

## CHAPTER IV

### SAFETY LEGISLATION COVERING COAL - MINING INDUSTRY

#### PROVISIONS AND EFFECT

4.1 In this chapter the following three topics have been discussed:

- (i) Central Legislation for workers in Mines.
- (ii) Provisions as to health and safety in the Mines Act.
- (iii) Effectiveness of the provisions.

#### SECTION - I

##### CENTRAL LEGISLATION FOR WORKERS IN MINES

#### 4.2 INTRODUCTION :

Industrial and Labour Laws play a vital role in shaping the economy of a country. Industrial and labour laws are the instruments used by a state to establish a just social order.

#### 4.3 ESTABLISHMENT OF JUST SOCIAL ORDER IS A PRIMARY FUNCTION OF STATE :

It is because of the far-reaching consequences of the imbalance and disorder in industrial relations and because of the fact that it affects such a large and varied complex of group relationships that it was soon realised that the very existence of the State as protector of community and as Arbitrator of conflicting interests may be jeopardised if it was not to intervene in industrial matters to maintain social morality which was necessary for a healthy social order. The necessity for removing

this social imbalance created by disruption of social order because of technological innovations also becomes imperative in order to arrest further exploitation of the weaker groups of society by stronger groups. The establishment of a just social order is therefore primarily the function and responsibility of the State and not of any particular group. Social justice, dictates that the State, not out of philanthropic or sympathetic attitude, but as the very condition of its existence, is under an inalienable obligation to the community to bridge this gap between the imbalanced social order and the need for re-shaping the complex social relationships adaptable to the technological advances, in order to safeguard the interests of the weak and encourage every interest which contributes to the strength of the whole (masses or community), to restrain and hold in check every interest and every propensity of every citizen which in any way weakens the strength of the whole, to eliminate the imbalance in social order and to create a social order in which society will flourish in the long run. It is on this thesis that the state controls and disciplines its members and adjusts their conflicting interests, protects some, restrains other and endeavors to evolve a healthy social order. It is from this fountain of social justice that the necessity of legal regulation of industrial relations has flown. Though in the nineteenth century for some time the policy of laissez faire prevailed, it is now an irrevocable reality that no community can afford to cling to it. Government regulation in industrial relations being a settled fact, the dimensions of this regulation can also be

carved out, if one remembers the basis of this regulation i.e. its origin in social justice.

#### **4.4 PROVISIONS OF THE INDIAN CONSTITUTION :**

In India, the responsibility of the state has been spelled out in the Constitution of India which provides a new basis for industrial law. The new Constitution came into force on 26 January, 1950.

##### **Fundamental Rights :**

Of special interest to the working classes are the Fundamental Rights and the Directive Principles of State Policy enshrined in the Indian Constitution. The Fundamental Rights cover, inter alia, equality before the law, prohibition of discrimination because of religion, race, caste, sex or place of birth, equality of opportunity in matters of public employment, the abolition of untouchability, protection of certain rights regarding freedom of speech, association, etc., and prohibition of employment of children in factories.

The new constitution retains the earlier division of powers between the Centre now termed the Union and the provinces now called States. The executive powers of the Union are restricted, except in case of emergency, to the matters in respect of which the Union legislature, i.e. Parliament, has the exclusive rights to legislate; these are enumerated in the Union List, and include regulation of labour and safety in mines and oilfields; industrial disputes concerning union employees; and inter-State migration. The State legislatures have the exclusive right to

enact legislation on the subjects in the State list. With regard to a third group of subjects, namely those specified in the Concurrent List, both Parliament and the State legislatures have the right to make laws. But when the provisions of the Act passed by the Union conflict with those of an Act passed by a State, the former prevails over the latter. Among the subjects in the Concurrent List are (1) trade unions, industrial and labour disputes; (2) welfare and labour, including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and oldage pensions and maternity benefits; (3) social security and social insurance; employment and unemployment; (4) vocational and technical training of labour; (5) economic and social planning; and (6) factories.

#### **4.5 SOCIAL JUSTICE THROUGH LABOUR LAW :**

Our Constitution Act enshrines the concept of social justice as one of the fundamental objects of the State Policy and Governmental action. Social justice, being the supreme object of our state policy, all the three organs of State viz. executive, judiciary and legislative must be so organised that they fulfill their due roles in satisfying the aspirations of the people in this regard. Thus in both national and international context, the concept of social justice has assumed a positive and very significant role in social planning, and all these organs have been called upon to give effect to the content of social justice.

Social justice, though not well defined, has been well demarcated. In essence it means attainment of the socio-economic

objectives laid down by the planners. The role of industrial law in attainment of social justice, therefore, becomes eventful.

Social justice motivates legislation in two ways :

(a) removal of existing evils, and (b) enactment of new laws designed to achieve the socio-economic objectives of the plans.

In a State endowed with positive content, labour legislation is one of the most progressive and dynamic instruments for achieving socio-economic progress. Its object is not only to provide machinery and methods for settlement of industrial disputes but also to create such conditions of amity and harmony which will prevent industrial disputes and infuse a spirit of co-operation in them. In the discharge of its important roles of Protector, Dispenser of Social Justice, and Industrial Manager, and having legislatures in different States and Parliament at centre, there is bound to be plethora of labour laws, which to a layman may appear to be a complexity but complex as the very modern life is, if laws appear so, there is hardly any grievance to be made. Modern industrialisation and the economic growth envisaged in our planning would of necessity call for increased use of legislation not only for tackling the social and economic problems that are existing but also for creating such industrial conditions as would seem to be conducive for establishing a healthy and just social order.

#### **4.6 OTHER FACTORS AFFECTING POST-INDEPENDENCE**

##### **LEGISLATION IN THE COUNTRY :**

Under the Constitution of our country, labour welfare, labour and

industrial disputes and trade unions, and factories lie in the concurrent list. The subjects of industrial disputes concerning union employees, regulation of labour and safety in mines and oil fields, maritime shipping and navigation, major ports, airways, railways, posts and telegraphs, telephones, wireless and broadcasting, banking, insurance, industries, the control of which is declared by the Parliament to be expedient in the public interests, regulation and development of oil fields and mineral oil resources, fall within Union List. While Parliament has the exclusive power to make laws with respect to any of the matters stated in the Union List, both Parliament and State legislatures, subject to certain conditions, have powers to make laws on matters enumerated in the Concurrent List. This is the old division of powers between the Central and the State legislatures which in the labour field is affected by certain important extraneous factors also.

#### **4.7 ROLE OF INTERNATIONAL LABOUR ORGANISATION :**

The countries who are members of the International Labour Organisation, have drawn not only inspiration but a considerable degree of guidance from the Convention and Recommendations of I.L.O., in evolving a progressive labour code in accordance with the principles of social justice which I.L.O. has been propounding from the beginning. As discussed earlier, in our country, labour legislations are preceded by tripartite deliberations where the Government, employers and employees' representatives have opportunities to put forth their views and also exchange them with those of others. The advisory role

assigned to the tripartite conclusions of the Indian Labour Conference also fits in the present constitutional framework. At the 17th session of the Indian Labour Conference it was agreed that the legislative and administrative policies of the Central and State Governments, should not run counter to the broad lines of policy that may be adopted by the Conference. These considerations have undoubtedly contributed to the progressive development of industrial law in the country. The post Independence labour laws classified by the problem they seek to tackle, may be divided into the following categories :

1. Working conditions, industrial safety, hygiene and welfare inside the work place.
2. Wages.
3. Industrial Relations.
4. Trade Unionism.
5. Social Security.
6. Welfare outside the work.
7. Employment and unemployment.
8. Industrial housing.
9. Miscellaneous problems.

Laws have also been enacted to meet the special needs of particular industries or employments e.g. mines, plantations, factories, transport, shops and establishments, and working journalists.

#### **4.8 REVIEW OF LABOUR LEGISLATION AND ITS DEVELOPMENT :**

1. A perspective on the existing labour laws in the country

reveals that it is a stock of laws evolved during a period of about fifty years. Laws enacted under varying economic systems viz. feudal, capitalistic, mixed, and socialistic ones, actuated by varying motives and based on varying philosophies and jurisprudences have rolled into a co-mixture. Obviously there is much to be done by the legislative departments e.g. the scales of compensation amounts under the Workmen's Compensation Act of 1923, the schedules of industrial diseases, even after recurring amendments of 1959, and 1962 are not yet adequate to meet our socio-economic objectives, and present day conditions. The first imperative, therefore, is to tailor the existing labour legislation to suit the socialist economy and meet its objectives.

2. The second important conclusion that needs to be stressed is to review the whole of labour legislation and tailor them so that they lessen industrial disputes and cater to ever increasing harmony in capital and labour. It is one thing to enact laws for settlement of industrial disputes but it is another thing to mould the laws so as to prevent industrial conflict. Much has to be done in this respect.

3. In order to evolve preventive and positive labour legislation in the country, the real cause of industrial disputes has to be diagnosed by proper and necessary sociological researches and studies e.g. to find out the real cause of industrial strikes. Researches have to be conducted to not only find out the outward reasons contained in the demands, but also to find out the sociological, political, physiological and economic factors and

tendencies leading to such demands. It is only by such a scientific process, that a real sociological jurisprudence can emerge and labour laws prove effective instruments of social regeneration and economic justice.

4. The last broad conclusion that one entertains is the need for simplification of labour legislation. This need is two fold. Firstly, the laws must be drafted in such a way that they can be understood by an ordinary study thereof done by an average man for whom they are meant. It is really a pity and a sad commentary on our modern legislative institutions that though we profess ourselves a democracy, most of our laws are such that the people for whom they are meant cannot readily understand them. The irony of it lies in the fact that complex and confounded draftsmanship has come to be regarded as legal skill. The need of the hour is that he who can draft the most complex or complicated phenomena in simplest and intelligible phraseology must be regarded nay is really the best draftsman. Our object in enacting laws is not to feed the class of lawyers but the people who need them. Secondly, a tendency has been noticed that little is done to remove ambiguous interpretations, phrases and provisions and they are left to be adjudged by the tribunals. Though it may involve more lines or illustrations, as far as possible such ambiguities must be removed and proper legislative clarifications incorporated at appropriate places. People engaged in industry and commerce are busy people and legislation should not eat their heads and time and make them dependent on lawyers who cannot have the first hand insight and appreciation of the day to day problems, consequences

and effects of their interpretations, opinions and advises. If one were to analyse the Supreme Court cases, one would find that a substantial number of cases taken to the said court could have been avoided.

5. Lastly the needs and necessities of the movement require that legislation should not be employed with a conservative attitude but as a progressive measure for bringing changes in the society. The problems of this age cannot be solved by theories, notions or ideas of the by-gone ages, whether it be law, economics, or sociology.

#### **4.9 RECOMMENDATIONS OF THE NATIONAL COMMISSION ON LABOUR :**

The main conclusions and recommendations of the commission show that the Commission has found it impracticable to formulate a Common Labour Code for the whole country, the reason being that labour continues to be in the con-current list under the Constitution, and adjustment to suit local conditions in different States will have to be allowed and these adjustments may not necessarily conform to the letter of common code. It would further be seen that the commission has suggested measures to straighten the existing legal provisions rather than overhauling the same. On the whole the approach of the Commission seems to have been to maintain the existing labour structure in the country with suggestions for modifications and recommendations for improvement.

#### **4.10 STATUS OF WORKERS IN COAL MINES :**

Coal industry has been nationalised in India. Coal India Limited

(CIL) is a public sector enterprise. Further coal industry has been classified as a "public utility" as per the first schedule of the Industrial Dispute Act, 1947. Hence employment of workers in coal mines is governed by the provisions of the Industrial Dispute Act of 1947, and coal industry being a public sector enterprise is governed by social justice.

#### **4.11 SOCIAL JUSTICE IN PUBLIC SECTOR :**

##### **(a) The principle of Model Employer :**

Public sector has to grow as a model employer and has to be a pace setter. This is an idea. How far it can have immediate bearing would depend upon the economy it has to face. It cannot be lost sight of that its primary purposes is efficient production of utilities so as to enrich national economy. It has to ensure its continued existence and prosperity which in itself is one of the greatest public interest. The public interest involved in the expectations of a model employer is far too subordinate to the economic interest of the community staked in the public sector. If the industry does not exist, there is left no relationship to be shaped into a model. In formulating the principles, it is therefore, to be remembered that ideals must be planted in a realistic soil.

The inevitable corollary of this balance that has to be struck in social and economic objectives of this sector, is that the considerations of financial state of the undertaking, its economy, its paying capacity have invariably to be borne in mind in considering industrial demands.

**(b) Uniformity of Employment conditions :**

Public sector is not synonymous with government employment, hence the considerations applicable to the latter would not apply to the former. For the purposes of comparisons, private sector undertakings should be considered and principles of adjudication employed for private sector would be applied. Thus it has been held that the principles of fair wages laid down in the Fair Wages committee's Report would apply to public sector undertakings also.

It is one of the elementary facts that the standards of employment and conditions of life offered to working classes have not and should not be inferior to those in private sector. It is, therefore, universally recognised that the benefits of social laws, and labour legislation should be eventually extended to the public sector employees without any discrimination. Viewed from another aspect, State as industrial entrepreneur, cannot gain preferential ground in a competitive economy. Application of labour laws and industrial adjudication to public sector employees would further promote uniformity of labour conditions and result in evolution of standardized employment terms. Another factor that cannot be lost sight of is the desirability of reflecting properly the economic cost of labour to different industries and productivity. While from the point of view of social justice outlined in the Indian Constitution and the Five Year Plans the need of equity in income policy is the most important consideration; it is the productivity that is of more direct relevance from the point of view of fostering economic

efficiency. Whenever different units of labour demand that the cost of labour be reflected to the different units in an uniform manner, this requirement extends not only to the policy regarding basic wages, but also to the determination of other working conditions. From the point of view of achieving economic efficiency it is desirable to have an uniform labour policy as far as possible for the public sector and public undertakings. It would, therefore, appear that though there are important considerations which lay stress on the distinctive characteristics of the public sector undertakings and the private ones, there are also equally important considerations which call for maintenance of reasonably uniform working conditions and system of payments between the public and private sector employees. The approach that need be employed in evolving principles to govern labour management problems in the public sector undertakings would be to strike a balance and synthesis between the different considerations, so that the basic purpose of spreading over the gains and benefits of production or service of public sector undertakings to the benefit of the whole community is maximised and promoted.

## REVIEW OF MINING LEGISLATION IN INDIA

### 4.12 HISTORY OF MINING LEGISLATION IN INDIA :

While plantation and factory legislation started just after the middle of the nineteenth century, mining industry itself began to develop late in India, and coal mining in the early days at least was invariably surface mining so that measures to regulate

conditions of work were not felt very keenly. The first step was taken in 1893 when, as a result of the increase in the number of workers employed, and especially of children and women, in an industry which is particularly subject to insanitary conditions and accidents, a mining inspector was appointed. This appointment was followed in 1895 by the setting up of a Mining Committee to draft rules, and on the basis of its report the first Indian Mines Act was passed in 1901 and came into effect on 22 March of the same year.

#### **4.13 INDIAN MINES ACT, 1901 :**

The chief provisions of the Act of 1901 were the following (1) any excavation 20 feet below the surface where minerals were searched for or obtained was to be regarded as a mine; (2) a Chief Inspector of Mines was to be appointed by the Government of India and Inspectors or subordinate officers by Local Governments; (3) a child was defined as a person under the age of 12 years and the Chief Inspector was granted power to prohibit the employment of children and of women in mines where the conditions, in his opinion, were dangerous to their health and safety; (4) local mining boards and committees were to be appointed to enquire into cases of accidents or dangers considered by the inspector to be the result of mismanagement and into such other matters as might be referred to them; (5) powers were granted both to carry out the objects and purposes of the Act in regard to health and safety, the appointment of boards and committees, the employment of women and children, and the duties and qualifications of managers; (6) branches of the law were to

be punishable by fines not exceeding Rs. 5000 or imprisonment not exceeding three months or both. The Act proved defective in several respects, including (1) lack of provisions for regulating the conditions of employment, (2) inadequate provisions for regulating the labour of women and children, and (3) lack of definite division of authority between the Central and Provincial Governments regarding administration. Moreover, ratification by the Government of India in 1921 of the Hours Convention made it necessary to amend the Act in order to conform to the principle of the 60 hour week. A new Act was therefore passed in 1923, and came into force on 1 July 1924.

#### **4.14 INDIAN MINES ACT, 1923 :**

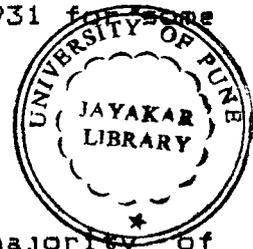
This Act made a number of important amendments to the provisions of the Act of 1901 (1) the definition of a mine was extended to include any excavation, irrespective of depth, for searching for or obtaining minerals, (2) the weekly hours of work were limited to 54 underground and 60 above ground (3) working days were limited to 6 in the week, (4) the definition of "child" was amended to mean any person under the age of 13 years, and no child was allowed to be employed in a mine or to be present in any part of mine which was below ground. Other amendments made more precise the division of the rule making power between the Governor General in council and Local Governments reserving to the former, in particular, the power to prohibit, restrict or regulate the employment of women.

#### 4.15 THE INDIAN MINES (AMENDMENT) ACT, 1928 :

There being thus no statutory limitation on the daily hours of work, it was alleged that in certain cases workers were underground for as long as 17 or 18 hours a day. This, and the consequent difficulty of checking hours of work without a daily limit, led to the enactment of an amending Act in 1928 forbidding employment of any person in any mine for more than 12 hrs in any period of 24 consecutive hours. It was also provided that work should not be carried on in any mine for a period exceeding 12 hours in any 24 consecutive hours. It was also provided that work should not be carried on in any mine for period exceeding 12 hours in any consecutive period of 24 hours except by a system of shifts so arranged that there should be no overlapping of shifts, and that a register of workers and their hours of work should be maintained in all mines. Some sections of the Act came into force immediately, while others were not put into operation until 7 April, 1930, so that mine owners might have time to make the necessary adjustments. The Act was again amended in 1931 for some minor purposes.

#### 4.16 THE INDIAN MINES (AMENDMENT) ACT, 1935 :

Before the passage of the amending Act of 1928, the majority of the members in the Select Committee on the Bill agreed that it was desirable that progress should be made towards an 8 hour day and recommended that after the Act had been in force for three years, the situation should be examined in order to see whether 8 hour shifts could then be introduced. The question of shorter hours in mines was again considered by the Royal Commission on



Labour of which a minority stressed the point that some of the larger collieries were already working 8 hours shifts and other collieries 10 hour shifts, and that it was significant that in these collieries the attendance and wage levels seemed to be higher; the minority therefore proposed a daily limit of eight hours. This view was not, however, adopted by the majority of Commission. Having regard to the difficulty of adjustment and the fact that workers were unaccustomed to regular hours, they recommended the reduction of hours worked on the surface to 54 a week and ten, nine or eight hours, a day.

In 1931 the International Conference, at its fifteenth Session, adopted Convention NO.31 limiting hours of work to 7 hours and 45 minutes a day for underground work in hard - coal mines. This Convention was considered by both of the Indian Legislatures which recommended that the Governor-General in Council should examine the possibility of further limiting hours of work in mines and should place the results of this examination before them.

In accordance with this resolution, the Government of India addressed on 21 September, 1932, a circular letter to Local Governments and Administrations for their opinions, suggesting at the same time that nine hours was as low a daily limit as could possibly be adopted at present.

In the light of the opinions and criticisms of the provincial Governments and other interested parties, the Government of India framed a new Bill further to amend the Indian Mines Act, 1923, for certain purposes and introduced it into the Legislative

Assembly on 22 January 1935. The Bill was passed by the Assembly and the Council of State on 8 and 15 April respectively and was assented to by the Governor-General on 21 April 1935. It came into force on 1 October, 1935. The main amendments made by the Act are the following.

(1) Hours of work above ground were reduced from 60 in the week and 12 in the day to 54 in the week and 10 in the day. The period of spread-over for work above ground was limited to 12 hours in the day-including at least one hour's rest for six hour's work. The weekly hours of work below ground were the same as before, i.e. 54 hours, but daily hours were reduced from 12 to nine; moreover, these nine hours were to be counted from the moment the first worker leaves the surface until the moment when the last worker returns to the surface, so that, excluding the journey to and from the surface, the actual hours of work underground were not likely to exceed eight in some mines.

(2) The minimum age for the admission of children to employment in mines was raised from 13 to 15 years, and adolescents between the ages of 15 and 17 years could be employed underground only when they had been duly certified by qualified medical practitioners to be physically fit for the work.

#### **Administration of the Indian Mines Act, 1923 :**

It was administered by the Central Government through the Chief Inspector of Mines and other inspectors appointed by the Government of India. The Government had power to make regulations prescribing the duties of inspectors concerning health and safety in mines, duties and responsibilities of employers, etc. , Among

the powers of inspectors was that of requiring mine managements to frame bye-laws for the control and guidance of persons acting in the management of or employed in the mine.

#### **4.17 LEGISLATION SINCE 1937 :**

The main developments in this sphere since 1937 have been an extension of safety measures in collieries, the progressive extension of welfare measures in mines and the introduction of a new principle of financing such measures by the levy of cess on output, the grant of maternity benefit to women workers, the setting up of a tripartite committee on coal mining to advise the Government on matters relating to the coal mining industry, the introduction of schemes for the payment of bonus and the establishment of a provident fund of workers in local mines and the enactment of a new Mines Act consolidating the law relating to mines and providing for shorter working hours, overtime pay and holidays with pay for mine workers.

#### **4.18 SAFETY MEASURES AND LEGISLATION :**

The amendments of the Mines Act since 1935 were almost always concerned with ensuring greater safety in mines. The growing danger from fires in the main coalfields led to the passing of an amending Act in 1936. The measure was based on discussions which took place with representatives of coal owners, mine managers and labour in New Delhi in February 1936. The most important change made was the addition to the Mines Act of a section giving the Government of India power to promulgate temporary regulations relating to safety without previous notice or publication. In

addition, the amending act enlarged in certain respects the field that could be covered by regulations and the powers of the inspectorate to issue safety orders applicable to individual mines.

The government appointed a Coal Mining Committee in 1936 which made several recommendations in regard to improving further safety measures in mines. To give effect to some of the recommendations, the Indian Mines Act was amended in 1937 (Act XXIV of 1937) to make permanent the powers of the inspectorate to issue orders to individual mines where danger is apprehended, to permit the inspectorate to disclose evidence of danger to adjacent mines to persons likely to be affected, and to levy a duty on coal and coke to defray the cost of rescue stations. A later amendment (Act XXIV of 1940) made the salaries of the manager, the supervisory staff and persons employed in connection with raising and the lowering of the workers payable by the owner of the mines instead of by the coal raising contractors.

In order to safeguard the miners against the danger involved in the existing methods of mining in the main coalfields, the Coal Mines Safety (Stowing) Act (XIX) of 1939 was passed. It levies a cess for the creation of fund to finance stowing measures, and by an Amendment (Act XI of 1940) measures against fire in and inundation of mines may also be financed out of the fund. The qualification that the chairman of the stowing board should be in the service of the Crown was deleted by the Coal Mines Safety (Stowing) Amendment Ordinance (XXV) of 1942. The Coal Mines Safety (Stowing) Amendment Act (III) of 1944 further extended the

during the period in which any excise duty is being levied, impose on all coal, imported or brought into India from any place outside India, additional custom duty at rates equivalent to the rate of excise duty levied, under the Act. The proceeds of the excise duty are paid to the Coal Board and credited to the Coal Mines Safety and Conservation Fund constituted under the Act. Among other things, the Fund is to be utilised for (i) meeting the expenses of the Board, (ii) the grant of stowing materials and other assistance for stowing operations to colliery owners, etc., (iii) the other assistance for stowing and other operations in furtherance of the objects of the Act; (iv) research work connected with safety in coal mines or conservation and utilisation of coal; and (v) the grant to State Governments, research organisations, local authorities and colliery owners of money in aid of any approved scheme designed to further the objects of the Act, etc.

**(C) Administration :**

The act provides for the establishment of a Coal Board consisting of a Chairman and such number of other members, not exceeding six, as the Central Government may think fit to appoint. In pursuance of this power the Government of India have appointed a Coal Board consisting of a chairman and four other members (one of them being Member Secretary). The Central Government is authorised under the Act to delegate such powers and duties to the Board as they deem necessary for effectively dealing with the problems relating to safety in coal mines or conservation of coal and matters connected with or incidental to it.

For administration of the Act, one or more Advisory Committees may be constituted by the Central Government under Section 15(1) of the Act. The Government are also empowered to make rules providing for the measures to be taken for maintaining safety in coal mines or for the conservation of coal, levy of imposition, collection and payment of the excise and custom duties; terms and conditions of service of the Chairman and members of the Board; etc. In exercise of these powers, the Coal Mines (Conservation and Safety) Rules were framed by the Government in September 1954.

The Chief Inspector and Inspectors appointed under the Indian Mines Act are also empowered under this Act to inspect coal mines and to ensure that the provisions of the Act or the rules framed thereunder are complied with or the stowing for which assistance has been granted is being done effectively. They are also empowered to order, under certain circumstances, any owner, agent or manager of coal mine to take such protective measures, including stowing, in any mine as they think necessary.

#### **4.20 WOMEN IN UNDERGROUND WORK IN MINES :**

Though Government had taken powers under the Indian Mines Act, 1901, which were renewed in the Mines Act, 1923, to make rules prohibiting, restricting or regulating the employment of women below ground or on particular kinds of labour where such employment is attended by danger to the life, safety or health of such women. It was only on 7 March 1929 that Regulations were issued for the progressive elimination of women from underground work in mines. These Regulations would, in the normal course,

have brought labour complete exclusion in July, 1939. The Government of India, however, issued a notification on 1 February 1937 prohibiting the employment of women underground in mines with effect from 1 July, 1937 instead of 1 July, 1939 as originally contemplated. But due to certain special circumstances, this date (1 July, 1937) had to be postponed to 1 October, 1937. From this later date, there was complete exclusion of women from underground work in mines. This enabled the Government of India ratify on 25 March 1938 the International Labour Convention (No.45) regarding prohibition of women from underground work in mines, adopted in 1935.

On 2 August 1943, the Government of India issued a notification permitting the employment of women in underground work in coal mines in the Central Provinces as a measure of war emergency. This reemployment of women in underground work in mines was extended to Bengal and Bihar in November 1943 and in Orissa in December 1943. In permitting this re-employment, the Government, however, stipulated that (i) women employed underground shall be paid wages at the same rate as a man employed underground on similar work.

The prohibition was reimposed as from 1 February 1946 and the new Mines Act 1952, continues the ban imposed on the employment of women underground.

#### **4.21 MINERS' WELFARE LEGISLATION :**

Considerable attention has also been paid during the period under review to the provision of adequate welfare measure for the

country's mine workers. As more than threefourths of the total number were employed in coal mines, attention was naturally directed first to welfare measures in collieries, but soon thereafter a beginning was also made with regard to the provision of welfare facilities for workers engaged in mica mines. The Indian Mines (Amendment) Ordinance (XVII) of 1945, authorised the Government of India to make rules regarding the maintenance, in mines where women were ordinarily employed, of suitable rooms exclusively for the use of their children under six years of age, and to prescribe the number and standards of such rooms. A further amendment (Act II of 1946) conferred on the Central Government power to frame rules requiring the mineowners to provide and maintain, at or near the pit-head, bathing places equipped with shower baths and locker-rooms for the use of the man employed in the mine, and to provide similar separate facilities for the use of women in mines, if any; and to prescribe the number of such places and rooms and the minimum standards to which they shall conform.

Exercising the powers conferred on it the Central Government has passed various laws and issued ordinances such as :

1. Coal Mines Labour Welfare Fund Ordinance (VII of 1944).
2. The Coal Mines Labour Welfare Fund Act, 1947.
3. The Mica Mines Labour Welfare Fund Act, 1946.
4. The Coal Mines Provident Fund and Bonus Scheme Act, 1948.

#### **4.22 HEALTH, SAFETY AND WELFARE :**

Elaborate provisions have been made in the Mines Act 1953, for safeguarding the health and safety of workers and for promoting

their welfare. Every mine is required to make suitable arrangements for the supply of cool and wholesome drinking water to workers employed both above and below ground and to provide latrines and urinals for males and females separately at convenient places. Each mine is also required to maintain first aid boxes for cupboards equipped with prescribed contents. Such boxes or cupboards are to be kept under the charge of persons trained in first aid. In every mine wherein more than 150 persons are employed, there shall be provided and maintained a first aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed. Every mine is also required to make arrangements of prescribed standards for the conveyance to hospitals or dispensaries of persons who while employed in mine suffer bodily injury or become ill.

In order to ensure safety of workers, the Chief Inspector of Mines and Inspectors of Mines have been authorised to issue directions to employers to adopt such preventive measures as may be considered necessary for the purpose. The Act further provides that if the Chief Inspector of Mines or any Inspector authorised by him feels that there is urgent or immediate danger to the life or safety of workers in any mine he may prohibit, until the danger is removed, the employment, in any mine or part thereof, of any person whose employment is not reasonably necessary for removing the danger. Provision has also been made for compulsory reporting by the owners, agents or managers of mine of all cases of fatal accidents as well as certain types of serious accidents. The Act also provides for an enquiry in respect of all cases of

fatal accidents. The Central Government have been empowered to notify any disease connected with mining operations as an occupational disease in mines. Silicosis and Pneumoconiosis have been notified by the Government as occupational diseases connected with mining operation. It is the responsibility of the employer to inform the Chief Inspector of Mines of any occurrence of notified disease in his mine. Similarly, every doctor attending on workers suffering from such disease is required to report such cases to the Chief Inspector of Mines. The Central Government has been empowered to appoint a competent person to enquire into, and report on, any case of occupational disease. Certain other matters, affecting the safety of workers, which are to be regulated by the Regulations issued under the Act are : qualifications of managers of mines; storage, conveyance and use of explosives; safety of the road and working places; inspection of workings and sealed off fire areas in mines; ventilation, lighting and fencing. The Central Government have framed the Coal Mines Regulations, 1957, which supersede the Indian Coal Mines Regulations, 1926, and the Coal Mines (Temporary) Regulations, 1955. The Regulations of 1957 provide for more effective measures to prevent as also to deal with dangers from inflammable and noxious gases, dust, flooding, and outbreak of fire or spontaneous heating. Provision has been made for adequate safeguard of persons working underground and for periodical examination of shafts, inclines and outlets to the surface. The responsibilities and duties of different categories of staff engaged in coal mines have been clearly defined to ensure that

various safety measures are strictly followed.

#### **4.23 ROLE OF TRIPARTITE COMMITTEE :**

An even more interesting and significant development in this sphere was the setting up by the Government of India in 1948 of a Tripartite Industrial Committee on Coal Mining constituted on lines similar to those of the various tripartite industrial committees of the I.L.O. This Committee which is one of a chain of such committees on the I.L.O. model already established by the Government of India for the major industries of the country, such as cotton textiles, jute, plantations, cement and tanning and leather goods consists of eight representatives of Government, and four each of employers and workers. Protective labour legislation for securing better working and living conditions for the colliery workers has naturally figured prominently in the deliberations of the Committee, and at its first meeting held at Dhanbad on 23 and 24 January 1948, it approved a number of proposals for substantially revising the Indian Mines Act by providing for a reduction of the maximum permissible weekly hours of work in mines to forty eight; better water supply and health measures in collieries and their inspection by a Welfare Commissioner, compulsory medical examination of young persons; first-aid appliances, both on the surface and underground, under the charge of qualified persons; maintenance of proper registers to facilities the enforcement of conciliation awards; and a higher rate of pay for overtime work.

## SECTION - II

### PROVISION AS TO HEALTH AND SAFETY IN CHAPTER V OF THE MINES ACT, 1952.

#### 4.24 DRINKING WATER (SECTION - 19) :

(1) In every mine effective arrangements shall be made to provide and maintain at suitable points conveniently situated a sufficient supply of cool and wholesome drinking water for all persons employed therein :

Provided that in the case of persons employed below ground the Chief Inspector may, in lieu of drinking water being provided and maintained at suitable points, permit any other effective arrangements to be made for such supply.

(2) All such points shall be legibly marked "DRINKING WATER" in a language understood by a majority of the persons employed in the mine and no such point shall be situated within twenty feet of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(3) In respect of all mines or any class or description of mines, the Central Government may make rules for securing compliance with the provisions of sub-section (1) and (2) and for the examination by prescribed authorities of supply and distribution of drinking-water.

#### 4.25 CONSERVANCY (SECTION - 20)

(1) The mine workers shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed dimensions so situated as to be convenient

and accessible to persons employed in the mine at all the times.

(2) All latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition.

(3) The Central Government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations in this regard of persons employed in the mine) as it may consider necessary in the interests of the health of the persons so employed.

#### **4.26 MEDICAL APPLIANCES (SECTION - 21) :**

(1) In every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed.

(2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room.

(3) Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first aid treatment as may be prescribed and who shall always be readily available during the working hours of the mine.

(4) In every mine there shall be made, so as to be readily available, such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine, suffer bodily injury or become ill.

(5) In every mine wherein more than one hundred and fifty persons are employed, there shall be provided and maintained a first aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed.

**4.27 POWERS OF INSPECTORS WHEN CAUSES OF DANGER NOT EXPRESSLY PROVIDED AGAINST EXIST OR WHEN EMPLOYMENT OF PERSONS IS DANGEROUS (SECTION - 22) :**

(1) If, in respect of any matter for which no express provision is made by or under this Act, it appears to the Chief Inspector or an Inspector that any mine or part thereof or any matter, thing or practice in or connected with the mine, or with the control, supervision, management or direction thereof, is dangerous to human life or safety or defective so as to threaten, or tend to threaten, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of mine and shall state in the notice the particulars in respect of which he considers the mine or part thereof or the matter, thing or practice to be dangerous or defective and require the same to be remedied within such time and in such manner as he may specify in the notice.

(1-A) Where the owner, agent or manager of mine fails to comply with the terms of a notice given under sub-section (1) within the period specified therein, the Chief Inspector or the Inspector, as the case may be, may, by an order in writing prohibit the employment in or about the mine or any part thereof any person whose employment is not in his opinion reasonably necessary for securing compliance with the terms of the notice.

(2) Without prejudice to the provisions contained in sub-section (1) the Chief Inspector or the Inspector, as the case may be, by an order in writing addressed to the owner, agent or manager of a mine, prohibit the extraction or reduction of pillars or blocks of minerals in any mine or part thereof, if, in his opinion, such operation is likely to cause the crushing of pillars or blocks of minerals or the premature collapse of any part of the workings or otherwise endanger the mine or the life or safety of persons employed therein or if, in his opinion, adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of the part of mine in which such operation is contemplated and for restricting the area that might be affected by fire or flooding.

(3) If the Chief Inspector, or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector, is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or any part thereof any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(4) Where a notice has been given under sub-section (1) of an order made under sub-section (1-A), sub-section (2) or sub-section (3) by an Inspector the owner, agent or manager of the mine may, within three days after the receipt of the notice or order, as the case may be, appeal against the same to the Chief Inspector

who may confirm, modify or cancel the notice or order.

(5) The Chief Inspector or the Inspector sending a notice under sub-section (1) or making an order under sub-section (1-A), sub-section (2) or sub-section (3) and the Chief Inspector making an order (other than an order of cancellation in appeal) under sub-section (4) shall forthwith report the same to the Central Government.

(6) If the owner, agent or manager of the mine objects to a notice sent under sub-section (1) by Chief Inspector or to an order made by the Chief Inspector under sub-section (1-A) or sub-section (2), or sub-section (3) or sub-section (4), he may, within twenty days after the receipt of the notice containing requisition or the order or after the date of the decision on appeal, as the case may be, send his objection in writing stating the grounds thereof to the Central Government which shall refer the same to the Committee.

(7) Every notice under sub-section (1), or order under sub-section (1-A), sub-section (2), sub-section (3) or sub-section (4), to which objection is made under sub-section (6), shall be complied with, pending the receipt at the mine of the decision of the Committee :

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1), pending its decision on the objection.

(8) Nothing in this section shall affect the powers of a Magistrate under Section 144 of the Code of Criminal Procedure, 1898 (5 of 1898).

#### 4.28 NOTICE TO BE GIVEN OF ACCIDENTS (SECTION - 23) :

(1) Whenever there occurs in or about a mine -

(a) an accident causing loss of life or serious bodily injury or

(b) an explosion, ignition, spontaneous heating, out-break of fire or irruption or inrush of water or other liquid matter, or

(c) an influx of inflammable or noxious gases, or

(d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline or

(e) an overwinding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or

(f) a premature collapse of any part of the workings, or

(g) any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.

(2) Where a notice given under sub-section (1) relates to an accident causing loss of life, the authority shall make an inquiry into the occurrence within two months of the receipt of the notice and, if the authority is not the Inspector, he shall cause the Inspector to make an inquiry within the said period.

(3) The Central Government may, by notification in the official Gazette, direct that accidents other than those specified in sub-section (1), which cause bodily injury resulting in the enforced

absence from work of the person injured for a period exceeding forty-eight hours, shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

(4) A copy of the entries in the register referred to in sub-section (3) shall be sent by the owner, agent, or manager of the mine and (on or before the 20th day of January in the year following that to which the entries relate) to the Chief Inspector.

#### **4.29 POWER OF GOVERNMENT TO APPOINT COURT OF INQUIRY**

##### **IN CASE OF ACCIDENTS (SECTION - 24) :**

(1) When any accident of the nature referred to in any of the clauses of sub-section (1) of Section 23 occurs in or about a mine the Central Government may, if it is of the opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and may also appoint one or more persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person appointed to hold any such inquiry shall have all the powers of Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think

it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstance and adding any observations which he or any of the assessors may think fit to make.

#### **4.30 NOTICES OF CERTAIN DISEASES (SECTION - 25) :**

(1) Where any person employed in a mine, contracts any disease notified by the Central Government in the official Gazette as a disease connected with mining operations, the owner, agent or manager of the mine, as the case may be shall send notice thereof to the Chief Inspector and to such other authorities in such form and within such time as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section (1) the medical practitioner shall without delay send a report in writing to the Chief Inspector stating -

(a) the name and address of the patient

(b) the disease from which the patient is or is believed to be suffering and

(c) the name and address of the mine in which the patient is or was last employed

(3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector

shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrears of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.

(4) If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to fifty rupees.

#### **4.31 POWER TO DIRECT INVESTIGATION OF CAUSES OF DISEASE (SECTION - 26) :**

(1) The Central Government may, if it considers it expedient to do so, appoint a competent person to inquire into and report to it on any case where a disease notified under sub-section (1) of Section 25 has been or is suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The provisions of sub-sections (2) and (3) of Section 24 shall apply to an inquiry under this section in the same manner as they apply to any inquiry under that section.

#### **4.32 PUBLICATION OF REPORTS (SECTION - 27) :**

The Central Government may cause any report submitted by a Committee under section 13 or any report or extracts from any report submitted to it under section 26, and shall cause every report submitted by a Court of Inquiry under section 24 to be published at such time and in such manner as it may think fit.

## APPENDIX - 4-1

### HEALTH AND SAFETY OF MINE WORKERS

#### 1. INTRODUCTION :

The mining industry has its own peculiar problems of health and safety of workers. These problems, however, differ in nature, degree and extent among the several types of mining, like coal mining, mica mining, iron ore mining, etc. In general, the working conditions in mines are such that workers are constantly exposed to considerable risks - risks to bodily health as well as to physical safety. With the advent of mechanisation in the mining industry, both types of risks have considerably increased. The need for the provision of adequate safeguards to the health and safety of mine workers cannot, therefore, be over-emphasised. Apart from the interest of smooth working and production in mines, such safeguards are necessary from a purely humanitarian point of view also.

#### 2. MINERS' HEALTH :

A number of provisions have been made in the Mines Act, 1952 to safeguard the health of mine workers. Under the Act, it is incumbent on every mine owner/management to maintain suitable arrangements at convenient points for sufficient supply of cool and wholesome drinking water to all the employees of the mine. For the supply of drinking water to persons employed below ground, the Chief Inspector of Mines is empowered to permit effective alternative arrangements. Separate latrine and urinals for men and women workers are also required to be maintained at

conveniently accessible places in conformity with the prescribed standards of hygiene and sanitation. The Mines Act also lays down that when a mine worker is taken ill or suffers bodily injuries, while at work, adequate arrangements are to be made by the management for his/her transportation to a hospital or dispensary for necessary medical treatment.

There are some diseases which originate from the peculiar conditions obtaining in mining areas and to which mine workers become easily susceptible. Under the Workmen's Compensation Act, 1923, the Government can officially notify such diseases connected with mining operations, as occupational diseases in mines'. Silicosis and pneumoconiosis were declared as occupational diseases and added to the Schedule of Occupational Diseases through a Government notification issued in July 1952. Manganese poisoning was added to the list of occupational diseases in December 1956. cases of occurrence of any scheduled occupational disease among mine workers are required to be reported at once to the Chief Inspector of Mines by the concerned mine managements as also by the doctors attending upon the cases. The Central Government has also the power to appoint a competent person to investigate and report on any case of an occupational disease in mine. The Mines Act also lays down a similar rule in regard to the reporting to the Chief Inspector of Mines of the occurrence of any disease in a mine by the owner/manager and the attending medical practitioner, if the disease has been notified by the Central Government in the Official Gazette, as a disease connected with mining operations. The three diseases mentioned

above have been notified under the Mine's Act as well.

### **3. MALARIA :**

Malaria is commonly prevalent in mining area. The Coal Mines Labour Welfare Fund and the Mica Mines Labour Welfare Fund carryout anti-malaria operations in coal mines and mica mines respectively. The operations consist of anti-larval work in the form of drainage work, clean weeding, etc. Spraying of insecticides, conducting entomological observations and so on. Recently, following reports of incidence of filaria among the coal mining population, the Coal Mines Labour Welfare Fund Organisation conducted a pilot survey to find out ways and means for eradicating the disease. Such ad hoc surveys also help in fighting out certain occupational diseases in mines. One such survey, worth mentioning, was conducted in 1959 by the Chief Advisor, Factories to study the prevalence of pneumoconiosis in the coalfields of Jharia and Raniganj with a view to collecting information useful for planning effective control measures, etc.

### **4. MINERS' SAFETY :**

Safety measures in mines are mostly regulated by the Mines Act, 1952, the Coal Mines Regulations, 1957 (which repealed the earlier Indian Coal Mines Regulations, 1926, and the Coal Mines Temporary Regulations, 1955) the Metalliferous Mines Regulations, 1961 (superseding the earlier Regulations, of 1926) and the Indian Oil Mines Regulations, 1933. The Mines Act requires that all mines should maintain under the charge of a qualified/trained person, first-aid boxes or cupboards equipped, with prescribed

contents. The Act further lays down, in the case of mines employing more than hundred and fifty persons, that they shall maintain a first aid room of such size with such equipment and in the charge of such medical and nursing staff, as may be prescribed.

#### **5. SAFETY DIRECTIVES BY CHIEF INSPECTOR / INSPECTOR OF MINES :**

The Act authorises the Chief Inspector of Mines and Inspector of Mines to issue necessary directions to employers in order to ensure safety of workers. It is particularly enjoined upon them to ensure that the various provisions of the Mines Act and the Rules framed thereunder, are duly complied with within all the mines. They are also empowered to prohibit employment of any person in any mine or part thereof, by serving proper notice on the employer, if they consider that the control, supervision, management, etc., of the mine are defective so as to threaten or tend to cause bodily injury to miners or the mine is otherwise dangerous to human life or safety. Similarly extraction or reduction of pillars or blocks of minerals in any mine may be prohibited if such operation is likely to cause the crushing of pillars or blocks of minerals or premature collapse of any part of the workings or otherwise endanger the mine. Further, the inspector is empowered to order stoppage of operations if, in his opinion, adequate provision has not been made against outbreak of fire or flooding by providing for the sealing off and isolation of the affected part of the mine.

## **6. COAL MINES REGULATIONS OF 1957 :**

The Coal Mines Regulations of 1957 provide in great deal for effective measures to prevent and also to deal with dangers from inflammable and noxious gases, dust, flooding and outbreak of fire or spontaneous heating in coal mines. Provision has also been made for adequate safeguards for persons working underground and for periodical examination of shafts, inclines and outlets to the surface. The responsibilities and duties of different categories of staff engaged in coal mines have been clearly defined to ensure that various safety measures are strictly followed. Similar regulations framed in respect of metalliferous mines are embodied in the Indian Metalliferous Mines Regulations, 1961, and in respect of oil mines in the Oil Mines Regulations, 1933.

Section 86 of the Mines Act also authorises the Central Government to apply the provisions of Chapter III (Health) and Chapter IV (Safety) of the Factories Act, 1948 to mines subject to such exceptions and limitations as may be notified.

## **7. Reporting Of Accidents :**

The managements of mines are required under the Mines Act to report without fail all cases of serious accidents to the Chief Inspector of Mines or the Inspector of Mines concerned, in the prescribed form, within the specified time-limit. They are also required to display notices about such accidents on their office notice boards for the information of trade union officials. Accidents which are required to be thus reported include those which involve (a) loss of life or serious bodily injury, (b)

explosion, ignition, spontaneous heating, outbreak of fire or irruption of water, (c) breakage of ropes, chains or other gear by which men or materials are lowered or raised, (d) overwinding of the cages while men or materials are being lowered or raised and (e) premature collapse of any part of the workings. In case of serious disasters the Central Government can appoint a competent person or persons, possessing legal or special knowledge as necessary, to hold formal enquiries into the cases of any circumstances attending the accident.

#### **8. COMMITTEES AND CONFERENCES :**

A close succession of disastrous accidents in mines in 1954-55 led the government of India to make a thorough review of the existing safety measures in mines. The Sen Court of Enquiry appointed for conducting the enquiry into the major accident that occurred in the Newton Chickli Colliery (Chhindwara District) in December 1954, had made some recommendations for improving the safety measures in coal mines, especially through intensifying and making more effective, the periodical inspections of the mines and through setting up of rescue stations at suitable sites in different coal fields. In 1958, there were again two major disasters (in the Chinakuri and the Central Bowrah Collieries) following which the Government of India decided to call a Conference on Safety in Mines wherein representatives of employers, workers, mining experts and others would participate. A Steering Committee to prepare the agenda was set up and draft report on the agenda was prepared in the office of the Chief

Inspector of Mines. The Conference was held in two sessions - in August 1958 and January 1959 respectively. On the recommendations made in the first session of the Conference, three committees were set up to consider various aspects of the problem of safety in mines. The scope of these committees was as follows :

**First Committee :**

Factors relating to human element in safety, professional education and training, safety education and propaganda.

**Second Committee :**

Technical aspects of accident prevention, changing pattern of working conditions, rescue and recovery of accident victims, accident statistics, safety-equipment, etc.,

**Third Committee :**

The rules of management and workers, the problem of safeguarding the safety conscious official, enforcement agency, health hazards in mining and compensation and rehabilitation and to watch the progress of implementation of the recommendations of the Conference and to advise on safety matters generally. The reports of the above Committees were discussed and finalised at the second session of the Conference which also dealt with a number of other subjects connected with safety in mines and made several valuable and exhaustive recommendations aiming at furthering safety.

#### **9. RECOMMENDATIONS OF THE SAFETY-IN-MINES CONFERENCE :**

In pursuance of these recommendations of the Safety in Mines Conference, five committees were set up to investigate and report on various aspects of the problem of safety in mines. These

committees were :

- (i) Technical Committee on Mine Ventilation, Lighting and Mines plans.
- (ii) Committee on Fatigue among Mine Workers.
- (iii) Safety Equipment Committee.
- (iv) Technical Committee on Problems of Dust in Mines, and
- (v) Committee on Safety Education and Propaganda.

A Standing Safety Advisory Committee was also set up under the chairmanship of the Chief Inspector of Mines. Committee Nos.(iii) and (v) have already submitted their reports. Accepting the main recommendations of these committees, the Government of India are considering the setting up of a National Mines Safety Council to promote safety through audio-visual means and by holding refresher courses discussions, seminars etc. The Central Government are also considering framing of rules requiring workers in mines to undergo vocational training. The other committees mentioned above would doubtless evolve measures that could be expected to have a far-reaching effect in making mining operations safer than what they have been so long.

#### **10. MINERS' BOOTS COMMITTEE :**

Another Committee known as the Miners' Boots Committee was set up in September, 1959 by the Government of India. The Committee recommended the use of boots of prescribed specifications by coal miners for the prevention of injuries, particularly to the toes and ankles. The implementation of these recommendations has been entrusted to the Coal Mines Welfare Organisation.

## 11. DECLINE IN RATE OF FATALITY PER 1000 WORKERS :

In this connection, it may be mentioned that in a hazardous industry like mining, accidents are bound to occur despite all the care taken and precautions adopted. Even in countries where extensive research has been done for several decades on the problem of mining safety, accidents and even disasters continue to happen. It is, therefore, interesting to record that, as a result of the measures adopted by the Government of India to promote safety in mines, compared to an average fatality rate of 0.72 per 1000 persons employed in mines during the 5 year period 1951-55, the rate during 1956-60 came down to 0.53 i.e. nearly 26 per cent, lower. As may also be seen from the latest figures available (given below), the accident rate in Indian coal mines compared favorably with that in other countries.

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COUNTRY	FATALITY RATE PER 1,000 PERSONS EMPLOYED (OR EQUIVALENT) IN COAL MINES DURING 1959
1. HOLLAND	0.37
2. U.K.	0.51
3. INDIA	0.55
4. AUSTRALIA	0.67
5. FRANCE	0.91
6. SOUTH AFRICA	1.07
7. JAPAN	1.70
8. U.S.A.	2.33

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## **12. RESCUE STATIONS :**

The Coal Mines Rescue Rules, 1939 framed under the Mines Act applied only to the Jharia and Raniganj coalfields. Under these rules two rescue stations had been set up in these coalfields and they have been rendering useful service by way of organising rescue and recovery operations during accidents in the coal mines. The coal Mines Rescue Rules, 1959, which came into operation from 1st April, 1960 (repealing the 1939 Rules) extended the scope of the organisation to coal mines all over India necessitating the setting up of additional rescue stations to serve the mines in these coalfields. The Rules provide, inter alia, for the constitution of a Rescue Station Committee responsible for the establishment, maintenance and management of rescue stations in all coalfields.

## **13. COAL MINES RESCUE SERVICES IN INDIA :**

The fighting of fire on the surface requires emergent action from specialized agencies like fire brigades etc. If a fire occurs in the working below ground of a mine the problems are much more numerous and difficult - noxious gases tend to build up very quickly in the restricted places underground. This restricted nature of surroundings also restricts the manner in which a fire below ground may be attacked, and, therefore, the first need when a fire occurs in a mine is that of rescuing the persons who are likely to be affected from noxious gases. This requires the services of specially-trained rescue men who can carry with them their own independent supply of oxygen, and necessary rescue

apparatus, like reviving apparatus, first aid equipment, stretchers, etc. Similar rescue services on a much larger scale are required for dealing with an emergency resulting from an explosion in a mine.

As mentioned above, use of self-contained breathing apparatus and other mine rescue equipment is a specialized job and, therefore, only thoroughly trained workmen in fit condition can be entrusted to carry out rescue work in mines with confidence.

The original proposals for the opening of rescue stations in the major coalfields in India were put forward as early as 1924, but it was not until a series of disastrous explosions and fires that occurred in and about 1936 - the last of which involved the lives of over two hundred persons that the country as a whole became alive to the necessity of these services. The question of opening rescue stations for coal mines was taken up strongly by Dr. D. Penman, the then Chief Inspector of Mines in India, and in 1939, Coal Mines Rescue Rules were promulgated under the Mines Act requiring the establishment, maintenance and management of rescue stations at Dhansar in the Jharia coalfield and at Sitarampur in the Raniganj coalfield, which were then the source of production of nearly 80 per cent, of total coal produced in India. The construction of these two rescue stations was completed in July, 1941. The stations were then fully equipped with most modern apparatus. Both these stations have been considerably expanded since then.

#### **14. MANAGEMENT OF RESCUE STATIONS :**

The Coal Mines Rescue Stations are financed by a small excise

duty of 2nP. per ton of all coal and coke dispatched from collieries. They are managed by a Central Coal Mines Rescue Stations Committee presided by an officer from the office of the Chief Inspector of Mines, and having representatives of mine owners, mine managers as well as mine workers.

#### **15. EXPANSION OF RESCUE ACTIVITIES :**

With the changed pattern of coal production during the Second Five Year Plan, wherein more stress was laid on the development of outlying coalfields for the interest of economy in transport, it was felt necessary to extend the jurisdiction of Coal Mines Rescue Rules and to open several new mines rescue stations in these outlying coalfields of the country. The Rescue Rules were, therefore, thoroughly amended in 1950 and now apply to coalfields all over India.

A small rescue station maintained till then by the National Coal Development Corporation was taken over by the Committee early this year. Two new rescue stations, one in Parasia to serve coal mines in Central India and the other in Singareni to serve the coal mines in South India, were also opened this year in rented buildings. A scheme for further expansion of the Coal Mines rescue Services during the Third Five Year Plan to meet the requirements of the expanding coal mining industry of the country is under consideration of the Government of India.

#### **16. FUNCTIONS OF RESCUE SERVICES :**

The functions of Mines Rescue Services is to conduct rescue work and take all practical steps to minimize danger in mines after an

explosion, out-break of fire or dangerous irruption of water or on discovery of noxious and inflammable gases. In order to perform their functions efficiently and promptly, the various Mines Rescue Stations are equipped with all requisite apparatus and aids, and are staffed with fully active rescue-trained personnel 5 to 18 in number. The rescue stations have also been of invaluable assistance in recovering millions of tons of coal left in areas sealed off on account of fire.

#### **17. TRAINING :**

The number of rescue-trained workers required in an emergency in a mine may however, be very much larger and, therefore, Rescue Rules require one out of every 150 persons or part (every 500 or part prior to 1959) employed below ground in every coal mine to be trained in rescue work. This training is conducted at the Rescue Stations and consists of a course of theoretical lectures and 14 practices in a training gallery where irrespirable atmosphere is artificially created by the burning of raw coal etc. For a rescue trained person to remain on the active list, he has to undergo two refresher practices every quarter.

Rescue trained workers from mines are paid handsome allowance for every practice that they undergo. All rescue trained workers are suitably insured against accidents while they are engaged on rescue work.

#### **18. ACHIEVEMENTS OF MINES RESCUE STATIONS :**

During the 20 years of their existence the two Mine Rescue Stations at Dhansar and Sitarampur have trained 1,707 persons

from coal mines in Rescue and Recovery work, and have given as many as 42,879 Proto man-shift in dealing with emergencies, and 113 men have been recovered from foul air. about 12 million tons of coal locked in areas sealed off due to occurrence of fires have been recovered with the assistance of rescue teams for extraction.

#### **19. COAL MINES CONSERVATION AND SAFETY ACT, 1952 :**

This Act was passed in 1952 with the object of providing for the conservation of coal and of making further provision for safety in coal mines. Under the provisions of this act, the Government have constituted a Coal Board, composed of competent members, and have delegated such powers and duties to the Board as have been deemed necessary for effectively dealing with the problems relating to safety in coal mines, conservation of coal and other matters connected with or incidental to the same. In the administration of the Act, the Board is assisted by Advisory Committees set up by the Government.

The Act empowers the Government to frame rules providing for various measures to be taken for maintaining safety to coal mines, conservation of coal, levy of excise duty etc. In exercise of these powers, the Government have framed the Coal Mines (Conservation and Safety) Rules. The proceeds of the excise levy on coal are credited to the Coal Mines Safety and Conservation Fund constituted under the Act. The fund is utilised, among other things, for (i) meeting the expenses of the Board, (ii) the grant of stowing materials and other assistance for stowing operations

to colliery owners, (iii) the execution of stowing and other operations in furtherance of the object of the Act; (iv) research work connected with safety in coal mines or conservation and utilisation of coal; (v) the grant to State Governments, research organisations, local authorities and colliery owners, of money in aid of any approved scheme designed to further the objects of the Act, etc.