main job is Directorate of Mines Safety. That means your office is doing preventing aspect also, am I correct?

SHRI H. B. GHOSE: Yes.

SHRI C. BHATTACHARYYIA: Because your responsibilties were one of inspection, so would you suggest to a change from Directorate of Mines Safety to Directorate of Inspection?

SHRI H. B. GHOSE: We will welcome it.

SHRI C. BHATTACHARYYIA: This Act relates to those legal mines which have been brought to your notice. Are you aware —as this Committee became aware of the fact— that there is illegal mning going on all over India?

SHRI H. B. GHOSE: I know there have been instances where mines have been illegally operated

SHRI C. BHATTACHARYYIA: That means, the legal mining operator will be more heavily burdened and the illegal one can go away.

SHRI H. B. GHOSE: In the present Act, we have simply wanted to smoothen out certain rough edges of the Act.

SHRI C. BHATTACHARYYIA: Would you agree that the Mines Act having safety provisions should be broadly co-related to the degree of hazard involved? The degree of hazards in a gas mine is not the same as in an open quarry working 20 ft.

SHRI H. B. GHOSE: Yes, Sir. We are taking care of that very successfully. There is always a distinction made between immediate danger and would be danger'.

SHRI C. BHATTACHARYYIA: Chinakuri, Dhori explosions took place in spite of the Mines Act and the safety provisions. How would you account for that?

SHRI H. B. GHOSE: There was a failure somewhere. The Court of enquiry reports are there.

SHRI C. BHATTACHARYYIA: As Mr. Daga asked, when you are appointing a Manager and also an agent, both with necessary mining degrees, diploma or experience in mining, why should you drag the owner also, if he has made necessary financial provisions?

SHRI H. B. GHOSE: The court of law wants that the prosecutor has got to prove the offence. We do not drag anybody unless we have got sufficient proof to prove his guilt.

SHRI C. BHATTACHARYYIA: In these cases, because of some sort of an omnibus clause, you drag everybody before the court of law and the persons really have to prove their innocence to get out of that. That is going counter to the normal rules of jurisprudence.

SHRI H. B. GHOSE: It is a big offence against the prosecutor if he brings somebody as accused against whom there is no evidence. We are very careful about that. We do not bring in anybody, unless we can prove the case against him.

SHRI C. BHATTACHARYYIA: I would like to know the broad impact which these Mines Regulations have had on the production and employment levels of various minerals of the country?

SHRI H. B. GHOSE: Our experience has been that when safety weeks are observed in any region or zone, the output increases during that week. In my opinion, the Mines Regulations have not been responsible for bringing down the output in any way.

SHRI C. BHATTACHARYYIA: It is a very interesting observation that you have made. Could you kindly support this with the necessary statistics *e.g.* the year in which the Mines Regulations were implemented and the number of mines operating

before and later and the number of men employed before and later to prove your point.

SHRI H. B. GHOSE: I would like to make myself clear. The number of men operating in any year depends entirely on the economic conditions, but what I meant was that when we observe safety week throughout India during certain part of the year, we have found that during that particular week, the output increased. Even though the laws are observed more during that safety week, the output is not jeopardised.

SHRI C. BHATTACHARYYIA: My point is different Economic conditions being what they are, whether the introduction of Mines Regulations has led to the closer of small mines.

SHRI H. B. GHOSE: It has not.

SHRI C. BHATTACHARYYIA: Do you agree that prospecting should be left out of Mining regulation?

SHRI H. B. GHOSE: It has already been partly left out.

SHRI C. BHATTACHARYYIA: Would you agree that the definition of mine' itself suffers from anomaly after the amendment?

SHRI H. B. GHOSE: That is why, we have proposed these amendments now.

SHRI C. BHATTACHARYYIA: Do you still hold that the degree of hazards in coal mines are at par with the degree of hazards in metal ferrous mines?

SHRI H. B. GHOSE: In coal mines, it is much more.

SHRI C. BHATTACHARYYIA: What justification have you got for a blanket legislation to cover all kinds of mines?

SHRI H. B. GHOSE: From the point of appointment of Managers for the metal ferrous mines, there is another kind of Manager. He gets a certificate after passing an examination when he can be a manager, for open cast mines only. We have made a differentiation there also.

SHRI C. BHATTACHARYYIA: As you have mentioned the economic factors I would like to know from you whether the introduction and implementation of the Mines Regulations and safety measures have led to the concentration of the mining areas in a larger measure.

SHRI H. B. GHOSE: Large mines have not come up yet after the Act or the regulations came in.

SHRI C. BHATTACHARYYIA: Now that coal mines have all been taken over what would be your reaction that all these gassy mines should be compulsorily fitted with Mythanometres and automatic recorders.

SHRI H. B. GHOSE: That is a good suggestion, but unfortunately, this country is not producing that equipment. Whenever possible, we are enforcing the mythanometres but not the automatic recorders.

SHRI C. BHATTACHARYYIA: You will agree that the biggest killers in the form of mining accidents have been precisely in these gassy mines—not one or two but 200 killed at a time?

SHRI H. B. GHOSE: Yes, it is a fact.

SHRI C. BHATTACHARYYIA: In that case would you like to keep your fingers crossed and hope for the best till such time as we manufacture these automatic recorders and mythanometres?

SHRI H. B. GHOSE: I welcome your suggestion whole-heartedly, but it means a large amount of foreign exchange investment. That is why it has not been done for automatic recorders, but we are enforcing the use of the metres by the Management in the gassy mines.

SHRI C. BHATTACHARYYIA: That is exactly my point. I think what is sauce for the gander should also be

sauce for the goose whatever may be the cost from the point of view of foreign exchange.

SHRI H. B. GHOSE: I have been trying to point out that the Mines Act and the Regulations require the bare minimum of safety measures; the Management could always do more than what is prescribed here.

SHRI C. BHATTACHARYYIA: I would like to point out that since 1961, when the Metalliferous Mines Regulations were enforced or came into operation, the output of mica from the mines dropped by 45 per cent affecting our foreign exchange capability itself.

SHRI H. B. GHOSE: Yes; but I do not agree that it is due to the enforcement of the Mines Regulations.

SHRI ANADI CHARAN DAS: First I would like a clarification on the implementation of the Act with regard to safety and penalty etc, concerning the mines in the public sector. The Managers of the public sector mines may not be very much interested because the mines will have to be financed from the Government Exchequer. So, don't you think it necessary that only imprisonment should be prescribed? In the private sector, the Manager despite the various laws and regulations is dependent on his employer, but not so in the public sector.

MR. CHAIRMAN: Do you suggest that for the private sector both fine and imprisonment should be there but for the public sector only imprisonment should be there?

SHRI ANADI CHARAN DAS: With regard to the private sector fine *plus* imprisonment—not 'either-or'; but for the public sector only imprisonment.

SHRI H. B. GHOSE: In my opinion, it should be similar for the public sector and the private sector.

SHRI ANADI CHARAN DAS: Do you feel that it should be similar if it is fine plus imprisonment or fine or imprisonment?

SHRI H. B. GHOSE: I support whatever has been laid down.

SHRI ANADI CHARAN DAS: What has been laid down is 'or'.

SHRI H. B. GHOSE: If it is fine plus imprisonment, I agree; if it is fine or imprisonment, then also I agree.

SHRI ANADI CHARAN DAS: So you will have no objection if the Committee thinks it fit to substitute 'and' for 'or'?

SHRI H. B. GHOSE: I do not mind.

SHRI ANADI CHARAN DAS: Another thing is whether you will agree that some responsibility should be fixed on the Inspectorate also for any failures in the application of rules and regulations. Despite all the paraphernalia, suppose there is inadequacy in supervision or control, should not this Act provide for fixing of responsibility on the Inspectorate also?

SHRI H. B. GHOSE There has been some talk on this; but it has been accepted that an Inspector who goes to the mines once in a while cannot be made responsible for whatever was committed or done during the 365 days of the year. It is not possible for the Inspector to look after all the aspects in 24 hours in the mines. But certainly, if an Inspector is found guilty of negligence Government can take action against him.

SHRI ANADI CHARAN DAS: it not possible that some Inspectors may be in collusion or may even honestly neglect their duties. In such a case, when there is danger to life as a result of this, why not fix responsibility on them also and provide for penalty etc.?

SHRI H. B. GHOSE: Sir, the system that we have in inspecting the mines

provides for so much checks and rechecks that possibility or the condition that may arise, which you were thinking, has not arisen in my mind. Everybody has to put in a report immediately after he comes back from inspection and thereafter his senior inspectors also inspect these mines. It is not necessary because the Labour Ministry as the employer would be certainly taking the action.

SHRI BHOGENDRA JHA: In the proposed Bill, on page 5 under Section 13 of the principal Act for clause (c), it is stated as follows:

"(c) two persons represent the interests of the persons employed in the mine of whom one shall be nominated by the owner, agent or manager of the mine concerned and the other shall be nominated by the Central Government in consultation with such organisations of persons employed in the mine as may be recognised for the purpose by that Government."

Why is it necessary and how is it proper that the representatives of the employees should be representatives of the owner? Do you justify it and whether it is proper or expedient that a representative of the employee should be nominated by the owner?

SHRI H. B. GHOSE: Yes, sir. That has been considered to be justified. One is to be nominated by the owner and one is to be nominated by the Central Government. Why? Because it is not actually with reference to the operation of he mining Board, it is the operation of the Committee. There are specific points in which certain things are referred to the Committee. Sir, a Committee is formed for a particular purpose. For example, if under Section 22, the mine owner does not agree with inspector of mines, then the matter is examined by a Committee consisting one person of the Chairman, one person nominated by the owner and one nominated by the workers. This is the framework of the Committee.

SHRI BHOGENDRA JHA: Whether the owner should nominate the representative of the employees, that is the question. If the owner is given the representation, that is another matter, because it will have its implications and it will disturb the workers movements and it will disturb the trade unions.

SHRI H. B. GHOSE: We have found uptill now the system working all right, because the Chairman is nominated by the Central Government and the Chairman nominates one person to help him and one person each be nominated by the owner and the workers.

SHRI BHOGENDRA JHA: But here the workers' representative is nominated by the owner, that is the thing.

SHRI H. B. GHOSE: This was probably thought that if in any matter that is related to a Committee, two persons will represent the owner of which one should represent the interests of the owner among the working class and the other should represent the owner's interest among the workers, who will be nominated by the Central Government. That has been operating till now.

SHRI BHOGENDRA JHA: In that this should be there. Here it is the workers' representative that should be nominated. Two persons should represent the interests of the persons employed in the mine, of whom one has been nominated by the owner.

SHRI H. B. GHOSE: This refers to a Committee and the Committee is formed in this manner. There is one Chairman appointed by the Central Government. The Chairman himself appoints somebody to represent him and then two persons are appointed to represent the workers—one of them is appointed by the owner and the other is by the Central Government. There is no change.

in terms of contingency, if it arises, then who will look or should it just be by somebody else.

SHRI H. B. GHOSE: That is what I was drawing at. During the past experience, there has been not a single accident in which inspecting staff was involved in it. We have done our job properly.

SHRI DWIJENDRALAL SEN GUPTA: You have been very fair in saying that you cannot assure that there cannot be any case where your inspecting staff either in the past or in present or in future cannot be liable for accidents, directly or indirectly. In this contingency, will it be fair to leave the inspection in the hands of that inspecting staff itself?

SHRI H. B. GHOSE: We have got to gain by our experience. If there is any accidents, unless my inspecting staff are involved, I don't think it is necesary to examine these accidents. Any tribunal that would be there will be taking more and more time to come to the conclusion. Then what my staff can do? In my opinion, it should remain where it is.

SHRI DWIJENDRA LAL SEN GUPTA: Even if there is an inspection by your inspecting staff, they manipulate in such a way——Whether there is a tribunal or recommending like that.

SHRI H. B. GHOSE: It is not feasible for anybody to do. Because every report starts from bottom and it goes upto the top. At every stage, it is examined thoroughly.

SHRI MONORANJAN ROY: The Board is to be constituted with representatives of the workers also. Why don't you think it necessary to get workers' representatives in the Board. Are they competent enough to represent their own interests in a Board?

SHRI H. B. GHOSE: Yes, Sir..

SHRI MONORANJAN ROY: Do you think that the representative of the Government will look after their own interest when the mines have been taken over by the Government?

SHRI H. B. GHOSE: Even though from the public sector undertaking, somebody may be elected to this Board as a member, he would be certainly representing his own case. That is my expectation.

SHRI MONORANJAN ROY: Do you think that the Government's representatives have been looking after the interest of the mines also?

SHRI H. B. GHOSE: It may not be possible to do it thoroughly.

SHRI MONORANJAN ROY: In most of the cases, we find that top officials generally support their own officials, whenever they do anything.

SHRI H. B. GHOSE: I have no experience of that because I have always been pulled up for my mistakes.

SHRI MONORANJAN ROY: If the number of representatives of the workers as well as the management plus Government in the Board is equal, do you have any objection?

SHRI H. B. GHOSE: In the formation of a body, 17 persons will be members where the Chairman has a casting vote. I think everybody's interest is properly looked into if the constitution, what has been proposed to be amended, is retained as it is.

SHRI MONORANJAN ROY: How that can be? Naturally, workers' voice cannot be heard. If you suggest that the number of workers' representatives as well as management's representatives plus Government's representatives is equal and an independent Chairman is nominated by the Government, have you got any objection to that?

SHRI H. B. GHOSE: We have to see what is the function of the Board. Regulation 204 relates to appeals against the Chief Inspector. That means this deals mostly with technical

matters such as appointment of Assistant Manager. If the Chief Inspector has given a wrong decision, they can appeal like that. Supposing, working under the township is restricted by the Chief Inspector and the aggrieved party may go to the court. This is a technical matter which should properly go to the Board where every body's interest will be safeguarded.

MR. CHAIRMAN: How the decision will be taken in the Board? Will it be taken by vote? We would like to know.

SHRI H. B. GHOSE: Until now, in my department, there is only one case which was put against the decision of the Chief Inspector. The Mining Board of Bihar consisted of the Commissioner of Ranchi as the Chairman. He was not a technical man; there was a representative of the labour also. It was decided entirely on technical grounds. Those men would be here also, because, this is a technical matter, where nobody's interests can ever be jeopardised.

SHRI MONORANJAN ROY: You mean to say there is no question of workers' interests being jeopardised, in such a Mining Board, even if the numbers are not balanced?

SHRI H. B. GHOSE: I would submit that even if there are no labour representatives, their interests cannot be jeopardised.

SHRI MONORANJAN ROY: That is why, Mr. Ghose, I asked at the outset, if instead of keeping workers' representatives on the Board ....

SHRI H. B. GHOSE: In the case of every Committee or Board, there is supposed to be a guiding principle that this should be a tripartite body.

SHRI MONORANJAN ROY: This is only for the sake of principle and nothing else?

SHRI H. B. GHOSE: Probably. I am not sure.

SHRI MONORANJAN ROY: The representatives of the workers are included in the Board only for the principle of having a tripartite show?

MR. CHAIRMAN: You must take the character of the Committee as a tripartite Committee. That is what he says.

SHRI MONORANJAN ROY: Now, Mr. Ghose, about the number of inspectors, you have said that if the labour department employs more inspectors, you will welcome such a move. In case the Government of India agrees to employ more Inspectors, qualified Inspectors, do you think that it is possible and it should be that each mine should be inspected at least once a month and they should help in minimising the accidents and they should also help in getting the safety measures implemented?

SHRI H. B. GHOSE: It is possible if we have sufficient staff. In fact, in the coal mining areas, our Officers go to the place of accident, within 2 hours because they are close-by. If a mine is inspected more often, I expect that the standards should improve.

SHRI MONORANJAN ROY: Then, if you suggest that the number of inspectors should be sufficient so that each mine can be inspected every month, in order to get the safety measures implemented .....

SHRI H. B. GHOSE: I expect that if the number of inspections is closer and oftener and they are more stringent, subject to the fact that the responsibility of maintaining safety is not taken away from the management, safety is bound to improve.

SHRI MONORANJAN ROY: Now, my question is this. In case Government of India agrees to appoint more

inspectors, and they inspect the mines, and particularly in view of the fact that Government have taken over all mines, if there is an accident, do you think that inspectors should also be, to some extent, held responsible for the accident?

SHRI H. B. GHOSE: No, Sir. I do not agree to that all. I am drawing my view from the Royal Commission on Safety, which specifically said that because the inspector cannot be present in all the mines all the 24 hours, it is not possible or it would not be justifiable to put the blame on the inspector, because, if the blame is put on the inspector, he may try to hide facts.

SHRI MONORANJAN ROY: You have said that you have found some cases where persons have been kept in the hospital for 19 days and they were discharged on the 20th day, so that, the injury is not reported. Have you any objection, if all injuries are required to be reported?

SHRI H. B. GHOSE: If all injuries are to be reported, then, the problem would be that, this will increase the clerical staff. This is really not necessary. I really want to enquire into accidents, which deserve enquiry. We should have serious accidents in a separate category apart from the reportable injuries, so that, we could go and enquire into those accidents which are serious and which deserve enquiry.

SHRI MONORANJAN ROY: This is a question of inquiring into all the accidents If we get a report of so many injuries, then, you can find out whether they are serious or not.

SHRI H. B. GHOSE: I have no objection. The only thing that will have to be done is that, we should increase our staff. Probably, I would not get it.

SHRI MONORANJAN ROY: If any one falls from stairs, we have seen this in Jaipur. It may be that stairs would have been built in a way, that the workers really met with accidents in going up and coming down.

SHRI H. B. GHOSE: I would say that, that ladder was very well fitted.

SHRI MONORANJAN ROY: That was well fitted. But, the ladder might have been in such a way, that the workers .....

SHRI H. B. GHOSE: Quite certainly.

SHRI DAMODAR PANDEY: Have you any objection, if there is a provision in the Bill, that the minimum standard of safety can be improved upon mutually between the workers and the management?

SHRI H. B. GHOSE: That is probably not necessary. With more and more mines coming under public sector we expect that matters of safety are bound to improve.

SHRI DAMODAR PANDEY: If they mutually agree upon things, you will have no objection in accepting it?

SHRI H. B. GHOSE: I have no objection to anything which improves safety

SHRI DINEN BHATTACHARYA: Don't you think that provision should also be made so that the casual and contract labourers, who are employed in large numbers in these mines, are covered under these safety provisions?

SHRI H. B. GHOSE: Yes, Sir. Anybody working in the mines, should be considered as employed in the mines.

SHRI DINEN BHATTACHARYA: The existing law does not provide anything in the case of both contract labour and casual labour. No muster roll is maintained anywhere.

SHRI H. B. GHOSE: If they are employed, they should be regarded as employed in the mine.

SHRI DINEN BHATTACHARYA: How can you point out without regular record?

SHRI H. B. GHOSE: If they are employed, whether contract or casual, they should be taken as employed in the mine whether there is record or not.

SHRI DINEN BHATTACHARYA: It is found that in many of the mines, because of the fear of inundation, mines are closed for two months in many places. Don't you think that there should be a provision, so that, these workers who are out of employment due to this may be paid at least the lay off wages during these two or three months?

SHRI H. B. GHOSE: Sir, the point is that the people who start working in a mine, which is seasonal, know very well that the mine is seasonal. Therefore, it will be a little too much to ask the owners. But, I have got an open mind on this.

SHRI DINEN BHATTACHARYA: Don't you think that this year, certain number of workers will be employed and next year some others will be employed?

SHRI H. B. GHOSE: Normally, this is done.

SHRI DINEN BHATTACHARYA: Is it a fact that the safety officials do other jobs and they are not used for the purposes for which they are meant, under this designation? In every mine, there should be a safety committee comprising of both the representatives of the workers and the management.

SHRI H. B. GHOSE: If it is wrong practice there cannot be second opinion about it. There are pit Safety Committees in which workers and management have full participation.

SHRI DINEN BHATTACHARYA: How these Committees are functioning?

SHRI H. B. GHOSE: It is helping very little. We hope to make it better.

SHRI DINEN BHATTACHARYA: Why not this Committee be elective?

SHRI H. B. GHOSE: At present the representatives of the staff and the workers are there in this Committee.

SHRI DINEN BHATTACHARYA: But majority of the management is there.

SHRI H. B. GHOSE: No. In some mines majority is there but in others there is no majority.

SHRI C. D. GAUTAM: Somebody while drilling gets a diamond, will that come under safety measures?

SHRI H. B. GHOSE: He is supposed to hand over the diamond.

SHRI M. C. DAGA: If I get the diamond, I will not.

SHRI C. D. GAUTAM: If it is established that the accident occurred due to fault of the deceased, will the members of his family be liable to get compensation?

SHRI H. B. GHOSE: The Compensation Act does not make any distinction whether it is the fault of the deceased or not, compensation has to be paid.

SHRI DINEN BHATTACHARYA: You kindly inspect the sand quary in West Bengal, how they are functioning.

SHRI H. B. GHOSE: These mines are not under the Mines Act as per the conditions laid down in section 3 of the Act.

[The Committee then adjourned.]

PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI.