

**\* The Coal Mines Safety (Stowing)  
Amendment Bill**

**The Honourable Dr. B.R. Ambedkar** (Labour Member): Sir, I move:

“That the Bill further to amend the Coal Mines Safety (Stowing) Act, 1939, be taken into consideration.”

Sir, this Bill seeks to make certain amendments to the Coal Mines Safety (Stowing) Act of 1939. As Honourable Members of the House will remember the Coal Mines Act was passed in 1939. It created a body called the Stowing Board. The function of the Board was principally to administer the fund which is raised by the levy on coal and coke and to spend it on the stowing of coal mines in order to prevent fires in the mines. In the course of the administration of this Act, it has been found that there are certain defects which need to be remedied. This Bill proposes to deal only with three of such questions because it has been found that they are the most urgent and need immediate attention. Of these three questions, the first question is the one which relates to the amendment of section 8. The House will remember that section 8 deals with the functions of the Board and prescribes the object on which the money arising out of this fund could be spent. Section 8 permits the Board to spend money to meet the expenses of the administration. Secondly, it allows the Board to grant stowing materials and other assistance to owners or agents and managers of coal mines for stowing operation. Section 3 permits the Board to execute other operations in furtherance of the objects of the Act, and fourthly, it permits the Board to spend money on research work connected with stowing. It has been found that section 8 does not make any provision for permitting the Board to spend money on stowing operations

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\*Legislative Assembly Debates (Central), Vol. I, 23rd February 1944, pp. 443-46.

undertaken by itself. This, it is found, is a great lacuna. It is necessary in the opinion of the experts that such a power should be given to the Board and consequently the first amendment which clause 2 of the Bill proposes to make is to alter the wording of sub-clause (iii) of clause (1) of section 8, by permitting the Board to undertake stowing directly by itself and to spend money on that purpose out of the fund which it controls. The second amendment to the Bill relates to section 10. Section 9, sub-clause (3) of the Coal Mines Safety (Stowing) Act permits the Chief Inspector of Mines to issue an order on the owner or the agent of a coal mine, and to require him to take such protective measures as may be necessary in the interest of the safety of coal. Section 10 of the Act makes such an order an appealable order, but it has been found that while the order issued by the Coal Mining expert or the Inspector is an appealable order, there is no provision made in the Act to permit the owner to go to the appellate body and obtain stay or execution of the order issued against him by the Inspector of Coal Mines. It has been suggested that this is an unfortunate provision, that there should be a right of appeal, but there should not be a provision for the stay of execution of the original order. This lacuna is sought to be removed by the addition of a proviso to section 10 of the present Act and this is done by clause 3 of the present Bill. The third amendment which is sought to be made in the Act relates to the question whether the Board should or should not have authority to undertake stowing by itself. Stowing is an important function. Its purpose is to save coal which otherwise is likely to burn away. It has been found that there are some mines which are abandoned, over which there is nobody to exercise any control, and most persons, it has been found, very easily abandon mines whenever they find that the coal underneath has taken fire. There are cases where the ownership of a mine is in dispute or where the owner is not in a position to undertake stowing operations himself. Consequently in such cases there is nobody on whom the liability for stowing could be imposed nor is there anybody on whom an order could be served. To avoid such a situation, it is felt that power must be given to the Board in order that the Board might itself undertake the work of stowing. Incidentally, if the Board is to perform such a task it must also be given the power to enter upon the land which is the property of the mine owner. This is sought to be done

by a new clause which is 10-A, and it gives power to the Board to undertake the stowing and also to have the power to enter upon the premises.

The Bill is a very simple measure and I do not think it needs any more explanation than I have given. It is a non-controversial measure and I hope the House will accept it.

Sir, I move.

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**The Honourable Dr. B.R. Ambedkar :** Sir, I move :

“That the Bill be passed.”

I should like to take this opportunity to explain the point of view of Government with regard to certain points that have been raised by my Honourable friends. With regard to the point made by my Honourable friend, Mr. Miller, that Government have been getting into the habit of pulling forth these Bills without sufficient notice what I should like to say is this. It is of course not possible for me, speaking individually, to bind Government as to the precise sort of action that Government ought to take with regard to these Bills. But with regard to the present measure I should like to say that I do not think that Government can be accused of being in a position of rushing the Bill through. I would remind the Honourable Member that this Bill has been under consideration for not less than six months. Secondly, and this is an important point, I would like the Honourable Member to bear in mind the Bill, as put forth, has been suggested, in fact practically drafted, by the Stowing Board itself, and Stowing Board, as the honourable Member will remember, is the most representative body that can be found to be connected with the coal mining industry. And, therefore, I certainly do not think that I should be criticised, so far as this particular measure is concerned, for having rushed through the Bill.

With regard to his other point, namely, that this measure will be used and put into action only whenever there is an emergency arising and not otherwise, I am quite prepared to give him that assurance. In fact, it is our intention to confine the powers which we are now giving to the Board to emergencies only.

With regard to the point made by my Honourable friend, Dr. Zia Uddin, who is not here at present, I did not quite appreciate what he

was suggesting. So far as I have been aware, I have never known that there has been any point of difference or dispute between the Coal Mining Stowing Board and the coal owners, and I do not think that the provisions which we are now introducing are going to create any difference of opinion between the coal owners and the Stowing Board. They have been, so far as I know, more or less a happy family, and I have not come across a case where the Board has decided upon a policy which has been opposed by any particular member of the Coal Mining Association.

My Honourable friend, Mr. Hooseinbhoy Lalljee, raised a point which, I think, does require consideration, namely, as to the rights of the Government over the mines over which Government has spent money in stowing. I am sure that it is a valuable suggestion and an important point, and at some later stage I shall be able to say what Government's attitude on that point will be.

Sir, I have nothing more to say.

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