

ऊर्जा मंत्री से मेरा अनुरोध होगा कि वह पटने की जनता को गैस संकट से उबारने के लिए गैस की सप्लाई पहले की तरह बरौनी तेल शोधक कारखाने से ही करवाने की व्यवस्था करें तथा भ्रष्टाचार पर अंकुश लगावें।

— — — —

14.23 hrs.

### MINES (AMENDMENT) BILL

THE MINISTER OF LABOUR AND REHABILITATION (SHRI VEERENDRA PATIL) : Mr. Chairman, I beg to move\* :

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

The Mines (Amendment) Bill, 1983 is before this august House. The Bill seeks to further amend the Mines Act, 1952. The Mines Act consolidates the law relating to the regulation of labour and safety in mines. The Act provides for safe as well as proper working conditions in mines and certain amenities to workers employed therein.

The coal industry occupies an important role in the economic life of your country and would continue to do so in view of the estimated energy needs for the development of the country. In order to ensure that safety and health considerations of mine workers are not lost sight of, the Mines (Amendment) Bill, 1972 was introduced in this House in May, 1972. The Bill was referred to the Joint Committee, which submitted its report in August, 1973. It took some time for Government to consider the recommendations of the Joint Committee, but unfortunately, with the dissolution of the 5th Lok Sabha, the Bill lapsed.

The provision of the Act have since been reviewed afresh in the light of the 1972 Amendment Bill, the recommendations of the Joint Committee and the suggestions made by the Committee on Safety in Coal Mines set up by the Ministry of Energy (Department of Coal).

Sir, the main objectives of the Amendment Bill are:—

- (i) the removal of certain practical difficulties experienced in its enforcement;
- (ii) provision for additional safety regulations;
- (iii) closer association of workers with safety measures;
- (iv) provision for minimum penalty in case of gross negligence or recklessness;
- (v) increase in the levy of the cess for the administration of rescue service in the coal mines;
- (vi) redefining clearly the duties and responsibilities of the owner, agent and manager of the mine;
- (vii) prohibiting employment in dangerous mines; and
- (viii) prohibiting employment of persons below 18 years of age.

In view of the health hazards to which the mine workers are exposed and with a view to safeguard the health and safety of workers and for promoting their welfare, it is proposed to introduce a new provision which would enable the chief Inspector of Mines to undertake safety and occupational health surveys in mines. The time spent by a worker in such survey would be counted as duty and he would also be entitled to the payment of overtime if survey

extends beyond his normal working hours.

The provision has been made for his medical treatment by the management, alternative employment in the mine for which he is declared medically fit or for payment of disability allowance or lumpsum amount where he desires to leave the employment.

Sir, the existing Act provides for Mining Boards for advising the Government in regard to expediency of making rules or regulations, for examining the cases referred to it by the Central Government and to consider appeals against the orders of the Chief Inspector. It is proposed to provide for the constitution of the Committee in place of these Mining Boards and constitution of one or more Committees to deal with specific matters relating to mines.

It is further proposed to redefine clearly the duties and responsibilities with a view to make the owner, Agent or Manager of a mine responsible to the extent of the statutory duties specified under the Act.

The amendment Bill makes provisions for Chief Inspector to prohibit employment of persons in cases where despite warnings the owner, Agent or Manager does not show any improvement in regard to safety matters. It is proposed to provide for a minimum penalty for contraventions of these orders and also for contraventions resulting in the loss of life. It also provides for payment of full wages or alternative employment at the same wages to a person whose employment is so prohibited.

The workers whose services are terminated or who quit employment voluntarily or die before they put in the required number or attendance will now be entitled to the grant of proportionate leave or wages in lieu thereof.

It is also proposed to widen the scope of rule making power under the

Act to provide for matters relating to inspections of mines by the workers' representatives and their association in matters for improving safety in mines and information of safety Committees.

As hon. Members are aware, the rescue services in coal mines are, at present, organised by the Central Coal Mines are, at present, organised by the Central Coal Mines Rescue Stations Committee, set up under the Coal Mines Rescue Rules, 1959. In pursuance of the recommendations made by the expert under the ILO Mission and also in keeping with the feelings of the 5th Tripartite Conference on Safety and consistent with the practice followed in other countries, it has been decided that the rescue services should be organised by the mine managements. In this connection, I have separately given a notice to move amendments to the Bill in this regard. With a view to provide for the growing needs for organisation and expansion of the rescue services, the amending Bill seeks to increase the maximum permissible rate of rescue cess from 3 Paise to 25 Paise per tonne.

I am sure, the amendments incorporated in the Bill would improve the working conditions and safety of workers and hence would receive the unanimous support of all sections in the House.

With these words I now move that the Mines (Amendment) Bill, 1983 be taken into consideration.

MR. CHAIRMAN : Motion moved :

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

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : I beg to move :

"That the Bill further to amend the Mines Act, 1952, be referred to a Select Committee consisting of 15 members, namely :—



- (1) Shri Chitta Basu
- (2) Shri Tridib Chaudhuri
- (3) Shri George Fernandes
- (4) Shri Harikesh Bahadur
- (5) Shri Jagpal Singh
- (6) Shri Satyanarayan Jatiya
- (7) Shri Samar Mukherjee
- (8) Shri Chintamani Panigrahi
- (9) Shri Veerendra Patil
- (10) Shri Rasheed Masood
- (11) Shri Uttam Rathod
- (12) Dr. Saradish Roy
- (13) Shri Rajnath Sonkar Shastri
- (14) Shri Ravindra Varma; and
- (15) Shri Satyendra Narayan Sinha.

With instructions to report by the first day of the next session." (43)

**SHRI SAMAR MUKHERJEE (HOWRAH) :** Sir, you can see that this new Bill has come after 30 years. The objective of the Bill is to regulate the working conditions, by providing measures on the basis of experience. Actually, what is our experience in the mines? The Minister has no direct experience. Neither the Minister of Energy, nor the Minister of Labour has got it.

This long gap in bringing these amendments shows how great is the pull of these coal magnates who were earlier the owners of these mines, on the Government. The entire area is a den of corruption; and the jungle law prevailed there. Any type of legislation to curb these things was resisted all along. That is why even after bringing in a Bill, and after a Joint Select Committee was there, the Bill did not come to the floor of the House, for getting it passed.

I am giving a summary of the experience in the collieries which was passed in the form of a resolution at an all India Convention held at Dhanbad on 21st and 22nd August and attended

by all the Central trade unions who were connected with the Colliery workers, except the INTUC. From it, you will understand what the position is in the Collieries.

The resolution says that there are near about 7 lakh colliery workers throughout the country. They are agitated over the non-implementation of the National Coal Wage Agreement. The convention was organized to protest against this non-implementation. There they have drawn the attention of the Government to several matters like non implementation of the National Coal Wage Agreement relating to provision of drinking water, housing, medical and educational facilities, welfare amenities, incentive, promotion, gratuity, compensation, difficulty allowance and other issues.

This was agreed upon in 1979. It was not implemented. In the second part of the earlier agreement, they have given assurance to improve the conditions prevailing in the collieries.

They have said that the CIL management has been blatantly violating the Mines Act by making the workers work for seven days, without and rest. The safety rules are being nakedly violated, resulting in a large number of accidents, and deaths of coal miners, mainly by roof fall. The utter absence of elementary sanitation and basic amenities has made the life of the workers miserable. More and more works of a permanent nature are being handed over to contractors, whose numbers are increasing every day, even in prohibited categories. And in this way, hundreds of crores of rupees have been paid to the contractors. There is a close link between the contractors and a section of the officials; but the Government of India is refusing to take any action in the matter. The recent ghastly murder of an auditor in Dhandhad in which some officers were allegedly involved only pinpointed the deep rooted involvement of the officers in looting the coal miners. The Mafia gangs operating in the coal belt are carrying

forward their depredations with clandestine co-operation of the C. I. L. Management, local administration and the INTUC bosses.

The big drive for machinisation of open cast coal mines has led to declaration of a large number of workers surplus while the job potential is getting reduced. The retrenchment of women workers in collieries had been the result of a deliberate policy adopted by the management. The callousness of the C. I. L. Management in "not giving jobs to the persons who have been displaced because of forcible occupation of the land has led to serious social tensions in several new collieries."

I am giving you the picture in the collieries from a joint statement issued on 4th December, 1982 by the central leaders—Mr. M.K. Pandhe and others—who are connected with the collieries movement. It reads as follows:

"In the meantime, the JAC notes with grave concern that fatal accidents in the coal mines have substantially gone high during the last nine months' period from January to September in 1982 as corresponding to previous years. According to the Directorate General of Mines safety, 145 persons were killed in fatal accidents during this period as against 138 in 1981. The Government and CIL have practically done nothing to implement either the unanimous recommendations of safety conference or instructions from D. G. M. S. The Court of Enquiry into Topa Colliery disaster, announced with such fan-fare on 19th July, 1982 has yet to start its work for lack of staff and money and report of Sri Gopal Kumara Mangalam to strengthen the D. G. M. S. in order to properly monitor and inspect the compliance of safety Laws in mines has not yet been considered by the Government. There has been no increase what so ever in compensation amount to miners who are getting permanently crippled

or loosing their lives.

The position of housing, sanitation, medical facilities, (as also revealed in the Jagannathpur Colliery disaster, court of enquiry published in November 1982) have considerably deteriorated. Not even one ambulance has been provided in each colliery so far. More and more workers are falling victims to serious occupational diseases for which neither diagnosis nor treatment are available...

On the other hand, rampant corruption over reporting of coal production, payment to all sorts of contractors to the tune of nearly Rs. 106 crores in 1981-82, despatch of low quality of coal have increased. No action has been taken against officers guilty of gross violations of safety laws or corruption. In a large number of coal mines workers are made to work all the seven days without any rest in blatant violation of Section 28 of Mines Act.

As the entire situation has become intolerable, the miners have no other alternative but to resort to 72 hours strike."

This Bill is inadequate, insufficient to tackle this situation. That is why you should have consulted the representatives of miners and their centre leaders before bringing forward this Bill. A comprehensive Bill is absolutely essential if you are serious to change this situation.

I had the occasion to go underground in the Chasnala Mine after the disaster took place. I went there twice, once when the water was being pumped out, and the second time when the lifts were started. I, along with some other trade union leaders went underground to see where the accident actually had taken place. This was informed to the Director, safety. He showed some interest and accompanied me to that place. The agent of the mine also showed some interest and accompanied

me to that place. He was Mr. S. K. Banerjee. We went down to the site where actually the disaster took place. The Director of Mines Safety gave one explanation while the Agent of Mines Safety gave another. The agent wanted to say that management was not in fault regarding this calamity. What the Director wanted to say was because of the violation of the safety rules. All the workers had been forced to cut coal violating the minimum requirement of the thickness of the wall, because above that wall huge water was accumulated because over the head of that mine another incline abandoned mines was full of water. Since there was a puncture at the lowest level, suddenly the wall broke and the entire water rushed inside where about 300 people died. In that situation nobody had any time to go out. But the Agent and the General Manager gave a peculiar explanation. They told us that the earlier map of that incline abandoned mine did not show the gallery where coal was cut from the other side at the point where the puncture took place. So, the thickness of that wall had been narrowed down. That was not within their knowledge. But from the circumstantial evidence we got the report that the workers refused to cut coal from that area; they were very much apprehensive that the wall might crack and the entire water might rush inside and they might lose their lives. But because at that time, there was an emergency, they were threatened with serious punishment if they refused to cut coal from that area, they would lose their job and would also be punished. With protest, they started work and the tragedy actually happened.

When I visited that place, I got the evidences from others also. The Director of Mines Safety had a long talk with me. After that, there was a debate in the Parliament. I also spoke on that tragedy here. They were told, why did you allow the management to violate the safety rules? Their main complaint was that the management was so powerful there that they did not care for the safety rules. The Mines safety Department told us that they were under

staffed. The Safety Department has two points. One is that they are under-staffed. The staff must be increased. Second, the officials of the mines draw higher Salaries than the Inspectors in the Safety Department. So, they are not in a mood to listen to the Inspectors. They do not give any importance to their directions because they look upon the Inspectors as subordinates. That is why, they wanted that at least their pay scales of the staff of the safety department and their authority should be raised to such a level that they can force the colliery authorities to strictly follow the safety rules. I assured them that I would raise this issue on the floor of the House and would draw the attention of the Government.

There are so many safety conferences, observance of safety fortnights and all that. These are only for propaganda purpose and nothing else. In reality the colliery authorities do not care for any of the safety rules.

About rescue operations, I have gone to Charimiri colliery area and seen there the rescue centre. The rescue squad demonstrated their operation. I have found that they are also totally understaffed and the equipments which they require for safety are also too inadequate. There also the authorities of mines are so powerful that they do not care to strengthen this rescue operation machinery for quicker rescue of those miners when their lives are in danger due to fatal accidents of roof collapse due to creation of my their gas. They gave me a memorandum on their grievances and demands which I forwarded to the then Government. I still feel that this requires special attention from the Government.

The Minister has just now said that the mine authorities have been given the responsibility of strengthening the rescue operation machinery. This is another point of corruption. An employee of the rescue center cannot dare to complain against the mine authority. So, I do not think it would in any way be helpful in case the responsibility of strengthening the rescue operations is left on

the mine authority. There are various corrupt practices followed by the Mines' Administration. Though now the Government has taken over all the mines, generally the old set up still is there and the old atmosphere of total corruption is there. Now more and more such corrupt practices are being followed. Here I would like to draw the attention of the Minister where section 2 (h) is sought to be amended.

"a person is said to be employed in a mine who work as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, for wages or not."

when you say a man is appointed for wages or not, it means he is appointed without wage also. It means that a large number of people are engaged who are asked to give free labour, without any payment, and they are given an assurance that in future they will be taken as workers. Using this clause, a large number of people can be asked to serve free as labour with the expectation that they may get job on a future date, which is a serious malpractice. Their names are not listed and if they die in any mine accident, their relations will not get any benefit. So, this provision should not be there. Wherever there is any appointment it should be with wages and there should be a letter of appointment and their names should be duly registered. Otherwise they are not entitled to get any benefit after the accident. This is a very serious malpractice which is going on, which must be put a stop to.

There are so many loopholes in the Mines Bill, which must be plugged. You want to strengthen the measures of Safety. For that in the Safety Committee which this Bill provides the workers' representative should have not only equal but majority representation, because the Safety Committee is the authority to determine and to check up which type of safety measures are being followed by the management. If the workers representatives to the Committee are to be

nominated, we know who will be nominated; only the stooges of the management will be nominated. So, the representatives of the workers should be elected and their number should be increased. I have given an amendment, where I have suggested that there should be at least four representatives of the workers in the Committee and that they should be elected by the workers by secret ballot.

Very recently all the central trade unions boycotted the JD CCI because the INTUC has been given there an under boosting; the INTUC has been given there increased number of seats, even though it has been thoroughly rejected by the workers and completely isolated in the trade union field. This is how the Government is favouring and boosting the image of INTUC, which is hand in glove with the management. When the coal workers were on strike on 8th November and again in January for 72 hours, I visited some of the coal areas and addressed public meeting, I saw the role played by the INTUC. Though the workers under INTUC supported the strike, the role of the leaders was heinous and objectionable. The nominated people generally always act against the interests of the workers. So, this provision should be changed and to have elected representatives.

There should be Safety Committees at all levels. Each mine should have its own committee, apart from the regional committee for a group of mines where you can have representatives from various sectors. In each mine, where disaster can take place, where the workers have to work under hazardous conditions, where there are chances of getting various types of diseases, there should be a committee to see whether the safety rules are followed or not. Only such a Mine Committee can keep a constant watch on the safety rules and measures.

There is a provision here that after some accident or disaster, if the inspector does not come within 72 hours, for inspection and appropriate action, the operation of the mine can start. This is a big flaw in the Bill.

[Shri Samar Mukerjee]

This provides scope on the part of the management to influence the inspectors not to come within 72 hours and after 72 hours have passed, the mine will start operating, removing all the records and documents in respect of the liability of the disaster showing who are all responsible for this and why this disaster has taken place, why so many lives have been lost etc. All these records will be removed. So, this is one of the loopholes using which they will take full advantage of depriving workers of their benefits and rights which you are providing in this Bill.

Similar is the case with regard to the definition of injury also. You have made some provision regarding injury. You have said that after 72 hours this will be reported. This should not be done. Each injury should be reported whether it is fatal or minor. This is also another loophole given to the management which should not be allowed. Similarly, there are several other loopholes which must be plugged.

The Joint Committee recommended regarding holidays. The coal mine workers are to work under such conditions where their labour should be considered as intensive labour. According to international laws and the ILO definition, the intensive workers should not work for more than 6 hours. They require rest because constantly coal dust is entering into their stomachs, hearts and lungs and the health hazards are damaging their health. In these unhealthy conditions they are to work and those who work in the underground mines should have leave after 12 days. That was the recommendation of the Joint Committee, but you have not accepted that. This Bill provides only leave after 15 days work, for the rest after 16 days. This should be changed and their hours of work should be reduced. This is our suggestion.

You are providing some wages to the worker in case of illness where he is unable to work and he is also considered to be doing overtime work. But here, the provision is that overtime work should also be paid at the normal rate.

There is normal practice that 'overtime' means wages at double the rate he should get. That is our amendment and it should be included. The definition of 'mine' should also be extended. In the definition of 'mine' some sections have been kept out. In clause 2(iv) of the Bill, on page 2, it is stated :

"(h) (ii). In operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings....."

This exclusion should not be there because 'excluding construction of buildings' means you leave them in the hands of the contractors. The same workers working in the same place should not be thrown into the hands of the contractors. Similarly, there are other things which are not included in the definition of 'mine areas', that is, residential offices. Similarly, there are other offices which are not included in the definition of mines i.e. office like Accounts Office, Sales Office, G.M.'s office. These offices should also be treated as mines. They should be brought within the definition of mines. They should be given the benefit of the Act. Now, Shops and Establishment Act is applied in their case.

15. hrs.

Another factor is a very serious factor. Illegal mining has become a very big phenomenon. In June I went to Asansol. I saw nearabout 10,000 people who are engaged in illegal mining. These abandoned mine owners and Eastern Coal Field Authorities are involved. It has come in the newspapers also. Because of shortage of time, I am not going into the details. But it has become a regular source of the racketeers who are using cheap labour and hundreds of lorries are taking coal from Asansol, Chitranjan and Bengal-Bihar border daily and going to Banaras and distant places. Rows of trucks are carrying coal in this way. All the big business men are behind this. Big contractors are there. Cheap labour is engaged. I visited the area. A police officer and the local M.L.A. accom-



panied me. When I went there I saw a large number of people were cutting coal. When they saw the police jeep, they started running away. I told the police officer to tell that we were not coming to arrest anybody. A man was stopped by the police. I enquired from him. He told me that they were in a group of fifteen and they would be getting only Rs. 50/- a day. They would load the coal on the truck of a Congressman Shri Biswas.

There was a warrant against him on the charge of murder of a C.I.T.U. leader near Asansol. He is the main racketeer. This issue has come before election. Congress party propagated, if you vote for the left this illegal mining business will close down. So, your source of income will be taken away. Therefore, you must vote for the Congress. All this smuggling, etc., is coming into election politics. This has become a very big phenomenon. Government income is being dwindled. Wall collapsing has started because in those abandoned mines some coal pillars are there. They hold the roof. But that coal is also cut. The roof in this way falls while the workers work below. So, they remain buried under debris and the result is that dead bodies are found when these bodies rot and foul smell comes. It does not come under the Mines Safety Act. Therefore, no inspector goes there. So another great danger is that village after village is likely to subside. Unless Government comes in a big way to prevent it, this practice of illegal mining will not stop.

My suggestion is that there should be a comprehensive Bill and before bringing that Bill you should have closer consultation with workers and their leaders so that all these loopholes can be plugged.

SHRI VEERENDRA PATIL :  
 What is your attitude to the Bill ?

SHRI SAMAR MUKHERJEE : This Bill, as I told does not solve the problem. It is too inadequate. I am not opposing the Bill. I am giving amendments. It is too inadequate. My suggestion is to

bring in a comprehensive Bill so that all these aspects can be covered.

SHRIMATI JAYANTI PATNAIK (Cuttack) : Mr. Chairman, Sir, I am glad that the hon. Minister has come forward with this amending Bill for which I must congratulate him. This legislation aims at the regulations of the working conditions of the miners. It is well-known that the Directive Principles laid down in the Constitution speak of the welfare of the people in general and of the humane and just conditions for workers in particular.

15.05 hrs.

[SHRI SOMNATH CHATTERJEE  
*in the Chair.*]

This Bill seeks to protect the interests of the minors who are unaware of their rights and privileges. So, this will go a long way to protect their interests and also in solving the problems of thousands of miners.

Sir, much water has flown under the bridge since the enactment of the principal Act. Notwithstanding many welfare and safety measures, the mine owners, their agents and managers and their tough men seem to have been proportionately benefited than the workers during this period. If we look into the causes of many mine accidents of the past, we would come to know that sheer negligence on the part of the manager, agent and the owner is responsible for the tragedy. This has not been reflected in the follow-up action. The Chinakuri accident of 1958 was caused by the negligence and it was reported that the persons responsible for this tragedy were elevated to higher posts. The Chasnala accident which claimed the highest number of deaths in the history of Indian mining could be enquired into only on the intervention of the Prime Minister. It is customary to treat the accident enquiry as confidential. It is only when an accident of serious nature occurs, strong demands come for the judicial enquiry.

Now, the present amendment provides for additional safety regulations

[Shrimati Jayanti Patnaik]

and minimum penalty in the case of gross negligence or recklessness. Sir, I must congratulate the Minister that some of the provisions are welcome in this amendment. In Clause 17, a new sub-section has been added :

“(1A) Whenever there occurs in or about a mine an accident causing reportable injuries to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once in a quarter”;

I may quote clause 30 sub-clause (d). Power is also being given under this sub-clause to enable the Central Government to make regulations for evolving and standardising the procedure to deal effectively with any emergency situation caused by accident or accidental explosion or ignition. This provision has been made on the recommendations of the experts in their report on mines safety.

This Bill will help in drawing immediate attention to the accidents and the maintenance of regular record for the accidents. Another sub-section also says that whenever an accident occurs causing loss of life or serious bodily injury, the place of accident shall not be disturbed before the arrival or without the consent of the Chief Inspector or Inspector to whom notice of the accident is required to be given unless such disturbance is necessary to prevent any further accident.

These measures will go a long way in ensuring much needed safety measures for the miners as the unscrupulous or callous owner or his manager cannot now conceal the accidents as they used to do.

The accident victims will be suitably treated, compensated and rehabilitated. So the Hon. Minister should be congratulated for his foresight as he has correctly visualised the difficulties and the dangers faced by the miners.

We know that one of the main reasons advanced for nationalisation of

coal mines is the constant violation of safety rules by private owners. In order to strengthen safety in the mining industry, the earlier Inspectorate was redesignated as Director General (Safety). Until now, though safety laws exist, they remain on paper only. Safety becomes a casualty in the competition to increase production. In this connection, I may also mention that according to the internationally accepted norms, the mines should be within 40 KM of the rescue station. In our country, some pits are far away. The safety goal is yet to be defined.

Another new Section based on the recommendations of the 16th Session of the Indian Labour Conference has been introduced to empower the Mines Inspector to undertake the safety and occupational health survey in the mines.

The miners are poor and illiterate and they live in unhealthy environment. We see there are occupational hazards in the mining area. They exist due to lack of proper environment and proper facilities. The present amendment is supposed to protect the workers. It is heartening to note that in the present amendment any worker medically declared unfit will be immediately sent for treatment at the cost of the owner and the worker will also get wages and other benefits which are due to him from time to time, and after the treatment, if the worker is declared unfit to discharge his duties, then he will be entitled for alternative employment. In case there is no scope for alternative employment, he will be entitled to disability allowance. This provision also provides the payment of a lumpsum amount to the workers who leave the job voluntarily.

Another welcome provision is the proportionate leave or wages in lieu of leave to workers whose services are terminated or who voluntarily quit employment or who die before putting in the required attendance.

This will definitely go in favour of the mine workers.



Another important measure in this Bill is to prohibit employment of persons below 18 years of age. This is a measure of far-reaching importance as exploitation of children by mine owners is widespread in the mining areas. The provision for imposing a penalty of Rs.2,500/- for employing persons below 18 years of age is also welcome and it is very necessary because in our society, child labour should be discouraged. This provision should be therefore implemented rigorously.

Another provision which is important from workers point of view is the regular leave entitlement for the workers. In view of the greater hazards to which the workers are exposed, it is proposed to increase their leave by granting one day leave for every 15 days instead of for one day for every 16 days work as at present.

Not much mention has been made in this amendment about minimum wages to the workers. In the 17th annual session of the Federation of Indian Mineral Industries, held in New Delhi, the Minister of Mines has said that some mines including that of manganese ore, do not pay minimum wages to the workers. Government remains a silent spectator to this injustice which is meted out to workers. This view has been given publicity in the newspapers. I have quoted what has already been published therein.

The employment of women is on the decline and they are not paid their wages properly. They are paid less wages.

So, the Amendment should have ensured this minimum wage to the workers.

Now I would like to say a word about the Mining Boards and Committees to look into the affairs of the mines of a particular territory or a State. Under this, any issue relating to a mine can be referred to a Committee, and the Mining Board and Committee are vested with the powers of a civil court. Therefore, the matters referred a Committee or Board can be decided within a short time.

This is a very good suggestion. But here I may point out that the Committee constituted under section 12 (1) should include a representative of the State Government, preferably of the Mining Department. Why I am saying this is because there should be active participation and involvement of the State Government in this also. The state is the owner of the minerals, and it is desirable that the State Government is intimately involved in the implementation of the various provisions of the Mines Act. But this aspect does not appear to have been taken into account.

One more thing I would like to point out is that copies of all the notices sent to the Director, Mines Safety, and the Director-General, Mines Safety, under the Ministry of Labour should also be endorsed to the Director of Mining of the State Government. This would facilitate the State Government authorities to know first hand the condition of each mine with respect to the statutory requirements of the Mines Act.

This Bill to amend the Mines Act is a timely and progressive measure. The Hon. Minister has brought forward this Bill with the overall intention of safeguarding the interests of the mining workers. So, I welcome this Amendment Bill and I congratulate him on having brought forward this measure, although after a long time.

With these words, I conclude my speech.

श्री त्रिलोक चन्द्र (खुर्जा) : अधिष्ठाता महोदय, इस सदन में माइन्स अमेंडमेंट बिल आया है। 1952 में यह बिल बना था। उसके बाद एक कमेटी बैठी थी मजदूरों के सेफ गार्ड और कल्याण के लिए। उसकी रिपोर्ट के आधार पर 31 साल बाद यह बिल आया है। श्रीमती पटनायक जी कह रही थीं कि यह बिल जल्दी आया है। पता नहीं अभी और कितनी देर से आना चाहिए था।

इस बिल के द्वारा मजदूरों की सुविधा,

(श्री त्रिलोक चन्द्र)

सेफगार्ड और रक्षा के लिए अमेंडमेंट किया गया है। ये सुधार कारगर होंगे ऐसा नहीं लगता। सेक्शन 12 में कमेटी का गठन किया गया है। चोट लगने और मकान की सुविधा के बारे में जो कुछ कहा गया है यह तो बहुत पहले कर देना चाहिए था। लेकिन 12 सेक्शन के रहते हुए मैं समझता हूँ इनको कोई लाभ मिलेगा, ऐसा नहीं लगता। आज जो पोजीशन है वही बरकरार रहेगी। इसमें आपने कहा है—

“12(1) (a) a person in the service of the Government, not being the Chief Inspector or an Inspector, appointed by the Central Government to act as Chairman;

(b) the Chief Inspector of Mines;

(c) two persons to represent the interests of miners appointed by the Central Government;

(d) two persons to represent the interests of owners of mines appointed by the Central Government;

(e) two qualified mining engineers not directly employed in the mining industry, appointed by the Central Government.”

सरकार के अधीन माइंज भी हैं, कालवरीज भी हैं। प्राइवेट ओनर्स जिनको रन करते हैं उन पर भी किसी न किसी तरीके से गवर्नमेंट का कंट्रोल है। लेकिन जितना इसमें रिप्रिजेंटेशन दिया गया है वह सैट्रल गवर्नमेंट के नामिनीज को ही दिया गया है। उनसे क्या आप आशा करते हैं कि गवर्नमेंट की इच्छा के विरुद्ध जाकर वे काम करेंगे, उच्चाधिकारियों की इच्छा के विरुद्ध जाकर काम करेंगे, वर्कर्स या मजदूरों का पक्ष वे लेंगे? प्रावियों में आपने कहा है कि मजदूरों का भी एक नामिनी होगा। वह मजदूरों के हितों को देखेगा, उनकी रक्षा करेगा। कोलमाइंज से जो होगा वह

कोलमाइंज के वर्कर्स के हितों को देखेगा, माइनर्स में से जो होगा वह माइनर्स के हितों को देखेगा। इससे कोई विरोध नहीं हो सकता है। जो कुछ आपने किया है उससे किसी का विरोध नहीं है। लेकिन वह कम है। ज्यादा होना चाहिए था। मजदूरों के प्रतिनिधि ज्यादा होने चाहिए थे। यह कम्प्रि-हेंसिव बिल नहीं है। बहुत बड़ा लाभ दुर्घटना होने पर वर्कर्स को मिल सकेगा, ऐसा मैं नहीं समझता हूँ। जैसे मुकर्जी साहब ने कहा है अच्छा होता बजाय गवर्नमेंट नामिनी वर्कर्स में से होता, उसका इलैक्शन होना चाहिए। वर्कर्स रिप्रिजेंटेटिव जो इलैक्शन में जीतता उसको होना चाहिए था। या जो यूनियन है उसमें से कोई रिप्रिजेंटेटिव होना चाहिए था और वह भी बाई इलैक्शन होता। यूनियंस भी कई जगह एक से ज्यादा होती हैं। अब यूनियन में से ही लेंगे तो किस यूनियन में से लेंगे। उसी यूनियन में से लेंगे जो आपके माफिक होगी। उसी यूनियन के रिप्रिजेंटेटिव को आप नामिनेट कर देंगे। इससे मजदूरों को मरना पड़ेगा। मजदूर को कई तरह से मरना पड़ता है। एक तरफ कालियरी ओनर्स होते हैं, एक तरफ मैनेजमेंट होता है और तीसरी तरफ यूनियन होती है। यूनियंस अपने-अपने तरीके से मजदूरों की मांगों को प्रैस करती हैं। अगर कोई वर्कर किसी यूनियन के माफिक न हो और दूसरी यूनियन का वह सदस्य हो और जिस यूनियन को वह फेवर नहीं करता है और उस यूनियन की चलती है तो वह मारा जाता है, उसकी सुनने वाला कोई नहीं होता है। अब इस बारह सेक्शन से कितना भला उसका हो पाएगा, यह मैं नहीं जानता हूँ। इस वास्ते मेरा सुझाव है कम से कम तीन प्रतिनिधि आपको वर्कर्स के इसमें लेने चाहिए थे

जहाँ तक इस बिल का सम्बन्ध है समर्थन इज बैटर देन नर्थिंग वाली बात है। इससे वर्कर्स को कुछ लाभ तो होगा ही। नियम पहले भी थे। आपने कहा है कि कुछ व्यावहारिक कठिनाइयाँ सामने आई थी और उनको आपने दूर करने की कोशिश की है। आप इस बिल को तो पास करायाँगे ही। लेकिन मेरा निवेदन है कि जो कमेटी बैठी थी उसकी सिफारिशों को ध्यान में रखते हुए इसमें और संशोधन करने की जरूरत है। मेरा अनुरोध है कि और भी जो संशोधन हैं मजदूरों के हक में उनको भी लाकर मजदूरों को ज्यादा से ज्यादा हित करने के लिए, आप पास कराने की कृपा करें।

श्री रामसिंह यादव (अलवर) : सभापति महोदय, मैं प्रस्तुत विधेयक का समर्थन करता हूँ। वास्तव में विरोध पक्ष के बोलने वाले माननीय सदस्य ने विधेयक को जिस दृष्टि से देखा है वह उसके सही उद्देश्य को नहीं समझ सके हैं। इस विधेयक को पूरा पढ़ने के बाद कोई भी व्यक्ति इस निष्कर्ष पर पहुँच सकता है कि यह अपने आप में एक प्रगतिशील और जनकल्याणकारी कदम है क्योंकि इसमें बहुत से प्रावधानों का समावेश किया गया है जिनका होना मजदूर के हित में बहुत आवश्यक है।

मान्यवर, सबसे पहली जो आवश्यकता थी वह यह थी कि अभी तक किसी खान में कोई भी टेक्नीकल एक्सपर्ट जाने के लिए सक्षम नहीं था। अब यह प्रावधान मंत्री जी ने किया है कि यदि कोई माइन मजदूर के जीवन के लिए असुरक्षित है तो उसका इन्स्पेक्शन मजदूर के ईस्टाँस पर या मजदूर यूनियन की इच्छा पर वह एक्सपर्ट उस खान में जा सकेगा और उसके बारे में रिपोर्ट दे सकेगा,

और यदि वह असुरक्षित है तो उसको बन्द कराने की पावर सरकार को या प्राधिकृत अधिकारी की होगी। यदि सी०ए०पी०एस० के माननीय सदस्य ने इस प्रावधान को ध्यानपूर्वक पढ़ा होता तो उनको खुशी होनी चाहिए थी। अब तक किसी भी विधेयक में इस बात को नहीं सोचा गया था कि आगे आने वाली दुर्घटनाओं से किस तरह से मजदूर को बचा सकते हैं। यह प्रावधान जो किया गया है उसके लिए मंत्री जी की दूरदृष्टिता के लिए मैं उनको धन्यवाद देता हूँ।

इसके साथ-साथ मंत्री जी ने यह भी प्रावधान किया है अभी तक जो माइन एरिया था उसके लिए कोई डेफिनेट बाउण्डरी नहीं थी, और जो भी खान का मालिक होता था वह अपनी मर्जी के मुताबिक उसको घटा-बढ़ा सकता था। कई स्थानों पर वास्तव में जो मौके पर ऐसी परिस्थितियाँ थीं जहाँ पर यदि किसी भी खान को किसी विशेष दायरे से अधिक के लिए बढ़ा देते हैं तो वहीं दुर्घटनाओं की सम्भावनाएँ बढ़ जाती हैं। ऐसी सूरत में आपने यह प्रावधान किया है प्रत्येक माइन ओनर को अपनी लीज में डिफाइन करना होगा, उसकी बाउण्डरीज को लिखना होगा। यह भी अपने आप में मजदूर की सुरक्षा के लिए एक बहुत ही प्रगतिशील कदम है।

हम कह रहे हैं कि माइंस में खास तौर से 18 साल से कम आयु के मजदूर को नियुक्त न किया जाय। लेकिन आपने यह भी प्रावधान किया है कि यदि मौके पर जाकर किसी खान को देखें तो 16 और 18 साल के व्यक्ति में व्यक्तिगत आदमी की जो तन्दुरुस्ती है उसकी वजह से अंदाज लगाना मुश्किल होता है कि 16 साल का है या 18 साल का है। लेकिन अब इस बात का प्रावधान है कि डाक्टर उसको एग्जामिन कर सकता है और

(श्री रामसिंह यादव)

खान मालिक पर औवलीगैटरी होता है उसकी जांच कराना यदि मजदूर या उसकी यूनियन चाहे।

इसके साथ-साथ यदि किसी माइनर को खान के काम में मजदूर की हैसियत से लगाया है तो जितने दिन आपने उससे काम लिया है उस बच्चे को उतना ही पेमेंट मजदूरी के रूप में करना होगा जितना कि एक मेजर के लिए करना है। यह मजदूर के हित में अच्छा कदम है।

इसके साथ-साथ आपने क्लज 22(ए) में कहा है कि एम्प्लायमेंट सर्टन केसेज में प्रोहिबिट करेंगे और जो कम उम्र के मजदूर हैं उनको नहीं लगा सकेंगे और जो भी कम्प्लायंस हैं वह मालिक के ऊपर अब्लीगेटरी होगी। साथ ही क्लज 30 और 31 में सेफ्टी मेजर्स को बताया है जो मजदूर की सुरक्षा के लिए आवश्यक है, उनका होना किस तरह से आवश्यक है जो सेक्शन 58 को अटैंड करते हैं।

आपने इसमें बाडीली इंजरी क्या है और सीरियस इंजरी क्या है, यह डिफायन करके एक सही कदम उठाया है। बाडीली इंजरी में जहाँ आपने मजदूर को 72 घंटे का लाभ दिया है, इसके साथ-साथ सीरियस इंजरी, जिसको भारतीय दंड प्रक्रिया में ग्रीव्स इंजरी कहा है, उसको आपने सीरियस इंजरी में लेकर, जैसे किसी मजदूर के शरीर का कोई अवयव अंग-भंग हो जाता है, क्षतिग्रस्त हो जाता है या काम करने लायक नहीं रहता है, उसके लिए आपने इसमें प्रावधान किया है जिसका होना नितान्त आवश्यक है।

कोई भी मजदूर खान में काम करते हुए यदि शारीरिक दृष्टि से सक्षम नहीं रहता है, काम करने लायक नहीं रहता है तो उसके

लिए आपने इसमें प्रावधान किया है। इसके साथ ही यह भी कहा है कि अगर कोई खान मालिक खान बन्द कर देते हैं इस कारण कि उसमें ऐसी स्थिति पैदा हो गई है कि मजदूर की सुरक्षा के लिए ठीक नहीं रह गई है, समय-समय पर उसकी छंटाई नहीं की है या सफाई के साधन प्रयोग नहीं किए गए हैं और 2, 4 साल के बाद खान मालिक मजदूर को यह कह दे कि हमने खान बन्द कर दी है तो इसमें आपने प्रावधान कर दिया है कि अगर खान मालिक ऐसी स्थिति पैदा करता है तो उसे मजदूर को उतनी ही तनखाह और उसी तरह का आल्टरनेटिव एम्प्लायमेंट देना होगा। इससे अधिक मजदूर के हित में और दूसरा कौन-सा कानून होगा ?

आप जो कह रहे हैं कि यह इन-कम्पलीट विधेयक है, आपने इस पर पूरी तरह से गौर नहीं किया कि किस दृष्टि से अपूर्ण है ? आपने कोई कारण नहीं बताया। आप बताते हैं कि कौन से कारण रह गये हैं, कौन से मुद्दे ऐसे आवश्यक हैं जो मजदूर के लिए होने आवश्यक हैं। एक मजदूर लीडर के लिए यह आवश्यक था कि वह उन्हें बतलाते। उन कारणों को न बताकर आप यह कहें कि इसमें अपूर्णता है, मैं समझता हूँ कि आपने इसका आद्योपान्त अवलोकन नहीं किया और सरसरी बात कह दी।

पहली बार माननीय मंत्री जी ने इस बात का प्रयत्न किया है कि यदि किसी व्यक्ति को सीरियस बाडीली इंजरी आती है तो हम किस तरह से उसकी मदद कर सकते हैं और किस तरह से उन पर एक जिम्मेदारी आती है।

इसके साथ ही आपने जो एक कमेटी बनाने का प्रावधान किया है इसमें, यह ठीक है कि अगर आप मजदूरों के नुमायन्दे, मजदूर

यूनियन के माध्यम से या मजदूरों के चुनाव के माध्यम से लेते हैं तो वह अधिक प्रजा-तांत्रिक दृष्टि से ठीक होगा। इसमें इस तरह का कोई आपेक्ष भी नहीं हो सकता और इसमें कोई आपत्तिजनक बात भी नहीं है, इस कमेटी का कांस्टीट्यूशन अच्छा है। लेकिन मेरा अनुभव यह है कि आपने जो कमेटी बनाई है, जिसमें कमेटी के मॅम्बर्स विभिन्न स्थानों से आकर कार्यप्रणाली में भाग लेंगे, कार्य सूची उनके सामने होगी, साथ ही यह भी कहा कि उस कमेटी के लिए पावर, सिविल प्रक्रिया संहिता में जो अधिकार हैं—इन्स्पेक्शन, एबीडेंस रिकार्ड करने आदि—वही सारे अधिकार आपने इस कमेटी को भी दिए हैं, और उसमें जो भी विवाद होगा, वह उसको हल करेगी, तो क्या यह कमेटी कोर्ट के तरीके से उन विवादों का हल कर सकेगी? यह बात अपने आप में एक संदेहास्पद स्थिति में छोड़ती है।

आपको इस तरह की परमानेंट व्यवस्था करनी चाहिए थी जिसमें आपका एक परमानेंट मेम्बर हो या ऐसे कोई 2, 3 परमानेंट मेम्बर हों जो लगातार उसमें काम करते रहें। इसके बगैर अगर एक दिन के लिए मीटिंग बुलाई, उसमें मेम्बर नहीं आये तो वह कौंसिल हो गई और सारे विवाद फिर उसमें एडजान्त होंगे।

इस तरह से अनावश्यक रूप में विवाद लम्बित होते रहेंगे और उनका निर्णय नहीं हो सकेगा।

सबसे पहला दृष्टिकोण यह होना चाहिये कि जहाँ मजदूर का इन्वाल्वमेंट है, जहाँ मजदूर काम करता है और उसकी समस्या है, उसके विवाद का हल शीघ्रातिशीघ्र हो। मैं समझता हूँ कि यही दृष्टिकोण हमारे इस विधेयक का, सरकार का है और इसी मंशा से इसे बनाया गया है। जब भी आप इसे सोचें,

डेलीगेटड लैजिस्लेशन के माध्यम से, नियम-उपनियम के माध्यम से ऐसी व्यवस्था इसमें की जाए।

इस कमेटी के बारे में मुझे सन्देह है कि वह त्वरित गति से, शीघ्रता से उन विवादों को, जो मजदूरों के हित में जाने वाले हैं, उन का निपटारा कर सकेगी। क्या यह कमेटी उन विवादों को जल्दी निपटा सकेगी? इसके बारे में मुझे शंका है कि वह नहीं कर सकेगी। इसलिए किसी क्वालिफाइड आदमी को स्थायी रूप से पंच या अधिकारी नियुक्त कर दिया जाय। इस तरह का डिविजन करना बहुत आवश्यक होगा।

इस बिल में रैगुलेशन बनाने की जो पावर्स दी गई है, वह तो अच्छा है, लेकिन यह आबलिगेटरी कर देना चाहिए कि किसी टेक्निकल एक्सपर्ट या इन्स्पेक्टर द्वारा प्रत्येक खान का छः महीने या साल या दो साल में इन्स्पेक्शन किया जाए, ताकि वे देख सकें कि क्या खान में मजदूरों का जीवन सुरक्षित है और क्या उनके लिए उस समय या भविष्य में असुरक्षा तो नहीं होने जा रही है। इसके लिए सर्वे को जो प्राविजन किया गया है, वह एक प्रशंसनीय कदम है लेकिन इस बारे में कोई टाइम लिमिट मुकर्रर नहीं की गई है कि किप खान का सर्वे कितने दिन में हो सकेगा। यदि यह प्रावधान कर दिया जाय कि एक, दो या तीन साल में खान का सर्वे अनिवार्य होगा, तो वह सोने में सुहागा होगा।

क्लाज 18 में ओनर, एजेंट या और मैनेजर की ड्यूटी निश्चित कर दी गई है। अभी तक जो आदमी अपने जिम्मेदारी से बच निकलते थे, उन्हें क्लाज 17 और 18 के अन्तर्गत लाया गया है और उन्हें उत्तरदायी ठहरा दिया गया है। क्लाज 17 में कहा गया है :

[Shri Ram Singh Yadav]

"17. (1) Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications."

मेरा निवेदन है कि जो आदमी खुद मैनेजर बनना चाहता है, कम्पनीज एक्ट या किसी दूसरे प्रावधान के अन्तर्गत सरकार को आश्वस्त होना चाहिए कि उस आदमी में मैनेजर बनने की क्वालिफिकेशन है। इसके लिए क्लर्क और बाई-लाज में प्रावधान करना चाहिए, वरना हर आदमी अपने आपको मैनेजर बना लेगा और समय आने पर उस पद का दुरुपयोग भी कर सकेगा। सरकार को किसी न किसी माध्यम से यह नियंत्रण रखना चाहिए कि मैनेजर ऐसा व्यक्ति हो, जो मजदूरों के हित में सोच सकता है, जिसे मजदूरों के कानूनों की जानकारी है, जो खानों की विभिन्न समस्याओं का निदान कर सकता है और जिसको जिम्मेदार ठहराया जा सकता है।

क्लाज 18 में कहा गया है :

"18.(1) The owner and agent of every mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made thereunder."

यह बहुत ही सुनहरा प्रावधान किया गया है। जो आदमी कहे कि मैं एजेंट हूँ या मालिक हूँ या किसी और तरह का डिफेंस लेना चाहे,

उसके इस डिफेंस को न मानकर उस पर उत्तरदायित्व डालना बड़ी दूरदर्शिता की बात है।

आपने धारा (18) को अपने आप में पूर्ण और सक्षम बनाया है, उसमें कोई भी कमी महसूस नहीं होती है। मैं अनुभव करता हूँ कि इस विधेय के अधिनियम बन जाने के बाद मजदूरों को बहुत बड़ी राहत मिलेगी।

साथ ही खासतौर से दिल्ली के आसपास के क्षेत्रों में जो भाटी माइन्स थीं, जहाँ बहुत सी मृत्युएँ हुई थीं, वहाँ पर जो भी मजदूर खान के अन्दर जाते थे उनके बारे में कहा नहीं जा सकता था कि वे वापिस आयेंगे या नहीं, उनके लिए भी, यह आपने जो सेपटी मैजर्स का प्रावधान किया है वह उनके जीवन की सुरक्षा के लिए रामबाण की औषधि सिद्ध होगा।

मैं एक बार पुनः मंत्री जी को अपनी ओर से ही नहीं, पूरे सदन की ओर से और मजदूर वर्ग की ओर से धन्यवाद देता हूँ कि उन्होंने ऐसा साहसिक और प्रगतिशील विधेयक सदन के सामने प्रस्तुत किया।

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : Mr. Chairman, Sir, I have moved a motion for referring this Bill to the Select Committee.

This Act was promulgated in 1901 for the first time by Lord Curzon. It was amended in 1928, but a major overhaul of the Act was undertaken in 1949 when the Bill was sent to a Select Committee and the Report of the Select Committee was submitted but it remained pending for some time. It was ultimately placed before the House in 1952, when it was a lame duck parliament after general elections for transacting some business. Hon. Members of the House had pleaded with the Government to postpone consideration of the Bill to the newly constitute Parliament, so that



sufficient time could be given to the consideration of various clauses but it was not accepted. Since 1952, this is the first major attempt by the Government to bring about many amendments to make improvements and salutary changes in the Bill.

The Hon. Minister said that it was first moved in 1972, and was referred to a Joint Select Committee. The report of the Joint Committee was presented, but with the dissolution of the House the Bill lapsed. The Minister, therefore, thought that since the Joint Committee had already considered the Bill, it was not necessary again to take it back to a Select Commission for consideration. That is the argument given.

In this connection, you might recall that the Vishwabharti Amendment Bill was referred to a joint select Committee, and the Report of the Joint Committee had been received, but with the dissolution of the House, that report could not be presented and the Bill had lapsed. When this new House, the 7th Lok Sabha, was constituted, again this Bill was referred to the Joint Select Committee, which has made its report now. Therefore, that could have been a precedent for the Minister to refer this Bill also to the Select Committee.

I listened to the speech of my friend, Shri Samar Mukherjee, who has given several amendments. They are good amendments. At the end of his speech, he said that he would have been satisfied only if a comprehensive measure bringing about a complete overhaul of the Bill is brought forward before the House. That, in other words, means that Shri Mukherjee also wants that the Bill required some more in-depth, study and several other sections also required to be amended.

But my friend, Shri Yadav, said that Mr. Mukherjee perhaps had gone through the Bill only cursorily and as a Labour leader, he should have made certain suggestions which would have warranted a comprehensive measure. But, Sir, as Mr. Yadav was speaking, he referred to

several clauses like the committees and injuries etc. He also expressed his doubts about the ability of the Committee to function and gave certain suggestions for the Minister to taken care of. I wonder whether it will be possible for the Minister to take into consideration those suggestions at this time. It is almost a chance-a coincidence that this Bill is being discussed in this House, when the House is going to sit only for three or four days. I don't think it will receive the attention it deserves.

Sir, I have also gone through the various clauses. I am happy that the Hon. Minister has suggested various improvements which will certainly go to the benefit of the workers. Of course, various provisions have been made. But my main complaint is that these provisions are made, but are not implemented. There are various Labour legislations, but these provisions are not fully implemented and no penal action is taken against those who are contravening the provisions of the law.

You might recall our Hon. Member, Prof. Ranga, wanted to know what I meant.

You might recall in this very House the payment of Minimum Wages was discussed ; the payment of Gratuity Act was discussed and the working of the provident Fund was discussed and we found that various provisions of those Acts had not been implemented. Take the case of the payment of wages Act. A certain time limit has been fixed. If the wages are not paid by that period, the prosecution should be launched against the person or establishment responsible for that. But it is not done.

I don't want to refer to it again, but I only wish to submit that with all good intentions, unfortunately, the working conditions of coal-mines are not as they should be.

Sir, Hon. Minister has rightly said that the coal-mines are the core sectors and occupy a very important position. But in these coal-mines take for instance the provision of drinking water. The



[Shri Styndra Narayan Sinha]

report says that in the coal-mines the provision of drinking water is not adequate. In many places unfiltered water is provided to the workers. Sometimes it is provided from the abandoned pits.]

Then with respect to the health services. According to the agreement reached with the Unions as also according to the Mines Act, there should be a dispensary, but my information is that hardly 25 mines can claim to have any dispensary; and none of these fulfil even 50% of the requirements. Yet, no action has been so far taken against them. Then with regard to the education also, I think the education of the children of the miners is very much neglected.

Coming again to safety measures, I have heard Mrs. Jayanti Patnaik saying that the safety measures have been a great casualty. She referred to various accidents which took place. My friend Mr Mukherjee has referred to the Chasnala accident. Mrs Patnaik also referred to some accidents which took place due to negligence on the part of those who are responsible for running the mines. It so happens that no action has been taken against them. They have escaped.

An association of officials who were working in the collieries has said that as many as 75 mines are unsafe. The non-INTUC unions assert that the number would be 99. But no action has been taken to stop their operation. You will find that illegal mining is continuing, with the result that whatever accidents are taking place, are not fully reported. Even where they are reported, I am not aware of any severe action having been taken against them. The miners' condition continues to be pitiable.

Even in Delhi, we have the Bhatti mines. You know that it has been declared to be unsafe for mining purposes. Still, the mine was worked; and there were several accidents, fatal accidents. Only after there was a public outcry against the working of the mine, was the operation of the mine stopped. Eight thousand workers were working there. You can imagine their plight. Even the

INTUC unions are agitated over the violation of safety rules.

A committee was constituted, after several accidents took place, under the chairmanship of Mr Kumaramangalam, which has already made a report. It contains about 66 major recommendations. We do not know what are those recommendations. But I think they concern safety measures. It is agreed among all concerned, and all the unions, that the safety organization needs to be strengthened. The circulars issued by the Director-General of Mines safety are not really followed. But no action could be taken. If the organisation is strengthened, perhaps a better vigilance over the working conditions could be exercised by the safety organization.

I do hope that the Minister will implement those recommendations. I am glad to know that a Standing Committee on Safety is there, which is headed by the Minister of Energy, and that he has given an assurance to the unions that this Committee will now meet quite regularly, to review the measures for safety, and look into the working of the safety regulations.

With regard to the rescue stations, there is a provision here. The Minister has suggested an amendment. They are going to levy a cess which will provide for the establishment of these rescue-stations. I would suggest that these rescue stations should be properly equipped.

Some training courses should be conducted regularly. I understand that despite the fact that there are a dozen or so rescue stations but training had been imparted to only about 38 persons in these courses. I think regular training should be imparted.

Then with regard to the medical check up of workers, there is an obligation to carry out medical check up of the workers every five years, which is not being done. I do not know what the recommendations of the Kumaramangalam Committee are on this point, but I do hope that stringent action will be

taken for neglecting this obligation or for not carrying out a medical check up.

Now with regard to the conditions of employees and miners. I am really surprised that even now moneylenders are there, operating in the coal field areas and they swallow up whatever the miners are earning. Some co-operative societies have been constituted but the efforts of the Coal India are inadequate and I think that special attention should be paid to this aspect so that the colliery miners and leaders are not exploited by the moneylenders.

I would like to say that these miners and loaders have been suffering from tuberculosis and bronchial asthma. I think there should be considered as occupational diseases, if they have not been done so far. I would submit for the consideration of the minister that these diseases should also be considered as occupational diseases.

I am glad that the Government have come up with some suggestions which are very good and I welcome the suggestions made by them which will benefit the workers and miners, but I would like the Minister and the Government to be a little more strict in stopping this illegal mining which is a very great curse. It must be stopped. There is exploitation there. Safety measures are not observed, people suffer, and even meet with death. Those deaths are not reported and therefore, paramount consideration should be given to this point that this should be stopped.

As late as on 13th February, 1981 there was a major accident in Badua collierie in Giridih District Bihar, and several persons died. The figure of death was contested but I will only quote from the statement of Mr. Chapalendu Bhattacharya whom you all know, he was a colleague of ours here in this House and is a trade unionist to indicate the dimension of the accident. He said,

'I am aggrieved to see over one hundred miners and labourers dying

every year in illegal mining operations. It seems all have combined to cover this.'

I invite the Minister's attention to this Point and lastly I would say that this contract system must go. Contract with regard to transport is also there and this is also giving rise to a lot of illegal activity or formation of mafia and gangs and all that, we find that this in the Dhanbad area and other coal field areas also. The area is being disturbed by these people and is becoming a headache to the law and order authorities. Therefore, you should also think of stopping it completely.

With these words, I urge the Minister to accept my amendment, or my suggestions. Any way I support the Bill.

MR. CHAIRMAN: Shri Keyur Bhusan.

16. hrs.

श्री कैयूर भूषण (रायपुर) : आदरणीय सभापति महोदय, खान अधिनियम 1952 में संशोधन विधेयक जो लाया गया है, इसका मैं समर्थन करते हुए अपने विरोध पक्ष के सदस्यों का भी आभार प्रकट करता हूँ कि इस महत्वपूर्ण विधेयक का उन्होंने भी, अपनी ही भाषा में क्यों न हो, समर्थन किया है। यह एक ऐसा संशोधन विधेयक है जिसमें श्रमिक वर्ग के हित को ही सामने रखा गया है। उसी के आधार पर इसमें परिवर्तन लाया गया है।

खान कार्य को अगर हम उद्योग के रूप में देखें तो यह भारत का सबसे महत्वपूर्ण हिस्सा है। आज सारा देश खनिज से भरा है और हमें उसका विकास करना है। उसका हमारे पास बहुत ही ज्यादा अवसर है। उसमें एक बड़ी तादाद श्रमिकों की लगी हुई है और इसके विकास में श्रमिकों का ही सबसे बड़ा हाथ है और सबसे ज्यादा जिम्मेदारी भी और सबसे ज्यादा संकट भी इसी वर्ग पर है। इसलिए इस वर्ग की सुरक्षा के सम्बन्ध में, इस

(श्री कैथूर भूषण)

वर्ग के विकास के सम्बन्ध में कानून में परिवर्तन लाना, कानून बनाना, यह जो हमारा समाजवादी लक्ष्य है, उसी का यह प्रतीक है। हमें विश्वास होने लगा है कि हमारी सरकार एक श्रमिकों की सरकार है जिसने श्रमिकों के हित के लिए यह संशोधन किया है और वह पूरी तरह से जागरूक है।

इसी के साथ ही साथ मैं यह भी निवेदन करना चाहता हूँ कि हम सभी जो श्रमिकों के हितचिंतक हैं, उन्हें अलग-अलग रूप से न देखें। जहाँ तक अभी आलोचना हुई वह इस बिल के मुद्दों की आलोचना नहीं हुई है। ज्यादा से ज्यादा आलोचना ट्रेड यूनियन कांग्रेस की हुई है। जो हमारी अलग-अलग समितियाँ हैं उनमें इस ट्रेड यूनियन कांग्रेस को ज्यादा महत्व दिया जाता है, इसकी आलोचना हुई है। जो कमेटियाँ बनती हैं तो उन कमेटियों में इन्हें ही आगे लाया जाता है, यह कहा गया है। यह सच है और इसका भी कारण है। अगर शासन को अपनी तरफ नामजद करना पड़ता है तो वह इसलिए कि ट्रेड यूनियन जो बनती हैं वे निहित स्वार्थों के लिए बनती हैं। उनमें श्रमिकों का हित कम रहता है, अपने विचारों का हित अधिक रहता है। वे एक माध्यम के रूप में उनका उपयोग करते हैं। इसलिए उ का पूर्णरूपेण मजदूरों के लिए प्रतिनिधित्व नहीं हो पाता। अपने दलगत विचारों का, अपने संरक्षण के काम का ही प्रतिनिधित्व होता है। अगर वे पूर्ण रूपेण श्रमिकों के हितों के लिए काम करें तब तो वे लाभान्वित होंगे। आज ऐसी स्थिति न होने के कारण अगर उन कमेटियों के अन्दर कुछ प्रतिनिधियों को नामजद के रूप में रखा जाता है तो यही एक उपयुक्त स्थिति है।

आज जो कमेटी बनी है, वह मजदूरों के संरक्षण के लिए बहुत ही महत्वपूर्ण है।

मजदूरों की सुरक्षा कमेटी के अन्दर अगर सभी का प्रतिनिधित्व उसमें रखा गया है तो हमारे मंत्री जी ने काफी समझदारी का काम किया है। आज परस्पर सहयोग से ही विकास हो सकता है जिसमें व्यवस्था का भी प्रतिनिधित्व हो, श्रमिकों का भी प्रतिनिधित्व हो, उद्योगपतियों का भी प्रतिनिधित्व हो। आज की स्थिति में हम तीनों को अलग-अलग रख कर आगे विकास नहीं कर सकते हैं। आज हम सभी महसूस करते हैं कि तीनों का आपस में परस्पर सहयोग होना चाहिए। श्रमिकों के हित के लिए अगर हम तीनों एक जगह एकत्रित हो रहे हैं और तीनों को साथ रख रहे हैं तो उसमें हमारा पहला उद्देश्य यह है कि राष्ट्रीय हित हो। हम सबसे नीचे के व्यक्ति श्रमिक को ज्यादा से ज्यादा सुविधाएं दें, उन्हें ऊपर उठाएँ। राष्ट्रीय हित की जिम्मेदारी उनकी भी है, उनके श्रमिक नेताओं की भी है।

हम श्रमिक वर्ग को ज्यादा से ज्यादा जिम्मेदारी दें और मैनेजमेंट से भी कहें कि उनके हित के लिए, श्रमिकों के हित के लिए ध्यान दें। इस आधार पर इन चीजों का समन्वय करके सुरक्षा समिति का गठन किया गया है, यह बहुत ही उपयुक्त है।

इसके सम्बन्ध में एक बात और निवेदन करना चाहता हूँ। खानों का सतत निरीक्षण होना चाहिए। इसके अभाव में चासनाला जैसी दुर्घटनाएं फिर हो सकती हैं। इसकी व्यवस्था काफी कम है। सुरक्षा की दृष्टि से श्रमिकों के प्रशिक्षण की उचित व्यवस्था होनी चाहिए। इन कार्यक्रमों को व्यापक रूप से लिया जाना चाहिए। इसके साथ-साथ मजदूर वर्ग की जो सहकारी समितियाँ हैं, मजदूरों के कल्याण के लिए उनका भी सहयोग लिया जाना चाहिए। इसमें उनको भागीदारी में प्राथमिकता दी जानी चाहिए। किसी उद्योगपति को प्राथमिकता देने के बजाए

श्रमिकों की सहकारी समितियों को प्राथमिकता दें। इससे श्रमिक वर्ग ऊपर उठेगा और राष्ट्रीय हित में उनका योगदान बढ़ेगा।

श्रमिक वर्ग की जिम्मेदारी इससे बढ़ गई है। आज यह आवश्यक नहीं रह गया है कि हम किसी हालत में समस्याओं को हल करने के लिए घेराव या हड़ताल का सहारा लें। श्रमिकों का हित राष्ट्र का हित है। इसलिए मिलजुल कर व्यवस्था की दृष्टि से और श्रमिक कल्याण की दृष्टि से आगे बढ़ना चाहिए। विरोधी दल के लोगों ने भी श्रमिकों के हित के लिये जो बिल पेश किया है, इसको अच्छा बिल कहा है। इसके लिए मैं उनको भी बधाई देना चाहता हूँ। इससे लगता है कि आज के चिंतन के द्वारा हम राष्ट्रीय चिंतन की ओर बढ़ रहे हैं, पारस्परिक सहयोग की ओर बढ़ रहे हैं।

श्री सत्यनारायण जटिया (उज्जैन) : सभापति महोदय, खान अधिनियम 1952 संशोधन के लिए सदन में प्रस्तुत किया गया है। जैसा कि आपको पता है कि खनन उद्योग में लाखों मजदूर काम में लगे हुए हैं और देश की घरेलू में छिपी हुई संपदा का खनन करने के लिए दिन-रात परिश्रम कर रहे हैं।

श्रम विभाग ने 30 वर्ष के बाद इस अधिनियम को संशोधन के लिए रखा है। मैं समझता हूँ कि खानों में काम करने वालों की स्थिति का यदि किसी ने अध्ययन किया है तो उसको पता होगा कि अपनी जान को खतरे में डाल कर ये देश को खनन संपदा देते हैं।

उनको जो शिक्षा की सुविधायें मिलनी चाहियें वे नहीं मिलती हैं, पीने के पानी तक

का उनके लिए प्रबन्ध नहीं होता है। ठीक से रहने की सुविधा उनको प्राप्त नहीं होती, सरकारी काल्यारीज तक में इन चीजों का प्रबन्ध नहीं होता है, न आवास का, न शिक्षा का, न स्वास्थ्य सेवाओं का। खनन जैसे महत्वपूर्ण क्षेत्र में लाखों लोग काम कर रहे हैं। उन लोगों के बारे में विचार करने का काम सरकार का है। समय रहते उनके लिए इनका प्रबन्ध कर दिया जाना चाहिये और संशोधन विधेयक लाने की जरूरत हो तो ले आना चाहिये। इसकी जगह एक नया विस्तृत विधेयक आप ले आते तो ज्यादा अच्छा होता और उसमें इन सब बातों का प्रबन्ध आप करते। पूर्व वक्ताओं ने कहा है कि इन सारी बातों पर सेंट्रल ट्रेड यूनियन आर्गेनाइजेशन के जो प्रतिनिधि हैं उनसे सलाह करके आप विधेयक ला सकते थे। उनका दैनिक सम्पर्क मजदूरों से पड़ता रहता है, वे इनकी समस्याओं को जानते हैं, उनके रास्ते में क्या कठिनाइयाँ आती हैं, इसको वे जानते हैं और उनसे सलाह मश्वरा करके आपको विधेयक लाना चाहिये था। ऐसा आपने किया होता तो श्रमिक वर्ग पर आप बड़ा उपकार करते।

इस विधेयक के विभिन्न खंडों को मैंने पढ़ा है। आपने कुछ बातें सुधार...

आप कुछ बात इसमें रखी है। यह तो ठीक है। लेकिन कुछ बातें छूट गई हैं। और कुछ चीजें हैं जिनको आपने अधूरा छोड़ दिया है। ऐसे उद्योग में जहाँ लाखों लोग काम कर रहे हैं, वहाँ आज भी ठेकेदारी प्रथा कायम है। वहाँ पर ठेके पर मजदूरों से काम लिया जाता है। उनकी हालत बहुत खराब है। मजबूरी के कारण मजदूरों को ठेकेदारों के अधीन काम करना पड़ता है। उनके बच्चों को जो देश के भविष्य हैं फोर्सिबली काम करने के लिए बाध्य होना पड़ता है। यह ठेकेदारी प्रथा देश भर में बहुत से उद्योगों में

(श्री सत्यनारायण जटिया)

चल रही है। उसको समाप्त करने की व्यवस्था सरकार को करनी चाहिये। यदि इसको समाप्त करने का निर्णय किया जाता तो देश के मजदूरों के वाजिब हितों की रक्षा हो सकती थी, वाजिब मजदूरी उनको मिल सकती थी। मेरा सुझाव है कि ठेकेदारी प्रथा को समूल नष्ट करने के लिए आप कदम उठाएं। खनन उद्योग में ही नहीं बल्कि जिन-जिन उद्योगों में यह ठेकेदारी प्रथा चल रही है, उसको समूल आप समाप्त करें। इसके बारे में यदि कोई प्रावधान आप लाएं तो उसका सर्वत्र स्वागत होगा।

मजदूर वर्ग शोषण का शिवार है। चाहे सरकारी कालरीज हो या प्राइवेट, पूंजी और श्रम का बराबर-बराबर महत्व होता है, पूंजी और पसीने का बराबर-बराबर का हिस्सा होता है। कोई पैसा लगाता है और कोई पसीना लगाना है। तभी नई बात पैदा होती है। अतः पसीना लगाने वालों के महत्व को आप कम न आंके। पसीना बहाने वालों को भी आप महत्व दें, उनकी सुरक्षा का प्रबन्ध करें, उनकी सहायता करें। उनकी जितनी सुविधाएं हैं, उनका आप ध्यान रखें। शायद मजदूरों के हितों को संरक्षण प्रदान करने के मामले में श्रम विभाग असमर्थ है। इसकी बात को मानने के लिए कोई बाध्य नहीं है। कानून जो हैं भी वे इतने लचीले और ढीले हैं कि इच्छा होते हुए भी, वे प्रभावशाली सिद्ध नहीं हो पाते हैं और श्रम मंत्रालय अपनी बात को मनवा नहीं पाता है।

इस विधेयक के सैक्शन 7 में आपने कहा है कि लिखित सूचना मिलने पर परीक्षण किया जा सकेगा। यह अच्छी बात है। धारा 17 का जो प्रावधान है वह अधूरा प्रतीत होते हैं, वह बहुत स्पष्ट नहीं है, धारा 24 के अन्दर आपने डाक्टरों की जांच की बात कही है जो अच्छी बात है। 25 धारा में आपने सैक्शन 44 का लोप कर दिया है। बाल मजदूर जो

रात्रि में काम करते थे उसको आपने समाप्त कर दिया है। बाल श्रमिक जो आगे चलकर वयस्क बनने वाले हैं, वे मजबूरी के कारण काम करते हैं।

PROF. N.G. RANGA (Guntur) :  
Is the child labour not banned now ?

श्री सत्यनारायण जटिया : जो संशोधन आया है, वह अधूरा है। पढ़कर आपको बताना चाहता हूं तब बात स्पष्ट हो जाएगी।

MR. CHAIRMAN : You take it  
as read by Hon. Members.

श्री सत्यनारायण जटिया : खंड 24 के प्रावधान में लिखा गया है कि 16 वर्ष से कम आयु का व्यक्ति काम नहीं कर सकता है। लेकिन जब कंट्रैक्ट लेबर सिस्टम चालू है उसमें जो ठेके पर काम करने वाले मजदूर हैं उसको देखने वाली कौन-सी एजेंसी होगी ? मेरी जानकारी है कि इस सारी बात को रोकने के लिए जितना मजबूत प्रावधान चाहिए वह नहीं है। इस कानून के इम्प्लीमेंटेशन की जिम्मेदारी सरकार पर ही है इसलिए उसका यह कर्तव्य हो जाता है कि इस क्लोज का ठीक से पालन कराया जाय। खान में काम करने वाले मजदूरों का जीवन बीमारियों की वजह से कम हो जाता है। उसकी सुरक्षा के लिए आपने क्या प्रबन्ध किया है ? आपको पता होगा कि सलेट पेंसिल में काम करने वाले लोग फेंकड़े के किसी न किसी बीमारी से ग्रसित हो जाते हैं, अतः उनके जीवन की रक्षा के लिए सरकार को ध्यान रखना चाहिए। साथ ही साथ समय पर जो श्रम संगठन आपको बात बताते हैं, एक वरिष्ठ सदस्य ने आपको अच्छे सुझाव दिए हैं उनको आप जानिए और सारे केन्द्रीय संगठनों को बुला कर, भारतीय खान मजदूर के लोगों को बुलाकर मजदूरों के हितों के सुझाव जानिए।

आपने जो प्रावधान किया है कि समिति काम करेगी उसमें मजदूरों के प्रतिनिधि हो

सकें, आप उनको नौमीनेट न कीजिए बल्कि गुप्त प्रणाली से वह अपने प्रतिनिधि भेज सकें, तभी मैं समझता हूँ कि विधेयक की मंशा को कुछ हद तक पूरा किया जा सकेगा। यही मुझे निवेदन करना है।

**श्री मूल चन्द डागा (पाली) :** सभापति महोदय, आपने मुझे बोलने का अवसर दिया है इसके लिए धन्यवाद। लेकिन समझ में नहीं आता कि 1973 में जब एक रिपोर्ट तैयार हो गई थी तो 10 साल के बाद यह बिल क्यों आया ? इसको पहले क्यों नहीं लाया गया ? इस बीच में जितनी दुर्घटनाएँ हुई हैं उसके लिए अभी इन्टक के पेपर 'इन्डियन वर्क्स' में एक खबर निकली थी :

*"South Delhi Quarries-Veritable Death Traps"*

"Powerful contractors in collusion with political vested interests have turned the vast quarries in South Delhi into veritable death traps and in the process have been amassing lakhs of rupees."

आप जानते हैं कि खानों में काम करने वाले मजदूरों का शोषण ही नहीं होता, बल्कि खानों में जो दादा लोग हैं उन्हें रोकने के लिए क्या कार्यवाही की जाएगी ? कोयला खानों में काम करने वाले मजदूरों का शोषण मजदूरों में गुंटा एलीमेंट द्वारा होता है उनके कारण जो मजदूरों को परेशानी है उसको दूर करने के लिए आप क्या कार्यवाही कर रहे हैं ?

उन्होंने यह बताया है :

"Ever since mining work began in all seriousness in the area about two decades ago, over 100 labourers, including women and children have lost their lives, often working in the most primitive conditions. There have been 45 official deaths

since 1975. About 200 have suffered serious injuries during the same period."

क्या श्रम मंत्री को इस बात का धन्यवाद दें कि जैसा बिल रखा था, उसमें संशोधन कोई नहीं किया और वैसा ही लेकर आ गए ?

इस बिल में कई खामियाँ हैं। उनके बारे में मैंने कोई अमेंडमेंट नहीं दिया, यह मेरी गलती है, लेकिन अगर मुझे कल मौका मिल गया तो मैं इसमें कई अमेंडमेंट दूँगा जिनकी बहुत गुंजाइश है।

16.21. hrs.

[SHRI CHINTAMANI PANIGRAHI in the Chair]

जो नये सभापति इस समय आये हैं, उनको मजदूरों के प्रति सहानुभुति है।

संक्शन 79 में आपने दिया है कि अगर किसी मजदूर में दोष है तो उसका चालान कब होना चाहिए—विद-इन पीरियड 6 मन्थस, की जगह अब हमने एक साल कर दिया है। मेरा कहना है कि एक साल के बाद अगर चालान का मौका देते हैं तो डिले होने के बाद क्या न्याय मिल सकेगा उस आदमी को ?

"Under section 79 of the Mines Act, prosecutions for offences under the Act become time-barred after six months of the date of the alleged offence or the date on which the alleged offence came to the knowledge of the Inspector. In some circumstances where the managers and agents employed in Government owned mines were prosecuted, the cases were discharged because the Government concerned did not accord sanction for their prosecution within six months of the date of the alleged offence. No further action could be taken in such cases.

(श्री मूलचन्द डागा)

The amendment proposed in sub-clause (a) is intended to overcome the difficulty experienced in such cases. In a case where the Court of inquiry has been appointed by the Central Government under section 24 of the Act, a complaint for taking cognizance of the offence has to be made within six months after the date of publication of the report of the Court of inquiry by the Central Government. This period of six months is proposed to be enhanced to one year under sub-clause (b)."

सरकारने पहले 6 महीने रखे। 6 महीने में किसी का चालान नहीं होता। डिले, डिनाइज जस्टिस। सरकार जो मुकदमा चालान करती है, क्या वह इन्जर्ड आदमी नहीं कर सकता है? आपने कहा है कि जो मुकदमे होंगे, वह इन्स्पेक्टर ही करेगा। अगर वह इन्स्पेक्टर किसी से मिल जाता है तो इन्स्पेक्टर ही मुकदमा करेगा या इंडोबिजुअल भी कर सकता है?

इस बिल में कमी यह है कि आदमी के चोट लगने के बाद, शिकार होने के बाद, शरीर का अंग विक्षिप्त हो चुका है तो उसके बाद

Only the inspector can challan and that too with the permission of the Government.

और उसके लिए एक साल। आप जवाब देते समय यह बताने का कष्ट करें कि आपने पिछले 3 साल में कितने मुकदमे करने का आर्डर दिया और कितने-कितने महीनों में? यह जो आपने समय बढ़ाने के लिए प्रावधान किया है और क्यों नहीं कोई इन्जर्ड हो जाए—

He can directly go to the court of law and get relief.

यह प्रावधान क्यों किया गया है कि अगर किसी खान मजदूर को चोट लग जाए, तो वह स्वयं नहीं जा सकता है, बल्कि सिर्फ इन्स्पेक्टर चालान दाखिल कर सकता है।

जहाँ तक क्लाज 12 का सम्बन्ध है, कमेटी में खानों में काम करने वाले मजदूरों के कितने रिप्रेजेंटेटिव रखे गए हैं? कोयले की खानों के अलावा और भी बहुत-सी खानें हैं। उन खानों के मजदूरों का प्रतिधित्व कितना है?

क्लाज 13 में कहा गया है कि कमेटी रूल्ज और रेगुलेशन्स बनाने के प्रोपोज़ल्ज पर विचार करेगी और इस बारे में केन्द्रीय सरकार को सुझाव देगी।

We have never delegated our powers to these Committees to frame rules and regulations. They are not to do that work. Always Parliament abdicates its rights to officers. But, what have they done under this Bill? Under Section 13 (1) (a)—

"consider proposals for making rules and regulations under this Act and make appropriate recommendations to the Central Government."

Why has this Committee been delegated with these powers?

कमेटी को ये पावर्ज नहीं दी जा सकती है और कानूनन ये पावर्ज उसके पास नहीं रह सकती हैं।



Then it says :

"Provided that any of the persons aforesaid may not be proceeded against if it appears on inquiry and investigation, that he is not *prima facie* liable."

How he cannot be challaned ? A Government servant can also be put under challan ?

जब यह कहा जाता है कि माइन ओनर और इंस्पेक्टर की कालुज्जन होती है, तो उन्हें यह प्रोटेक्शन क्यों दी जा रही है ?

कमेटी ने 1973 में जो रिपोर्ट पेश की थी, उसके आधार पर जो अमेंडमेंट जरूरी थे, उन्हें आज तक नहीं लाया गया है। वे अमेंडमेंट मजदूरों के लिए बहुत हितकर थे। इस बिल को कांफ्रिहेंसिव फार्म में लाना चाहिए था।

इस बिल के स्टेटमेंट आफ आब्जेक्ट्स एण्ड रीजन से पता चलता है कि इस बिल में क्या नई बातें रखी गई हैं। राजस्थान में कोटा और जोधपुर में पत्थर की खानों में काम करने वाले मजदूरों के लिए ठीक व्यवस्था नहीं की गई है। इसलिए इस बारे में एक कांफ्रिहेंसिव बिल लाना चाहिए।

DR. V. KULANDAIVELU (Chidambaram): Mr. Chairman, Sir, on behalf of my party DMK, I would like to participate in the debate on the Mines (Amendment) Bill and express my views. At the outset I would like to say that the Bill is a laudable one in the sense that it lays stress on removal of certain practical difficulties experienced in the enforcement, provision for additional safety regulations, closer association of workers with the safety measures, pro-

vision for minimum penalty in cases of gross negligence, etc. thus overall protecting and safeguarding the interests of the workers of the mines.

But Sir, there are some lacunae in the Bill although I cannot deny that there is some improvement over the previous Bill ; with the change of time we are not much conversant with the occupational health hazards, which have been on the increase in recent years. So, we should not have a cursory discussion on the Bill in the House. As you are interested in safeguarding the interests of the workers involved in mines, suggestions of the experts in the field of occupational hazards should be called and taken into consideration. I am happy that at least after three decades the Bill is coming for a review.

Sir, with this preamble I would like to enlighten on certain aspects of the mines. There are both open and closed mines and each has its own hazards. As a medical man I would like to enlighten this House on certain medical aspects as to how the poor workers are exposed to the health hazards. It may be an acute or an instantaneous one because of the collapse of the wall of the mine, fall of debris on the individual or it may be due to machinery involved in mining. Further, the injury may happen at the site or during transit or disposal of the minerals.

Sir, to enumerate a few, the people may have carbon monoxide exposure and toxicity or fire explosion, endangering the life of the individual.

It may result in bronchial asthma and excessive breathing difficulty and even chronic disease process in some cases. We cannot detect it by ordinary means. Some people may think that it is due to some infection or some other disease. But it is actually not so. It may be due to insult of the lung tissues due to the minerals of the mines as well as coal dust and other dusts. So, their manifestation may be acute, sub-acute, or chronic in nature.

[Dr. V. Kulandaivelu]

Sir, in the western countries there is a criticism which is followed for detection and determination of the bodily injury or involvement. In regard to the compensation to be offered to the individuals, there are various factors which are to be taken into consideration.

In our country one may think, and even doctors may think, that the disease process is primarily due to T.B. I wish to point out that health hazard cases have to be followed up with further critical observations. The factory medical officer who may not be conversant with occupational hazard, may think that it is due to T.B. prevalent in that area and also in the country. But the fact is, it is not so. T.B. may be present in an individual where the precipitating cause is the mineral dust, foreign body or silicon, which may lead to fibrosis of the lung and even resist the curability of T.B. When an individual with a rheumatoid disease is exposed to coal, he may develop severe type of pneumonia. To assess such disease processes and manifestations of dust and coal exposure, a competent officer in the field of industrial health hazard is essential.

There are some Hon. Members who made references about the association of trade unions. I agree with Hon. Members that trade unions try to protect the interest of the labourers. But I may say that even there only some influential worker among the trade union can claim for adequate compensation, whose case will be taken up with the administrative people. The poor and innocent people are uncared for. What is the solution in this regard, I would like to know.

The Minister has mentioned in the Bill about the Chief Inspectors. I wish to point out that the owners and the management agencies are exploiting the labourers. They are bribing the chief inspectors; they have gone even to the extent of bribing the medical officers. I want to ask the Minister what is the provision made in this Bill to check this bad practice.

I can suggest at this juncture that there must be a reinforcement machinery which can secretly maintain its activity to check and to avert the malpractice by chief inspectors and exploitation by the owners of the mines. They should check the activities of the people who work in collusion with the private owners. The chief inspectors and the owners responsible for this must be given severe punishment.

In the Bill you are referring to compensation. When calculating compensation for the morbidity of the individual exposed to the hazardous agent, we can say definitely whether an injury is a chronic one or an instantaneous one or acute one. So, in that respect I want to know how far the Minister is going to compensate the worker who develops injury or affliction instantaneously without any chronic morbidity. If we are working it on the basis of the work executed by the workman, it will not serve the purpose. At this stage, while referring to compensation and an alternative job, what I wish to say is this.

MR. CHAIRMAN : Your time is up. Kindly conclude.

DR. V. KULANDAIVELU : While suggesting alternative job, I would like to suggest one more point. It is practical family experience that the bread-winner of the family invariably is afflicted with some dangerous disease and ultimately he succumbs to the injuries caused by the agent of the mines. So, we have to make adequate provision by way of giving employment to the dependents in order to save the family from misery. Compensation alone will not serve the purpose. The dependents of the workers should be given adequate employment opportunity. I would therefore suggest to the Hon. Minister that mere paper work will not serve the purpose, mere lip service will not serve the purpose. The Act must come into force and it should be put into action to protect the interests of the workers. With these words, I conclude.

श्री वृद्धि चन्द्र जैन (बाड़मेर) : सभा-पति महोदय, जो खान संशोधन विधेयक, 1983 प्रस्तुत किया गया है, मैं उसका स्वागत करता हूँ। मैंने इसका अच्छी तरह से अध्ययन किया है और यह पाया है कि इसमें जो भी संशोधन किये गए हैं वे मजदूरों की सुरक्षा के लिए, मजदूरों के हित के लिए हैं और इनका सबको स्वागत करना चाहिए।

कोई भी कानून जब बनता है और खास तौर से जब ऐसा कानून हो, तो उसमें अवश्य ही कुछ खामियां रह जाती हैं। सभी परिस्थितियों का कानून में समावेश हो जाय—यह आसान चीज नहीं है, बहुत कठिन चीज होती है। उदाहरण के तौर पर जो रिपोर्टेबिल इन्जरी की इसमें व्यवस्था है—मेरा यह मत है कि उसकी सूचना उसी वक्त दी जानी चाहिये। चाहे इन्जरी सीरियस हो या साधारण हो, उसकी सूचना तुरन्त दी जानी चाहिये, उसमें कतई विलम्ब नहीं किया जाना चाहिये। यूँ तो प्रावीजन में स्पष्ट है कि कोई भी रिपोर्टेबिल इन्जरी हो, रजिस्टर मेन्टेन करके उसकी इन्फर्मेशन उसमें लिखी जाती है लेकिन उसकी सूचना तुरन्त दी जानी चाहिये। इसमें जो 72 घण्टे का प्रावीजन है, मेरे मत में यह 24 घण्टे का प्रावीजन होना चाहिये।

इसमें जो कम्पेन्सेशन का प्रावीजन है, उसको जो भी डिसाइड करेगा, उसके सामने बहुत-सी डिफिकल्टीज आयेंगी। इसलिये कम्पेन्सेशन का प्रावीजन बिलकुल क्लियर होना चाहिए। इसमें जो सजेस्ट किया गया है वह इस प्रकार है—

having regard to the monthly wages of the employees, the nature of desirability and other related factors."

The other related factors are not defined. What are the other related factors? That will depend on the discretion of the Committee.

मैं चाहता हूँ कि कम्पेन्सेशन के बारे में बिलकुल स्पष्ट प्रावीजन होना चाहिए ताकि कम्पेन्सेशन का निधारण करने में कोई कठिनाई महसूस न हो।

तीसरी बात—जो विशेष रूप से उल्लेखनीय है, वह यह है कि जो 9(ए) इसमें जोड़ा गया है वह विशेष रूप से मजदूरों के हित में है और यह अवश्य ही होना चाहिये—खान में कोई भी ऐसा मजदूर न हो जिसका स्वास्थ्य इस प्रकार का हो जिससे वह खान में कार्य करने की स्थिति में न हो। ऐसे मजदूर का मेडिकल एक्जामिनेशन करना आवश्यक है और मेडिकल एक्जामिनेशन में जो भी समय लगता है उस पीरियड की मजदूरी देने का प्रावीजन आपने इसमें रखा है। मेडिकल एक्जामिनेशन के पीरियड में वेजेज की व्यवस्था करना बहुत अच्छी बात है और मैं इसका स्वागत करता हूँ।

अब प्रश्न यह है और मि० यादव ने भी यह कहा था और मैं भी इसको रिपीट करना चाहता हूँ कि यह जो माइंस का इन्स्पेक्शन है, यह बराबर समय-समय पर, 6-मन्थली या इयरली हो और इसके लिए ओवलीगेटरी प्रोविजन हो जाना चाहिए। अगर एक्ट में प्रोविजन नहीं है, तो रूल्स में यह प्रोविजन किया जा सकता है। रूल्स में इस तरह का प्रोविजन किया जाना चाहिए ताकि इसके बारे में स्पष्ट हो जाए

"The rates under the provision to Sub-Section 5 shall be determined

[श्री वृद्धि चन्द्र जैन]

कि बराबर टाइमली इंसपेक्शन होना है और एम्प्लायर्स और मजदूरों की, दोनों की एक राय हो जाए और वे इंसपेक्शन कराना चाहते हैं, तो मजदूरों के इनिशियेटिव पर भी इंसपेक्शन होना चाहिए। आपने यह प्रोविजन रखा है कि इंसपेक्शन किया जा सकता है और यह जो प्रोविजन किया गया है, इसका मैं स्वागत करता हूँ।

इसके अलावा रेस्क्यू आपरेशन्स के लिए जो सेस लगाया गया है और उसको बढ़ाया गया है, उसका भी मैं स्वागत करता हूँ क्योंकि ज्यों-ज्यों प्राइसेज बढ़ती जाती हैं, रेस्क्यू आपरेशन्स का एक्सपेंडीचर भी बढ़ता है और उन लोगों के लिए कुछ सुविधाओं की व्यवस्था करनी पड़ती है।

विवादों को हल करने के लिए जो कमेटी स्थापित होगी वह निर्णय कर सकेगी, सिविल सूट्स के बारे में भी कर सकेगी और क्रिमिनल सूट्स के बारे में भी कर सकेगी। मैं समझता हूँ कि इसके लिए एक सेपरेट व्यवस्था हो जाए, तो अच्छा होगा। कमेटी का जो गठन किया गया है उसके बारे में यह निवेदन है कि ऐसी स्थिति बनी हुई है कि अलग-अलग कानून बने हुए हैं और गवर्नमेंट के लिए भी यह डिफिकल्टी होगी कि किस प्रकार का निर्णय किया जाए और किसको रेप्रेजेन्टेटिव बनाया जाए। इसके बारे में डिस्प्यूट्स होते हैं और इलेक्शन्स के बारे में काफी डिफिकल्टी पैदा होती है और एक संघर्ष की स्थिति बन जाती है। इसलिए गवर्नमेंट के पास नोमिनेशन के सिवाय और कोई दूसरी विकल्प नहीं रहता है, दूसरा आल्टरनेटिव नहीं रहता है। इसलिए इसमें जो नोमी-

नेशन की व्यवस्था की गई है, उसका मैं स्वागत करता हूँ परन्तु एक बात जरूर कहूंगा कि नोमिनेशन के मामले में निष्पक्षता से कार्य करना चाहिए और ऐसे लोगों को लेना चाहिए जो वास्तव में कुछ कन्ट्रीब्यूट कर सकें और सहायक हो सकें। इस प्रकार का कन्ट्रीब्यूशन करने वाले लेबर रेप्रेजेन्टेटिव्स का नोमिनेशन होना चाहिए।

इसके अन्दर मैनेजर्स के बारे में यह स्पष्ट किया गया है कि उनकी प्रेस्क्राइव्ड क्वालीफिकेशन्स होनी चाहिए लेकिन इसके साथ ही जो ओनर है और वह इस काम को करता है, तो उसके लिए भी प्रेस्क्राइव्ड क्वालीफिकेशन होनी चाहिए क्योंकि अगर उसकी कोई प्रेस्क्राइव्ड क्वालीफिकेशन नहीं है और वह एक्सपर्ट नहीं है, तो काम ठीक ढंग से नहीं होगा। इसलिए मैनेजर और ओनर दोनों के लिए इस प्रकार की व्यवस्था होनी चाहिए।

एक्सीडेंट्स के बारे में जो प्रोविजन रखा गया है, वह वेज 11 पर है।

Clause 17...

“Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident within the 72 hours of the time of accident, work may be resumed at the place of accident.”

यह प्रोविजन नहीं होता चाहिए और इसको डिलीट किया जाना चाहिए। अगर इस प्रकार का प्रोविजन होगा, तो चीफ इंसपेक्टर इन्टेंशनली इंसपेक्शन करने नहीं जाएगा। मैं तो यह कहता हूँ कि अगर 72 घंटे में वह इंसपेक्शन के लिए नहीं जाता

है, तो He must be penalised; he must be punished. Action must be taken against him. वह ड्यूटी ब्राऊन्ड है और वह अपनी ड्यूटी अदा नहीं कर रहा है। He must be taken to task; departmental action must be taken against him.

एक बात विशेष तौर पर यह कहना चाहता हूँ कि जो चीफ इंस्पेक्टर और इंस्पेक्टर्स को पावर्स दी गई हैं, उनके लिए आपको बहुत ही आनेस्ट और इनटेग्रिटी और बहुत ही योग्य आदमियों को चीफ इंस्पेक्टर और इंस्पेक्टर नियुक्त करना पड़ेगा। अगर आप ऐसे आदमियों को नियुक्त नहीं करेंगे, तो जो भी परपज है, वह भी डीफीट हो जाएगा और जो सुविधाएं आप मजदूरों को देना चाहते हैं, वे सब खत्म हो जाएंगी। यह जो इल्लीगल माइनिंग है, जिसके बारे में सभी मित्रों ने जोर दिया है, मैं भी जोर देना चाहता हूँ कि इट मस्ट बी स्टैंडर्ड। इससे बहुत एक्सीडेंट होते हैं। इसके खिलाफ बहुत सख्त प्रोविजन बनाया जाना चाहिए और बहुत कार्यवाही होनी चाहिए। जितनी भी इल्लीगल माइनिंग हो रही है, मैं चाहता हूँ कि उसके बारे में गवर्नमेंट सूचना प्राप्त करे और उसमें जो लोग लगे हैं, आपके आफिसर्स भी अगर लगे हैं तो उन सबके खिलाफ एक्शन लें।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

श्री रामावतार शास्त्री (पटना) : सभापति जी, खान संशोधन विधेयक, 1983 के जरिये हम पुराने कानून जो कि 1952 का है, में संशोधन कर रहे हैं।

यह विधेयक 22-5-72 को इसी सदन

में पेश किया गया था और 25-8-72 को इसको संयुक्त प्रवर समिति को सुपुर्द किया था और संयुक्त प्रवर समिति ने पूरे हिन्दु-स्थान में कोयला खान क्षेत्र और उनसे सम्बन्धित जगहों का भ्रमण करके जानकारी हासिल की। संयुक्त प्रवर समिति ने 30 अगस्त, 1973 को अपनी रिपोर्ट पेश की।

यहां मैं यह कहना मुनासिब समझता हूँ, सभापति जी, कि बहुत सारे सवालोंने पर इस प्रवर समिति के सदस्यों में एकता थी और इस प्रवर समिति के अध्यक्ष श्री ए० पी० शर्मा जी थे जो आज पंजाब के राज्यपाल हैं। सभी संगठनों के प्रतिनिधि उसमें मौजूद थे। सब लोगों ने बहुत सारे सवालों पर एक मत से राय दी लेकिन दुर्भाग्य की बात है कि उन बातों को भी इस विधेयक में शामिल नहीं किया गया है।

16.52 hrs.

[SHRI R.S. SPARROW in the Chair]

जहां तक मेरी जानकारी है, आज भी बहुत सारे ट्रेड यूनियन्स के और आई०एन० टी० यू० सी० के लीडर यह समझते हैं कि इसमें फिर से प्रवर समिति की सिफारिशों के आधार पर और संशोधन होना चाहिए। लेकिन मंत्री महोदय, ऐसा लगता है कि स्टील और माइंस की जो मिनिस्ट्री है, या एनर्जी की मिनिस्ट्री जो पहले कोल की मिनिस्ट्री थी, उनके दबाव में आकर उनकी फरमावरदारी कर रहे हैं और मजदूरों के हितों पर बहुत बड़ा कुठाराघात कर रहे हैं। होना यह चाहिए था कि जिन सवालों पर प्रवर समिति में एकता थी और सर्व-सम्मत राय थी, उन बातों को तो इसमें

[श्री रामावतार शास्त्री]

शामिल किया जाता। लेकिन वे तमाम बातें इसमें शामिल नहीं की गयीं।

वहां एक बात यह कही गयी थी कि खान के आस-पास में जो सव्सीडियरी कारोबार होते हैं, उनके अन्दर भी जो मजदूर होंगे उनको भी इसके दायरे में लाया जायेगा। लेकिन उनको इसके दायरे में नहीं लाया गया। इसका अर्थ यह हुआ कि उनके अन्दर असंतोष फैलेगा और जो आप चाहते हैं कि कोयला खानों की स्थिति में आप सुधार लायेंगे, उत्पादन बढ़ायेंगे, उत्पादन तो अभी भी गिर रहा है, इससे लगता है उसके उत्पादन में और व्यवधान पैदा होगा क्योंकि आपने आसपास के सव्सीडियरी के मजदूरों को इसमें शामिल नहीं किया है।

सभापति जी, यह संशोधन 31 वर्ष के बाद लाया गया है।

PROF. N.G. RANGA : After ten years.

SHRI RAMAVATAR SHASTRI : No, after 31 years.

PROF. N.G. RANGA : No, ten years ago, you joined a Select Committee.

SHRI RAMAVATAR SHASTRI : But the original Act was of 1952.

PROF. N.G. RANGA : Originally, there were so many other Bills also.

श्री रामावतार शास्त्री : सभापति जी, इसमें मजदूरों के हितों पर कुठाराघात किया गया है। उनकी छुट्टियां कम कर दी गई हैं। उनके दूसरे अधिकारों पर भी हमला किया गया है। वे अपनी मर्जी से

बोर्ड के सदस्य चुने जाएं, ऐसा नहीं है। उनको सरकार मनोनीत करेगी। प्रजातंत्र में मनोनयन के सिद्धांत को छोड़िए और इलेक्शन कराइए। इलेक्शन भी सीक्रेट बिलेट द्वारा कराइए। उसमें जो भी जीतता है उसको रखिए। आपने रेकगनाइज यूनियन के सदस्यों को बोर्ड में रखने की बात कही है। कई जगह हमने देखा है कि रेकगनाइज यूनियनों का कोई प्रभाव नहीं है। इसलिए इलेक्शन कराइए। कई यूनियनों सरकार की वरदहस्त होने की वजह से रेकगनाइज कर दी जाती हैं। इसलिए इलेक्शन के सिद्धांत को रखिए।

सुरक्षात्मक कदमों के बारे में कई कान्फ्रेंसेस हो चुकी हैं और उनकी सिफारिशें भी भेजी गई हैं। आपने उनको नहीं माना। इतना ही नहीं आई० एल० ओ० की माइन एक्सपर्ट टीम ने पूरे हिन्दुस्तान में घूमकर सिफारिशें दीं। उनको भी आपने नहीं माना। जब आप उनकी सिफारिशें मानने के लिए तैयार हैं नहीं तो उनको बुलाया किस लिए? उनकी बातों पर आपको विचार करना चाहिए था। जो खानों में काम करते हैं उनको कई आक्यूपेशनल बीमारियां हो जाती हैं। इसके बारे में जो सुझाव दिए गए उनको भी आपने स्वीकार नहीं किया। रेस्क्यूस्टेशन कमेटी के बारे में भी आई० एल० ओ० ने सुझाव दिया था, उसको भी आपने नहीं माना। बाबा आदम के जमाने की रेस्क्यूस्टेशन कमेटियां बनी हुई हैं, जिनकी संख्या नगण्य है। उनके द्वारा खानों का काम ठीक से नहीं चल सकता। अगर आप सेफ्टी मेजर को इंप्लीमेंट नहीं करेंगे तो मजदूरों का विश्वास प्राप्त नहीं कर सकेंगे। इससे वांछित उत्पादन नहीं हो सकेगा। इसकी ओर ध्यान दिया जाना चाहिए।

माफिया गैंग की बात वही गई। जो लोग भूखे वहां गए थे, माफिया गैंग बनाकर आज करोड़पति बन गए हैं। धनवाद और झरिया के इलाके में कुछ राजनीतिज्ञ भी इसमें शामिल हैं। माननीय सदस्य यहां बैठे हैं, उनको पता है। आपके कांग्रेस के सदस्य और जनता पार्टी के कुछ सदस्य भी उसमें शामिल हैं। कुछ एम० एल० ए० भी इसमें शामिल हैं। ये माननीय सदस्य जैसे लोगों पर हमला कर सकते हैं। इनको रोकने की आवश्यकता है। इसके बिना कैसे खान क्षेत्र में शांति रह सकेगी? अगर आप शांति चाहते हैं, मजदूरों के हितों की हिफाजत करना चाहते हैं, उत्पादन बढ़ाना चाहते हैं तो माफिया गैंग पर रोक लगानी होगी। माफिया गैंग गैर कानूनी खनन करवाते हैं। गैर कानूनी खनन के लिए स्वर्ग से उतरकर लोग नहीं आते हैं। आपके लोग भी हैं और कुछ दूसरे दलों के लोग भी हैं। जनता पार्टी के सदस्य सुन रहे हैं। सूर्यदेवसिंह जो एम० एल० ए० हैं, उनकी हैसियत क्या थी और आज उनकी हैसियत क्या है जरा इसका भी पता लगाइये। श्री ए० के० राय की हैसियत क्या थी और आज क्या है, इसको भी देख लें। दूसरी ट्रेड यूनियन के जो सच्चे फाइटर हैं, जिन्होंने सफर किया है, उनकी हैसियत क्या है इसको भी आप देख लें। माफिया गैंग को आपको समाप्त करना होगा।

17. hrs.

ट्रिब्यूनलज की बात भी आप सुन लीजिए। वहां केस देना होता है मजदूर का तो आप अपने अधिकारियों से पूछते हैं कि दें या न दें। माइनिंग मिनिस्ट्री है या कोल मिनिस्ट्री है उससे पूछते हैं केस देने से पहले। क्या वे कभी राजी होंगी कि मज-

दूरों का मामला वहां जाए? क्यों आप उनसे पूछते हैं? आप उनकी मातहतों में नहीं हैं। आपका मन्त्रालय स्वतन्त्र मन्त्रालय है। श्रम मन्त्रालय को उनके कहने पर नहीं बल्कि स्वतंत्र रूप से चलना चाहिए। आपको देखना चाहिए कि मजदूरों के हितों की रक्षा किस तरह से हो सकती है। राज्य सभा में जो जवाब दिया गया था वह भी मैं आपको बता देता हूं। दो सौ से ज्यादा केसिस को ट्रिब्यूनल को रैफर किया गया था लेकिन दो सौ के लगभग केसिस में मजदूर हार गए। आप अन्दाजा लगाइए कि मजदूरों के हकों की रक्षा करने के लिए आप बैठे हुए हैं या उनके गले पर छुरी चलवाने के लिए? इसका निर्णय आपको करना है, देश को करना है। मजदूर तो अपने तौर पर कर ही रहा है। मेरा निवेदन है कि कानून में ऐसी व्यवस्था करें जिससे मजदूरों की सहुलियतें बढ़ें, माफिया गैंग समाप्त हों, स्वस्थ ट्रेड यूनियन आंदोलन विकसित हो। ऊपर से आई. एन. टी. यू. सी. को ला दें नहीं। आई. एन. टी. यू. सी. ने जो अन्य संगठनों के साथ मिलकर सिफारिशें की हैं, उनको मानिये। तभी आप उत्पादन भी बढ़ा सकेंगे, तभी आप मजदूरों को संतुष्ट भी रख सकेंगे नहीं तो आप कानून बनाते रहिये, मजदूर गुड़ड़ी की तरह उसको उड़ाते रहेंगे, लड़ाई उनकी जारी रहेगी और जितनी भी सहुलियतें उन्होंने अब तक हासिल की हैं, लड़ाई की बुनियाद पर की है, फिर चाहे खान मजदूर हो या किसी अन्य क्षेत्र में काम करने वाला मजदूर हो। अपने संघर्ष के बल पर प्राप्त की है, किसी की कृपा से नहीं। इस कानून में अगर आपने ठीक से सुधार नहीं किया तो वह फिर लड़ेगा। मजदूरों के हितों की आपने रक्षा नहीं की



[श्री रामावतार शास्त्री]

तो निश्चित रूप से वह संघर्ष करेगा। अभी भी वह संघर्ष कर रहा है। आपकी नैगो-सिएशन चल रही है उनके प्रतिनिधियों के साथ, उनकी तनख्वाहों के रिजिजन वगैरह के बारे में। उसमें रुकावट न पड़े इस वास्ते भी ऐसा कानून होना चाहिये ताकि सहूलियतें मिलें और ठीक से समझौता हो जाए। मजदूरी पर जो मंहगाई का असर है वह भी नहीं पड़ना चाहिए। इन तमाम बातों को सामने नहीं रखेंगे तो जाहिर है कि झगड़ा बढ़ेगा, शांति नहीं रहेगी। शांति लाने के मकसद से, एक्सीडेंट्स को रोकने के लिए आप चुस्त कदम बढ़ाइये। मैं आपको बता दूँ कि जो कानून अब पेश किया गया है, प्रवर समिति के रिपोर्ट देने तक सात बड़ी-बड़ी दुर्घटनायें हो चुकी थीं, बंगाल में, मध्य प्रदेश में, बिहार में। उसके बाद और बहुत-सी दुर्घटनायें हुई हैं जिसमें चासनाला की, जो बिहार में है, बहुत बड़ी दुर्घटना शामिल है। इन सब बातों को नहीं देखेंगे तो काम नहीं चलेगा। ये जो दुर्घटनाएं हुई हैं इनमें हजारों लोगों की जानें गई हैं और वे इसलिए गई हैं कि सेफ्टी मंशर्ज अप टू दी मार्क नहीं थे, सिफारिशों के अनुसार थे, न आई० एल० ओ० की सिफारिशों के अनुसार थे और न इसके लिए बगी कमेटी की जो सिफारिशें आई उनके अनुसार थे और लोगों ने कान्फ्रेंसिस की हैं और जो नतीजे निकाले उनको भी आपने माना नहीं। इन सब बातों को मानिये, तभी शांति होगी, नहीं तो और लोग लड़ेंगे।

श्री हरिकेश बहादुर (गोरखपुर) : सभापति महोदय, पहली बात तो यह कहना चाहता हूँ कि यह जो बिल आया है इसमें

जो कमेटी बनाने के लिए प्रोवीजन बनाया गया है इसमें लिखा गया है :

“two persons to represent the interests of miners appointed by the Central Government.”

मेरी दृष्टि से यह अपर्याप्त है। पहली बात तो यह कि इसमें सैटल गवर्नमेंट द्वारा कोई अपोइंटमेंट नहीं होना चाहिए, बल्कि इलेक्शन होना चाहिए और मजदूर स्वयं चुनाव करके अपने प्रतिनिधियों को भेजें। दूसरे यह कि 2 की जगह 3 व्यक्तियों को होना चाहिए। इसमें मजदूरों की संख्या ज्यादा होनी चाहिए।

Again they say there is a provision for

“two persons to represent the interests of owners of mines appointed by the Central Government.”

इसमें एक ही आदमी ओनर्स का होना चाहिए जिसे सरकार चाहे नियुक्त करे या मालिक अपने में से खुद चुनें, उसके बारे में मुझे कुछ नहीं कहना है। जो चीफ इन्स्पेक्टर के लिए है विजिट करने के लिए एक्सीडेंट की जगह उसके लिए मेरा सुझाव है कि चीफ इन्स्पेक्टर को उस जगह को 2 घंटे के अन्दर जरूर विजिट करना चाहिए और इस बारे में सख्त प्रावधान होना चाहिए। दूसरे जो इन्जरी के लिए है अगर किसी को इन्जरी हो जाती है तो उसको तत्काल रिपोर्ट देनी चाहिए ताकि उसके बारे में लोगों को जानकारी हो सके। जो यह है कि 72 घंटे के बीच कभी भी कर सकते हैं, ऐसा नहीं होना चाहिए। बल्कि इसको हटाकर तुरन्त जानकारी देने की बात होनी चाहिए।

भट्टी माइन्स के बारे में मुझे कहना है कि यहां पर ठेकेदार और डी. एस. आई. डी. सी. के जो अधिकारी हैं इनसे मिलकर सारा काम यहां का चलता रहा। जबकि भट्टी माइन्स को अनसेफ डिक्लेयर कर दिया गया था उसके बाद भी काम होता रहा। अतः जिन लोगों की साजिश की वजह से वहां काम होता रहा उनके खिलाफ आप क्या कार्यवाही करने जा रहे हैं, यह बतायें ? और जो सेफ्टी मैजर्स हैं वह पूरी तरह से पर्याप्त नहीं हैं। नहीं तो चासनाला जैसी दुर्घटनाएं नहीं होतीं। जो पिट हैड कमेटी बनी है उसका ऐक्टिवाइज किया जाना चाहिए। इससे काफी परेशानी दूर हो सकती है। और मजदूरों को मकान तथा दवा की सुविधाएं ठीक ढंग से दी जानी चाहिए, जिनके अभाव में वह तरह-तरह के रोगों के शिकार हो जाते हैं। यदि सरकार इसके लिए अधिक से अधिक फंड देकर भी व्यवस्था करे तो उसका हम स्वागत करेंगे।

यह आपने अच्छी बात कही है कि 18 साल से नीचे वालों को काम नहीं करने देंगे। इसके लिए मैं आपकी प्रशंसा करता हूं। आशा करता हूं कि जो सुझाव मैंने दिए हैं उनको मन्त्री जी मानेंगे।

SHRI A.K. ROY (Dhanbad) : I will take only three minutes.

Mr. Chairman, the Union Labour Minister has earned a distinction of bringing in bad laws to this House. This is a slight departure and that is the biggest case in the amendment.

The two main organisations to enforce the safety measures, i.e. the Director General Mines Safety (DGMS) and the rescue stations, that means the Miners rescue stations both have head-

quarters in my constituency. That is why I have got certain first hand information not only about laws, but how they are enforced. Some Hon. Members have correctly said regarding the Mines Act, and the main point is implementation. The main point is inforcement and your enforcement machinery is weak: and all the laws will only remain on paper. That is why, in other countries, for example, in the Socialist countries in East Europe, the safety department or the Department of Safety or the Ministry of Safety as it is called, is kept under the control of the Prime Minister or the senior most Minister. They do it to ensure that the entire organisation commands respect and today I expect that such an important step should be taken here also.

You are always keeping an eye on the clock, Sir, and I will conclude now. But this debate should not have been started. In this debate at least one Minister from Coal and another from Health should have been there because it deals with the life of the miners. What is the trend of safety in the mines for the last four years? The number of fatal accidents :

1978	—	163
1979	—	148
1980	—	141
1981	—	164

This is on the increase. The death are as under :

1978	—	186
1979	—	184
1980	—	160
1981	—	183

In non-coal mines it has been 64, 54, 71 and 63 and deaths in non-coal mines 75, 54, 84 and 69.

That means in both the cases either the figure is static or the rate is increasing. There is a great drawback. We must see to it. I have got no time to

[Shri A.K. Roy]

analyse each clause because that will take time. But I would say certain things—for example in D.G.M.S., what is the position? D.G.M.S. has got headquarters in Dhanbad. It has got four zonal offices and 19 regional offices. It has got a total strength of 800. Only 179 are mining men. Kumarmanglam Report, though the report is not there, but I would like the Minister to throw light on this. Kumarmanglam Report went deep into this matter and suggested five to six times increase in staff of mines Department. You will be surprised, they say that they would constitute Health Survey Committee. D.G.M.S. is having one doctor. No doctors are there in Chanslana and in collieries accidents take place because of faulty map. D.G.M.S. does not have enough number of surveyors to survey the coal mines. That is why accidents are taking place. In every sphere—electrical, mechanical, Director's level, Inspector's level, posts are lying vacant. These are not being filled up. Why? This is because Director General Mines Safety has got pay scale of General Manager. Deputy Director draws pay equal to half the pay of Manager. Director General Mines Safety pay scale should be at par with the Director on the coal mine side. In this way the total coal mine Department has been devalued. Similar things are on the coals mines rescue stations side. There are two 'A' type Rescue stations, ten B type and three 'B' type rescue stations. There is a separate provision to keep brigade. 50% of the strength is vacant. You will be surprised to know that X-ray machines, automatic breath giving machines, 400 machines fitted with oxygen are lying in the Rescue Station. They are not being utilised because there is no fund to buy spare parts. That is the position. In this way we are actually playing with the lives of the miners.

I may tell you about Top mine. I went underground. I say, can there be any Act to force the Managers and supervisors to go in the mine and be there with the workers? What happens—

they make false attendance that they go into the mine. But they actually remain in office. In Top Colliery accident 18 miners died. Why? It is because one mining man, a mining Sardar, took a wrong decision. That is why this accident took place. I asked those people where were the assistant Manager, Overman, Manager and others? Why could they not avert it? Though as per attendance they went underground, but actually they remained on the surface.

Regarding the committee also, I firmly believe that 50% of the safety committee must be from the workers and its chairman should be from the trade-union. At least, all the Central trade-union representative and not by an officer.

Sir, I will again say that in future also, I will request the Minister to take note of the opinions of the Members and of the trade-union leaders and also of the workers. Such safety cannot be enforced by Act alone and safety may be enforced only by safety consciousness and it must be created by the workers. I expect—that is not the first amendment—that the Minister will come again with other suitable amendments incorporating the suggestions of all the Hon. Members.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI VEERENDRA PATIL) : Sir, I am happy that about 13 Hon. Members have participated in the debate and some of the Hon. Members have expressed their views on this Bill. I am aware that they are working in the trade-union field and they have got a lot of experience. I value their suggestions I am proud of the fact that almost all the Members who have participated in the debate have welcomed this measure.

Of course, I knew that there would be criticism for the delay in introducing this amending Bill. That is why, I anticipated this criticism and while moving the Bill for consideration, I have explained in brief the reasons for the delay. I

admit that there had been some delay and that is why I do not agree with the suggestion that had been made by some Hon. Members that this Bill should be referred to a Select Committee or by withdrawing this Bill, a comprehensive Bill should be brought forward. We have already delayed and it is such an urgent measure, that all the Members even Hon. Member Shri A.K. Roy has welcomed this measure. So, this is very urgent and we have already delayed it. If I agree with the suggestion that has been made by some Hon. Members including Mr. Samar Mukherjee that a separate comprehensive Bill should be forward, that would only mean that it would be further delayed. Therefore, I am not in a position to accept the proposals that have been made for referring this Bill either to a Select Committee or to bring a comprehensive legislation.

I can assure that Hon. Members that before this Bill was introduced, sufficient care has been taken by the Government. When this Bill, as the Hon. Members are aware, was introduced in 1972, it was referred to the Select Committee and they considered and gave the report. But unfortunately, this Bill could not be passed and again a Committee was constituted by the Department of Coal in order to make it up-to-date and comprehensive in the light of the experience gained about the working of these mines. When the draft Bill was prepared, it was scrutinised at different levels. It was referred to a Secretaries Committee. Then it was referred to a group of Ministers. Then it was referred to Cabinet Sub-Committee and ultimately it was approved by the Cabinet, by the Government. Hence the Bill is there for consideration. Therefore, it is not as if this Bill has been framed in a great hurry and placed before the House for consideration and passing. So all those stages which were necessary for a close scrutiny of the Bill have been gone through and at this stage I do not think there is much to do. Therefore, I would request the Hon. Members to cooperate with us and see that this Bill is passed as early as possible.

Hon. Member Mr. Samar Mukherjee referred to the Standing Committee. The Standing Committee is a Committee consisting of representatives of both the workers and the mine owners. Mr. Mukherjee and other Hon. Members are also aware that the policy of Government while constituting such Committees whether they are bipartite committees or tripartite committees has been to give representation on parity. I can quote several instances where Committees have been constituted. Tripartite Committees have been constituted. Bipartite Committees have been constituted. Several committees have been constituted by the Ministry of Labour and it has been the policy of the Government and the Ministry of Labour particularly, that at the time of representation we maintain the parity. Whatever representation we give to the owners, to the employers the same representation is given to the workers also. We do not make any discrimination between these classes of people who are engaged in a particular industry while giving representation.

SHRI SUNIL MAITRA (Calcutta North East) : What about giving representation to Government ?

SHRI SAMAR MUKHERJEE : You want representation in the Government ?

SHRI VEERENDRA PATIL : Several Hon. Members on the other side are under the impression that the Government appoints and nominates its representatives and that these Committees will be flooded with the proteges of Government who happen to be in the trade unions helping the Government and cooperating with the Government.

SHRI RAMAVATAR SHASTRI : What about INTUC ?

SHRI VEERENDRA PATIL : While constituting these Committees, we said that two representatives will be there from the workers. I want to allay the fears that are there in the minds of the Hon. Members that this representation would be given on the basis of the

[Shri Veerendra Patil]

strength of the trade unions in those mines. It is not as if it is left to the whims and fancies of the Minister concerned or the Government. I want to make it very clear because this is not the first time we are constituting a Committee. We have been constituting Committees and on every Committee we have been given representation to the trade union representatives and they are eligible for representation according to the strength at their command...

SHRI SUNIL MAITRA : How do you ascertain the strength ?

SHRI VEERENDRA PATIL : I will tell you. I am coming to that. There are several Committees where AITUC is represented, CITU is represented, HMS is represented, DMS is represented, INTUC is represented. That is why, I have been saying that this is not the first time that we are constituting such a bipartite or tripartite committee. We have been constituting so many Committees and we have been following a certain procedure while giving representation. As I said just now, the strength of the different organizations will be taken into consideration. If we give two representations on this Committee, the first representation would be given to that organization which commands the bigger strength in that coal-field and next...

SHRI A.K. ROY : It is not a bargaining Committee so that you have to give representation in proportion to their strength. It is a Committee to take into account all the views. So, equal treatment should be given to all.

SHRI VEERENDRA PATIL : We must have certain norms for giving representation. We have been following certain norms for giving representation. Now we have recognised Central trade unions. While recognising Central trade unions, we consulted all the national level organizations. This was considered, this was discussed at length, and all the national trade unions said that all these organizations or trade unions which

have got more than five lakh membership spread over four States and four industries should be recognised as Central trade unions. Accordingly we are recognising only such trade unions which have got this or which fulfil these qualifications as Central trade unions. Again I reiterate, I want to assure the Hon. Member, that if we want to have a committee for colliery or coalfields, the organization or the trade union which has got the largest following in that industry will get representation, not the other organizations because they are supporting this government or that government or this Party or that Party; that is not at all our consideration. The only question is how to verify the strength of different organizations. That problem is there. Mr. Samar Mukherjee and other Hon. Members know the difficulties. I discussed last year in the month of September with different trade unions as to how we should go about it, what should be the procedure for verification of membership...

SHRI SAMAR MUKHERJEE : I have not demanded that trade union representative should be on the Committee. I have demanded that the workers' representative should be elected by the workers. This is a question of safety because they are the victims of disasters and tragedies; this is a question of violation of safety rules. If their own man is on the Committee, they can point out where the violations are taking place and what safety rules are to be strictly observed. I have not talked about Unions. What I have said is that, when the right of appointment is with the Government, they are unnecessarily boosting the INTUC. I have given an example. As a protest all other Central trade unions boycotted the meeting of JBCCI. Immediately after that protest, there have been some changes in the respective quota of representation. Here on the Safety Committee the workers' representative should be elected by the workers, not trade unions.

TARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGA) : Since we are in the final stage of this very important piece of legislation, I want to make this request.

MR. CHAIRMAN : I have requested the Hon. Members to give their names for the half-an-hour discussion. First, we may finish with this within another 15 to 20 minutes.

SHRI SAMAR MUKHERJEE : Can't we post this to some other day ?

SHRI BUTA SINGH : We have other business to be completed. We have to take up the clause-by-clause consideration which may take us just an hour.

MR. CHAIRMAN : Hon. Members, since we are at the fag end of the discussion, we can take up the half-an-hour after this. Let us go through this Bill.

The Minister may now continue.

SHRI VEERENDRA PATIL : Sir, I want to make it very clear that there should not be any misapprehensions in the minds of the Hon. Members. Sir, it is a question of giving a representation.

SHRI SAMAR MUKHERJEE : They want election.

SHRI VEERENDRA PATIL : They are demanding elections. I know that. They want verification of Membership. When we want to have two workers from the coalfields, then the question arises as to how to select these two workers. From which organisation I can ask to nominate these two workers. Should I nominate them without any such consideration ? If you say that, I am prepared for that. But, I do not want to do that.

Sir, I want to give this opportunity to the organisation which has the largest following.

SHRI RAMAVATAR SHASTRI : Are you doing that ?

SHRI VEERENDRA PATIL : We are doing that. Mr. Shastri knows that in the case of Posts and Telegraphs Workers we do the verification once in two years. In the other cases, we do the verification. Sometimes, they demand the verification. I ask the Chief Labour Commissioner. The machinery is now doing this work. The question now is : for verification, whether the check-off system should be adopted or secret ballot system should be adopted. The C.P.I. trade Union, unfortunately, are not for this. I am prepared to accept what their trade union wants us to do. Some say they want secret ballot while some other say that it should be through a check-off system. That is why the matter is still under consideration. The Sanat Mehta Committee has made recommendations and we are processing and examining those recommendations. Later we will come before the Parliament as to what should be the procedure that we should follow. Once the producer is decided, then, all these problems will be decided automatically.

With regard to contract labour, it is true that it is in existence. So far as Government of India is concerned, we have abolished the contract labour. In coal mines, the nature of jobs is such that though the contract labour has been abolished, not only here but also in iron-ore mines, dolomite mines etc., the management continue to employ contract labour because it is cheap. Our enforcement machinery has not set the eyes towards this fact. They have taken prompt action, it cannot be to the satisfaction of all the Hon. Members. That is a different matter. During the period from 1.1.80 to 31.7.83, the total prosecutions launched is 667. In 250 cases, it has resulted in conviction. 407 cases are pending in the court. Only six cases, it has ended in acquittal. So, what I wanted to impress upon the Hon. Member is that our enforcement machinery is quite active in taking action.



[Shri Veerendra Patil]

In this connection, I may tell you that in coalfields also, the contract labour is in vogue. Therefore, I have taken up this matter and I have written a letter to the Energy Minister and have requested him to take necessary action to see that this contract labour is abolished as early as possible.

Sir, with regard to accidents I can take more time and go in detail as to how safety measures have been adopted and observed in the mines in order to see that these accidents are minimised but accidents do happen. I agree. With regard to accidents I can give the figures. The death rate due to serious accidents has not gone up. On the other hand it is coming down. Death rate per thousand persons in the year 1971 in respect of coal mines was 0.60 and in the year 1982 it is 0.35. It has come down. Further, Sir, it is not peculiar with our country where the fatal accidents are taking place. In foreign countries also deaths are taking place and I will give the figures. Compared to the foreign countries our position is much better. Our average per thousand workers comes to 0.36 in the year 1981 whereas in Belgium it was 0.4; Czechoslovakia 1.45; Japan 3.81; USA 0.65 and West Germany 0.38.

SHRI A.K. ROY : What about U.K.

SHRI VEERENDRA PATIL : U.K. it is less. I have got the figures upto 1979 and there it is 0.25. But, Sir, we are not keeping quiet because Director General, Mines Safety has been taking prompt action in order to see that whoever violates safety provisions they are punished and cases have been launched against them. In 1981 the number of cases launched was 20 and in 1982 the number was 60. The cases have been launched and in addition several other measures have been taken to ensure safety in the mines. I do not say whatever steps have been taken are quite satisfactory. We have made a

provision in the Present Bill that even workers can inspect the mines. We are asking their representatives to inspect the mines and bring violation of the safety measures to the notice of the authorities.

Sir, with regard to Topa colliery, Hon Mr. Mukherjee, said that inquiry has not yet begun. I have got the information that the inquiry has been completed and Government has received the inquiry report on 3rd August, 1983. Further action will be taken in the light of the recommendations. So, this inquiry has been completed. In the beginning there was some delay but once the inquiry get started it was expeditiously completed and the report is in the possession of the Government.

Sir, some Members suggested that the Safety Committee should be at all levels. Government has got the power. In this Bill itself Government has taken the power to appoint more than one committee. At the National level, as it is, there is one standing committee. But as I said, Government has got the power. In the Bill itself we have made the provision. If Government wants, they can appoint more than one such standing committee for specific mine or group of mines. I can assure Hon. Members that wherever it is found necessary to ensure the safety and the health of the worker to appoint such a committee, Government will not hesitate to appoint such a committee.

Some Hon. Members referred to holidays with wages. As it is, it is one holiday for every 16 days. Hon. Members are aware that we are reducing the period from 16 to 15 days. Some Hon. Members feel that it should be further reduced to 12 days. Even by reducing it from 16 to 15 days the additional burden on the company would be of the order of Rs. 6 crores. The reason why we have reduced it to 15 days is this; this is in accordance with the ILO Convention. We want to bring this in line with the ILO Convention. There is no scope to reduce it still further.

Also, some Hon. Members feel that the action taken against the management is not adequate or they are not properly punished. As Hon. Members are aware, in several cases the Director General, Mines Safety, can lodge cases but the punishment is not with the Director General, Mines Safety. It is with the Court; and it is only the court which can award the punishment. Sometimes they are let off with some minor punishments. That is why we have now prescribed the minimum punishment in this Bill. But so far as these cases are concerned, it is for the Court to decide what should be the punishment and what should be the quantum of it.

Some members mentioned about the Kumaramangalam committee report. I think Mr. A.K. Roy mentioned about that. That report was received by Government in November 1982. There are several recommendations. All of them have to be carefully considered and processed. I do not want to go into the details because it will unnecessarily take a long time. I can only tell this for the information of Hon. Members that we feel that they are all valuable recommendations and in order to process the recommendations, a Cell has been constituted in the Ministry to further consider this matter. As and when these are processed, further action will be taken by the Government.

I think that Mr. Harikesh Bahadur mentioned about the Bhatti mines. He is aware that Government has taken prompt action. I know, on an average every year, there were deaths of 5 to 6 workers in those areas. The Director General, Mines Safety, after inspection of those mines long back, issued prohibitory order. But beyond issuing prohibitory order he has no other power. That is why in this Bill now we have given the power to him to prohibit the employers also working there. Here, so far, the Director General, Mines Safety, has got only power to issue prohibitory order. If it is not implemented then he can approach the Court with a prosecution; he cannot do anything beyond that. And although the prohibitory

orders were there, they were not enforced. I know that. This was brought to our notice. There were 6 or 7 deaths in this year within a period of 1 or 2 months. Deaths or accidents were there. We have been corresponding with Delhi Administration to stop the working of these mines. We took up this matter very seriously. But we took it very seriously. We took up the matter with the Delhi Administration, with the result, all those mines were stopped. After considering the seriousness of the situation, Government appointed a court of enquiry. The Committee was headed by the retired Chief Justice of the High Court, Justice Deshpande. Justice Deshpande has given a report and we have sent copies of that report to Delhi Administration, to the Ministry of Mines and to the Home Ministry for taking further action and we are awaiting the report about the action taken on the recommendations of the Deshpande Committee. I can tell the Hon. Member, Shri Harikesh Bahadur and also other Hon. Members that today no Bhatti mine is in operation and all the mines have been closed down. They are not at all working. So, it is not correct to say that Government has not taken any action with regard to these Bhatti mines. Government has taken prompt action.

I could not cover all the points that were raised by the Hon. Members, but I have dealt with the points that are very important. Mr. A.K. Roy, mentioned about the staff and the pay-scales of the Director General (Mines), Safety. The Director General (Mines) Safety has got sufficient strength. Certain posts are not quite attractive, particularly to this post of Deputy Director of Mines Safety, we are not able to attract more people because the pay-scales are low. Government is considering a proposal to improve the pay-scales. Similarly, we want to strengthen the organisation and Kumaramangalam Committee also in its report made several recommendations to strengthen this organisation. We will see that whatever is necessary to strengthen the organisation of the Directorate

[Shri Veerendra Patil]

General, (Mines), Safety is done because the enforcement of the entire Act is the responsibility of the Director General of Mines, Safety. If that Organisation is ineffective, if it is not fully equipped, then he cannot do better performance. So, we realise the importance of the organisation and we take all the necessary steps to see that this Organisation is further strengthened and this organisation is in a position to give efficient performance. With these few words, I once again thank the Hon. Members for the cooperation they have extended to me by participating in the debate.

MR. CHAIRMAN : I shall now put the Amendment No. 43 to the motion for consideration, moved by Shri Satyendra Narayan Sinha.

*Amendment No. 43 was put and negatived.*

MR. CHAIRMAN : The question is :

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

*The motion was adopted.*

MR. CHAIRMAN : Now, we will take up clause by clause consideration of the Bill.

*Clause 2—(Amendment of section 2)*

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 3, line 34,—

after “including” insert “refinery and” (18)

Page 3, line 41,—

for “seventy-two” substitute “twenty-four” (19)

श्री रामावतार शास्त्री : सभापति महोदय, मैं ज्यादा नहीं बोलूंगा। पेज 2

लाइन 34 में रिफाइनरी को हम जोड़ना चाहते हैं।

श्री वीरेन्द्र पाटिल : सभापति महोदय, मैं शास्त्री जी को बताना चाहता हूँ कि रिफाइनरी में इसको जोड़ना आवश्यक नहीं है। क्योंकि वह फैक्ट्री एक्ट में आता है, फैक्ट्री की डेफीनेशन में आता है। उसमें जितने भी प्रावीजन हैं सेफ्टी के लिए वे उसमें लागू होंगे। इसलिए रिफाइनरी फैक्ट्री होने की वजह से इसमें नहीं आ सकती।

MR. CHAIRMAN : I shall now put amendments No. 18 and 19, moved by Shri Ramavatar Shastri to the vote of the House.

*Amendments Nos. 18 and 19 were put and negatived.*

MR. CHAIRMAN : The question is:

“That Clause 2 stand part of the Bill”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 to 6 were added to the Bill.*

*Clause 7—(Insertion of new Section 9A)*

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 4, line 38,—

for “of the mine; and the owner,” substitute—“of the mine and to all registered Trade Unions; and the owner.” (20)

Page 5, line 11,—

for “the ordinary rate of wages,” substitute “double the rate of wages invariably.” (21)

Page 5,—

omit lines 12 to 21. (22)

Page 5, line 44—

add at the end—

“but shall not be less than two-thirds of his wages for the first three months and full wages thereafter.” (23)

पेज चार लाइन 38 में मेरी एमेंडमेंट यह है आफ दी माइन के बाद आल दी रजिस्टर्ड ट्रेड यूनियन जोड़ दिया जाए। रजिस्टर्ड ट्रेड यूनियन को शामिल करने पर मेरे खयाल से मंत्री जी को कोई आपत्ति नहीं होगी।

उसी तरह से आडिनरी रेट आफ वेजिज के स्थान पर मैंने डबल दी रेट आफ वेजिज की बात कही है। उसी तरह से मैंने यह भी कहा कि दो तिहाई से कम वेजिज नहीं होनी चाहिए। पहले तीन महीनों के लिए और उसके बाद पूरी वेजिज होनी चाहिये। ये मेरी चार एमेंडमेंट हैं। मेरा खयाल है कि मंत्री जी को इनको स्वीकार कर लेना चाहिये।

श्री वीरेन्द्र पाटिल : इनको मैं स्वीकार नहीं कर सकता हूँ। दुर्भाग्य से हमारे देश में ट्रेड यूनियन बहुत ज्यादा हैं। जहाँ पर इनकी पार्टी की हकूमत है वहाँ ट्रेड यूनियन को इतनी आजादी हासिल नहीं है...

श्री रामावतार शास्त्री : वहाँ वाले कंडिशन यहाँ भी लाइये। यहाँ की तरह वहाँ लोग भूखे नहीं मरते हैं। बिना काम वाले वहाँ नहीं हैं। वहाँ मजदूरों का राज है।

श्री वीरेन्द्र पाटिल : रिकग्नाइज्ड ट्रेड यूनियन की बात अलग है। लेकिन आपका

इंटेंशन यह है कि हर ट्रेड यूनियन के रिप्रिजेंटेटिव को लेकर चलना चाहिए। यहाँ के ट्रेड यूनियन एक्ट के लिहाज से सात मੈम्बर मिल कर एक ट्रेड यूनियन कायम कर सकते हैं। अगर सात-सात लोग मिलकर ट्रेड यूनियन कायम करते जाएंगे तो जहाँ दस हजार लोग काम करते हैं वहाँ सौ-पचास ट्रेड यूनियन हो जाएंगी तो कैसे और किस-किस को लेकर चलेंगे। मस्टी-प्लिसिटी आफ ट्रेड यूनियन की वजह से आपत्ति है और इसको मैं मान नहीं सकता हूँ।

जहाँ तक वेजिज की बात है, हैल्थ सर्वे में जो टाइम लगेगा उसके लिए वेजिज का यहाँ सवाल है। कोई मजदूर वैसे ज्यादा काम करता है तो उसको डबल वेजिज मिलती ही है। लेकिन यह हैल्थ सर्वे के लिए जो उसको समय लगता है, उस वक्त उसको नामल वेजिज देने के बारे में है।

17.55 hrs

[SHRI CHINTAMANI PANIGRAHI in the Chair]

MR. CHAIRMAN : I shall now put amendments No. 20, 21, 22 and 23 moved by Shri Ramavatar Shastri to the vote of the House.

*Amendments Nos. 20 to 23 were put and negatived.*

MR. CHAIRMAN : The question is:

“That Clause 7, 8 and 9 stand part of the Bill.”

*The motion was adopted.*

*Clause 7, 8 and 9 were added to the Bill.*

*Clause 10—(Substitution of new sections for sections 12, 13 and 14)*

SHRI SAMAR MUKHERJEE : I beg to move :

Page 6,—

*for lines 32 and 33, substitute—*

“(c) four persons to represent the interests of miners elected by the miners through secret ballot;” (1)

Page 6, line 38,—

*for “appointed” substitute “elected” (2)*

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 6,—

*for lines 32 and 33, substitute—*

“(c) four persons to represent the interests of miners elected by the miners through secret ballot;” (24)

MR. CHAIRMAN : I shall now put amendments Nos. 1, 2 and 24 to vote.

*Amendments Nos. 1, 2 and 24 were put and negatived.*

MR. CHAIRMAN : The question is :

“That Clause 10 stand part of the Bill.”

*The motion was adopted.*

*Clause 10 was added to the Bill.*

MR. CHAIRMAN : The question is :

“That Clause 11 stand part of the Bill.”

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12—(Committees)*

SHRI SAMAR MUKHERJEE : I beg to move :

Page 8,—

*after line 2, insert—*

“(ii) after sub-section (1), the following shall be inserted, namely :—

“(1A) The owner, agent or manager of a mine shall be jointly and severally responsible for any kind of mining operation for which specific permission has not been obtained from the concerned authorities, in writing in advance, and they shall be liable for punishment with 10 years of imprisonment and fine of twenty-five thousand rupees for each such illegal mining operation.”

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 6, line 38,—

*for “one at least of the” substitute “two” (25)*

Page 6, line 38,—

*for “appointed” substitute “elected” (26)*

MR. CHAIRMAN : I shall put amendments Nos. 3, 25 and 26 to vote.

*Amendment Nos. 3, 25 and 26 were put and negatived.*

MR. CHAIRMAN : The question is : “That Clause 12 stand part of the Bill.”

*The motion was adopted.*

*Clause 12 was added to the Bill.*

MR. CHAIRMAN : The question is :

“That Clauses 13 to 16 stand part of the Bill.”

*The motion was adopted.*

*Clause 13 to 16 were added to the Bill.*

*Clause 17—(Amendment of section 23)*

SHRI SAMAR MUKHERJEE : I beg to move :

Page 11,—

*for lines 17 to 20, substitute—*

“*Explanation—*For the purpose of inspecting the place of accident, which must be compulsory without any exception, the Chief Inspector or the said Inspector shall take along with him representatives of all registered Trade Unions so that suitability to resume the work at the place of the accident can be determined on the spot.” (4)

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 11,—

*for lines 17 to 20, substitute—*

“*Explanation—*The Chief Inspector shall, as soon as may be, take with him representatives of the registered Trade Unions to the place of accident for inspection, which shall be compulsory without any exception, so that a decision as to whether it is proper to resume the work at the place of accident may be taken on the spot.” (27)

MR. CHAIRMAN : I shall now put amendment Nos. 4 and 27 to vote.

*Amendments Nos. 4 and 27 were put and negatived.*

MR. CHAIRMAN : The question is:

“That Clause 17 stand part of the Bill.”

*The motion was adopted.*

*Clause 17 was added to the Bill.*

MR. CHAIRMAN: The question is :

“That Clauses 18 to 28 stand part of the Bill.”

*The motion was adopted.*

*Clauses 18 to 28 were added to the Bill.*

*Clause 29—(Amendment of section 49)*

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 14, lines 5 and 6,—

*for “two months” substitute “on 3 month” (28)*

MR. CHAIRMAN : I shall now put amendment No. 28 to the vote of the House.

*Amendment No. 28 was put and negatived.*

MR. CHAIRMAN : The question is :

“That Clause 29 stand part of the Bill.”

*The motion was adopted.*

*Clause 29 was added to the Bill.*

MR. CHAIRMAN : Now, Clause 30. The question is :

“That Clause 30 stand part of the Bill.”

*The motion was adopted.*

*Clause 30 was added to the Bill.*

*Clause 31—(Amendment of section 58)*

*(Amendments made)*

Page 15,—

*for lines 1 to 5, substitute—*

“(e) for clauses (r) and (s), the following clauses shall be substituted, namely :—



“(r) for requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;

(s) for providing for the management of rescue stations;

(sa) for providing for the standards of physical fitness and other qualification of the persons constituting rescue brigades;

(sb) prescribing the places of residence of the persons constituting rescue brigades,”

(f) in clause (t), the word ‘central’ shall be omitted;

(g) for clause (u), the following clause shall be substituted, namely :—

“(u) for providing for the levy and collection of a duty of excise (at a rate not exceeding twenty-five paise per tonne) on coke and coal produced in and despatched from mines specified under clause (r), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provided from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund

shall be utilised and the administration of such fund;”;

(h) in clause (v), the words “and for the terms and conditions of service of persons trained in rescue work employed in mines”, and the word “and” occurring at the end, shall be omitted;

(i) after clause (v), the following clause shall be inserted, namely :—

Page 15, line 7,—

for “groups of specified mines”  
substitute—

“specified mines or groups of specified mines”. (32)

(SHRI VEERENDRA PATIL)

18.00 hrs.

MR. CHAIRMAN : The question is :

“That Clause 31, as amended, stand part of the Bill.”

*The motion was adopted.*

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

MR. CHAIRMAN : In Clauses 32 to 36, there are no amendments. The question is :

“That Clauses 32 to 36 stand part of the Bill.”

*The motion was adopted.*

*Clauses 32 to 36 were added to the Bill.*

*Clause 37—(Substitution of new sections for section 68)*

MR. CHAIRMAN : Now Clause 37—Mr. Krishna Chandra Halder is

not here. Mr. Ramavatar Shastri, are you moving ?

SHRI RAMAVATAR SHASTRI :  
 Yes; I beg to move :

Page 16, lines 13 and 14,—

*for "five hundred" substitute "two thousand" (29)*

MR. CHAIRMAN : I now put amendment No. 29 to Clause 37 to the vote of the House.

*Amendment No. 29 was put and negatived.*

MR. CHAIRMAN : The question is :

"That Clause 37 stand part of the Bill."

*The motion was adopted.*

*Clause 37 was added to the Bill.*

*Clause 38—(Amendment of section 79)*

MR. CHAIRMAN : Clause 38—Mr. Halder is not here. Mr. Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 16, line 22,—

*for "two" substitute "six" (30)*

MR. CHAIRMAN : I now put Amendment No. 30 to Clause 38 to the vote of the House.

*Amendment No. 30 was put and negatived.*

MR. CHAIRMAN : The question is :

"That Clause 38 stand part of the Bill."

*The Motion was adopted.*

*Clause 38 was added to the Bill.*

*Clause 39—(Amendment of Section 75)*

MR. CHAIRMAN : Clause 39—Mr. Halder is not here. Mr. Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI : I beg to move :

Page 16, line 31,—

*for "three" substitute "six" (31)*

MR. CHAIRMAN : I now put amendment No. 31 to Clause 39 to the vote of the House.

*Amendment No. 31 was put and negatived.*

MR. CHAIRMAN : The question is :

"That Clause 39 stand part of the Bill."

*The motion was adopted.*

*Clause 39 was added to the Bill.*

MR. CHAIRMAN : In Clauses 40 to 49, there are no amendments. The question is :

"That Clauses 40 to 49 stand part of the Bill."

*The motion was adopted.*

*Clauses 40 to 49 were added to the Bill.*

MR. CHAIRMAN : The question is :

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

*The motion was adopted.*

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

MR. CHAIRMAN : Motion moved :  
 "That the Bill, as amended, be passed."

SHRI T.R. SHAMANNA (Bangalore South) : The Bill, though a welcome measure, does not cover all kinds of quarrying, salt extraction, store blasting, silicon and limestone mining. In the Bill, the States are not associated. We have got mining organizations in the States; but States have not been included here in this measure. In the case of mines, we have got a lot of millionaires. When they earn large amounts, I suggest that they may be made to pay a higher royalty to the Government, and a higher bonus to the labourers, so that they may not swallow the whole thing, but are made to pay what is legitimate to Government and labour.

I find here that the Bill is not very effective. The Minister has promised to look into all the suggestions. He has said that making the Bill more comprehensive would have meant more delay in bringing the present Bill. I think we may leave it to the Minister, so that a comprehensive measure is brought as early as possible, taking into account all the suggestions that have been made by the Hon Members.

In Karnataka State, we have a large number of manganese mines. They have to work under sun shine, rainy season and other bad weather. There is no shelter for them. They must be given headwear, for protection. Then during summer season, they have to work under hot sun. There are no drinking water facilities provided in the Bill. Some provision should be made to provide them drinking water facilities during hot summer. During winter also, some provision should be made to protect them from cold weather.

All the labour leaders have welcome this measure. In the name of apprentices, children are employed, but, actually, they come there to assist their parents and exploitation goes on. Some strong provision should be made to save them from this exploitation.

In the end, I would request the Minister to see that a comprehensive

Bill is brought forward so that the workers may be given all the benefits that they deserve.

PROF. N.G. RANGA (Guntur) : Mr. Chairman, Sir, I wish to congratulate minister not only for getting this Bill passed but also having the alacrity and the statesmanship to have overcome so many hurdles in the way of getting this Bill passed through various stages of consideration, through the Cabinet and the Sub-Committee and bringing forward this Bill before us here. There had been several other Ministers during all these ten years, but they did not do it; And the wonder of it is that our legislative process is very slow and it moves dreadfully slow.

Ten years ago, a similar Bill was prepared. It went through all the processes of consideration by the Joint Select Committee and yet we are still at this stage of passing. Now it only shows that we, ourselves, as members of Parliament, are not alacritic and especially about getting some of these constructive things being done. No good blaming any government. All these various governments have come; governments of those parties and governments of this Party have come. But government goes slow. But legislation seems to be going slower. Anyhow, our new Minister is fortunate enough to move this Bill and get it passed. But there is one disturbing development or lack of development. The salaries that are being paid to the mines inspection staff, even according to the Minister, are not attractive enough; and when I had suggested why should they not be revised, he was good enough to say, yes, we were going to consider it. Why is it that it has taken such a long time for the government to think about all this ... True, it is a dangerous job to be a miner ... is a very difficult and a dangerous job because these Mafia people are there. Mineowners are not very soft people. Therefore, it is a very attractive thing for any body to go and be employed in this kind of an occupation.

So, naturally not many people are willing to come forward. I would like to suggest to the Government to upgrade the salaries, and they may be paid higher salaries than they are being paid or similar people are being paid in other departments and that would attract as many people as possible. Thus the strength can be increased so that there may be periodical inspections and prosecutions also.

I am very glad about one thing. Because of the failure sometimes some courts in imposing heavy enough penalties, workers have had to complain that criminals in these sphere of life have been escaping most of the time and that is why the Government has come forward with these suggestions, with these proposals that here should be a minimum punishment. It is an extraordinary thing for a Government to make a provision like this and I am glad the Government has made this provision and the House also has accepted it.

But there are one or two things I would like the Government to do and also those who are interested in the workers and who are devoted to their cause, like Shri A.K. Roy and Shastriji to do. One thing that should be done immediately is that the moneylenders should be removed. Even now moneylending is going on. I suggest that moneylending should be baned in that area. Whatever credit is needed must be made available by the Government or the co-operative societies to the workers. The co-operative movement should also be developed. The loaders and workers have to play a big role in persuading the other workers to take money through the co-operative societies only. It should also be ensured that the co-operative societies do really serve the workers. They themselves should not be converted into another kind of Shukars.

The other point is about the contract system. The Royal Labour Commission in bygone days had recommended the removal of the contract system.

And even now we find that the system is continuing. We have passed many Bills in this House about it in the past half a century. Even now the dreadful system is prevailing. I would like the Government to give some serious thought to this as to how they could possibly save the workers from the mischief of this system.

Sir, I welcome this Bill.

MR. CHAIRMAN : Shri Ram Vilas Paswan.

PROF. AJIT KUMAR MEHTA (Samastipur) : Sir, what about me ?

MR. CHAIRMAN : Have you given your name?

PROF. AJIT KUMAR MEHTA : Long back. Very early in the morning, I had given my name.

MR. CHAIRMAN : I will call you. Now, Shri Ram Vilas Paswan.

श्री राम विलास पासवान (हाजीपुर) : सभापति महोदय, मैं इस बिल पर बोलना नहीं चाहता था । लेकिन आज ही यह लेटेस्ट इंडिया टुडे 31 अगस्त का अंक पढ़ने को मिला है, उसमें सिंहभूमि जिले के संबंध में एक आर्टिकल निकला है माइन्स के सम्बन्ध में, उसको कोई भी आदमी पढ़ेगा तो उसकी रूह कांप जायगी । इस में दिया है कि किस तरीके से माइन्स के मजदूरों के साथ जो अधिकांश में अदिवासी मजदूर हैं, व्यवहार किया जाता है । मैं इसको ज्यादा पढ़ कर सदन का ज्यादा समय नहीं लेना चाहता । इसमें दिया है-- उनके आवास की समस्या, पेय जल की समस्या वगैरह की बात तो दी ही है, सबसे भयंकर जो चीज दिखलाई है वह है मुआवजा देने की बात । मुआवजा देने का जो रजिस्टर होता है, कितने मजदूर मरे खान के अन्दर दबकर, कितने का पी. एफ.

[श्री राम बिलास पासवान]

मिला, कितने को मुआवजा मिला इसका कोई ब्यौरा नहीं होता। इसका कोई रजिस्टर मेंटेन नहीं होता। इसमें एक जगह लिखा है : "Jasman Horo lost the sight of his left eye when a stone struck it. He received Rs. 11 as Compensation and no other aid."

यह इसलिए मैंने कहा कि इसमें जाकर आप देखें, खाना उनको कैसा दिया जाता है, पानी के नाम कैसा जहर उनको पीना पड़ता है और जब शिकायत करने जाते हैं तो उसके जवाब में रस्सियों से बाँध कर उन्हें जीप के साथ घसीटा जाता है।

इतना बड़ा जुल्म होता है। पुलिस मैनेजमेंट से मिली हुई है। इसमें बताया गया है :

"Three years ago, Hua had witnessed wanton police firing that left with 13 Adibasis dead. Between 1978 and 1982 as many as 5,000 tribals have been implicated in 1,252 cases. Between November 1981 and April 1983 the police are said to have pillaged over 25 Adibasi villages in a forest and destroyed over 340 houses."

इस तरह से मैनेजमेंट और पुलिस की साठ-गाँठ से कहर ढाया जा रहा है। मैं आग्रह करूँगा कि "इंडिया टुडे" का यह लेटेस्ट इश्यु है, इस आर्टिकल को देख लें और इसकी इक्वायरी कमेटी बिठायें और उनको पकड़ने का काम करें। जर्नलिस्ट ने स्वयं वहाँ पर जाकर इन बातों की तहकीकात की है। मैं चाहूँगा कि मन्त्रीजी यहाँ पर इस बारे में कोई अश्योरेंस दें और इक्वायरी का जो भी निष्कर्ष निकले उसको या तो यहाँ सभा पटल पर रखने का कष्ट करें

या हमको लिखकर सूचित करें। इतना ही आश्वासन मैं उनसे चाहूँगा।

पो. अजीत कुमार मेहता : सभापति जी, पासवान जी ने जो कहा है वह इस बात का प्रमाण है कि कानून बना देने से ही कल्याण नहीं हो सकता है, उसको पूरी ईमानदारी के साथ इम्प्लीमेंट करने की भी आवश्यकता है। एक बात तो मैं यह कहना चाहता हूँ कि जो इल्लीगल माइनिंग होती है, जिसमें इतने मजदूर मरते हैं और जिसके सम्बन्ध में पिछले दिनों इस सदन में चर्चा हो चुकी है तथा अवेंडंड माइन्स में जहाँ इल्लीगल माइनिंग होती है, उसको किस प्रकार से रोका जाएगा ?

दूसरी बात यह है कि इसमें कल्याण की बात तो कही गई है लेकिन क्या आपने अभी तक इस बात का अध्ययन किया है कि खान के क्षेत्र में कितनी अकूपेशनल डिजीजेज होती हैं और कितने मजदूर उससे पीड़ित हैं, कितने अस्पताल हैं, कितने वेड्ज हैं और उसका क्या अनुपात है ? क्या अकूपेशनल डिजीजेज के लिए मजदूरों की प्रीरियाडिकल चेकअप ईमानदारी के साथ होती है ? इस सन्दर्भ में मैं आपको बताना चाहूँगा कि धनवाद क्षेत्र में आज अभी तक पेय जल की व्यवस्था भी नहीं कर पाए हैं। उस एरिया में अवेंडंड माइन्स में जो पानी जमा है उसी को मजदूर पीने के काम में लाते हैं। क्या इसकी ओर भी आपका ध्यान गया है ? इस दूषित जल को जो मजदूर इस्तेमाल करते हैं, इसकी ओर आपका ध्यान बहुत पहले ही जाना चाहिए था। इस सम्बन्ध में आप क्या कार्यवाही करेंगे ?

तीसरी बात मनीलैंड्स के सम्बन्ध में

है, जिसकी चर्चा प्रो० रंगाजी ने भी यहाँ पर की है। इन मनीलैंडर्स का एक काम यह भी होता है--जबर्दस्ती शराब पिलाना--अपने शराब का धन्धा खान के एरिया में चलाने के लिए वे एक तरफ तो उधार शराब देते हैं और उसके बाद उसकी कीमत जबर्दस्ती वसूल करते हैं और यह उनका माफिया गैंग करता है। तो इस चीज को रोकने के लिए आप क्या करने जा रहे हैं ?

SHRI VEERENDRA PATIL : Sir, our elder statesman and Hon. Member, Prof. N.G. Ranga, referred to the salary of the staff working in the Director General of Mines Safety organisation. Sir, I said briefly in my reply to the debate that the posts of Deputy Director General (Mines Safety) are not very attractive, therefore, we are getting sufficient qualified hands. The qualification for this post is Graduate in Mining Engineering. With the same qualification if they go to coal field side, then they are appointed as Managers and Managers of coalfields get more salary than the Deputy Directors. Therefore, those posts are more attractive than these posts. That is why the Government is considering the proposal to improve their pay scales. And with regard to the strengthening of the organisation, the Kumaramangalam Committee has made recommendations. We have created a cell to process the recommendations and necessary action will be taken after the processing of the recommendations is completed.

MR. CHAIRMAN : He has asked the inspectors.

SHRI VEERENDRA PATIL : With regard to those working in the rescue stations, the question would be solved because by this amendment we have decided to transfer all the rescue stations to the Coal Department. Therefore, there will not be any discrimination. By transferring these rescue

stations to the Coal Department the problem will be solved.

With regard to contract labour, I have admitted to some extent the contract labour is still prevailing there. So, I have already informed the Hon. House that I have taken up this matter with the Energy Minister and we are doing whatever is possible, and within our powers, to see that abolition of this contract labour, wherever we have done it, is fully and properly enforced.

Hon. Member, Mr. Shamanna, mentioned about giving representation to the State Governments on this Committee. I do not know whether the Hon. Member is aware that mines come under the Central sphere. So; working hours, safety provisions and health of the workers in the mines is the responsibility of the Central Government. Therefore, it is for the Central Government to constitute the Committees and there are so many mines in different State, we cannot go on giving representation to all the States. If we do so, the Committee will become very big and it will become unwieldy. And he is asking about royalty. We have nothing to do with the royalty. So far as mines and minerals are concerned, they are the State property. Even the royalty collected on iron ore and manganese ore, that is all collected by the State Governments. Any how this is not a subject for us to deal with, and therefore I do not want to say anything with regard to that.

Hon. Member Mr. Paswan, mentioned about one article appearing in *India Today*. To be frank, I have not read that article. I will go through the article and wherever we are, I want to be very cautious in giving this assurance. We are not very competent. Whatever loopholes and whatever difficulties have been pointed out or highlighted in that, to that extent I will ask the Director General (Mines Safety) to investigate or to inquire into and make a report. And if the Hon. Member is interested, after the submission of the Report, I will have no



[Shri Veerendra Patil]

hesitation in making a copy of that Report available to him.

Similarly, Hon. Member, Prof. Mehta, was referring to the occupational disease health facilities and all that. These are the provisions which are mentioned. Supposing any mining company is not fulfilling these requirements that they are obliged to do, then Director General Mines Safety will certainly look into that. In this amended Bill we have given powers to the workers and workers representatives to inspect the mine and find out. If there are any deficiencies those may be brought to the notice of the Director General, Mines Safety and the Government. Definitely action will be taken.

With regard to the money lender, it is a social reform. This has to be done either by the Trade Unions or the State Government. They should do it.

I command that the Bill as amended be passed.

MR. CHAIRMAN : The question is :

"That the Bill as amended, be passed."

*The motion was adopted.*

18.26 hrs.

#### HALF-AN-HOUR DISCUSSION

##### Nutrient Value of Mother Dairy Milk

SHRI A. NEELALOHITHADASAN NADAR (Trivandrum) : This discussion has arisen out of the reply given on 1st August, 1983 to Unstarred Question No. 1261 regarding Nutrient Value of Mother Dairy Milk.

The Hon. Minister has replied that no complaint has been received regarding nutrient value or anything connected therewith of the Mother Dairy Milk.

What I want to bring to the notice of the Hon. Minister through you is that we have been reading so many complaints in 'letter to the editor column' specially in the Evening News Delhi, I want to ask the Minister whether the Minister has noticed those reports or letters in the Evening News, Delhi, published from the capital. What action has been taken by the Minister ?

Mother Dairy name has originated, as far as I know, from Mexico. It was the distribution of low priced milk where the real needy mothers used to take milk from the vendor's booths in their own containers. But here we see that the Mother Dairy Milk is more expensive than the Delhi Milk Scheme milk, in Delhi. I want to know the reasons why Mother Dairy Milk is more expensive.

This Mother Dairy had been started with the help of World Food Programme and the UNICEF under the 'Operation Flood' in 1970. Actually it had to end in 1975. The country had to make itself self-sufficient as regards the indigenous production of milk is concerned. Fresh milk produce had to come from the rural areas surrounding Delhi, that is, areas of Uttar Pradesh, Haryana, Punjab and Rajasthan. But even now we have to depend on foreign gifts as far as milk produce is concerned. It is reported that our Dairy Board has opened a regular office in E.E.C. Headquarters in Brussels.

Even now, the Capital, Delhi depends on milk from far off place such as Gujarat, Madhya Pradesh etc. carried through super-fast trains. Actually, this milk carried from far off places is pasteurised three times instead of once and thus it loses its flavour. It takes even 4 to 5 days before it reaches the actual consumer after the cow or buffalo produces it. Thus, the milk is old and stale. The temperature of the milk in the tankers goes up as these are insulated and not refrigerated.