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* Mica Mines Labour Welfare Fund Bill

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

> "That the Bill to constitute a fund for the financing of activities to promote the welfare of labour employed in the mica mining industry be taken into consideration."

The important provision of the Bill is contained in clause 3, where it is proposed that a levy should be made upon the export of mica in order to constitute a fund for providing for the welfare of the labour employed in the mica mining industry. The nature of the welfare activities which this fund will undertake are detailed in clause 2 of the Bill. It is not necessary for me to go over these clauses and read them to the House. Before I go further I would like to explain to the House why the Government of India have thought it necessary to institute a fund of the sort mentioned in clause 3 of the Bill and I do not think I could do better than read a few extracts from the report of a Committee on labour conditions in mica mining and mica manufacturing industry. The report is made by Prof. Adarkar who was a member of the Fact Finding Committee appointed by the Tripartite Labour Conference. With your permission, Sir, I propose to read a few extracts from this report.

On page 27 of this report Prof. Adarkar says :

> "We did not see urinal or latrine accommodation provided in any mine. Reference to this breach of the Mines Act, has already been made above. One just wonders what the workers do while working 500 feet below they arc called upon to answer calls of nature. Lack of arrangements for good drinking water is a crying evil of the mica mining industry. The doctors told us that diseases like dyspepsia, intestinal trouble, etc., were caused by the presence of harmful

*Legislative Assembly Debates (Central), Vol. V-No. 7, 9th April 1946, p. 3745-47.

minerals in the water supplied to the workers. As I said earlier, some of the bigger firms carry water in lorries to mines but generally women are employed to fetch water from dirty pools five to six miles away. This water is carried and stored in filthy earthen pitchers or drums. The supply of even such water is inadequate. No water is usually made available for washing purposes. The problem is a very serious one and deserves immediate attention."

Speaking of housing the report says :

"No adjectives can properly describe the 'houses' in which workers are housed. The more temporary amongst them look like tents of leaves held in position by a strong bamboo or wooden pillar. Houses proper are of two types ; we may describe them separately :—

(i) Built entriely of bamboo and grass.—We saw a house built by mine owner for workers which was typical and the roofing was of green leaves. The general appearance was that of a cattle shed. There was hardly any necessity for doors and windows as it was airy from every side. This shed housed one family worker with his wife and two children along with 10 other workers. There was no privacy for the family. The choolhas were separate. Grass had been spread on the floor and workers slept upon that at night. No rent was however charged for the accommodation provided. It may be noted here that the other 8 or 10 occupants had been put into the cottage by the employer after the family worker had occupied. As the worker was not paying any rents, he could not possibly grumble.

(ii) Better type of houses.—Their number is very small and generally they are meant for durbans, Khalasis or carpenters. There are single-room tenements built in lines and are rent free. Their walls are built either of brushwood or of kuchcha bricks and roofs are built of wooden beams. They are closed rooms with doors but ventilation is very poor. It must be emphasised again that these quarters are not meant for ordinary workers but are reserved for the superior skilled staff. It is important to note here that no latrines or urinal accommodation is provided even for those who live in these quarters with the result that they go out into the open to attend to calls of nature. As has been pointed out

earlier, this causes them to develop diseases like ankylostomiasis and anaemia. Workers do not like to stay in these quarters, despite the efforts of the employers to make them do so. Workers like to walk 4 to 6 miles each way and prefer to ignore such exhortations. Moreover, their own huts arc definitely better built than the quarters provided by the employers."

I will read another passage which deals with occupational and other diseases which are prevalent in mica mines. The report says :

"Diseases which mica workers suffer from may be classified as (a) those that are directly attributable to mining operations and working conditions and (b) those that are caused by the configuration and natural vegetation of the mining area. In this connection, we could collect some information in the Bihar area, and the following analysis is based mainly on the information.

(*a*) The following diseases may be considered under the first category:—

(*i*) Silicosis.—This is a disease of the lungs and is attributed to dry machine-drilling of quartz rock. Machine drills have octagonal ends with a regular bore running right through the drill. The drill is rotated by machine and quartz dust produced in the drilling process escapes with great force through the bore and strikes the driller right on his bise. Within a few seconds thick clouds of quartz dust envelope the driller and he inhales that dust continuously. The tiny quartz pieces enter the body and injure the lungs. The first symptom of silicosis is bronchitis and this gradually develops into silicosis proper. The incidence of the disease is fairly high but due to the excessive turnover of labour it is not detected early. What saves most of these workers from early death is their seasonal migration to agriculture. If the driller works continually even for one whole year he cannot escape catching the disease and within five years or so he may die. One employer stated that he had lost 16 of his best drillers within the past live years. It seems that the only possible way of saving the drillers from this disease which proves fatal in nearly all cases is to prohibit dry machine drilling by an order under the Indian Mines Act. Of their own accord so far only the Chrestien Mining company have introduced wet drilling in some of their mines. But

> no other firm is planning even to follow suit at any rate during the course of the present war. It may be noted here, however, that all employers declared themselves in favour of statutory prohibition of dry drilling."

Then a description is given of the prevalence of dyspepsia, rheumatism, bronchitis, malaria. I need not go through the whole list of them. But I would like to draw the attention of the House to the following paragraph in the Report:—

> "Welfare Activities are conspicuous by their total absence. Canteens, creches, entertainments and washing or any other facilities arc things entirely unheard of in the mica mining area. The bigger firms like the Chrestien Mining Company, the Chatturam Horilram Company, and the Indian Mica supply Company, have made arrangements for medical aid".

Then they give details below :—

> "Medical aid, wherever it is provided, is free. No arrangments have been made, however, for child or adult education."

Now, Sir, I can go on for a length of time quoting passages from this Report in order to show that the conditions of work in mica mines have really become intolerable and that the time has arrived for Government to intervenue in this matter and to do something for the workers in the mica mines.

The next question, Sir, is the best method of dealing with this subject. So far as that question is concerned it seems to me that there are really two ways of dealing with the subject. One way is to impose the liability upon the employer and to prescribe certain measures of welfare and to leave it to the employer to carry them into effect and reserve to the Government the power to inspect and to sec that the obligation imposed upon the employer is carried out by him. The second method is for Government to take charge of the welfare measures themselves and to make the employer bear the cost of it. The first method, to my mind, is an imperfect method, and for two reasons. Firstly, different employers have different capacities to bear the cost of welfar measures. That being so, it is not possible for small employers to keep up the standard which may be prescribed by the act. Secondly, it is hardly possible for the Government to engage such a large body of inspectors so that they could constantly go round, keep a vigil and see that the

standards are maintained. Government, therefore, has come to the conclusion that the better method would be for Government, in matters of this sort, to take the responsibility on their own shoulders and to compel the employer to pay the cost of these welfare measures. Sir, it is this principle on which this Bill relating to the welfare of workers in mica industries is based. If I may say so, so far as the Government of India is concerned, this is by no means a new principle which they have adopted. As the House knows, during the war the Government of India issued an Ordinance for the Welfare activities of the population engaged in coal mining. It was done by Ordinance. But the principles embodied in the present measure are exactly the same as the principles embodied in that ordinance. It is, therefore, unnecessary for me to dilate upon the necessity or the advisability of the principle on which this measure has been based.

Sir, there is one other point to which I would like to make some reference. As Honourable Members will see, under the Bill it is proposed to constitute two Committees to advise the authorities who will be administering this fund as to how this money should be spent. One Advisory committee will be for the Province of Madras and another will be for the Province of Bihar. Some Members might feel that the Government of India has shown no reason why, for instance, another area which is also a mica producing area has been omitted from this consideration, namely Rajputana. I would like to explain to the House the reason why we have not thought it necessary to constitute a third Committee for Rajputana. Rajputana occupies a very small place, for the moment, in this mica industry and I like to give the House some figures on that point. Take the mica mines in India. I have got the figures for 1941. In Bihar the total number of mines in 1941 were 623. Of them those that worked throughout the year were 297. In Madras the total was 108 and those that worked throughout the year were 47; while in Rajputana, although the total was 62, those that worked throughout the year were only 8. Taking the question of the number of workers, I have got figures for 1943. The figures arc as follows. In Bihar the total number of workers working in mica mines was 81, 431 ; in Madras it was 18,379 ; in Rajputana it was only 15,000. It is, therefore, thought that it would be better not to constitute a separate Committee for Rajputana. The reason is obvious. All these Advisory

Committees involve a great deal of administrative cost, and I do not want that the money in the Fund should be spent on mere matters of administration more than we can help it. We, therefore, propose that it would be better to economize by not having one Committee and to leave the matter to be provided for in some other way. Sir, I do not know whether there is any other clause in the bill which requires any explanation or any specific comment. As the House will see, the matter is very urgent and I am very keen to see that this Bill is put on the statute book.

I find there is an amendment in the name of Honourable Members, the object of which is to send this bill to a Select Committee. I am not willing or rather I am opposed to referring this Bill to a Select Committee, because I do not think that this Bill can be said to be cither controversial or complicated as to require the labours of a Select Committee to be spent upon it. However, if the members of the House arc keen on having the matter referred to a Select Committee, if they agree that the Select Committee shall be authorised or directed to return the Bill before the Session ends, so that I can move the second reading of the Bill, I would not object to such an amendment. Sir, I move.

Mr. President : Motion moved :

> "That the Bill to constitute, a fund for the financing of activities to promote, the welfare of labour employed in the mica mining industry be taken into consideration."

Mr. Ahmed E. H. Jaffer (Bombay Southern Division : Muhamma-dan Rural): Sir, I move :

> "That the Bill be referred to a Select Committee consisting of the Honourable Sir Ashoka Roy, the Honourable Dr. B.R. Ambedkar, Miss Maniben Kara, Mr. S.C. Joshi, Babu Ram Narayan Singh, Sri R. Venkatasubba Reddiar, Mr. Gauri Shankar Saran Singh, Sri A. Karunakara Menon, Prof. N.G. Ranga, Mr. Geoffery W. Tyson, Mr. Madandhari Singh, Dr. Sir Zia Uddin Ahmad, Khan Bahadur Hafix M. Ghazanfarulla, Mr. Muhammad Nauman and the mover with instructions to report by the 15th April, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President : Will 15th be all right ?

The Honourable Dr. B.R. Ambedkar : No, it will be too late.

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The Honourable Dr. B.R. Ambedkar : I did not say that I would have out Rajputana. I shall be constituting a separate committee.

Diwan Chaman Lall: I did not hear my Honourable friend say that he would constitute a separate committee. I heard him say, "Some other means". I am glad he says "some separate committee" now. As for as this measure is concerned, Rajputana is left out.

The Honourable Dr. B.R. Ambedkar : There welfare measures will be carried out with the aid of this fund.

Diwan Chaman Lall : Will the money from Madras and Bihar be taken to help the Rajputana workers ?

The Honourable Dr. B. R. Ambedkar : We might employ some other agency, some other organisation in order to carry out the activities connected with welfare workers. The Fund will pay.

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***The Honourable Dr. B. R. Ambedkar :** I do not propose to take very long in replying to the criticisms which have been made against this Bill. I wish to state very briefly my opinion with regard to the points that have been raised to state very briefly my opinion with regard to the points that have been raised by three speakers. I shall first deal with the points raised by my friend Mr. Tyson. I had made no reference in the speech that I made in support of my motion with regard to the surplus stock of mica or the additional cesses that were proposed to be levied and the report of Mr. Justice Reuben. Sir, I deliberately did not touch upon these points in my speech, because I knew that these points would be raised by my friend Mr. Tyson and that I would have to reply to them. If I did not do so it was largely because I wanted to save the time of the House.

Now, Sir, the position is this, that although the Labour Department and the Government of India have decided to proceed with measures of social welfare on the basis of the report made by Prof. Adarkar, the decision was taken by the Labour Department long before the report of Prof. Adarkar was made. I am glad to say that the decision taken

*Legislative Assembly Debates (Central), Vol. V-No. 7, 9th April 1946, pp. 3757-59.

by the Labour Department has been fully supported by Mr. Justice Reuben in his report on the Mica industry.

In fact he himself has suggested that there should be a general levy on the mica produced or exported and that about 5/12 of the receipts under the general cess should be set apart for labour welfare in the mica mines. Therefore in proceeding with this measure we are in no sense departing from the report made by Mr. Reuben. All that we have done is that instead of having a single cess as suggested by Mr. Reuben to be distributed and allocated for different purposes we have thought it necessary to have a separate fund for welfare and another fund for certain administrative measures that may be necessary for the industry as such. The reason for making this decision is obviously due to the fact that the welfare fund will have to be administered by a separate agency, while the fund for other purposes will have to be administered by a separate agency. There my Honourable friend Mr. Tyson will see that the decision of the Government of India is in full accord with the report of Mr. Reuben.

With regard to, the additional cess we have, as my Honourable friend will see, fixed the cess in the initial stage at a very low figure. The figure suggested in the Reuben report is 6 per cent, ad valorem.....

Mr. Geoffrey W. Tyson : Labour or General ?

The Honourable Dr. B. R. Ambedkar : General. This is a matter which will have to be examined at a later stage as to exactly what should be the pitch of the cess in order that the cess may produce sufficient revenue which would be adequate both for welfare and other purposes.

Diwan Chaman Lall : How much does my Honourable friend expect ?

The Honourable Dr. B.R. Ambedkar : Wait, I will come to that a little later. With regard to the question of surplus stock I would like to inform the House that the Government of India has been in negotiation with His Majesty's Government for a long time over the question of the disposal of surplus stocks of mica which have been held by His Majesty's Government as well as by the United States. I am glad to say that we have come to an agreement whereby no sort of harm will be done to the mica industry by the disposal of the surplus stock. The negotiation has reached the final stage and in a few days time a press note will be issued informing the industry and the general public

of the arrangement which has been arrived at between His Majesty's Government and the Government of India. I might say that this arrangement has the fullest support of the mica industry itself.

With regard to this measure I would like also to inform the House that this measure has been undertaken with the fullest consent of the industry itself. This question was first broached by me at a conference which was held at Kodarma on 29th April 1944, at which I presided and the representatives of the mica industry were also present, and I was glad to find that the industry as a whole responded to my suggestion for having a welfare fund. The matter was again taken up on 9th November 1945, at a conference held at Dhanbad under the chairmanship of the Coal Mines Welfare Commissioner. There again, the producers of mica accepted the suggestion. Lastly, a third conference was held on 19th December, 1945, also at Dhanbad under the chairmanship of the Secretary of the Labour Department, where a final agreement was reached between the Government and the Mica mineowners. I would also like to state that our proposal to levy a cess on the industry does not seem to have discouraged the industries from further exploiting the field of mica production and I find that during the last few months, there have been to my knowledge at any rate, three big flatations of new companies which have entered into the field of mica. I find, for instance, a new flatation under the name of Micantic and Mica Products Co., Ltd., from Madras with an authorised capital of Rs. 5 lakhs. Another is called the Saraswati Mica Industries Limited, from Calcutta with an authorised capital of Rs. 5 lakhs and I know as a matter of fact that the Christian Mining Industries Ltd., have also applied for capital issues for mica mining and for the establishment of a micanite factory. These circumstances would show that the cess has not been viewed by the industries in any tragic manner and I think that they believe that it would be possible for the industry to bear the burden of this welfare cess.

Coming to the points made by my friend Diwan Chaman Lall, I must apologise for not supplying him with a copy of the report which he had asked for at some early stage. I must say that I altogether forgot about it. But I do not think that he has in any way lost in dealing with the matter in the way in which he has dealt with it. All that probably he would have done if he had the report is that he would have made a speech of double the length of what he did.

With regard to the question that he put to me as to how much revenue the cess will produce, I hestitate to give the house any definite figure and the reason is quite obvious. The production of mica has not been at a very steady figure. For instance, I have figures here from 1934 to 1944. In 1934, the value of mica produced was Rs. 6,30,525, while in 1944, it was 2,73,01,458 and there have been various figures for the different years in the intervening period. It is no use, therefore, for me to give the House any particular figure. We must allow sometime for the industry to stabilise itself in the post-war period. But taking the figure for 1944, I calculate that the cess would be somewhere in the neighbourhood of Rs. five lakhs. I quite appreciate that that is not a very large sum. Personally, if I may say so, what I am fighting for is the establishment of a principle. If later on it was found that the fund was not sufficient, it would be still open for any member of the Government who would be in charge of this to come forward and increase the cess and thereby augment the amount and carry on the measures of social welfare which otherwise would not be possible.

With regard to the Mica Purchase Mission, the point to which my friend made reference, is a matter not relevant to the Bill which we are considering and I do not therefore propose to enter into the questions arising out of the Mica Purchase Mission's activities. But I can tell my friend that so far as I know anything about it, the industrialists engaged in the production of mica in this country have not only not had any harm done to them but I am quite satisfied that they have made more than ordinary profits.

My friend, Diwan Chaman Lal, spent a great length of his speech in discussing the lax administration of the Mines Act. He referred to the employment of children and of other matters relating also to employment of women. As I said, I am quite aware of this fact, and the Labour Department has on the anvil legislation to remove all the defects which have been reported upon by Mr. Adarkar in the course of his Report dealing with the workers in mica mines. And if there was time available to Government, it would have been possible even in this session, to bring forth a Bill to remove those evils. But I have no doubt that that will be done without delay.

Coming to the points reaised by my friend, Mr. Ram Narayan Singh, I know he made a great point, that this was a very delayed measure.

He said that the mica industry was there, the evils have been there, Government has been here and nothing was done. If I may tell him, he only forgot to mention one tiling, that lie also was there, and for a long number of years. If he had taken the earliest opportunity to move in this matter to energize and organize the conscience of the Government and of the industrialists, I have no doubt that the delay of which he has complained would never have occurred. But I hope he will agree that it is better late than never.

With regard to the question of administration of the Fund, I think the point that he made was that the administration should be left to the Provincial Governments. I am sorry to say that I cannot accept that principle. This legislation is a Central legislation. It is a legislation for which the Central Government is responsible. The Fund is raised by the Central law. The Fund is raised for a particular and specific purpose. Having regard to these circumstances, it seems to me unjustifiable on the part of the Government of India to allot the whole of this sum to the Provincial Governments, where they might be merged in the general revenues of the Province and spent, I suppose, in accordance with the wishes—I do not say whims of the Provincial Government. I am of opinion, since the responsibility for the Fund is a Central responsibility, since the Fund is for a specific purpose, and since it would be a sort of a trust which the Government of India would be administering, it is in every way desirable—not only desirable but necessary—that the Central Government from beginning to end should keep its hand on the administration of this Fund. While this is so, I should like to tell my Honourable friend that he has probably not studied the way in which , the Coal Mines Labour Welfare Fund is administered. I would therefore like to tell him some details about it because the administration of the Coal Mines Welfare Fund would be the model—indeed not only the model but the pattern—on which the administration of this Fund will be carried on. In the matter of the Coal Mines Welfare Fund, the administration is vested in a Commissioner who is generally a provincial officer, an officer lent by the Provincial Government. If I may tell him, the person who is now administering the Coal Mines Welfare Fund is an officer lent by the Bihar Government, and he should rest assure that even in the matter of the administration of the Mica Fund we shall be applying to the Bihar Government to lend us an officer

of the Bihar Government. As I said, and as the Bill provides, the constitution of the Committee will be such that the representatives of the mica industry from Bihar and also from Madras, would be local people knowing local conditions. Further, according to the constitution of the Coal Mines Welfare Fund, the orders provide by rules that the Provincial Governments shall send their representatives to be members of the Advisory Committee. The same procedure will be followed with regard to the Mica Advisory Committee. We shall provide that by rules. These Committees meet every three months, certain agenda is prepared and the advice of the Committee is sought. There are men drawn from producers, owners, workers and from Provincial Governments as well. The annual budget is also placed before the Advisory Committee. Their advice is obtained. It is after their advice is obtained that the Funds begin to operate on the various purposes for which money has been provided.

With this I believe my friend, Mr. Ram Narayan Singh, will see that there is not going to be any autocracy from the centre. Here is a great deal of decentralization, a great deal of co-operation in the administration of this Fund between the producers, the workers and the Provincial Government. Sir, I do not think that there is any other point which has been raised in the course of the speeches on this Bill to which I have not given my reply, and I do not think, I need say anything more than this.

Mr. President: The question is :

> "That the Bill be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, the Honourable Dr. B. R. Ambedkar, Miss Maniben Kara, Mr. S. C. Joshi, Babu Ram Narayan Singh, Sri R. Venkatasubba Reddiar, Mr. Gauri Shankar Saran Singh, Sri A. Karunakara Menon, Prof. N. G. Ranga, Mr. Geoffrey W. Tyson, Mr. Madandhari Singh, Dr. Sir Ziauddin Ahmad, Khan Bahadur Hafizz M. Ghazanfarulla, Mr. Muhammad Nauman and the mover, with instructions to report by the 12th April, 1946, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five." The motion was adopted.

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