

**REPORT**  
OF THE  
**Bihar Labour Enquiry Committee**

**VOLUME IV.**

**PART C.**

**[(Oral evidence tendered before the Committee  
by Employees and their Organisations.)]**



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## FOR E W O R D

This Volume (Volume IV) of the Report also, like Volume III has been divided into three parts. It consists of the oral evidence tendered by the officials (Part A), the employers and their Associations (Part B) and the employees and their organisations (Part C).

As the oral evidence of Mr. B. K. Gokhale, I.C.S., District Magistrate, Monghyr, was taken in camera, it has not been printed. Some other evidence which was considered by the Committee of no particular importance has also been omitted from printing.

As there were chances of inevitable mistakes by the shorthand reporters of the Committee, we adopted the procedure of sending the evidence to the witnesses concerned for correction. Unfortunately, some of them did not comply with our request and therefore, we are printing such evidence in its uncorrected form. We have tried our best to keep the original language of the witnesses.

VIDYABHUSHAN SHUKLA.

**REPORT**  
**OF THE**  
**Bihar Labour Enquiry Committee.**

**VOLUME IV.**

**PART A.**

**Evidence by the Officials.**

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 30th May 1939 at 7.45 A.M.

The following members were present :—

- |                           |                             |
|---------------------------|-----------------------------|
| (1) Dr. Rajendra Prasad   | ... <i>Chairman.</i>        |
| (2) Mr. R. R. Bakhale ... | ... <i>Deputy Chairman.</i> |
| (3) Dr. R. K. Mukherji    | ... } <i>Members.</i>       |
| (4) Mr. H. B. Chandra ... | ... }                       |
| (5) Mr. J. N. Lal ...     | ... }                       |
| (6) Mr. M. P. Gandhi ...  | ... }                       |
| (7) Mr. A. M. Hayman ...  | ... }                       |
| (8) Professor R. K. Saran | ... <i>Secretary.</i>       |

Dr. Rajendra Prasad presided.

**Oral evidence of Mr. R. E. Russell, C. I. E., I.C.S., Chief  
Secretary to the Government of Bihar, Ranchi.**

*Chairman*—We have taken advantage of your experience both as an administrative officer in various districts and in regard to matters of labour disputes in various parts of the province of Bihar. The memorandum which you have submitted is full of information and besides that I want to elicit some information on some important points, particularly with regard to the question of disputes between the employers and the employees. I think that in this province during the last few years or so we have had a number of strikes.

*A.*—Yes, a large number.

**Q.**—In most of these cases of strikes, the Labour Union, at any rate, resorted to strikes without giving any notice to the employers. Is it not so ?

**A.**—Yes, in many cases no notice was given. One of the serious troubles in dealing with labour troubles is that strikes so often start without giving notice, I could give several instances but I do not wish to give names, as I am giving you my personal opinion on the matter. In some of the cases, no demands were put forward by the labour party until after they had resorted to strike. Then the union came forward with specific demands. In some of these cases the strikes appear to have been started with no clear idea of what the men were striking for.

**Q.**—When there is no notice, there is no demand for conciliation.

**A.**—Usually not. In some cases the strikes come before negotiation ; but in large number of cases the strike is called after the negotiations failed.

**Q.**—When a strike is started, do the Government in some cases intervene and try to bring about conciliation ? In what way they do ?

**A.**—In some cases Government has appointed a Conciliation Board. In some cases the dispute has been settled by the intervention of the Ministry or of the Parliamentary Secretary. For instance Mr. Jagat Narayan Lal has been instrumental in settling several cases. I think he brought about the conciliation in the last strike at Kumardhubi. Then the strike at Japla. In some cases the initiative has come from the labourers and in some cases the initiative has come from the sides of the employers. But generally the conciliation begins after the strike has progressed for some time, usually when one or both parties are approaching exhaustion. On three occasions the Government have set up conciliation boards which are mentioned in my note. In each of these three cases the conciliation board was successful.

**Q.**—How does the request for conciliation come about ?

**A.**—The demand for conciliation has come before this Government in three ways :—(1) On the complete dead lock between the parties ; when they come to the point of exhaustion, then they approach Government for conciliation. (2) Sometimes, as in the case of the Tatanagar Iron Foundry, the employer was reasonable and asked for a conciliation board as soon as the

dispute started, and (3) when the Labour Union is unable to make any impression on the employers by striking, they approach Government for the conciliation board to be appointed.

*Q.*—In all these three cases was the conciliation wanted by the workers or the employers or at the instance of Government ?

*A.*—In case of the Tatanagar Iron Foundry the employers asked for conciliation, straightaway. In another two cases of Golmuri Tinsplate Company and Indian Cable Company, conciliation board was appointed rather late, when both the parties reached a complete dead lock. The demand in these cases came from the side of the labour.

*Q.*—In all these cases of strikes, I should like to have your views as far as your experience is concerned. Is violence sometimes resorted to, so that it may necessitate the interference of the police and the magistracy ?

*A.*—Yes, there has been a good deal of violence by strikers. So long as there is peaceful picketing by the labourers, the police and the magistracy do not intervene, but when the strikers become violent, then for the protection of person and property and the maintenance of law and order, the police has to intervene. Picketing is not by any means always peaceful. There is no interference in the peaceful picketing but in several cases the picketers resorted to obstruction as at Dalmianagar and also at Harinagar Sugar Mill where 170 people were arrested. During the Tinsplate strike at Golmuri, there were also violent incidents and also at Musaboni where attempts were made to wreck the ropeway ; also in the coal-fields where sabotage was also attempted on the pit pumps. Also in the Gaya Cotton Mill strike, there was much violence and the police were attacked more than once. During the course of the strike, 40 policemen were injured and a total of 15 strikers were injured ; and the police had to resort to a *lathi* charge also.

*Dr. Mukherji.*—Do you mean to say that the *lathi* charge was in Gaya ?

*Mr. Russell.*—Yes. (*continuing*) The strikers prevented workers from entering the factory by obstructing the entrances. They also prevented goods being taken in the factory for the workers who remained inside. They blocked the railway siding and stopped the railway wagons which were carrying in goods. The cars of the police officers and the Magistrates were also attacked and damaged and the police officers assaulted. Finally they tried to rush the police cordon and attacked the police.

On this occasion a *lathi* charge was made. This was, as far as I remember on the 4th of January last. The workers held a meeting at a distance of about 300 yards from the factory and listened to another exciting address immediately after which they tried to rush the factory. At Dalmianagar also the police were attacked. In the real sense there has been little peaceful picketing. During the strikes in Jamshedpur intimidation was freely resorted to. During the Tinsplate Company strike at Golmuri there was at least an occasion on which Sikh picketers came armed with swords (in addition to their customary *Kirpan*). Then there is the problem of *goondas* in Jamshedpur. Both sides keep a number of persons of the *goonda* type who may be useful in a row and these *goondas* have recourse to intimidation and violence. The more active partisans of each side are described as *dalals* or *goondas* by the other side. (*Laughter*). There are incidentally a good many undesirable elements in a large labour population drawn from all over India, such as that of Jamshedpur, and some are found on the side of the company and some on the other.

*Mr. Chandra.*—These also change sides.

*Mr. Russell.*—Yes.

*Professor Saran.*—Is there regular pay ?

*Mr. Russell.*—I cannot say ; but some companies engage persons as watchmen and guards, etc., some of whom are regarded as *goondas*.

*Professor Saran.*—I can understand that the employers can pay and maintain them but can the labour union maintain them ?

*Mr. Russell.*—I cannot say. It is possible in an industrial centre like Jamshedpur to find *goondas* and undesirable elements whether they are paid or not.

*Chairman.*—Is it possible that some people of that class are employed among the workers who are among them and act against them ?

*Mr. Russell.*—Yes.

*Dr. Mukherji.*—There are greater possibilities that *goondas* might have that psychology, who are appointed by the employer for this purpose rather than for regular industrial work ?

*Mr. Russell.*—That is possible. In Jamshedpur there is a long list of *goondas*.



*Dr. Mukherji.*—You have no *goondas* act to prevent that ?

*Mr. Russell.*—No. (*Laughter*).

*Chairman.*—This developes violence to a considerable extent ? Is it on an extensive scale ?

*Mr. Russell.*—It is rather common. It has become common during the last year.

*Q.*—Is picketing lawful ?

*A.*—Yes, peaceful picketing is lawful.

*Q.*—This raises another question. This question has baffled us very much. That is to define peaceful picketing. What is peaceful picketing ? When is picketing peaceful and when is it not ?

*A.*—Peaceful picketing as such is rare. When there is intimidation, the picketing ceases to be peaceful. As soon as the element of intimidation creeps in, the picketing is no longer peaceful.

*Q.*—What is the test or criterion by which an officer on duty during the strike will judge that the picketing is not peaceful ? Is it only intimidation by which he judges ?

*A.*—The working rule is that when the picketing developes into violence or obstruction or intimidation, it is no longer peaceful picketing.

*Q.*—So you mean to say that from the point where the intimidation begins it is no longer peaceful ?

*A.*—Yes, that is the general idea.

*Q.*—What other point of view in law, in actual application of that law, you must lay down by rule in order to judge in certain cases for picketing ?

*A.*—There is no definition in the Indian Penal Code of peaceful picketing, but there is an offence of molestation under the Criminal Law Amendment Act which includes these criteria. So far as the law is concerned, we judge it by the same three things namely, intimidation, physical obstruction or violence.

*Mr. J. N. Lal.*—Can you tell when and in what case violence comes in ?

*Mr. Russell.*—Yes, when there is physical obstruction, then it is violence. The question of intimidation comes in, for instance,

when strikers picket or enter into the houses of workers and threaten or abuse them. Then it becomes the duty of the police to protect the person and the property of the workers.

*Chairman.*—As regards the police protection, do you also help employers in recruiting fresh labour ?

*A.*—No, they do not do that. But if there is interference amounting to obstruction or intimidation, then the police protect the new workers on their way to work. In one case a complaint was made in connection with the strike by the Cable Company's workers. The company instructed its new workers to collect at the *thana* to be escorted to the works and there was a great excitement among the strikers. In that case the police escorted the workers from the place of assembly to the factory. The police had to escort workers to protect them from molestation. The police had nothing to do with recruitment.

*Q.*—The old workers or the new ones ?

*A.*—I cannot say. But it must have been mostly new workers.

*Q.*—Is it a fact that the police-station became the recruiting ground of black legs ?

*A.*—No. It was mostly the place from which escorts were furnished. The men who wished to go to work assembled there. If the worker is willing to join work and the strikers prevent him from going, the worker who is willing to join work is entitled to protection. That is given by providing escorts, if necessary.

*Mr. Bakhale.*—May I read to you some passages from the Trade Disputes Act of 1926 as it is and then I will read to you altering some words from it and substituting some other words in its place. Then I will ask your opinion on the point, in order to distinguish the peaceful picketing from non-peaceful picketing, and intimidation.....(*Reads*). That is peaceful picketing as it is described here. Now I will read to you with the change.....(*Reads*). The only change that I have made is the words "WATCH AND BESET". What is your opinion on that ?

*Mr. Russell.*—I do not like the word "BESET". I have no objection to the word "WATCH" but the word "BESET" has a suggestion that is not peaceful; it suggests a kind of siege.

*Q.*—You mean that the first section as read first is right ?

A.—Yes, I think so. " BESET " is an unhappy word.

Q.—Suppose beset is not there but only watch, then what do you say ?

A.—I would like you to explain to me what is your idea in putting the word " watch ".

Mr. Bakhale.—I would like that the officer of the Government deputed during the time of strike will distinguish from these two words in order to know peaceful picketing.

Mr. Russell.—But it is already distinguished. It is for the lawyers to interpret. What is the Act from which you are reading ? May I read the passage ?

Mr. Bakhale.—(Gives the Act to Mr. Russell). It is the Trade Disputes Act of 1926, where you find the definition of intimidation.

Mr. Russell.—(Reads the Act, the portion read by Mr. Bakhale before). It seems to me that both the words " Watch " and " Beset " are confusing. I do not know what the exact legal connotation of the word " Beset " is.

Chairman.—The Act is the same as that of 1875 but an attempt has been made to improve the section.

Mr. Russell.—Intimidation also takes the form of social annoyance. In some cases the strikers stop the services of barber and washermen. There may be social boycott. That is also intimidation when social pressure is brought upon them.

Dr. Mukherji.—But there is no law to discourage the moral and social pressure ?

Mr. Russell.—I think, it comes under intimidation.

Dr. Mukherji.—But are the shouting of the slogans intimidation ?

Mr. Russell.—No, the shouting of the slogans is not intimidation. No one objects to that.

Dr. Mukherji.—Would you not consider it worthwhile to define peaceful picketing and differentiate it from intimidation ?

A.—I think it would be a good idea to have a definition, provided it is a clear definition but it would be difficult to make

it exhaustive. Officers will have to use their discretion in deciding what is peaceful and what is not.

*Dr. Mukherji.*—Blocking the approaches either to factories or the entrances from houses of workers to factories, would you regard it as intimidation ?

*A.*—That is obstruction and may be intimidation as well. That is an offence already. It is an offence under section 342, unlawful restraint.

*Dr. Mukherji.*—Shouting any kind of slogans would not be regarded as an offence ?

*A.*—Provided they are not abusive and they do not abuse by name.

*Q.*—Do you not think that there should be a precise definition of the thing picketing ?

*A.*—I think there should be a definition and it should be made as complete as possible ; but I do not think it is possible to make the definition exhaustive. I have not considered the question of definition deeply but I think there ought to be a working definition to give guidance.

*Mr. Chandra.*—I would like to know whether you would make a distinction between loyal workers who would like to go to work and the recruitment of fresh labour. When a dispute is in progress, both parties have a sense of war between them and the recruitment of fresh labour deprives one party the right to fresh employment to those posts after the strike is over. Therefore, that kind of activity on the part of employer transgresses certain limits.

*A.*—It is also possible to put the thing from the other side too. If the workers have liberty to stay on strike and to induce loyal workers to come out, that gives to the workers' side a great advantage and that if you prevent the employer from recruiting other labourers, you deprive him of any weapon of reply.

*Mr. Chandra.*—The Madras Government promulgated a notice under section 144, prohibiting the employers from recruiting fresh labour when the strike was in progress. The persons who were on strike should not be dismissed. They still had the right to go back after settlement. I would like to have the benefit of your views as to the attitude you should adopt in the event of the employer deciding to recruit fresh hands.

*A.*—I think I am not prepared to answer that question. My answers to these questions would be inconclusive; but I feel that as a matter of equity it is very difficult to see that the employer should be prevented from recruiting labour during the strike. He has as much right in law to recruit labour as the worker has to strike.

*Q.*—That would be different from those who are already on duty and who would like to go back.

*A.*—I think one could say a lot on that on both sides. I think it is arguable from both sides and I would not like to express an opinion definitely on that without being able to consider it in detail.

*Q.*—As long as you give workers the right to strike, so long I think, they must have protection against recruitment of fresh labour to fill in the posts left vacant?

*A.*—I see your point. It did not occur to me before.

*Mr. Saran.*—Is the length of the strike also important?

*A.*—I do not think that is a factor which need be taken into consideration.

As regards the Madras Government's action, I think that Government may have taken this line that the recruitment of labour in the circumstances was an act which was likely to cause breach of peace and, therefore, it was the duty of Government to maintain law and order. I think that was the line which the Madras Government took.

*The Chairman.*—Whether it is on behalf of strikers or on account of recruitment of fresh labour, whenever there is an apprehension on that account, Government has to take action and to prevent the party which is likely to commit breach of peace?

*A.*—Yes.

*Mr. Saran.*—Suppose loyal workers want to go to work but people try to prevent them from going to work. Would you protect the civic right of workers to work?

*A.*—Yes.

*Mr. Bakhale.*—As a general proposition which do you consider to be more important, namely the right of the employer to recruit labour in strike and thereby endangering public peace or the prolongation of the dispute? If the employer chooses to recruit labour when a strike is on, there is bound to be bitterness

on both sides and the dispute is likely to be prolonged. Now if Government think that the dispute should be settled as early as possible and quickly and without more bitterness coming into the dispute than there is already there, do you not think that in the larger interest of peace and tranquillity, it would be better on the part of Government to bring pressure upon the employer to settle a dispute and if a dispute is to be settled, one of the methods by which it can be settled is the method of recruitment ?

*A.*—We cannot isolate the factors in the problem. They have to be taken together.

*Q.*—Some stage is reached when you have got to give priority over one function to the other.

*A.*—You have got to take each case on its merits.

*Mr. Saran.*—How will you deal with stay-in-strikes ?

*A.*—We have not had any of them.

*Q.*—There was one at Jamalpur.

*A.*—I am afraid I cannot answer that. The thing was over so quickly that Government did not have to consider the point. It is a difficult situation for police to deal with. Government did not have to consider very much, because the situation was not prolonged.

*Q.*—But stay-in-strikes are becoming a fashion.

*A.*—Then Government will have to consider the question.

*Chairman.*—The trouble in stay-in-strikes arises when labourers on their side become violent.

*A.*—Yes. I do not think I can help the Committee on that subject.

*Mr. Bakhale.*—How is the Committee to reach its conclusions unless an experienced officer can speak ?

*A.*—I have no experience of stay-in-strikes to go on. On the other problems I could speak from certain amount of knowledge. But personally speaking I think stay-in-strikes ought to be prohibited.

*Chairman.*—Would stay-in-strike amount to trespass if these people continue to remain on the premises and do not leave the premises when they are called upon to do so ?

A.—I cannot say straightaway whether it would come under that. I think it might.

Q.—Assuming that it is trespass, would you not permit a man to stay there ?

A.—No.

Q. If the owner approaches the police to clear his premises of people whom he does not want to be there, it might be the duty of the police to see that they get out.

A.—I would prefer to examine that question legally before answering.

Q.—As regards these strikes, very often it so happens that orders under section 144 have to be passed. You must have had that kind of order passed in this province also. Will you let us know what were the reasons which induced the Magistrate to pass orders under section 144 generally ?

A.—It is difficult to answer generally without looking into the particular cases ; but it has always been in cases where either one side or the other had definitely resorted to violence.

Q.—Does not the promulgation of orders under section 144 very often act as a deterrent to the spirit of the strike ?

A.—It is not intended to do so ; it is meant to prevent violence.

*Mr. Chandra.*—When a strike is actually in progress, it is natural that people should congregate in large number of places specially when meetings are prohibited.

A.—Meetings are not prohibited in that way. They are prohibited within a certain limited area, but they can hold meetings outside the area.

*Chairman.*—I take it that the promulgation of section 144 is not intended for the purpose of preventing meetings but for the purpose of preventing assembling of large number of people near the scene where the dispute is going on.

A.—Yes.

*Dr. Mukherji.*—Is it not the intention of that section to prevent meetings taking place ?

A.—Not at all. There is no desire to prevent workers from attending their meetings.

*Mr. Chandra.*—Take for example the case of Jamshedpur workers; they all come from villages and it is impossible to collect all together except in Jamshedpur.

*A.*—But it is not necessary that Government should allow a meeting taking place directly in front of the factory gates.

*Q.*—As long the meeting is peaceful and there is no intimidation or violence, I do not think why such meetings should not be allowed.

*A.*—One cannot know that until the meeting has taken place. If there has been intimidation and violence going on from before, then I do not think one would be justified allowing that meeting to take place directly in front of the factory gates.

*Q.*—Would it not be possible to restrict certain persons who are disposed to violence? They may not be permitted to address the meeting.

*A.*—I do not agree. The workers are not unable to walk a mile or so and hold meetings outside the prohibited area.

*Q.*—In Jamshedpur it is a peculiar situation. Practically all the houses where the workers live belong to the company. It is very difficult if meetings are prohibited in the town *maidan*.

*A.*—I believe that there are several *maidans* where meetings are usually held to which section 144 orders have not been applied.

*Mr. H. B. Chandra.*—There is another point in respect of the Dalmia strike. Strike leaders were prohibited from approaching the residence of the labourers. Is this justified?

*A.*—I am not in a position to answer. I do not recollect the facts.

*Chairman.*—When a worker is occupying a house belonging to the employer which has been given to him on rent, in that case the rent is a part of his wages which is deducted. In such a case, it is not treated as saving of the man.

*A.*—I am afraid I do not know.

*Q.*—In Goimuri strike there was an attempt to eject the strikers after sometime and I think at one time there was attempt to cut off the water-supply and electric installation from the house of the workers. I do not think you would approve of an action of this kind.



*A.*—No. I do not think that any such action was taken by with the aid of Government. I think it is definitely settled that police assistance would not be given for that.

*Dr. R. K. Mukherji.*—Regarding the right of the employer to give notice to the workers to quit the *dhouras* in the coalfields, the employers' point of view is that since the employers have the right to recruit labour and since they have no other house accommodation than what they have got there for the workers, they would not give any notice for more than a week.

*A.*—I imagine that is regulated by law. They are tenants at will. The landlord can give notice to quit and if they do not act according to the notice, he can file a civil suit and until a decree is obtained, he cannot do anything.

*Q.*—The employers at times withdraw the sources of water supply. Do you think that it is justifiable?

*A.*—No. I do not think that it is justifiable.

*Dr. Mukherji.*—In case of strike, the old relation of the landlord and tenant or of the employer and the employee ceases. The reason is that he is a tenant because he is an employee; but as soon as he ceases to be so, he ceases to be a tenant. What is your view about that?

*A.*—I am sorry, I am not prepared on this legal point.

*Q.*—Is the owner of a factory justified in interfering with the formation of unions, etc., of the workers?

*A.*—It would be unfair for the owner to interfere with the organization of the workers. They should be free to form unions. There are certain conditions which should be imposed in the formation of the Trade Unions; but the employer should not distinguish as between one union and another or prohibit men from becoming members of different unions. But there may be difficulties, when there may be unions in conflict with each other. We have got several such cases in Bihar.

*Q.*—Would you not consider it unfair for the employers not to give reasonable notice to the workers to leave the *dhouras*?

*A.*—Yes. I think they must have reasonable notice under the law.

*Q.*—It has also been noticed that the employers, at times, prohibit the entry of the executives of an union from entering their area or holding a meeting there.

*A.*—I think it is much better that they should meet outside.

*Chairman.*—But the difficulty is that there are places where the entire area is owned by one factory owner. When the strike is in progress, they are to organise and to take effective steps; they are prohibited to enter the *dhouras* of the workers or to hold meetings.

*Chief Secretary.*—I do not see how they can be prohibited from entering the *dhouras*.

*Dr. Mukherji.*—Do you think that they should be allowed to hold meetings within the premises?

*A.*—If all the land in the vicinity is owned by the company, I do not see that they can stop that, but it is preferable if they can meet outside the Company's premises because it leads to more amicable relations.

*Mr. Gandhi.*—In our own homes, would you allow people to hold meetings in your house? It is understood that the owner has no objection to the meetings being held in their areas but he would not like to allow outsiders to go there.

*A.*—The stand-point for the employees is that these persons go there to ventilate grievances against the employer. Why should the owner allow the workers in such circumstances to hold the meeting on his premises if they can do it elsewhere. After all, they are human beings and it is quite natural, but whether they are wise in that attitude is a different matter.

*Q.*—It is understood that active labourers are victimised?

*A.*—Yes, sometimes because they are active and agitate for the redress of their grievances. They should not be victimised.

*Mr. Gandhi.*—Because a man who is active in connection with the union, is considered troublesome. On the other hand, he helps a large number of people in joining the union, some of whom are good workers. Thus you chuck out a man because he helps in the formation of the union; but that cannot be admissible under the laws.

*A.*—There should be a Labour Commissioner who should deal with such matters.

The trouble is that there are a number of unions now that are in irresponsible hands and the workers are not sufficiently

educated to realise their responsibilities. So in many cases, it becomes impossible to form effective committees with which the management can deal.

*Q.*—Would you not consider that it is an offence to cut off the electric connection or water-supply ?

What should be done if the Labour Commissioner is satisfied that the employer is guilty of that offence ?

*A.*—The law will deal with that.

*Chairman.*—Suppose the factory premises where the work is done, is actually some little distance round and that land also belongs to the same proprietor ; it is a big plot of land ; would you not like the meeting to be held on the premises of the factory ?

*A.*—I would prefer the meeting not to be held in the Company's premises if it can be avoided. Then there is less chance of trouble.

*Q.*—Sometimes the workers have to work underground, sometimes extending to two or three miles. Would you think that even in such cases the workers should not be allowed to hold meetings in the outlying land ?

*A.*—In such cases, they can be allowed if they have not got any other convenient place to meet.

*Q.*—Have you had any occasion to appoint a Conciliation Board ? Considering all points, do you think that the provisions are sufficient to settle disputes when they actually arise ? Would you not like that there should be some sanction to enforce the provision ?

*A.*—I do not think it is practicable to do so. While it is possible to put pressure on the employer, there is no means by which pressure can be effectively put on labour to accept the decision.

*Q.*—Is there any means by which you can enforce the sanction on the labour ?

*A.*—I do not know, if any.

*Q.*—If you have got a small organised labour union and it agrees to the arbitration ; and the union is strong enough ?

*A.*—Then in that case it is possible. But I do not think there is any union in this province that is sufficiently strong to

hold the members under control. Of course, if the two parties are willing to abide by the decision, the question does not arise.

*Q.*—It arises only in the question of enforcing the award when the parties are not willing to abide by the decision. When such a question arises, do you think that it is impossible?

*A.*—While you can get an undertaking from the employer, you have got means by which you can enforce the sanction on him but you cannot enforce it on the labour.

*Q.*—Is there no effect of the public opinion?

Supposing the public opinion condemns the action of a particular labour union; how does that affect the labour?

*A.*—I do not think that public opinion has much effect in the present state of development.

*Q.*—Would you not consider, irrespective of the fact whether the employers or the workers approach Government for the Conciliation Board, conciliation should be done by conciliation procedure in case of labour disputes in works of public utility?

*A.*—This has been adopted in other countries recently. Notice should be compulsory for all strikes. At present, a strike without notice is illegal only in a public utility service.

*Q.*—Cannot Government appoint a Conciliation Officer in the case of public interest?

*A.*—Yes. Government can refer the matter to a Conciliation Board.

*Q.*—Cannot Government do so on its own initiative, when both the parties want it?

*A.*—In that case it is obligatory and not on their initiative.

*Mr. Bakhale.*—Therefore, there is not much difference between the Central Act of 1939 and the Bombay Act of 1934.

*A.*—The 1934 Act is much quicker. Under this Act one individual officer is given power and he can deal with all sorts of disputes. The Central Act is cumbersome, because no action can be taken except by Government. Under the 1934 Act, the local Conciliation Officers who are in touch with the situation can deal with such things at once as the matter develops. The Central Act permits only the appointment of Conciliation Boards for the purpose of settling disputes. Before that stage

is reached much time may be lost. If there is a permanent Conciliation Officer he can step in at an early stage.

*Chairman.*—Can you express your opinion on the examples of other provinces ?

*A.*—No: I cannot speak about other provinces. From what I have seen in this province I consider that there should be more regulation of the organisation of Trade Unions. At present the development of Trade Unions is not on healthy lines. At present, they are mostly established by political workers for political ends and for their own ends rather than for the benefit of the workers. They do not develop naturally or economically. At present, the left wing is usurping all the Trade Unions. Many left wingers who are ex-revolutionaries have become labour leaders. They use labour for their political experiments. The ignorant labourers are excited by their revolutionary speeches and they lead them to wrong direction. That results in violence during the strikes. They are not the right type of labour leader. They are organising labour for their own political purposes, rather than looking for the welfare of the workers. They have on several occasions started strikes without formulating grievances and without any notice. In many cases no demands have been put forward till after the strike has begun. Where demands are put forward, you will find that the same 23 demands of the Central Trade Union organisations are repeated in nearly every case. Unless the Trade Union is developed on sound and proper lines, there is no possibility of limiting the occurrence of strikes. The Trade Union executive must be formed from the right type of persons who are capable of giving sane advice and of leading the workers to agitate for their rights in a responsible manner. So long as the unions are entirely run by outsiders or a good many of them, there will be no healthy development.

*Q.*—What do you suggest for the healthy development and to prevent the unhealthy development ?

*A.*—I think that there should be mainly local executives. The responsibility should rest with the workers. So long as the Socialist and the Communist Parties are in control of the labour unions, the development will be on political rather than on genuine trade union lines.

*Q.*—At present, on the executive of the union, the rule is that there should be half and half, half may be outsiders and half workers.

The Royal Commission on Labour says that it should be reduced to 1/3rd and 2/3rd ; 1/3rd outsiders and 2/3rd insiders.

*Mr. Russell.*—I would like that the ratio should be made 3/4th. and 1/4th i.e., 1/4th outsiders and 3/4th insiders.

*Mr. Chandra.*—You mean that the number [and proportion] of the outsiders should be very small ?

*A.*—Yes ; but even then they will probably rule the union.

*Chairman.*—I suppose the education of the workers in the course of time will develop in them the sense of self-responsibility by the development of learning.

*A.*—Yes, I hope so.

*Mr. Bakhale.*—But it is very difficult to carry out in practice ?

*A.*—Yes.

*Q.*—During the course of our investigation and enquiry, it has come to light that there should be one union for one trade. But it is very difficult to do so, as in Tataragar.

*A.*—Yes, I agree.

*Q.*—Can you think that the Government can do that ?

*A.*—No, I do not think that.

*Dr. Mukherji.*—How can you bring about the solidarity of the union in order that the industries may develop effectively ?

*A.*—Greater privileges might be given to unions representing a majority of the workers, say 2/3rd as in the Bombay Act.

*Dr. Mukherji.*—But in Bombay it is 1/2 and 1/2. Is not that number too low ? How would you decide percentage of workers ? How would you do ?

*A.*—I do not see any easy way of doing that.

*Mr. Bakhale.*—There is another difficulty. I will give you a case. In 1928 there was a Trade Union having 12,400 membership and there was certain dispute over certain grievances. The union did not like the strike but even then the 50 per cent of the workers struck work. The union could not control them. There was no alternative for the union. It could not resist 20,000 workers.

A.—Yes, unions are not yet disciplined enough because the worker can always go back to the land. They have little hold on him.

*Chairman.*—There is another point. It was suggested by the Registrar of the Trade Unions that there was a union in Jamshedpur which was abolished due to the imprisonment of the president. But when the president came back from jail, he again started the union under some altered name and applied for registration. The Registrar said that he was unwilling to register that union but under the Act he could not refuse registration. Would you like that such rules should be made in the Act by the amendment of the present existing Act which may control the election of the office-bearers ?

A.—I agree that in the interest of the trade unions, there should be men of good repute.

Q.—Do you like that persons who have suffered imprisonment should be debarred from becoming the office-bearers of the union ?

A.—Yes, if it was for embezzlement, a serious crime.

*Dr. Mukherji.*—Do you like also that the persons who are convicted of moral turpitude should also be debarred from becoming the office-bearers of the union ?

A.—No, I would not go so far. I think I would limit myself to the first instance. If the latter is introduced, it might be said that there is victimisation. If a man has been convicted of abducting a woman or adultery, that does not mean that he or she should be debarred.

Q.—As regards the steps taken to safeguard the interest of the workers, there should be a regular audit of the accounts of the union, by registered and recognised auditors. It has been suggested that the Government should take this work and maintain officers for this auditing work, as the Government do in the case of municipalities and district boards. What do you think of that ?

A.—I have no objection to that. It is purely a question of finance. As to the principle, I agree.

*Chairman.*—At present there are only 18 unions which are registered ; but later when unions grow then it would be difficult. Would you like the inspection by the Government auditors ?

A.—Yes.

*Mr. Chandra.*—Referring to page 2 of your memorandum. ....(*Reads*) What kind of.....? Would you include under it the causes of victimisations and dismissals?

*A.*—Yes.

*Dr. Mukherji.*—(*Reads the Act*) The employer should not undertake lock out.....Would you add also the recruitment of the new workers in it, as that prevents the development of peaceable atmosphere?

*A.*—It would be necessary to do that.

*Mr. Chandra.*—Now power under section 144; Do you like that extraordinary powers should be given to the Labour officers in the different areas?

*A.*—No, the powers under section 144 are entirely a question of law and order and cannot be given to one else than the Magistrate. That is a magisterial responsibility.

*Mr. Chandra.*—On occasions allegation has been made against the local magistracy that they are trying to back the employers and in such circumstances, if there is a Labour Officer or a Labour Commissioner, then it might act as a balancing factor.

*A.*—Do you mean that the Labour Commissioner may be consulted before the issue of an order under section 144? But that would be impossible.

*Q.*—The Labour Officer may be there.

*A.*—Yes, but he may not be there and in any case he is not responsible for law and order. A Labour Officer cannot be given any responsibility for law and order. That is not practicable. His duty is entirely concerned with the conciliation side of the matter. No doubt, the local Magistrate would consult him, but one cannot put in any stipulation or conditions that he must be consulted or that his consent should be taken for the issue of a section 144 order. The Labour Officer may be consulted at stages of the dispute, if he is on the spot. The local Magistrate will work in conjunction with him, but when he comes to law and order, he must act alone.

*Q.*—Of course, the position of the Labour Officer at present is anomalous. He is holding so many posts.

*A.*—Government hope that after they have got the report of this Committee, they will then be able to take up the question of appointing a whole-time Labour Commissioner or Commissioners. They postponed doing so largely because they wish



to have the recommendations of your Committee before deciding what to do.

*The Chairman.*—Government have now to tackle the labour problem in this province and they have to provide the necessary staff.

*A.*—Yes.

*The Chairman.*—We have got the Concurrent list and the Federal list. Here we are concerned with labour. Supposing we suggest to the Provincial Government to do something in connection with the mining labour, I want to know the extent to which the Provincial Government would be entitled to go.

*A.*—Speaking from my recollections of the Acts, the Central Government come in mainly in the question of regulation of safety (Regulation of labour and safety in mines). Their legislation deals with certain general conditions of labour such as whether women should be employed or not. But I think the economic conditions of employment fall entirely inside the provincial sphere.

*Q.*—I am now talking of the Payment of Wages Act. There are certain limitations laid down with regard to the time within which wages must be paid and also as regards fines, that fines must be of a certain limited extent in cases of any offence committed by workers. A suggestion has been made to us that the Payment of Wages Act should be extended to mines. We find there is some difficulty with regard to that.

*A.*—That subject falls under the Commerce Department. I am not able to assist you about that.

*Mr. Bakhale.*—We want your legal interpretation.

*A.*—I think you had better consult the Revenue Secretary about that. I only come to the question of Trade Disputes incidentally, because in dealing with law and order, I have to deal with strike questions. The opinions that I have given you about the Trade Disputes Act are purely personal, because I am not officially concerned with that. One more point that I want to say is about notices of a strike. I think notice should be compulsory for all strikes. I think it is necessary to stop the lightning strike without notice, without negotiation and without formulation of demands, for all industries, because otherwise, it makes an impossible situation both for the local Government that has to keep law and order and for employers

who never know when a lightning strike will be forced upon them without knowing what it is about or without having had a chance to settle the demands.

*Mr. Bakhale.*—That is a situation with which I entirely agree. But do you not think that giving of notice in a strike compulsorily would be as difficult in practice as carrying out the arbitration in a dispute?

*A.*—If strikes without notice were illegal, section 17 of the Trade Disputes Act would come into operation. I think if a strike is to be legal, 15 days' notice should be given. My point is that in some strikes there is no possibility of negotiation.

*Q.*—Could you prescribe the same period of notice for employers as you suggest for workers?

*A.*—Certainly.

*Q.*—In a number of countries where trade unions are strong, as in England or in France, the period of notice prescribed for workers is much less than the period for employers and that is under collective agreement.

*A.*—I have no objection to that. The only thing is that notices ought to be required.

*Mr. Saran.*—Could you add a proviso that during the notice period the employers must not do anything to recredit labour?

*A.*—That is a matter that might be considered. I would not express a definite opinion on that now.

*Mr. Lal.*—Are you aware of some good unions working on peaceful lines?

*A.*—Yes.

*Q.*—I think there may be less of strikes where there are unions conducted on peaceful lines.

*A.*—Yes.

*Q.*—Are you aware of any occasion on which complaints have been made that because labourers have represented their grievances to Government, therefore, they have been victimised by employers and if so could you suggest some remedy for that?

*A.*—I think there were some in connection with Musaboni. There may have been others.

*Q.*—If employers chose to victimise labourers for what I have just said, would you suggest some remedy for that?

A.—It is difficult to say what the remedy is.

Q.—I think during the course of visit of the Inspector of Factories and others, labourers should have the right to represent their grievances and for that they should not be victimised.

A.—Certainly they should have the right to put their grievances before the Inspecting Officers without any interference.

Q.—But there does not seem to be any difficulty in framing rules which should be drastic for the purpose of preventing victimisation.

A.—I do not see how we can make rules for it.

Q.—If in the course of a strike an employer chooses to dismiss the ring-leader of the strikers, is it possible to prevent it?

A.—I do not know what the answer is.

Q.—You mean the position is fairly difficult.

A.—Yes. I do not know how an employer can be legally prevented from dismissing a labourer.

Q.—How do you think of voluntary standing boards of arbitration in important centres, like the Ahmedabad Board?

A.—I have no experience. It might be possible where trade unions are highly organised; but I think they would not be of much good in our present stage.

Q.—Would you give your opinion on the question of organisation of a Labour Department under Government?

A.—That is your province. I think I can leave that to you (*laughter*).

Q.—For tackling these problems in different localities, would you prefer a Labour Commissioner at the top along with a number of Labour Officers located at important centres or would you like that there should be separate Labour Commissioners for different centres?

A.—It might be better to have separate Labour Commissioners.

Q.—So far as Bombay and Bengal are concerned, they have one chief Labour Officer and under him there are Labour Officers, Assistant Labour Officers, etc.

A.—The reason why I think it would be desirable to have separate Labour Commissioners are that the industrial problem

in this province is a bit different from others. Here we have two very big self-contained centres where the labour officers have to deal with a number of very big firms. I think there would be plenty of work in each centre.

*Dr. Mukherji.*—It has been suggested that we might have three officers—one in Jamshedpur, one at Dhanbad and one in the Sugar mill area.

*A.*—Government could not afford it. Nor could they find the officers, I would be inclined to have two. One senior man for Jamshedpur and another less senior man for the mining areas who will deal with sugar mills also.

*Q.*—How do you envisage the relation between the Labour Commissioner or Assistant Labour Commissioner with the Board of Conciliation ?

*A.*—I think they should be independent.

*Q.*—He will be the Chairman of the Conciliation Board ?

*A.*—Not necessarily.

*Q.*—What would be his relation with the Conciliation Board?

*A.*—He would not necessarily, unless he is appointed to be a member, have any relation. The Conciliation Board may be able to utilise his services as a liaison officer between the parties.

*Mr. Bakhale.*—In Bombay the Commissioner of Labour is an ex-officio member.

*A.*—I see.

*Dr. Mukherji.*—In the United Provinces, Mr. Kharegat who is the Commissioner and also Secretary, Education and Industries, settles all disputes and there is no need of a Conciliation Board.

*A.*—That is all right if it can be done ; but if there has to be a Conciliation Board, it should be separate from the Labour Commissioner.

*Chairman.*—Thank you.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 30th May 1939 at 2-10 P.M.

The following members were present :—

- |                          |     |                            |
|--------------------------|-----|----------------------------|
| 1. Dr. Rajendra Prasad   | ... | <i>Chairman, Presiding</i> |
| 2. Mr. R. R. Bakhale     | ... | <i>Deputy Chairman.</i>    |
| 3. Dr. R. K. Mukharji    | ... | } <i>Members.</i>          |
| 4. Mr. A. M. Hayman      | ... |                            |
| 5. Mr. M. P. Gandhi      | ... |                            |
| 6. Mr. J. N. Lal         | ... |                            |
| 7. Mr. H. B. Chandra     | ... |                            |
| 8. Professor R. K. Saran | ... | <i>Secretary.</i>          |

**Oral evidence of Rai Bahadur A. G. K. Lal, Secretary to Government, Revenue Department.**

*Chairman.*—The first point on which I would very much like to have your opinion is with regard to the extent to which the Provincial Government will be able to give effect to our recommendations relating to labour. I will explain to you the difficulty which we are experiencing. If you turn to the Government of India Act, Schedule VII, you will find that the Federal Legislative List contains items 35 and 36. We have now to consider whether the Provincial Government is at all entitled to make rules or lay down any laws relating to regulations of labour in mines.

*A.*—There will be a sort of recommendation which the Provincial Government should bring to the notice of the Central Government.

*Q.*—Will not the Provincial Government by itself do it ?

*A.*—We have to forward the recommendations to the Central Government expressing the views of the Provincial Government and pressing them for legislation.

*Q.*—But the Provincial Government cannot do anything by itself ?

*A.*—I should think not.

*Q.*—Under the Payment of Wages Act there are certain days laid down within which payment must be made. There is also certain limitation on the amount of fines which may be imposed on workers by an employer. Supposing if the Provincial Government would want to introduce the Payment of Wages Act into mines, could they do so ?

*A.*—That is a Central Government Act.

*Mr. Bakhale.*—Indeed it is so ; but after the whole of the Government of India Act comes into operation, the position will be changed. So far as legislation is concerned, it will be concurrent. If the Central Government legislate on the very same subject, that legislation will supersede the provincial legislation, but till then the provincial legislation will have control. Supposing the Provincial Government were to legislate on hours of work and make a legislation applicable also to mines, what is your opinion ? Could you make some clarification on that point ?

*A.*—I would request the Committee to refer the matter to the Legal Remembrancer.

*Q.*—If you could ask the Legal Remembrancer to do this for the guidance of the Committee.

*A.*—I shall gladly do that.

*Chairman.*—I may refer you particularly to section 24 of the Payment of Wages Act. All the powers which are conferred by this Act on the Provincial Government to regulate payment of wages shall, in the case of mines amongst other things, be considered as being available to the Central Government and not to the Provincial Government.

*A.*—I believe the Chief Inspector of Factories may have explained the position.

*Q.*—You have pointed out in your note that there are several difficulties which have to be dealt with and you suggest that it is desirable to bring in together under one department all matters relating to labour. We have been considering whether we should recommend to Government the establishment of a Labour Department and we would like to have your views as to how the bifurcation of duties of the Labour Department can be, considering the various aspects of the questions which are now to be dealt with by Government in different ways.

*A.*—Matters relating to labour are dealt with by three departments at present ; Commerce Department is doing one part,

Political Department is doing another part and Industries Department, although it is nominal, is doing the third part. The Factory Department, the Boiler Department—they are under Commerce Department. Political Department deals with strikes, apprehended strikes, trade disputes, etc. Political Department take action on these matters and instructions have been issued that copies of reports concerning strikes, etc., and of action taken by that department should be forwarded to Commerce Department also for information.

*Q.*—Will the Labour Department require certain branches which will have to be worked under one head ?

*A.*—It will be necessary now to have a department of statistics. Labour disputes are growing day by day and it will perhaps be necessary to have a Labour Commissioner. It may be necessary at different centres to have a number of conciliation officers always present at those places. At present the Workmen's Compensation Act is being administered by different District Officers ; but I do not think the arrangement is very satisfactory. These officers cannot devote much attention to this Act. My suggestion is that the Labour Commissioner should deal with applications for compensation.

*Dr. Mukherji.*—Do you consider that the Labour Commissioner should be the Registrar of Trade Unions ?

*A.*—That is not a bad idea, but I would like the Labour Commissioner to be impartial.

*Q.*—Since he will be in touch with industrial labour, he is the person whose advice will be important to the Government, so far as registration of trade unions is concerned.

*A.*—I would like the Labour Commissioner to be free and impartial who should be always welcome to both parties.

*Q.*—When a strike is on and it is not merely an industrial dispute but it is a dispute which may spread into a great disorder, which should be the Department to tackle the situation ? So far as the termination of a strike is concerned, the department of Labour or the department of Industries is there to deal with the situation, but on the other hand, when a strike is on and the strike has led to a difficult situation as regards law and order, surely the responsibility is shifted from these departments and there must be some department to take charge of the situation.

*A.*—There is no department in charge, but if there is any disorder, somebody must be there to preserve law and order. That somebody is the Political Department.

*Q.*—A question was raised in another connection and that is, to what extent the custodians of law and order should exercise by themselves and independently the exclusive right of authority for promulgation of section 144.

*A.*—They should have full control. They must decide themselves what action is necessary.

*Q.*—Do you mean that the responsibility will lie with the officer in charge of law and order ?

*A.*—But we can give him advice.

*Q.* He will be quite free either to consult you or not ?

*A.*—Yes.

*Chairman.*—The responsibility really belongs to the Magistrate to preserve law and order and you would not like that responsibility to be shared to any extent by the Labour Department. That responsibility must belong to the Magistrate alone. Of course, it is open to the Magistrate to consult the Labour Department, but the responsibility and the final decision must rest with the Political Department. Is that so ?

*A.*—Yes.

*Q.*—Should this consultation be made obligatory ?

*A.*—I have no objection.

*Q.*—But if there are occasions in which consultation might involve delay ?

*A.*—That is why so long one department was doing it without any consultation.

*Q.*—Therefore, consultation there may be wherever there is a possibility, but you cannot make it obligatory on the Magistrate to consult the Labour Department.

*A.*—What I mean is that while action is being taken by the Political Department, the consultation should go on.

*Mr. Bakhale.*—What is meant by obligatory ? Should it be laid down by any statute or executive order ?

*A.*—It should be a matter of convention.

*Mr. Saran.*—If he consults the Labour Commissioner, the merits of the case are bound to be discussed with those responsible for maintaining law and order. I do not think, the Magistrate ought to go into the merit of the case.



A.—In fact, he does not. The consultation is to see whether there is any chance of conciliation or not.

*Chairman.*—Coming to the question of agency for conciliation, do you think that there should be one Conciliation Officer who might also be the Labour Commissioner or he might be a separate officer altogether for throughout the province ?

A.—My idea is that we should start with one permanent Labour Commissioner in the whole province and then in different industrial centres, for example Jharia, Jamshedpur and for North Bihar sugar mills, we might have a suitable number of conciliation officers whose headquarters will be located at those places and they would be in constant touch with the people there and they might settle disputes from day to day. Only in disputes of bigger dimension in which their intervention will not be sufficient, they should let the Labour Commissioner know about them and he might come and settle the matter.

*Mr. Bakhale.*—Is it necessary that the Labour Commissioner should be located at Jamshedpur or Dhanbad ?

A.—It is not necessary. But if his headquarters are located at either of these places, an Assistant Commissioner may have to be placed somewhere in North Bihar.

Q.—Suppose a Labour Office is established and a separate department is started, how much do you think should be spent on such a department ?

A.—I have no idea.

*Dr. Mukherji.*—About the Labour Commissioner, it has been suggested that there should be two Labour Commissioners, one in Jamshedpur and the other for coal mining areas, both being of the standard of a Commissioner of a division, and also, if possible, another Labour Commissioner for the sugar area. Then about the Conciliation Officers, it has been indicated that conciliation in industrial disputes is also a difficult and responsible job and requires not merely a good deal of tackling but experience which does not generally associate with youths ; so they should also be very responsible and experienced men.

A.—If you be careful in selecting the Conciliation Officers which I have in mind, there is no reason why we should not be able to select suitable persons.

*Chairman.*—Will there be sufficient work for three Commissioners ?

A.—I do not think so.

*Dr. Mukherji.*—Do you think that the Labour Commissioner should be of the status of a Magistrate or a District Judge and should be an I. C. S.

A.—He should be a senior officer not below the status of a Magistrate or a District Judge but he need not necessarily be an I. C. S.

*Mr. Saran.*—Do you insist on his being a Government Officer ?

A.—It is for the Government to decide. My own opinion is that I would make no such limitation. I would appoint the best man available.

*Mr. Gandhi.*—Is it that he must be a man of very high standing ?

A.—Not necessarily of very high standing but of high standing. There is no bar against anybody. But he must be an able man as he will have to deal with many complicated questions depending on the proper interpretation of the rules, laws, etc., and other things, and it would be better if he is a man of high standing who should be able to consult the Legal Remembrancer whenever necessary.

Q.—What about Conciliation Officers ?

A.—They must be persons with tact and should have very little temper. I believe it must be a trying job to try and bring about conciliation and one with temper is not likely to succeed.

*Chairman.*—As regards the question of conciliation and settlement of disputes, would you like legislation which would empower those conciliation officers to intervene and compel both the parties to appear before that officer and place their cases so that he might give a decision ?

A.—That is a matter for the Government to decide. He should have power to examine witnesses and to examine all necessary papers. In case he fails to bring about conciliation, he would report to the Labour Commissioner who should try to settle the disputes. In case, the latter also fails, he will report to Government and it will be for the Government to decide what to do in the matter.

Q.—In these labour disputes when all attempts of conciliation fail, the State has to step in to take some decisive action to settle it, if possible. At that stage, would you like it to be left to the will of the parties or whether you wish that the State

should step in or whether you would give such powers to the State, which mean to the particular officer, to start the proceedings ?

A.—The State should be given the power to come in by legislation in such cases without any reference to either parties to get the matter settled.

Q.—Now under the Disputes Act the Government have the power to appoint the Court of Conciliation. Do you think that the power should be given to a Conciliation Officer or the Commissioner who may start proceedings in his own way ?

A.—We have not sufficient experience as yet to be able to express any opinion as to whether it should be delegated to the Commissioner or to other officers.

Q.—Supposing at a later stage a board is appointed under the conditions which is required by the Act. Would you like the decision of that Board or that Court of Enquiry to be made binding on the parties concerned ?

A.—Yes. I would.

Q.—How would you enforce it ?

A.—The law itself would say how it is to be enforced. Those who would not obey it will be dealt with according to the law.

Q.—There is a dispute between the labour union and the employer and the dispute relates to wages and ultimately the Conciliation Officer or the Court of Enquiry comes to the conclusion that the demand of the labour union is unjustified and therefore the labour union should not be permitted to make their demand and the labour union instead of abiding by that decision start strike for wages. In such a case, how would you enforce the law against the labour union ?

A.—My point is that they should accept the decision or they will be asked to go out without the least moral support and in that case if the employers engage new workers, nobody would blame them.

Q.—In other words, the State will help the employers to get rid of these people. If they still want to create trouble, the State will be bound to stop.

A.—The persons responsible for law and order will be able to explain how it is to be stopped.

*Chairman.*—Where the union is found to be at fault, would you force the state to declare the union as unlawful union ?

A.—In such a case the leader of the union should resign and go.

Q.—You want to go to that extent. Therefore, the question of punishing the union itself does not come in. Would you not mind the workers being put to prison also ?

A.—No, I would not mind. If they break the law, they must be punished.

Q.—So, you say that a strike which does not abide by the decision of the arbitration board may be called an illegal one.

A.—Yes. You may call it an illegal strike.

Supposing a firm employs men on the understanding that they will be paid at 10 annas a day. It does not mean that the men will be compelled to work at 10 annas a day. There may be men who may not be willing to work at that wages. Here, the employer is not bound to pay more than 10 annas. If the labourers are prepared to work, they can work ; but if they do not want to work, it is open to them to go away. The State will come only to see that the wages are distributed to those who work.

*Dr. Mukerji.*—How would you deal with picketing ? Peaceful picketing is a right of every citizen just as he has the right of not working. In case he does not work, would he continue in occupation of the quarters ?

A.—The law is there to help the employer. He can go to the Court for his eviction.

Q.—If the employer excludes the supply of water and the electric light, how would you deal with him ? Is the employer bound to supply these things in case the workers cease to work ? Your idea is that there should be a month's notice ; how would you like if the employer takes resort to that practice ?

A.—It depends upon the contract between the two parties i.e., the employer and the employee.

*Dr. Mukherji.*—The workers enter into relation of landlord and tenant with the employee. Supposing, I enter into a contract with the labourers with a promise that if you continue to be my labourer, I will provide you with house, water-supply, electric light, etc., besides a certain remuneration for each day's work ; but in case, you cease to be my labourer, I am free to stop all these things. Some I can do automatically and some through Court.

*A.*—But as soon as the labourer ceases to be a worker of a particular factory, the employee is not bound by those conditions.

*Q.*—My point of view is this. As soon as the worker is under the employ of a particular factory, he becomes not only a wage earner but also a tenant.

*A.*—I doubt very much. It is for the Court to decide.

*Secretary.*—And when it is a rent-free quarter, the case becomes rather difficult.

*Mr. H. B. Chandra.*—In cases where municipal facilities are not available, the employers have taken upon themselves to give them all kind of facilities, e.g. development of roads, provision for lights and sanitary arrangements, etc. Are the employers justified in withdrawing all these services all at once from the labourers in case they cease to work, i.e., these services are to be used by the employers for the purpose of intimidating labourers or putting pressure on them at times? In a place like Jamshedpur, the Tatas have provided with all municipal facilities. Would you think that it would be justified to withdraw these facilities in order to bring some sort of pressure on the workers?

*A.*—That kind of use of power will certainly be called abuse of power and should be stopped by law, if we can resort to law. In a place like that if that sort of things is done, I would rather call it misuse of power and also inhuman. But the employer will then be entitled to certain payments for these services rendered to labourers who have ceased to work.

*Mr. J. N. Lal.*—In that case, would it not be better to have some sort of provision made by which the employers should abstain from cutting the connections, as it exists in Ajmer and Lahore?

*A.*—Yes. That would be better.

*Mr. H. B. Chandra.*—It must not be open to the employers to do what they like. Of course, there are cases where the workers were not ejected from their quarters nor the water-supply or electric connections were withdrawn from them; but there are also cases where these things have been done.

*A.*—The workers also are thoroughly unreasonable on many occasions. If the Government are given power under the law to appoint Conciliation Officers and the decisions of such officers are made binding on the parties, what would be done in the case of the workers who prove unreasonable and do not abide by the

decision of the Conciliation Officers, in other words, where the workers are thoroughly unreasonable ?

*Q.*—Do you not consider that so long the strike continues, they should be allowed to continue in occupation of the houses ?

*A.*—Yes. But there should be a provision that if they do not accept the decision, they are liable to ejection.

*Q.*—Whether you proceed criminally or through the Civil Court, the point is whether you can compel them to vacate the quarters and can withdraw all other facilities until the cases are decided ?

*A.*—They are liable to ejection. The factory has got to be run. If they do not vacate the houses, how the employer will be able to accommodate the new men appointed in their place ?

*Chairman.*—Does it come to this that when the Board of Conciliation has given a decision against the workers, it means that they have ceased to be workers and therefore, they must cease to enjoy any privileges which they have been enjoying ?

*A.*—That is so. Supposing the workers do not join the work and continue the strike for increase of wages, they lose all the privileges which they were enjoying before. If the employer is asked to go to the court of law and obtain a decree, it might take a long time to get the workers vacate the house, but there is no way out of it.

*Q.*—Supposing there is a decree of the Court and the Court asks the man to vacate the house, should not the same decision apply in the case of all others ?

*A.*—But the question will still remain how to enforce it. The decision of the Conciliation Board will operate as a sort of a decree but then the execution of the decree will have to be enforced through ordinary process which is bound to take time. As soon as one ceases to be a worker, he should be debarred from the housing accommodation.

*Chairman.*—Supposing a man is admitted into a house simply because he happens to be in the employ of the owner of the house and not as an ordinary tenant. The consideration here is that he is an employee of the owner and so he is admitted into the house as an occupant.

*A.*—Yes. Just as I go to the landlord of a house and settle with him that if I pay him Rs. 50 a month, I shall be in occupation of his house ; but in case I do not fulfil the condition, he is

quite at liberty to go to the Civil Court. It means that I would simply act according to the term of the contract. It comes to this that the tenancy will last so long as the workers continue to be in service and it will cease as soon as they cease to work.

*Dr. Mukherji.*—In some industrial areas the circumstances may be different. Take the case of a mining area where there are no private houses. There the workers have to occupy the houses provided for them. It is not because of any other reason than the fact that there is no other house available. The workers thus get the civil right by which they can occupy the houses.

*A.*—You mean to say that you ask the worker to work at 10 annas a day while his demand is Rs. 1/4 a day. It is for him to choose whether he should work at annas 10 or not. If he agrees to work, he can have all the facilities but in case he ceases to work, he must vacate the house, although he must be given a month's notice for it.

*Chairman.*—This means that the man is entitled for all the facilities so long as he is in service.

But do you not think that the employer should be bound to give certain amenities and those amenities should not be withdrawn even if the worker refuses to work ?

*A.*—Yes. It would not be reasonable to withdraw until the dispute has been decided. Before the decision it is not known whether the employer is in the wrong or the employee is in the wrong.

*Dr. Mukherji.*—In big commercial centres, necessary amenities of life, such as roads, houses, latrines and other sanitary arrangements, etc., are provided. Even if you try to withdraw these amenities you cannot do so, the reason being that even when he ceases to work, he ceases to be your employee but he does not cease to be a citizen and the rights of citizen you cannot extinguish only on the ground that he has ceased to be your employee.

*A.*—We must take a practical point of view. First of all when there is a strike, some dispute must arise between the two. The dispute is referred to the Conciliation Board. It will take some time for the Board to give its decision. When it is referred to the Board, it is presumed that the parties must abide by the decision or take the consequences. If after such a long length of time after the decision is given, he is asked to vacate the house, I do not think there is anything wrong. It took several months to arrive at the decision and thus he had ample notice

He knows the consequences of not accepting the decision and even then if he does not abide by the decision, he must reap the consequences.

*Mr. H. B. Chandra*—It appears to me that the law makes a distinction in this case. He is being entitled to the use of light and water. Would it not be quite fair to have all the like services which go with tenancy the same kind of treatment at the hands of law ?

*A.*—Yes. I agree. If he lives on the premises, he should have everything, e.g., water, light, house, etc. If you do not like that he should be supplied with all these things, he must be asked to vacate the house.

*Mr. Saran.*—Is there not the relation of landlord and tenant if he is occupying a rent-free house ?

*A.*—There is.

*Mr. A. M. Hayman.*—In the event of the strikers not observing the orders of the Court of Arbitration, should not the company's contribution to the provident fund be forfeited ?

*A.*—That is a different question. I should not encourage that. He has earned that. If any contribution is made by a company for the period he was in service, there is no reason why it should be forfeited. He has earned it. Of course, from the day he ceases to work, nothing should be paid.

*Q.*—In certain companies past contributions are also forfeited. Supposing some provision is made that non-observance of the decision of the Court of Arbitration will entail forfeiture.

*A.*—I think I should not support that. If the case comes to me, I will have to give my anxious consideration to it, but personally, I would not allow the forfeiture.

*Chairman.*—The other day we examined the Chief Inspector of Factories. We understood from him that he had to inspect a considerable number of factories and the staff at his disposal was not enough to enable him to have the kind of inspection which was really needed to check the abuses prevalent in the factories. It was suggested to him whether the men who had been appointed as Sugarcane Inspectors in North Bihar would be useful if they were empowered as Inspector of Factories. In this way the hands could be increased without additional expenditure on the part of Government. What would you say about that ?



**A.**—The Inspector of Factories must have some engineering knowledge.

**Chairman.**—There are certain kinds of work which require technical skill. An ordinary man who has not that kind of training will not be able to do; but there are other kinds of work e.g., hours of work, whether charges are properly paid or not, whether overtime work is taken without remuneration and such other things which can be very much determined by reference only to books and to accounts. Whether an inspection of this kind can be entrusted to the officers of that description.

**A.**—Yes, provided they have time. Another difficulty will be that this sort of inspection will only be a part inspection and it would be necessary for the Inspector of Factories to inspect the factories again. Would it not be duplication of work? The best solution in my mind would be to increase the number of Factory Inspectors.

**Mr. J. N. Lal.**—On grounds of expenditure it might not be possible to increase the number of Inspectors to any extent.

**Mr. M. P. Gandhi.**—The idea is to employ the Sugarcane Inspectors when they are free.

**A.**—Yes. They can be utilized if they are free. They can inspect the work so far as the Payment of Wages Act is concerned and the hours of work in factories is concerned. These things would not require any special technical knowledge. These can be done by the Sugarcane Inspectors if they have time. At present the Subdivisional Officers are ex-officio Inspectors. The Subdivisional Officers are mostly of the rank of Deputy Magistrates having no technical training. After these Inspectors have gained some experience, they can also do the work similarly; but my idea is that the inspections by the Subdivisional Officers are no good.

**Q.**—Would you like to increase the number of hands and have the inspection by Inspector of Factories? The Chief Inspector of Factories told us that about half a day was devoted in small factories and the big factories took about a day or more.

**A.**—Yes. There must be increase of staff.

**Mr. J. N. Lal.**—It is not possible for the Chief Inspector of Factories to make surprise visits, as the moment he arrives at a station, the news spreads in all the factories in the locality that the Chief Inspector has arrived and everybody

becomes alert. The Subdivisional Officer resides in the locality or near about. He can make surprise visits whenever he likes and look into the working of the factories in that locality as to whether the hours of work or such other things are properly followed according to the rules or not.

*A.*—When I say that the Inspector of Factories should inspect, I do not say that the Subdivisional Officers should be excluded. He can drop at the factory anytime he likes and inspect it but the regular Inspector must be there.

*Mr. Saran.*—If sanitation and health provisions are looked after by the Public Health Officers, it may be equally said that the Inspector is a man of engineering qualification and does not know much of sanitation.

*A.*—Yes. But you are to examine from the factory point of view. One man comes to see the health, another to see the engineering work, the third to see the hours of work and such other things. Thus there will be too many inspectors for the factories.

*Mr. H. B. Chandra.*—Is there any bar to consulting the workers as to whether payments have been made properly or not? Complaints have been made that the number of complaints would have decreased if they had been consulted.

*A.*—The Chief Inspector of Factories must have explained about it.

*Dr. Mukherji.*—Should not the Trade Unions be asked to help the factories? In some countries the inspection of factories is done by the Trade Unions.

*A.*—I do not think it is desirable or practicable here at present. My idea is that the Factory Inspectors should certainly seek the co-operation of everybody—the employers and the employed—in his inspection. This sort of co-operation will be of great help in improving the condition of the factories as well as of the workers.

*Chairman.*—Thank you very much.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 24th May, 1939 at 3 P.M.

The following members were present :—

- |                            |     |  |
|----------------------------|-----|--|
| 1. Dr. Rajendra Prasad     | ... | <i>Chairman, Presiding.</i>                        |
| 2. Mr. R. R. Bakhale,      | ... | <i>Deputy Chairman.</i>                            |
| 3. Dr. R. K. Mukherjee     | ... | } <i>Member.</i>                                   |
| 4. Mr. A. M. Hayman        | ... |  |
| 5. Mr. J. N. Lal           | ... |  |
| 6. Mr. M. P. Gandhi        | ... |  |
| 7. Prof. R. K. Saran...    | ... | <i>Secretary.</i>                                  |
| 8. Mr. S. F. Tarlton ...   | ... | } <i>Co-opted Members,</i><br><i>(Management).</i> |
| 9. Mr. A. L. Ojha ...      | ... |  |
| 10. Mr. K. N. Sen Gupta    | ... | } <i>Co-opted Members,</i><br><i>(Labour).</i>     |
| 11. Mr. K. N. Bhattacharya | ... |  |

**Oral evidence of Mr. W. Kirby, Chief Inspector of Mines in India, Dhanbad.**

*Chairman.*—I believe your headquarters are at Dhanbad ?

*A.*—Yes.

*Q.*—The largest number of coal mines and the largest output of coal are in the Jharia Coalfield ?

*A.*—Yes.

*Q.*—The next coalfield in importance from the point of view of output is Bengal ?

*A.*—Yes.

*Q.*—The third in importance would be the Central Provinces mines ?

*A.*—Yes. The Central Provinces and Bokaro.

*Q.*—Bihar is well placed so far as other minerals are concerned ?

*A.*—Yes.

*Q.*—You have also got iron ore mines in this province ?

*A.*—Yes. There are small supplies also elsewhere but of not great importance.

*Q.*—As far as copper is concerned ?

*A.*—There are mines at Mosaboni.

Q.—In respect of mica also this province is in an advantageous position ?

A.—There are mica mines in Madras and Rajputana also. Most of the mica mines in this province are in the Hazaribagh and Monghyr districts.

Q.—Are there not some mines in Rajputana ?

A.—Yes. There are mines in Rajputana but they are not of much importance as compared with mica mines in Bihar. There are also quite a number of small mines in Madras but they are not of great importance as compared with the mica mines in this province.

Q.—Your inspections extend to all the mines in British India ?

A.—Yes. Sometimes visits are, however, paid to Indian States.

Q.—I find that so far as coal mines are concerned, there have been inspections on a very extensive scale but this does not appear to be so in the case of mica mines ?

A.—Inspections of mica mines are made for about 3 to 4 months in a year but these mines are not of the same importance as coal mines from the point of view of safety. Mica mines are comparatively safe, and many of these mines are merely small holes in the ground where some thirty people work.

*Chairman.*—Some of the mica mines were visited by us. The working conditions in these mines are very different from those in coal mines ?

A.—Yes. The mining operations are entirely different.

Q.—I found that there are certain facilities in the coal areas which were absent in the mica mines.

A.—Yes. It is so ; but mica mines are usually small mines.

Q.—These mines are situated at some distance and there is difficulty in getting to those places ?

A.—Yes. That is so.

Q.—Is it on account of these difficulties that there is lack of organisation and the labourers suffer in consequence ?

A.—I think the labourers get most of their requirements.

Q.—Is it that water had to be transported in tanks, waterlorries and in bullock carts because there is no water available ?

A.—Yes. That is so in many cases.

*Q.*—That is likely to make the condition of the workers very difficult from the point of view of health?

*A.*—I quite agree. The conditions of the labourers in the mica mines appear to be worse than those in the coal mines.

*Q.*—That indicates that more attention should be paid specially to the education of the children of the employees?

*A.*—Yes. That appears to be the case. It appears to be unnecessary to make provision for sanitary arrangements in the jungle. There are arrangements for water-supply and most of the labourers are provided with thatched huts.

*Q.*—I believe your department is not concerned with housing arrangements but as a Chief Inspector you consider it incumbent on the owners to provide an adequate supply of water?

*A.*—Sanitary arrangements and health provisions must be made in accordance with the rules made under the Indian Mines Act.

*Dr. Mukherji.*—Do they get an adequate supply of medicines? Is it left to your discretion or do they get medicines according to the requirements of the Mines Act?

*A.*—Rules framed under the Indian Mines Act do not require a supply of medicines but first-aid appliances.

*Chairman.*—We have received complaints that the medical arrangements are not satisfactory. There appears to be only the first-aid box at some places.

*A.*—Employers are supposed to have sufficient supplies of first-aid appliances and they must be provided in accordance with the rules made under the Indian Mines Act.

*Dr. Mukherji.*—I find that the loads carried on labourers' heads are too heavy for the workers to carry. In this connection I should like to refer to the practice that is in operation in Soviet Russia. The Russian Government has reduced the loads to be carried and has fixed the maximum. The maximum load is 40 lbs. to be carried at one time. Do you think that a similar regulation should be made in India?

*A.*—Yes.

*Q.*—In quarries we have found some women workers carrying very heavy loads and a statutory regulation appears necessary to reduce the load to be carried. In this connection the Royal Commission of Labour has suggested the standardisation of the loads to be carried.

*(Reads the report of the Royal Commission of Labour).*

A.—Yes, that is so.

Q.—Can you give us an idea of the maximum load that should be carried on the head.

A.—I cannot give the maximum load off hand which might be carried. I think that there should be a fixed maximum limit to be carried. The work referred to is mostly quarry work.

Chairman.—It was suggested that the maximum load should be in the vicinity of 50 lbs. Do you make any suggestion as to the maximum limit in view of the Russian figure of 40 lbs ?

A.—I think that 40 lbs. is rather heavy. Experiments might be carried out to determine the maximum weight which can safely be carried without injury to the workers.

Q.—At Kumardhubi it was suggested by Mr. Roberts that the maximum load should be 35 lbs. Will you also give a figure ?

A.—I think 35 lbs. is a reasonable figure. I agree that something might be done under the Weighment Act.

Q.—One of the recommendations of the Royal Commission of Labour is that.....*(Reads the recommendation of the Royal Commission of Labour).*

Mr. Kirby.—Are they referring to mines ?

Chairman.—Yes, about children below 15 years of age being employed. In the mica mines we found that children of very tender age were working. Why is this ?

A.—It is a violation of the Indian Mines Act for children to be employed.

Professor Saran.—Suppose women workers bring their children to help them ?

A.—That also would be a violation of the Indian Mines Act.

Dr. Mukherji.—If children are brought by their parents, then is it a violation of the Act ?

A.—Yes, if the children do any kind of work.

Q.—Is there nothing to prevent the employment of these children ?

A.—Children are not permitted by the Indian Mines Act to be employed.

Dr. Mukherji.—*(Please refer to section 26 of the Payment of Wages Act).*

Q.—Do you think that some kind of Board like the Jharia Mines Board should be arranged for the mica mines also?

A.—Yes.

Chairman.—Is it your opinion that section 26 should be applied to children on the surface?

A.—Yes.

Chairman.—(Reads section 26, and states “it applies to underground workings” and says “under section 26 it is illegal for a child to go below ground”).

A.—Yes.

Q.—Have you seen the recommendations of the Royal Commission of Labour concerning the Medical Board of Health, the social welfare and education which it is considered should be done by the Board?

A.—You mean the Jharia Mines Board of Health. Yes, I think its functions might be extended in this direction.

Professor Saran.—In the report of the Chief Inspector of Mines in India for 1936, I find that the average daily earning of the miners in 1936, was Re. 0-7-6 for the coal-cutters and Re. 0-6-3 for the loaders. What were the earnings in the boom period?

A.—I cannot say how much the earnings of the coal-cutters and loaders have fluctuated, as the rates differ considerably.

Q.—You know that the rates were much higher?

A.—Yes, they were somewhat higher.

Q.—Earnings were much higher in the boom period?

A.—Yes.

Q.—You have said in your memorandum that.....(reads). You agree that the earnings of the Indian miners are insufficient?

A.—The miner should be paid more; but the present trade conditions do not appear to be in a position to stand increased rates.

Q.—Do you know what amount would be sufficient to maintain a miner and his family?

A.—No, I cannot say exactly.

Q.—In Great Britain under section 66 of the Coal Mines Act, 1911, provision has been made for workmen's inspections?

A.—Yes.

**Q.**—Do you think that a similar system should operate in India?

**A.**—The Indian miner is not sufficiently educated to make such inspections.

**Q.**—Would you approve of the representatives of Trade Unions making inspections?

**A.**—I do not approve of any person making inspections who is not properly qualified.

**Q.**—If qualified men are available, is there any objection?

**A.**—If qualified men are available, there is no objection from my point of view.

**Dr. Mukherji.**—Are you of the opinion that the Mines Board of Health should be taken over by the Public Health Department?

**A.**—There are efficient Medical Officers of Health in all the coalfields. Medical Officers of Health make inspections as *ex-officio* Inspectors of Mines.

**Q.**—In your memorandum you have said that the Union should be given facilities by the management so far as the interests of the miners are concerned?

**A.**—Yes. I have heard of many disputes in the coalfields. If Unions are recognised and run by proper leaders, then I think, they should be recognised by the employers.

**Mr. Bhattacharya (Co-opted member).**—In your Memorandum you have said that ..... (*reads*). What do you mean, is this Water Board responsible for the supply of water?

**A.**—Yes.

**Q.**—Do you know that complaints have been made about the supply of water from Kustore Colliery?

**A.**—There are complaints regarding the supply of water.

**Q.**—Do you think that it is necessary to make arrangements for a sufficient water-supply?

**A.**—Such provision is made at mines.

**Q.**—Do you know that there is no arrangement for bathing?

**A.**—There are shower baths at some mines.



*Q.*—Where there is a large number of workers, do you not think that it is necessary to provide arrangements for bathing?

*A.*—Yes. I do think that arrangements should be made.

*Q.*—Is there any necessity for drinking water to be taken into the mine?

*A.*—In some cases drinking water is necessary and there would be no difficulty in making such provision at most of the mines.

*Mr. Ojha (Co-opted member).*—I would like to know from you whether we should take into consideration the social conditions, climatic conditions and other factors of this country as compared with other countries, like Japan, Soviet Russia or England. Do you think it is advisable to do so?

*A.*—I think it is advisable to do so.

*Q.*—Do you agree with me that instead of copying anything that is done in other countries, it is much better to examine the conditions obtaining in this country and contemplate suitable legislation?

*A.*—It is desirable that this should be done. Conditions are different in various countries. In America there is intensive machine mining. If intensive mining were adopted in some mines in this country dangers from falls of roof and sides would be introduced. I agree that all conditions should be taken into account in considering the output per head.

*Q.*—I would like to have your opinion on one point. In this country at present we have an annual output of 25 million tons. Considering the availability of raw materials in this country and the population of the country and bearing in mind that we have got to build up industry in future, do you not think that we have got to go a long way to develop our coal industry?

*A.*—I agree.

*Q.*—Whatever we can do within our power to give facilities to our workers, we have got to see that, in introducing legislation or copying legislation from other countries, we do not introduce legislation which is defunct, thereby doing harm to the development of the industry?

*A.*—Safety work comes first.

*Mr. Bakhale.*—Would you recommend exclusion of women from quarries?

*A.*—I would like to see the matter enquired into. There is no doubt that some quarry work is most arduous and even more difficult than underground work. The steepness of the roads where carrying is done is sometimes as much as 1 in 2 and it is extremely difficult and probably injurious to the workers to carry weights of 60 lbs. on the head. I consider that in some quarries the employment of women should be prohibited. This question, however, might be left to the discretion of the Inspector of Mines.

*Q.*—You recommend, therefore, the modification of the Act to the extent that the Inspector of Mines should be given power, if necessary, to prohibit the employment of women in quarries?

*A.*—Yes.

*Professor Saran.*—Is employment of women very popular?

*A.*—I do not think that the exclusion of women has caused much hardship.

*Q.*—But then their family earnings have decreased?

*A.*—There is no doubt, that is so.

*Mr. Bakhale.*—The Mining Committee has suggested that the question of the application of the Payment of Wages Act should be first examined. Have you examined it yourself?

*A.*—I am afraid I have not done so in detail. I do not know a great deal about the Payment of Wages Act.

*Mr. Bakhale.*—You agree as regards statistics that the Report of the British Chief Inspector of Mines contains much more statistical information than your report?

*A.*—In the British Act the cost of working is given, whereas in the Annual Report of the Chief Inspector of Mines in India no such reference is made to cost. Apart from this information, the reports are more or less on the same lines.

*Q.*—Do you consider that such information is necessary in order to understand the position of the industry?

*A.*—All that information is obtainable from the Indian Coal Statistics.

*Q.*—Is the cost of production given?

*A.*—It would be useful if that information could be obtained and embodied in a report.

*Q.*—Could you give some information with regard to the Miners' Welfare Fund in Great Britain?

*A.*—The miners contribute a certain amount to this fund I think it is about 3d. a week. The owners contribute a similar amount. That goes into a general fund and I think that, for the first two years, there was no withdrawal from the fund. At the present time I think there is about £575,000 in hand. This fund provides for education, sport and pit head baths, etc.

*Q.*—Is the payment compulsory?

*Mr. Tarlton (Co-opted member).*—The contribution is 1d. per ton by the colliery owners in England.

*A.*—I am inclined to think that the labourers also contribute, as they have a managing committee.

*Mr. Tarlton.*—The pit head baths are very important. They are being built out of the Welfare Fund. A charge of 1d. per ton is made on the industry, but the upkeep of pit head baths is a definite charge on workmen.

*Mr. Bakhale.*—Does the State contribute anything?

*A.*—I do not think so.

*Q.*—It administers the fund?

*A.*—I think it takes some part in the administration of the fund.

*Q.*—Can you tell me whether any of the functions of the Miners' Welfare Fund are carried out by the Mines Board of Health?

*A.*—The safety in Mines Research Board is a function of the Welfare Fund and this Board is concerned with the health of the miners.

*Q.*—Having regard to varying conditions obtaining here and in Great Britain, would you suggest that a Miners' Welfare Fund might be organised here in the interests of the miners?

*A.*—I think that something should be done.

*Q.*—Do you think that the conditions are not so varying that we cannot think of even starting this fund.

*A.*—I quite agree that something should be done.

*Professor Saran.*—Coal pays some cess but mica does not. Do you not think that mica should also pay?

*A.*—Mica mines might pay for any safety or welfare measures.

**Q.**—Coal Companies now pay some cess which goes to the Mines Board of Health. As regards mica, it does not make any contribution at all?

**A.**—That is so.

**Q.**—Is there any special reason why mica mines should not make similar payments?

**A.**—If you start in a very modest way with any welfare scheme, I presume it could be made applicable to all mines—mica, copper, etc.

**Q.**—But coal is already making a contribution; but mica and copper are making no contribution at all; so there is a case for levying in the case of mica, copper and other mines?

**A.**—Yes. This matter might be considered for various classes of mines which are of any importance.

**Mr. Bakhale.**—What useful function does the Water Board perform except providing water?

**A.**—The Board is responsible for a plentiful and pure supply of water to practically the whole of the Jharia Coalfield.

**Q.**—I am excluding the question of water-supply, as that is a duty which the local authority can perform, but omitting this consideration, is there any useful function which the Mines Board of Health are doing at present and which the Miners' Welfare Fund, if established, cannot do?

**A.**—Separate Boards may be required but this is a matter for investigation.

**Q.**—My impression with regard to the duties actually performed by the members of the Board was not very favourable. I examined them at Dhanbad. Take the case of housing. I formed the opinion that adequate attention had not been paid to the proper construction of *dhowrahs* by the Mines Board of Health. It is one of the Board's primary functions, and, therefore, instead of having separate organisations, I am wondering whether it would be advantageous if a Board, like that which is responsible for the Miners' Welfare Fund, could be established to which powers for the welfare work could be delegated and the powers with regard to water-supply could be delegated to the local authority which exists to-day?

**A.**—I think it may be necessary to have separate schemes but this is a matter which could be investigated. I think that the

Jharia Mines Board of Health and the Jharia Water Board are doing very useful work in spite of the defects you may have observed.

*Q.*—I now come to another aspect. Each colliery, big or small, has been spending money on hospitals, dispensaries, medical aid, first-aid and so on. These are all isolated efforts. If all these resources are pieced together and a system, something like a social insurance system, is established by pooling the resources together and equally distributing the benefits, do you think that it would be a practical proposition?

*A.*—Yes, it might be better to have a central scheme.

*Q.*—It should not be difficult if an earnest effort was made?

*A.*—No, it should not.

*Q.*—I would like to know how far you can enlighten me and other members with regard to the constitutional position regarding the mines regulations and conditions of workers and so on. In other words, I should like to know whether you can tell us how far the Provincial Government can legislate for the miners and how far the Provincial Government are not in a position to do so?

*A.*—It is very likely that the Central Government will be revising all the rules which are now made by the Provincial Governments and there will be one unified code of rules for all the provinces.

*Mr. Bakhale.*—That would be done by the Centre?

*A.*—There would then be no Provincial rules at all but one unified code for all the provinces in India.

*Q.*—Suppose the Mines Act lays down the limit of daily hours of work at 9 and make a limit of 54 per week; do you think that the Provincial Government is competent to reduce this working period?

*A.*—Not at present. It is a Central Government subject.

*Q.*—According to the Government of India Act "condition of labour", is included in the "concurrent list"?

*A.*—Making of legislation is, I understand, a Central subject.

*Q.*—Supposing the Federation comes into existence, what will be the position?

*A.*—I presume it will be a Central subject.

**Q.**—In the “condition of labour” does not the hours of work come in?

**A.**—The Mines Act is not concerned with the condition of labour.

**Q.**—But it concerns the regulation of hours of work.

**A.**—Certainly.

**Dr. Radhakamal Mukherji.**—We can extend the scope of the Provincial rules?

**A.**—Yes.

**Q.**—We should see that we do not contradict the rules of the Indian Mines Act?

**A.**—Yes.

**Professor Saran.**—Government set up last year a Mines Board of Health in the coal mines in the Hazaribagh district. Why were mica mines excluded from the Mines Board of Health?

**A.**—I do not know.

**Q.**—I find that a great deal of mica is being wasted.

**A.**—That is so.

**Q.**—I feel that something valuable could be made of it. Do you not think it is necessary to have a research institute?

**A.**—I quite agree. Some useful work might be done by research workers. I know that a certain amount of research is carried on and I do not think it will cost very much to conduct such research.

**Q.**—Do you think Government would be justified in asking the Industry to pay a certain cess for such work?

**A.**—Yes, provided it did not cost very much.

**Q.**—But you think research is necessary.

**A.**—Yes.

**Q.**—In some mica mines the workers work for 8 hours in one day and 16 hours the next day, making 24 hours in two days. Are you aware of this?

**A.**—No. If attention is drawn to this fact, action would be taken by the Mines Department.

**Q.**—The miners told us that this was the position?

**A.**—We do not come across such cases. If we did, action would be taken.

Q.—Is there any fixed time for going to the mines ?

A.—Yes. There is a relay notice specifying the period of work. For underground workers it cannot exceed 9 hours.

Q.—I am told that workers go in between 7 and 9 and come out between 4 and 6.

A.—That is a contravention of the Act.

Q.—If labourers go into the mine between 7 and 9, it is very difficult to know when they come out.

A.—The officials know the timings and they are responsible for getting the miners out at the right time.

Q.—How would the miners know ?

A.—The *sirdar* goes and informs them. There is a definite shift period.

Mr. J. N. Lal.—Is your staff sufficient or is more staff necessary ?

A.—The staff is sufficient. There are nine officers in the Mines Department.

Q.—You are satisfied that adequate inspection can be carried out with the present staff ?

A.—Yes.

Q.—In cases of accidents do you carry out inspections and submit a report to Government ?

A.—A junior officer or an Inspector holds an enquiry and his report comes to me.

Q.—In relation to the Provincial Government, how do you and to what extent does the Provincial Government come into this matter ?

A.—The Provincial Government takes no part in an accident enquiry unless it is a major accident.

Q.—Supposing an accident occurs of a fairly large magnitude and the attention of the Provincial Government is drawn to it and it appoints a Board of Enquiry; do you think that would be coming into conflict with your powers and your responsibilities ?

A.—It would be inadvisable to appoint such a Board without consulting the Chief Inspector of Mines, as such a procedure might undermine his authority.

Q.—Supposing a demand is made for a public enquiry before the Provincial Government in the case of an accident which is

taken serious notice of by the public of the province; what course would you suggest should be taken by the Provincial Government?

*A.*—The Chief Inspector of Mines should be consulted before any such enquiry is instituted.

*Q.*—When you consider an accident to be a major one, you would report the matter to the Provincial Government and at the same time might suggest a board of enquiry, and when Government considers an accident to be a serious one, it might consult you about the suitability of appointing a board of enquiry?

*A.*—Yes.

*Mr. J. N. Lal.*—What relation have you with the Mines Board of Health?

*A.*—I am only a member of that Board.

*Q.*—As a Chief Inspector of Mines are you supposed to draw the attention of the authorities to the inadequacy of the arrangements in mines for the water-supply, or in connection with sanitary arrangements and such other matters?

*A.*—Provision is made in the rules for keeping the workings clean from excreta and for the supply of water on the surface.

*Q.*—By considering the Act it appears that it provides that adequate provision should be made for sanitation and drinking water, etc. Supposing, there is not adequate provision for drinking water; who will take action in this matter?

*A.*—I will take action.

*Q.*—Who is responsible for making the necessary provision—the mine-owner or the manager?

*A.*—I would take action through the management.

*Chairman.*—Does the supply of water on the surface include the supply of water to the *dhowrahs* also?

*A.*—According to the rules it is necessary to provide a sufficient supply of water at the surface.

*Secretary.*—Could not mine water be used after purification?

*A.*—Yes, in some cases.

*Q.*—As the Chief Inspector of Mines, in case you find that the water-supply is inadequate at a mine, can you proceed against or put pressure on the management to make necessary arrangements?



A.—I can take action in accordance with the rules.

Q.—Similarly with regard to sanitation, etc., probably you could put pressure on the management.

A.—Yes. In accordance with the rules the management is required to keep the underground workings clean from excreta.

Dr. Mukherji.—Is there not much hookworm infection ?

A.—I do not think so. Some years ago, it was prevalent in the Asansol district but it has since been reduced.

Mr. J. N. Lal.—Coming to the question of supply of water underground, does not that come within your jurisdiction ?

A.—Yes. Provision may be required to be made by the Provincial Government but it is not compulsory.

Q.—Where the underground workings are deep and a considerable distance from the surface, and if the labourers feel thirsty after a few hours work, should there not be facilities for drinking water ?

A.—In these circumstances water could be provided in *chatties* or other suitable arrangements made.

Q.—Can you ask the management to make arrangements for this provision ?

A.—Yes.

Q.—There should be no difficulty in making suitable arrangements where drinking water is required underground. Suppose the labour complains to you that drinking water is necessary underground you could take action ?

A.—Yes. The Chief Inspector of Mines could take necessary action.

Q.—With regard to first class coal, what is the remedy to prevent its being exhausted so rapidly ? I presume every thing depends on conservation ? Some regulation might be necessary whereby first class coal could not ordinarily be consumed, and some regulation of prices made ?

A.—You cannot consider the prices alone as many other factors are involved. This is rather a complicated question and requires detailed investigation.

Q.—Taking this fact into consideration that first class coal is more in demand and from the national point of view, would

you suggest that the Government regulate its consumption, and also the fixation of price ?

*A.*—It is a very complicated question. Speaking generally I would suggest that the consumption of first class coal should be regulated. It is really a difficult question and requires very detailed consideration. I would not like to make any statement on that point. There are many inter-connected questions, e.g., price of coal, and cost of production, etc.

*Q.*—As regards metallurgical coal, you agree that conservation is necessary ?

*A.*—Yes.

*Mr. J. N. Lal.*—It has been suggested that in order to give a fair wage, the price of coal should be raised. What do you think about it ?

*A.*—In my opinion the price of coal is far too low ; but there are so many inter-connected matters that it is difficult to say anything about the remedy.

*Q.*—Would it not be advisable that the price of coal should be regulated, or the railway freight should be reduced so as to permit of more profit ?

*A.*—I think that is possible but there are other difficulties.

*Q.*—The question of tubs may have attracted your attention. Do you agree that there should be uniformity of tubs at the different mines ?

*A.*—Yes. It would be a very good thing from the miners' point of view.

*Q.*—Is there any technical difficulty ?

*A.*—I do not see any technical difficulty but the question of cost comes in for the small owners.

*Q.*—Will there be any difficulty on account of haulage ?

*A.*—Only in a few cases.

*Dr. Mukherji.*—If the standardisation of tubs is possible then of course, the establishment of basic rates would also be possible. There would then be not much difficulty ?

*A.*—Yes. I think so too.

*Secretary.*—What is the real gain by having tubs of the same size ?

*A.*—Uniformity in the weight of coal in a tub is obtained and there is not the same risk of a miner overloading coal for which he is not paid.

*Mr. J. N. Lal.*—It is understood that when the miners are underground, they do not get sufficient number of tubs. Are you aware of such circumstances?

*A.*—I think that is partly due to the lack of proper organisation, because it is almost impossible to get tubs at every working place ready for the miner to fill when he reaches his working place. This difficulty could be eliminated if the miner would cut coal and load it when the tubs arrive.

*Q.*—Has it come to your notice that on account of shortage of tubs the workers have to suffer?

*A.*—It is probable that the workers do suffer in some instances on account of shortage of tubs.

*Q.*—The Royal Commission's recommendation laid emphasis on the point that the labourers had to work under certain difficult circumstances, e.g., shortage of tubs, etc., with the result that they suffer. Do you think that there should be some minimum wage provided for the labourers so that they may not suffer?

*A.*—If there is a shortage of tubs or a difficult working place, there should be some compensation to the miner. I understand that at some collieries such compensation is paid.

*Dr. Mukherji.*—Do you know that there are cases in which even if the labourers want to work, they cannot do so on account of shortage of tubs?

*A.*—Yes. There are such cases.

*Mr. J. N. Lal.*—Could you say what is the effect of prohibition in the mines?

*A.*—Drinking is being transferred from Jharia to Dhanbad. There seems to be some improvement in drunkenness. Efforts are being made to prevent outsiders from coming to Dhanbad.

*Q.*—With regard to the education of the labourers and their children, do you consider that there should be compulsory primary education, for which the owners and others should contribute?

*A.*—I can say definitely that something should be done for the education of the children of the miners. I would welcome a scheme of compulsory primary education.

**Q.**—Have you been able to pay frequent visits to mica mine ?

**A.**—An inspection was commenced last January and lasted for three months.

**Q.**—Could you suggest means for the improvement of the mica mines in the way of providing amenities for the labourers ?

**A.**—One of the greatest difficulties is that these mines are so small that it would be very difficult to organise any general scheme. These mines are not on the same scale as the coal mines in Jharia.

**Q.**—Are the small godowns where mica is split, etc., under the Factories Act ?

**A.**—No, these godowns come under the Mines Act.

**Q.**—Do you think that they should be brought under the Factories Act ?

**A.**—I would have no objection to the larger godowns where splitting is done on a large scale coming under the Factories Act.

**Mr. Gandhi.**—You consider that the price of coal is very low and that some effort should be made to improve the price, particularly if labour conditions, etc., are to be ameliorated. We were examining yesterday some colliery proprietors. They considered that they had no objection to wages being raised provided no additional burden was put on them. If any endeavour is made in that direction, it would mean closing down many collieries ?

**A.**—Probably it would mean closing down some mines if wages were increased without any increase in the price of coal.

**Q.**—We have been told that the coal industry is subject to different kinds of taxation ; so that unless there is considerable improvement in the selling price of coal, the industry would not be able to bear any additional burden ?

**A.**—I quite agree. The industry is very heavily taxed at present.

**Mr. Gandhi.**—Do you mean that if any further proposals are under contemplation for increasing the tax, this vital factor should be borne in mind ? If suddenly the cost of production is raised, there is danger of our losing markets. This aspect has also to be considered before making any further legislation ?

**A.**—I cannot say anything about this matter but there should be no further burden on the industry at the present time.

*Dr. Mukherjee.*—In regard to this question it was thought that Japan has been progressing very well in the matter of development and unlike other countries, e.g., Russia and China, Japan has made its way in the matter of its industrial development by adopting a very cautious policy for the development of industry. I was wondering as to whether there is any danger as pointed out by my colleague this morning in our getting legislation like foreign countries without giving proper thought to the different conditions obtaining in this country?

For instance, you yourself pointed out that working conditions in mines underground are better here than in foreign countries, viz., England.

*Mr. Gandhi.*—Do you think that the conditions of the mines underground are different in India from those in England?

*A.*—Yes, generally speaking.

*Q.*—In mining are you the final authority to make rules?

*A.*—No, the Central Government is the final authority to make rules.

*Q.*—Complaint has been made that there are no proper arrangements for water-supply at many places inside the mines. Has your Department got power in matters of water-supply underground?

*A.*—No.

*Dr. Mukherji.*—Do you suggest that the rules should be modified?

*A.*—Certain rules might be modified, e.g., those relating to water-supply; first aid, etc.

*Q.*—It has been proposed that there should be a reduction in the working hours underground. Can you say whether there is any necessity for further reduction in the present statutory hours of work?

*A.*—At present the period of a relay is 9 hours.

*Q.*—Are you in favour of reducing the 9-hour a day relay?

*A.*—At the present juncture it does not appear to be necessary.

*Q.*—Do you think that the medical facilities for the miners are adequate?

*A.*—Yes. I think so.

*Q.*—Would you agree to hospital arrangements and the education of the workers being taken over by a Board for that purpose?

*A.*—Yes. I would agree to such a proposal.

*Q.*—With regard to the standardisation of tubs, do you consider that tubs should be standardised either by agreement or by some body?

*A.*—I consider that the sizes of tubs might be standardised.

*Chairman.*—In the Copper Mines at Mosaboni I found that there were some Italians and other Europeans working as drillers. Why is this? Do they get high wages?

*A.*—These men are highly skilled and are well paid.

*Chairman.*—You have stated that rules are made under section 30 of the Indian Mines Act. They prescribe for the training of men in ambulance, etc. Is that done at all mines?

*A.*—At all coal mines and at mines other than coal where the Chief Inspector of Mines considers it necessary.

*Chairman.*—Who gives the training?

*A.*—The doctors in the coalfields.

*Q.*—Who arranges for the examinations?

*A.*—The Department of Mines arranges for the examinations.

*Q.*—Do you think that the drink evil can be totally stopped in the Jharia coalfield?

*A.*—Yes. I think so.

*Q.*—Would you say that the conditions of the Indian miners are inferior to those of miners in other countries?

*A.*—Yes, as far as housing conditions and education are concerned.

*Q.*—By working conditions you mean conditions of the mines underground?

*A.*—Yes. Working conditions in Indian mines are generally better than those in most other countries because the seams are thicker.

*Chairman.*—Does that mean that natural conditions are better?

*A.*—Yes.

*Mr. Tarlton.*—Is a good deal of machinery used in some countries?

*A.*—Yes. Machinery in many cases is found more economical for the working of thin seams.

*Chairman.*—Do you consider that the arrangements made at collieries for the education of the workmen and their children are adequate?

*A.*—Very few collieries make any attempt to make satisfactory arrangements for education.

*Q.*—Do you think that compulsory education for the children should be introduced? Would that improve matters?

*A.*—Yes. There is no doubt about it. I think elementary education should be made compulsory.

*Q.*—The miners have been complaining that they cannot afford to pay for all these things, so the question of funds will arise?

*A.*—Probably it is a matter for the Government to decide. Some mines do make provision but obviously there is great need for the education of miners and their children.

*Q.*—You have suggested that in order to maintain a reasonable standard of living, an economic price for coal should be paid. Can you give us any suggestions as to how we could help to raise the price of coal?

*A.*—This is a big problem. There is no doubt that the price of coal is far too low. The price of coal should be such as to permit of proper amenities being given to all labourers. It would appear that the present low price of coal is due to some extent to competition. How the problem is to be solved is a difficult matter.

*Q.*—Can the price of coal be raised without any detriment to the consumer or to the producer?

*A.*—If the price is raised, it will benefit the producer. Coal should not be sold at such a low price that the colliery owner is producing coal at a loss.

*Q.*—As far as the consumer is concerned he has to pay a fairly high price when freight is included?

*A.*—Some coal is at present being sold at Re. 1-8-0 to Rs. 2 a ton.

*Q.*—So it is not altogether the price of production which determines the price to the consumer?

*A.*—No.

*Mr. Tarlton.*—What about the freight?

*A.*—The freight is several times the actual cost of coal in some cases.

*Mr. Gandhi.*—Apart from freight, there are other charges also?

*A.*—I am not in a position to examine the cost of coal (including freight) to the consumer but I do say that the cost at the pit-head is far too low at some collieries.

*Q.*—Who is responsible for this?

*A.*—I think it is chiefly due to competition.

*Q.*—It may mean legislation to restrict output and fix prices etc., in view of collieries not being able to come to any understanding?

*A.*—Some form of legislation may be necessary in such circumstances.

*Mr. Ojha.*—The case of a colliery is different from that of a mill. In the case of a sugar mill, the price depends on the price of sugarcane. Of course, some factories may be able to reduce the cost but small factories may have to pay higher; but in the case of a coal mine, much is dependent upon the natural conditions which are beyond the control of the owner?

*A.*—The conditions in mines may change from day to day.

*Mr. Gandhi.*—Is that the cost of production varies so much that it would be difficult for owners to agree to one cost?

*A.*—The cost of production varies very considerably.

*Mr. Ojha.*—I think you will agree with me that some collieries reduce their price with a view to sell more coal so that by selling more coal at a cheaper rate, they will be able to reduce their costs by raising coal.

*A.*—Yes.

*Chairman.*—Does the price of coal vary from season to season and from year to year?

*A.*—There is no such regular variation. The price of coal fluctuates a great deal.



**Q.**—Does any foreign coal come to India at all?

**A.**—Yes. I think it is about 200,000 tons a year.

**Q.**—Could you suggest any scheme by which the price of coal might be raised?

**A.**—I consider that the price of coal is too low. I am not in a position to suggest any scheme for increasing the price.

**Q.**—Is it that there is over-production of coal?

**A.**—Last year there was a record output of 25 million tons and at the end of the year there was 2 million tons of coal in stock.

**Q.**—This morning we were talking about the conservation of better quality of coal. The coal resources of the country are being quickly exhausted. Mr. Farquhar has said that metallurgical coal will be exhausted within 20 years if it is consumed at the rate at which it is being utilised at present.

**A.**—I think this figure is incorrect. It should be about 60 years.

**Q.**—What will become of the second grade coal? Can this be made first class by washing or by some other means?

**A.**—Yes. It may be considerably improved by picking and washing.

**Q.**—Can this not be done by some scientific method?

**A.**—Yes. There are various methods of washing coal but the manner in which the impurities exist decides whether the coals are washable.

**Q.**—If you take the iron ore that is available in this country with the metallurgical coal and consider the rate at which they are being exhausted, will not the metallurgical coal be exhausted earlier?

**A.**—Yes, according to our present knowledge of the occurrence of iron ore and metallurgical coal.

**Q.**—Is it not necessary in the interests of the country and the resources of the country that the metallurgical coal should be used as economically as possible?

**A.**—Yes.

**Chairman.**—There is no limit to scientific invention. It may be that very soon we may not require coal at all.

**A.**—We shall require coal and its products for a very long time to come.

*Dr. Mukherji.*—During the course of our tours we have found that many of the rules were violated. For instance, in certain outlying mines in the Dhab area (mica field) we found that the shifts were longer than permitted and in some cases we were told that women were allowed to work underground. We did not actually go to the places but we have been told so.

*A.*—Occasional reports have been received of such violations and surprise visits paid but no women were found working underground.

*Chairman.*—As regards accidents, is it your opinion that compared with other countries accidents in Indian mines are less?

*A.*—I think the accident rate in this country compares favourably with that of other countries. In Great Britain the percentage was 1.02 per thousand persons employed. In India in 1937 the rate was 0.93.

*Dr. Mukherji.*—Do you think that with the object of safeguarding the interests of the workers, you should have more Inspectors?

*A.*—The staff of the Mines Department is able to cope efficiently with all the inspection work.

*Q.*—If an increase of staff be suggested, would you consider some of the suggestions which have been placed before us? Would you approve of the idea of appointing some Inspectors and Assistant Inspectors for Singhbhum and Hazaribagh areas?

*A.*—I do not think that there will be sufficient work even for one man. We send one Inspector to Hazaribagh district for three months a year.

*Q.*—In order to safeguard the interests of the miners, how do you want to increase your staff?

*A.*—One Assistant or a Junior Inspector could inspect the mines in the Singhbhum and Hazaribagh districts without any difficulty.

*Q.*—What is your idea about ambulance and first-aid and the arrangements for the treatment of persons? Should there not also be a mid-wife?

*A.*—There is provision for medicines, etc., in the coalfields. There should be mid-wives in populated mining areas. There are mid-wives in the Jharia coalfield.

*Q.*—Do you not think that there should be some better arrangement?

A.—Yes. There should be suitable arrangements for the treatment of patients when necessity arises and suitable hospital accommodation should be provided.

Q.—Do you agree that there should be maternity arrangements where miners number more than 100 ?

A.—Yes. I agree.

Q.—Quarries beyond a depth of 20 feet come under the Mines Act. But as a matter of fact, we have found, when going round the various parts of the province, that there are quarries where work was being done beyond a depth of 20 feet, but these quarries do not come under the Mines Act ?

A.—I do not know of any such case. Where are the quarries to which you refer ?

They are in Shahabad.

Various suggestions have come to us. For instance, we have found that in some mines payment of wages has been deferred and similar things are also done. What do you think about them ?

A.—I am afraid that that does not concern me, but such practices are irregular and should be stopped.

*Dr. Mukherji.*—As recommended by the Royal Commission on Labour, the underground piece workers in coal mines should be safeguarded for the purpose of payment of shifts worked and in regard to the uniformity in the size of tubs and weighment, etc.

A.—I am afraid, these matters do not come under my jurisdiction.

Q.—I had hoped that you might be in a position to mention safeguards which would be in the interests of miners. Will it be advantageous to introduce a minimum rate ?

A.—A minimum rate is most desirable if the price of coal can stand it.

Q.—Do you think that some statutory provision is necessary to ensure the standardisation of tubs, weighment, etc. ?

A.—I am afraid, I am not in a position to answer these questions.

*Chairman.*—Thank you

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 27th May 1939, at 7-45 A.M.

The following members were present :—

- (1) Dr. Rajendra Prasad, *Chairman*, presiding.
- (2) Mr. R. R. Bakhale, *Deputy Chairman*.
- (3) Dr. R. K. Mukherjee.
- (4) Mr. A. M. Hayman.
- (5) Mr. M. P. Gandhi.
- (6) Mr. J. N. Lal.
- (7) Professor R. K. Saran, *Secretary*.

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**Oral evidence of Mr. H. M. Rai, Chief Inspector of Factories, Bihar and Orissa, Ranchi.**

*Chairman*.—How long have you been the Chief Inspector of Factories in this province ?

*A*.—I have been the Chief Inspector of Factories since 1935. I joined this post on the 1st April, 1935.

*Q*.—What were you before this post ?

*A*.—Before this, I was Inspector of Factories. I was appointed as Inspector of Factories in the month of June, 1923. Before that I was in the province of the Punjab for two years as Assistant Inspector of Factories, Punjab, North-West Frontier Province, Ajmer-Merwara and Delhi.

*Mr. Hayman*.—Since how long have you got the experience of the Factories ?

*A*.—I have got experience in this line for the last 18 years.

*Dr. Mukherji*.—In this inspection line ?

*A*.—Yes.

*Q*.—Have you actually worked in the factories anywhere ?

*A*.—Yes. I worked in the factory of Messrs. Metropolitan Vickers, Limited, in England and in the Workshop attached to the Sheffield University during vacation when I was a student in the University.

Q.—So you have no experience in India ?

A.—No

*Mr. Gandhi.*—You have worked like an apprentice ?

A.—Yes.

Q.—Not as an Inspector ?

A.—No. After passing and taking degree in England; I worked in the Factory Inspection Department of the Punjab as Assistant Inspector of Factories.

*Chairman.*—You publish report about the factories every year ?

A.—Yes. I prepare annually the departmental report required by the Factories Act and also the Payment of Wages Act.

Q.—Are there any factories in this province which are not working with power and which have been brought under the Factories Act ?

A.—No.

Q.—All factories working under the Factories Act in this province have power ?

A.—Yes. Those factories which use power and employ more than 20 persons are under the Factories Act.

Q.—Those factories which employ more than 20 persons and have no power are not under the Factories Act ?

A.—Yes, such factories are not under the Factories Act.

Q.—What are other industries which are not under the Factories Act and at present employ large number of men ?

A.—Mica factories, which employ workers up to 300, 400 or up to 700, Shellac factories, *Biri*-making factories, etc.

*Mr. Hayman.*—Those factories which do not use power have not been included in the Act ?

A.—No, those factories which employ 20 persons or more and use power are subject to the Factories Act.

Q.—The Local Government have no power to extend the Act to them ?

A.—Yes, the Government have powers to extend the Factories Act by notification to any factory where 10 or more workers are employed.

*Mr. Hayman.*—Then I am to take it that you have not recommended to the Government to extend the Act ?

*A.*—I have not done so. I am putting up proposals on the subject.

*Dr. Mukherji.*—Do you know of any province where the Act has been extended to factories using power and employing 10 or more workers ?

*A.*—I have not got the figures. I can supply the information if required. Do you require such figures ?

*Mr. Saran.*—Yes, please do so. Without that we are not in a position to think of recommending the extension of the Act.

*Dr. Mukherji.*—What are those industries which employ sufficient number of men but do not use power and have not been included in the Factories Act ?

*A.*—Factories of the class of Shellac, Mica, etc.

*Mr. Hayman.*—Are there factories employing less men but using power which are not under the Factories Act ?

*A.*—Yes. In regard to factories using power there are some which employ about 18 or 19 workers and thus they are able to evade the Factories Act. In some of them the conditions are bad.

*Mr. Saran.*—Are you aware that such factories by splitting the factory into separate departments, as is done in the case of presses, escape the Factories Act ?

*A.*—Yes, in some cases where different departments are located in different places.

*Mr. Gandhi.*—Recently you might have noticed that the Khandsari Sugar Factories where there are about 10 people working and there are not 20 people as required by the Act, split the factories into departments and avoid the Act ?

*A.*—No such case has come to my notice.

*Mr. Saran.*—Have you seen Section 6 of the Factories Act which says that.....(*reads*).....

*A.*—Yes, but the question is quite different. At Dalmianagar there are several departments under the same Management, but these are all factories for the purposes of the Factories Act. In factories like the Tatas there are various departments under the same Management like the Agrico for instance but each one is a separate factory for the purposes of the Factories Act.

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\* (Kindly refer to Volume III, Part A—*Note submitted by Mr. H. M. Bai?* Vidyabhusan Shukla.)

*Mr. Saran.*—There is similar case in the press where they are using power but they have separated the departments and thus escaped the Factories Act ?

*A.*—Yes, there may be such cases but the question is quite different.

*Q.*—Would you want power similar to this to consider this to be brought under the Factories Act ?

*A.*—The question does not apply to this case.

*Q.*—Would you like to apply the Act to similar cases ?

*A.*—Section 5 of the Act applies to bringing factories under the Factories Act.

*Q.*—That is given in section 5 of the Act. Is it not a provision in the Factories Act, to prevent accidents and to see that the risk of the workers working in the factory is minimised ?

*A.*—Yes, there are safety provisions in the Act by which the risk is minimised.

*Q.*—For example in the press, in the binding department, to put it separate from the composing department and independent, so that risk to the people might be, as a matter of fact, reduced ?

*A.*—Yes, this method minimises risk of accidents.

*Mr. J. N. Lal.*—Is there not a necessity, under these sections which are mentioned here, to do so by the staff ?

*A.*—Yes.

*Mr. Hayman.*—Do you want also to take power for getting those factories which employ less than 20 men to be included in the Factories Act ?

*A.*—In certain cases it is desirable. In one factory I inspected at Dinapur, an Oil Mill, where power is used the number of men is less than 20 and the conditions in respect of safety and sanitation are bad.

*Mr. J. N. Lal.*—Then is it your proposal that the Factories Act should be applied ?

*A.*—Yes.

*Chairman.*—Have you had an opportunity of making any investigation in the condition prevailing in this province in the Shellac, Lac, *Biri* and other industries where the Factories Act is not applied ?

A.—Yes, in some mica and Shellac factories. Recently certain Mica factories using power in Giridih and Jhumri Telaiya have been brought under the Factories Act.

Q.—But you have said that the Act has not been extended ; I think the factories which are not using power but employing large number of persons. Have you had any occasion of making investigation recently in those cases ?

A.—Yes, I have visited some shellac factories at Bundu which do not use power.

Q.—Have you had opportunity of seeing employment of power in the *Biri* trade ?

A.—No.

Q.—Have you had any occasion of getting information about this ?

A.—No. But information about unregistered factories was obtained in connection with an enquiry by the Royal Commission on Labour.

Q.—How will you judge such factories where the Act should be extended ?

A.—I would recommend the application of the Act to factories employing 50 workers or more as stated in my memorandum.

Q.—Have you visited any factory which is not under the Factories Act ?

A.—Yes.

Q.—Under what power ?

A.—Under section 11 of the Factories Act where that power is given to the Factory Inspector.

Q.—Have you in recent years submitted any report of the proposal to the Government ?

A.—No, I have not up to now put up any proposals on the subject due to shortage of staff.

Q.—What is the strength of the staff at present ?

A.—Of the permanent staff there is one Chief Inspector and one Inspector. I am Chief Inspector of Factories and Mr. A. Samad is Inspector. There is also one temporary Inspector, Mr. Sahay.



*Mr. Gandhi.*—Where are the headquarters of the Inspectors' office ?

*A.*—Ranchi.

*Chairman.*—I find that at some places the Subdivisional Officers also go and inspect the factories. Under what capacity they go ? What is the difference between your inspection and theirs ? What kind of inspection they do ?

*A.*—The Subdivisional Officers have been appointed as *ex-officio* Additional Inspectors in respect of certain factories. They are responsible for the administration of the Act in such factories subject to the control of the District Officer.

*Q.*—I think that the inspection of Subdivisional Officers cannot be effective so far as the technical side is concerned ?

*A.*—Subdivisional Officers have no technical knowledge but they may ask for assistance and advice from the Chief Inspector of Factories. In certain matters they are at an advantage, they are near the factories and may pay frequent surprise visits.

*Mr. Hayman.*—Am I to understand that all the inspecting officers are technically qualified men ?

*A.*—Yes, Mr. Samad is a B.Sc. He has worked in the Tata Iron and Steel Company, Limited. I hold a degree in Engineering.

*Mr. Saran.*—Does the safety work require high technical knowledge ?

*A.*—Yes.

*Q.*—If better inspection is required, you say that men of different qualifications should be included on the staff on the health and welfare side ?

*A.*—Yes, it would be an advantage to have Inspectors with specialised knowledge, as is the practice in England. Inspectors with medical qualifications would be an advantage and I would recommend the appointment of Assistant Directors of Public Health as *ex-officio* Inspectors with powers for inspection in regard to health of workers.

*Mr. Hayman.*—Do you do that in practice ? You went to Tisco for inspection, did you take help from the Health Officer of the Tisco on the health point of view ? Did you ask for the Health Officer ?

*A.*—No.

*Q.*—So far you have not done ?

*A.*—No.

*Dr. Mukherji.*—There are industries which employ child labour and the conditions of the factory are very bad, e.g., the *Biri*-making. Mica industry employ children and there are many others which employ children and there is much unhealthy work. There is also dangerous work. We have seen the case of *Bhatta* in the Shellac industry which is quite unhealthy. There are some others which employ women workers. All these are such where the Factories Act is not applied and thus there is no inspection; but all the same the conditions are very bad. Would you consider the desirability of extending the Act to all these ?

*A.*—Yes. In some factories I have visited, as for instance Mica factories, children as young as 7 to 8 years of age are employed.

*Q.*—What are the factories where you like it to be ?

*A.*—Mica, Shellac, etc.

*Q.*—What should be the criterion of that ?

*A.*—Factories employing 50 persons or more. The application of the Act may in the first instance be limited to sanitation, employment of children and ventilation.

*Q.*—With regard to the extension of the Act you have suggested 50 workers as the limiting number. I should like to point out to you that in other countries, outside India, the Factories Act includes all the industries where 10 or more than 10 are employed without using power ?

*A.*—Yes. In England even workplaces employing two persons or more may be factories.

*Mr. Saran.*—Then in that case every house will become a factory ?

*A.*—A private house cannot be a factory.

*Dr. Mukherji.*—But it must have some manufacturing process. The work must be done for the purpose of gain. If every house does so, then it must come under the Factories Act.

*A.*—There must be some manufacture or business for gain.

*Chairman.*—Supposing I employ 10 cooks in my house, then in that case also the Factories Act will be applied ?

*Dr. Mukherji and Mr. Rai—No.*

*Mr. Gandhi—*Supposing I open a hotel employing 10 cooks, then that will come under the Factories Act because there is gain to earn money ?

*A.—*No. I do not think so.

*Dr. Mukherji.—*You have suggested the figure 50, but I think that it is too high, I suggest lower figure of 40 instead of 50.

*A.—*In my memorandum on the subject I have suggested 50 persons.

*Chairman—*There is one thing more regarding the application of the Factories Act. What is your experience with regard to the effect of the extension of the Factories Act upon the financial position of the factories ?

*A.—*I do not think it would affect them very adversely.

*Q.—*Will not put upon the different factories heavy financial burden as regards the wages ?

*A.—*No, I do not think so.

*Q.—*Do you think the extension of the Act to any particular class of factories in this province ?

*A.—*Yes, in my memorandum on the subject I have mentioned it.

*Q.—*Have you come across cases where children have been injured ?

*A.—*Yes.

*Q.—*Are there many cases ?

*A.—*Not many cases.

*Q.—*It has been suggested that the housing facilities should also be given in the Act. There should be sufficient housing accommodation and there should be well ventilated and good houses. What do you think of that ?

*A.—*The subject is outside the scope of the Factories Act. I am not in favour of the inclusion of the subject of housing for workers in the Factories Act.

*Chairman.—*So you would not like that ?

*A.—*No.

*Mr. J. N. Lal.*—This does not concern the safety of the workers ?

*A.*—It concerns the welfare of the workers.

*Q*—As regards the extension in the mica factories, in respect of the housing, do you not know that there is overcrowding in the houses of the workers and that should be remedied by law ?

*A.*—The subject of housing is outside the scope of the Factories Act.

*Mr. Saran.*—The section 17 of the Act says.....(*reads*)..... 500 feet 700-feet, whether the power is employed. Do you think it is applicable to the work in the mica factory ?

*A.*—This is in regard to overcrowding in a factory. Rule 22 provides for breathing space required for each worker.

*Chairman.*—It will mean that there should be some alteration .....(*reads*)..—700 feet.

*A.*—This space is required where mechanical power is used.

*Dr. Mukherji.*—In the mica we have seen that children from 4 to 16 years of age are permitted to work. How can that be prevented ?

*A.*—This can be easily done by legislation.

*Mr. Saran.*—You mean to say the Children Act ?

*A.*—Yes, Government of India have recently passed legislation on the subject which includes mica factories, *Biri*-making factories, etc.

*Dr. Mukherji.*—You do not include hours of work ?

*A.*—No.

*Chairman.*—Talking about inspection, you say that the staff is inadequate. You cannot have any more work unless the staff is augmented ?

*A.*—With the additional temporary Inspector now, of course we can extend the Factories Act.

*Q.*—We want to know in detail the kind of inspection which you now have with your present staff ?

*A.*—We have to inspect regarding sanitation, provision of latrines and urinals, provision of drinking water, safety in machinery, buildings, etc., of factories, hours and holidays of the workers, employment of children, etc., etc.

*Q.*—What time do you generally devote to a factory of moderate size ?

*A.*—About 5 to 6 hours.

*Q.*—How many inspections are made in a year ?

*A.*—The number of inspections has considerably increased in the last few years. The figures may be supplied.

*Q.*—Do you inspect every factory at least once a year ?

*A.*—The rule is that every factory should be inspected at least once a year and each seasonal factory at least once each season.

*Q.*—Giving full one day for the inspection of a factory, is that sufficient for the enforcement of the provisions of the Act regarding longer hours of work and payment of wages ?

*A.*—Yes.

*Mr. A. M. Hayman.*—According to your remarks it means that the inspection is not done adequately at present ?

*A.*—I would not say that ; but if at each visit the Inspector goes into all the questions, it will be very difficult for him to complete the work within that period. There are many questions which would require much more time which we could not afford to do.

*Q.*—Is it your opinion that for the proper working of the Factories Act, the inspections should be done in greater detail than at present ?

*A.*—Yes.

*Q.*—When you go out in an outlying sugar factory, every body in the region knows that the Factory Inspector is coming. Could anything be done to make surprise visits ?

*A.*—Surprise visits are not always possible. Of course, we keep our programme confidential. Taking my case, on reaching a place, I know the information sometime leaks out that the Inspector is at the place.

*Q.*—Is it possible to have unpaid local service to supplement the inspection ?

*A.*—I would not recommend that, because after all, executive orders will have to be passed. In passing orders, judgment has to be exercised and many other factors have to be considered.

Q.—Would it not serve the purpose if the reports are sent up to you and the final orders are passed by you ?

A.—I am not in favour of the idea.

Q.—For the sugarcane factories, Government have appointed 12 Inspectors. These Inspectors have got work during the sugar-crushing season only. I think they can inspect the factories also, when they are not engaged on sugarcane duty ?

A.—I am not in favour of the idea as they are not qualified for the work.

Q.—It is not understood why they cannot do that ; and what training is required when they have only to inspect registers, regular hours of work, regular payment of wages, etc., because, after all, it does not require any technical knowledge of mechanism. Under the Sugarcane Act, they have appointed a number of men to inspect the cane when it is delivered and to see that it is properly weighed and such other things, so that the cultivators who supply the cane to the factory may not be cheated. They sometimes take the measurement and inspect the registers. If these people are given this duty and they are informed what the hours of work and the wages are, there does not seem any reason why they could not do it. It is something in the nature of inspection of registers.

A.—Even in non-technical side of factory inspection some technical knowledge is required.

Q.—Does it require any technical knowledge of the work ?

A.—Yes.

Q.—I mean to say that the Sugarcane Inspectors have no work out of the crushing season and their services may be utilised for inspection of these factories when they are available ?

A.—I do not favour the idea.

Mr. Bakhale.—The Cane Inspectors have not got enough work and there is not enough money with the Provincial Government to increase the staff which is necessary as there are complaints. If by suitable arrangement, without in any way reducing efficiency of inspection, this combination to a certain extent could be brought about, would you not welcome it ?

A.—I would not recommend it. For *ex-officio* Inspector I would not favour appointment of persons except those holding responsible position. We have already Subdivisional Officers as Inspectors.

*Q.*—They are graduates and intelligent men. They have to prosecute the factories. They have the same power even now under the Factories Act ?

*A.*—I would not favour the idea, but they may be able to do the non-technical part of the work if given suitable training for a long time.

*Q.*—What training is required if a man has to look into a register whether the workers have been properly paid or not ?

*A.*—He must know the Act and the Rules, he must also have experience of the working of a factory.

*Q.*—Can I say that with 15 days' training, an intelligent educated man can pick up the work ?

*A.*—I would say that he would require at least one year's training and more. He must go round on tours with the Inspector and learn the work. If this scheme were to come into effect, only specially selected men should have training.

*Mr. J. N. Lal.*—In order to have an idea as to what are the hours of work, what are the wages and such other things, it does not require 6 months' training ?

*A.*—Yes. In order to know the work he would require considerable training.

*Q.*—Do you think that the Subdivisional Officer would be a better Inspector of Factories than these Sugarcane Inspectors ?

*A.*—Yes.

*Q.*—How is the Subdivisional Officer in a better position to inspect the factories than the Sugarcane Inspectors ? Has he got any technical training ?

*A.*—He has got administrative experience.

*Q.*—The Sugarcane Inspector has got to check all payments that are made for the cane purchased by the factories from the cane suppliers and agriculturists and he has also to see to many other things. Unless he has administrative capacity, he would not be put in charge of the work ?

*A.*—On that point, I am sorry, I am unable to offer any opinion.

*Chairman.*—You know that there is an Audit Department of the Government and it audits accounts of the local

bodies and offices of the district. The Audit Department has at its head a very highly qualified Chief Auditor but actually the audit is done by people who are not of the calibre of the Chief Auditor or anything of the kind. Similarly, you are the Chief Inspector of Factories and the other people will be working under you and will submit reports of their inspection.

A.—The work of the supervision of such Inspectors would involve heavy additional work on the Chief Inspector of Factories.

Q.—Would you agree to this that some sufficiently trained hands be placed under you to inspect the factories in matters of health, sanitation and such other things? This will relieve the pressure of work that is put on you.

A.—It would be an advantage to have properly qualified persons holding responsible position to have as *ex-officio* Inspectors.

Q.—The Inspectors should be given training about the hours of work the labourers have to do and the allowances they get and such other things. They should also be made to know the provisions of law on these points. For these things, I do not think, they would take more than six months. After having given them instruction on the above points, they should be asked to inspect the factories and to see that there is proper arrangement for the comforts of the workers. In that case, you will also have sufficient time to look to the records about the working of the factories. Do you not think that that will be a better arrangement?

A.—If that scheme were to come into effect, I would select one or two men for suitable training.

Chairman.—Regarding hours of work, I suppose, you have to rely on the register.

A.—Yes, as well as by questioning workers on the subject and by paying surprise visits.

Q.—Every factory is required to give notice of the hours of rest. Do you verify it that they really allow rest to their workers? There have been cases where they do not allow rest days to the workers.

A.—Yes, they are checked by paying surprise visits.

Q.—Apart from finding out by seeing the work being done or not done, do you interrogate the workers and try to find out the truth from them?

A.—Yes.



*Q.*—What is the method of your inspection ?

*A.*—Paying surprise visits, examination of registers, etc. and questioning workers.

*Q.*—Do the workers give you the real information ?

*A.*—Sometimes they do, sometimes they do not.

*Q.*—Have you found the labour unions to be of any assistance where there is breach of the Act ?

*A.*—There has been no such case.

*Q.*—With regard to the Payment of Wages Act, is any method prevalent in the factories to enable the workers to acquaint themselves with the rules and the provisions of the Act, particularly with regard to the payment of wages, wages for over-time, etc.

*A.*—The abstracts of the Payment of Wages Act are posted in each factory in English and in the vernacular languages.

*Q.*—Do they know or understand the rules, etc. ?

*A.*—As they are mostly illiterate, they may not be able to understand them.

*Q.*—Could you not insist upon the employers to publish the rules, etc., in the vernaculars so that it may be known to the workers ?

*A.*—The Abstracts of the Act and the Rules are posted in the vernacular language.

*Q.*—With reference to the inspection about wages, have there been payments in kind which is in violation of the Act ?

*A.*—No such case has come to my notice.

*Chairman.*—I hope you can take action against a factory if there is any violation of the rule, e.g., late payment or non-payment, but the worker himself is rather helpless in such matters and it is the business of your department to see to such things as the worker is unable to make any complaint.

*A.*—Yes. We try to redress the grievances of the workers.

*Mr. Saran.*—If you inspect the factories once or twice, if regular payment of wages is delayed and if there is payment in kind, as we have seen in some of the rice mills, then surely the interest of workers are not safeguarded.

*A.*—Frequent inspections are made. The workers can also complain.

*Mr. Gandhi.*—Has this Act been violated ?

*A.*—Not to any serious extent.

*Chairman.*—Have you come across cases where wages are not paid in time ?

*A.*—There may have been one or two cases.

*Dr. Mukherji.*—Is there anything in the Act to prevent payment of wages on the rest day ?

*A.*—Yes, all payments must be made on a working day.

*Chairman.*—Rice factories and *dal* factories are to some extent the factories where payment can be made in kind. Do you not think so ?

*A.*—No such case has come to my notice. That may have been the custom long ago.

*Q.*—Suppose the rice factory or the *dal* factory makes it a point to give rice or *dal* cheaper (*laughter*), just as in coal-fields they get coal cheaper, would it be in order ?

*A.*—That would be a contravention of the Payment of Wages Act.

*Q.*—You would not like it to be introduced even if it gives some advantage to the worker ?

*A.*—No.

*Q.*—How do you inspect cases with regard to fines ?

*A.*—There is a prescribed register of fines. I examine the register, check the items, see whether the fines are in accordance with the maximum prescribed, what the acts and omissions are and whether they are on the approved list.

*Mr. Hayman.*—How do you check against any omission of posting in the register ? Suppose, the fine is not posted in the register, but the fine has been deducted from the wages bill ?

*A.*—That would be a contravention of the rule on the subject.

*Q.*—You must find it out before you prove the contravention of the rule.

*A.*—(*No answer.*)

*Chairman.*—It has been represented to us that in order to evade the provision relating to the limitation of fines, some

employers resort to reducing the wages or reducing the grade of a man and denominating him. Do you consider it to be an infringement of the Act?

A.—That question is under consideration.

Q.—Do you not think that this is an evasion of the Act by adopting a method to impose higher fines in a round-about way?

A.—The question is under consideration whether it is an infringement of the Payment of Wages Act. I am unable to express any opinion now.

Mr. Saran.—Some factories say that if workers are late by half an hour or an hour, they will lose their pay.

A.—If he loses his pay for the whole day I am of the view that it would be a contravention of the Act.

Dr. Mukherji.—What will be authorised deduction for delay?

A.—If a worker has to do 8 hours' work and if he is half-an hour late, the deduction should bear the same proportion to the wage for the day as the period he was absent bears to the whole period of work for the day. It will be one-sixteenth.

Mr. Hayman—I understand that in some factories if the worker is late by more than half an hour, he is not allowed to come and work on that day. Do you consider that fair?

A.—There is nothing to prevent a worker not being allowed to work for being late but I would consider deduction of the whole day's wages as in contravention of the Payment of Wages Act.

Q.—But if he is kept away from the work?

A.—The question would depend on the terms of contract.

Q.—But he is prevented from working on the day?

A.—It would depend on the terms of contract, unless there is some express stipulation on the subject, I would consider deduction of whole day's wages for absence for half an hour or so as in contravention of the Act.

Chairman.—What is your opinion? Would you consider it an infringement of the Act?

A.—Yes.

*Mr. Gandhi.*—How is it an infringement ?

*A.*—If a man is engaged on daily or monthly basis and if for his being late for half an hour on any day he is not paid for the rest of the day, I would regard it as a contravention of the Act.

*Chairman.*—Why do you say that it amounts to an infringement of the Act ?

*A.*—Because the deduction would not bear the same proportion as the period for which he was absent bears to the day.

*Mr. Gandhi.*—If a man comes late, the administration has to make some arrangement for filling his place. Therefore, how can management pay two workers' wages for one worker's work ?

*Chairman.*—Will you refer to section 9, clause (2) of the Act ?

*A.*—This prescribes the amount which may be deducted for absence from duty.

*Mr. Hayman.*—The man is suspended from duty and therefore, he is absent and his absence is enforced by the employer. Do you say that he must be paid ?

*A.*—If he is suspended it is a different question.

*Q.*—But this is a case of suspension ?

*A.*—The question involves the consideration of all the factors in the circumstances and it would be a matter for legal interpretation, if necessary. I would consider it an infringement of the Act if a workman, for being 15 minutes' late, is not paid for the rest of the day.

*Chairman.*—Supposing there is a regular rule which is published and every worker knows that if he is late by 15 minutes he will be admitted, but if he is more than 15 minutes' late, he will not be admitted. If, in accordance with that rule, a man is excluded from work, because he is late, do you regard it as an infringement ?

*A.*—If there is a written contract between the employer and the employee that the worker will not be allowed to work for the rest of the day in the event of his being late, then I do not think non-payment would be a contravention of the Act; but if there is no such contract, I am of the view that it would. In such cases all the factors in the circumstances would require consideration.

*Q.*—Does it not come to this that the worker is allowed to come in and go out at any time and he can claim his work for the number of minutes he will work ?

*A.*—It would depend on what the circumstances are.

*Chairman.*—All right, we may leave it at that. As regards fine, you have told us that you have not formed an opinion as to whether it would amount to an infringement if a man is denominated or his grade is reduced.

*A.*—That is under consideration.

*Mr. Gandhi.*—Under what department of Government your department is ?

*A.*—It is under Revenue and Commerce.

*Mr. Saran.*—If workers go on strike without a notice, can employers deduct wages ?

*A.*—Certainly, if there is written contract.

*Chairman.*—Has the Payment of Wages Act been extended to all factories ?

*A.*—It applies to all factories which are subject to the Factories Act.

*Q.*—Does it apply to any other industry ?

*A.*—Not at present but it may be extended.

*Mr. Hayman.*—Is it not extended to the railways of India ?

*A.*—Yes.

*Q.*—Are you responsible for the railways which run through the province of Bihar ?

*A.*—Only railway factories.

*Chairman.*—You inspect the railway workshop ? They come under the Factories Act ?

*A.*—Yes.

*Q.*—Have you under contemplation any other kind of industrial organization to which the Payment of Wages Act may be extended ?

*A.*—At present, no. The Act came into force recently. I would not make any recommendation now.

*Mr. Hayman.*—Not to the colliery mines ?

*A.*—I have no knowledge of mines. I am unable to express any opinion.

*Chairman.*—As regards the extension of the Act to other factories which do not come under the Factories Act, would you suggest its extension even if the Factories Act is not extended to, for example, mica, lac? Would you recommend its application to those factories?

*A.*—I would like to watch the working of the Payment of Wages Act before I make any recommendation.

*Mr. Jagat Narayan Lal.*—I think you know enough of mines to say whether the Payment of Wages Act ought to be applied there?

*A.*—I have no knowledge of the mines.

*Chairman.*—Does the Payment of Wages Act apply to labour under control in factories?

*A.*—It applies to all persons employed in factories.

*Q.*—How do you inspect the payments to the contract labour? Have they got the register?

*A.*—They are required to maintain the registers required by the Act and the rules.

*Q.*—Take for example, the Tatas collieries. There is a clause in their contract with the contractor that the contractor should pay the same wages as the factory pays to workers and it lays down certain rates of wages to be paid to workers. Will it be within your jurisdiction to see if the rates are strictly paid?

*A.*—Yes, but the Act does not apply to collieries.

*Q.*—If the rates are mentioned, you have to calculate that the man has been paid the amount to which he will be entitled on the basis of that rate?

*A.*—Yes.

*Q.*—Unless you do that, you will not be able to know what his total earning was from which his deduction was made?

*A.*—Rates of wages are shown in the register.

*Q.*—From that you calculate what the man is entitled to and you see what he has been paid minus the deduction permitted under the law?

*A.*—Yes.

*Dr. Mukherji.*—We have found in many engineering workshops where the piece-rates and time-rates are combined that the workers fail to understand what is actually the amount of wages due to them. Is there anything in the Payment of Wages Act to see that the law would require the employer to keep workers employed in the know how the wage rates are calculated and how other things should come in? Is there anything to safeguard that the calculations are correct?

*A.*—Yes, under the Act rules may be framed requiring rates of wages to be displayed.

*Dr. Mukherji.*—Do you, in the course of inspection, at all concern yourself with the question whether the workers are paid the amount which is really due to them on the calculated rates?

*A.*—Yes, we examine the registers and records and also question the workers.

*Mr. Gandhi.*—What do you do if you find that a worker has not really been paid his due?

*A.*—If we find his complaint is substantiated, we proceed against the employer.

*Q.*—Suppose a man tells you that he is not paid his adequate wage, what do you do?

*A.*—We check the actual wages that are due to him against the rates of wages and the amount of work he has put in.

*Q.*—Have you received any complaint?

*A.*—No such case has come to my notice in course of my inspections.

*Chairman.*—Raiyats are always complaining that landlords do not grant them receipts or receipts do not show the amount actually paid. In the case of workers in the factory, has it come to your notice that workers do not get the amount that they are entitled to get? Have you come across cases where there was complaint of short payment.

*A.*—No such case has come to my notice.

*Dr. Mukherji.*—I want to know in the case of those jobs where the piece-rate and time-scale are combined, how can you

as a custodian of this Act, assure workers that they are informed correctly of the method of payment and rates of their wages ?

A.—In specified industries the rates of wages may require to be displayed.

*Chairman.*—Will you refer to section 112 of the English Factories Act and say if something should be done of this sort to enable workers to understand what they are entitled to, on the basis of piece-rates for their work.

A.—Yes, but the conditions here may require somewhat different rules.

*Mr. Hayman's suggestion—*

Name.	Number.	Wage.	Class.	Daily rate of piece work rate.
Number of days worked.				
Piece work cutturn.				
Overtime—No. of days and rate.				
Bonus.				
Total amount— and Deductions.				
(a)				
(b)				
(c)				
(d)				
(e)				
(f)				
Total deductions—				
Net amount payable—				

A.—It is a good idea. It may require modifications.

*Chairman.*—As regards the shifts, is not there a system of multiple shift or overlapping shift ?

A.—Not very much in this province.



*Q.*—They are there.

*A.*—We have in jute mills.

*Q.*—In textiles ?

*A.*—We have got only two cotton mills — one in Patna working off and on and another in Gaya. In the jute mills there are overlapping shifts.

*Q.*—The Royal Commission of Labour recommended that overlapping or multiple shifts should be abolished.

*A.*—In Bengal this question is of importance but we have very few cases here.

*Q.*—If there are a few factories, the evils of the system must be there ?

*A.*—It is to a very small extent. Frequent surprise visits are paid to check it.

*Q.*—Are you contemplating framing any regulations? If you cannot frame, you must adopt some other method ?

*A.*—At present it is being done by inspection.

*Mr. Saran.*—There may be some pressure ?

*A.*—In very few factories there is overlapping shift.

*Chairman.*—Is there any factory in this province where certain number of workers work always in the night shifts ?

*A.*—I am not aware of any such case.

*Q.*—I put this question because I have come to know that in Cawnpur there is such system that certain number of workers always work in the night shifts and there are certain number of workers who always work in the day shifts, throughout the year ?

*Mr. Gandhi.*—Do they get more payment in the case of those who work always in the night shift ?

*A.*—No such case has come to my notice in this province.

*Dr. Mukherji.*—Have you come across any such case in this province ?

*A.*—No.

*Q.*—We have been told of such cases ?

*A.*—It cannot be prohibited but no such case has come to my notice.

**Q.**—How many hours of work here the workers work in one shift ?

**A.**—It depends on the industry.

**Q.**—Do they work for more than one shift ?

**A.**—In some cases they do, as for instance, in some oil mills where the shifts are separated by intervals.

**Q.**—If there is such a case, how can you prevent it ?

**A.**—There is no objection if the provisions in the Act and the Rules are not violated.

**Q.**—In the matter of principle there should be distinction between the seasonal factory and other factories, in the hours of work from 54 to 60.

**A.**—Yes, it is provided in the Act.

**Q.**—What is the reason behind it ?

**A.**—Seasonal factories work during a part of the year only. The work lasts for 4 or 5 months or so in the year.

**Dr. Mukherji.**—Does it mean that the production should be pushed as much as possible ?

**A.**—It may.

**Chairman.**—Suggestion has been made to us by some of the witnesses that the hours of work are too long and they should be reduced. What is your opinion ?

**A.**—At present I would not recommend any change in the maximum hours of work prescribed in the Act.

**Q.**—The suggestion that has been made is that the hours of work should not be more than 40 hours a week. What is your opinion about it ?

**A.**—At present I would not recommend it.

**Q.**—Do you think that the present hours of work are right and satisfactory ?

**A.**—The present maximum hours of work have been brought into operation very recently ; they came into effect in the year 1935 ; considering the short period they have been in operation I would not recommend any immediate change.

**Q.**—The ground suggested for the reduction of the hours of work is that the health of the workers deteriorates and there is

no improvement in the efficiency and there has been to the benefit of the employers ?

A.—I am not in favour of any change now. The condition of the industries will also have to be taken into consideration.

Q.—Is it your opinion that if the hours of work will be reduced, the production will be reduced ?

A.—It may.

Q.—There has been work for more than 10 hours, say 12, 15 and 16 hours and the health of the workers will be injured ?

A.—Frequent inspections are made to check any abuse.

Q.—You mean to say that when the conditions will be suitable then the hours of work can be reduced ?

A.—Yes.

Q.—From your experience in the Factory line, do you know whether there has been application of rationalisation in the factories to an extensive extent ?

A.—No, I am not aware of it.

Q.—The machineries that are being used in the various factories are more or less up-to-date ?

A.—In some factories, yes, and in some factories, no.

Q.—In what factories, yes and in what factories, no ?

A.—In Rice Mills and Oil Mills the machinery used is not very up-to-date.

Q.—In the Sugar Mills ?

A.—Yes, in most cases they have up-to-date machinery.

Q.—With regard to the rationalisation, has there been any reduction of hands due to the increase in the technique of the machinery ?

*Mr. Gandhi.*—For the same work and in the same factories ?

A.—In some industries there has been a reduction in hands but not very much. As for instance in oil mills, the number of *ghannies* per worker has in some cases been increased.

*Chairman.*—Do you get the return of each factory every year ?

A.—Yes.

Q.—Are you in a position to judge, from the return of the factories submitted, whether in the same factory some numbers of workers have been reduced ?

A.—It is not always possible.

Q.—What are the other industries in which the rationalisation has been introduced and efficiency has increased ?

A.—I am not aware of rationalisation but there has been an increase in efficiency in certain industries.

Q.—Has there been intensification of work due to introduction of new machinery.

A.—Sometimes, yes.

Q.—The oil mills work in two or three shifts; has there been the case where the number of shifts have been reduced from 3 to 2 ?

A.—No, they mostly work in 3 shifts.

Q.—Do you also know that there has been considerable increase in the number of hands ?

A.—Not to any large extent.

Q.—To what extent ?

A.—There has been a small increase.

Q.—Have you any means of judging the production ?

A.—No.

*Dr. Mukherji.*—With reference to the longer hours of work in the seasonal factories, is it due to the availability of labour in certain factories ?

A.—Because they are seasonal factories.

Q.—But there are other seasonal factories like Rice Mills ?

A.—Yes, Rice Mills are, however, not seasonal factories.

Q.—We have seen in Jayanagar that it is treated as seasonal factory ?

A.—Rice Mills are not seasonal factories but if any factory works less than 180 days in the year it may be declared as seasonal.

Q.—Can it be true in the case of other factories ?

A.—Certain industries such as Cotton Ginning, Jute Pressing, Shellac, Indigo, etc., are seasonal factories.

Chairman.—Is there any Indigo factory still in India ?

A.—Very few.

Dr. Mukherji.—(Reads the memorandum, page 14). You have said in the memorandum, that.....In many countries there are listed occupational diseases which are prevalent in the workers. Is it not a fact that the employers ought to be responsible for their treatment ; and if possible, pay them compensation ? Is there not such provision in the Act for the treatment of the occupational diseases in this province ?

A.—No.

Q.—Do you know that we have a list of the occupational diseases ? Is it not greater responsibility of the employers for treatment ?

A.—Yes, operations which have been declared hazardous are stated in the rules on the subject, as mentioned in page 2 of my memorandum.

Q.—In this province hours of work are not limited ?

A.—The limits of the hours of work are prescribed in the Act and the rules.

Q.—Page 12 of your memorandum.....(reads) what steps have been taken by the Government in this regard ?

A.—In regard to Rules, proposals have been submitted and are under consideration.

Q.—Have you any material on the basis of which you require the Factories Act to be amended ?

A.—With regard to matters where the Act could be amended, kindly see my memorandum.

Dr. Mukherji.—Have you suggested to the Government the points on which you require the Factories Act to be amended ?

A.—No. I submit that it is a matter for consideration of the Committee to suggest any amendment in the Act.

Q.—On page 15 of the memorandum you have said that .. .....(reads)

Are you aware that in some countries these subjects are done by the Act ?

A.—I am not aware of it,

**Q.**—But the procedure in different countries is different. I should like you to consider which of these items you have taken in view in case of the present employment of women. In this province many women are employed in different factories and the maternity benefits are not provided. You must have known that in provinces like Madras, Bombay, the United Provinces, the Central Provinces the maternity benefits are provided in the Act themselves? In many industries women are employed; would you consider any provision like those prevailing in the provinces mentioned above? Do you think that it will be helpful?

**A.**—I cannot express any opinion on the subject as it is outside the scope of the Factories Act. I believe in some provinces, like Bombay and the United Provinces, etc., there is a special Act called the Maternity Benefit Act.

**Q.**—As regards sickness can you give any opinion?

**A.**—I am unable to express any opinion; it is outside the scope of the Factories Act.

**Q.**—We want to consider the question of amendment for these. You can pass separate Acts like the Maternity Benefit Act and the Sickness Insurance Act, as part of the Factories Act. Would you like to pass a separate Act for them?

**A.**—Such matters may be provided for by special Acts.

**Q.**—I would like you to express some opinion on the health matter?

**A.**—The subject of health forms a part of the Factories Act.

**Mr. Bakhale.**—You have given in your replies to previous questions that you are not for the reduction of the hours of work.

**A.**—Yes, I have said that I would not recommend this at present.

**Q.**—Would you like that the present hours of work should be continued at present?

**A.**—Yes.

**Mr. Bakhale.**—Is it due to the statutory limit or to the accepting limit, the limit of 54 hours a week; you would not like to go below that?

**A.**—Yes, not at present.

*Q.*—The present statutory limit is 54 hours a week ; but in actual practice, in Tisco, hours of work are 8 a day . Below that you would not like to go ?

*A.*—In continuous processes 56 hours a week is permitted.

*Q.*—What is the total budget of your establishment for the office of the Inspectorates ?

*A.*—Rs. 22,000 including both Bihar and Orissa.

*Mr. Saran.*—How much Orissa contributes ?

*A.*—One-seventh of the actual cost.

*Q.*—Can you get rid of Orissa ?

*A.*—How ?

*Mr. Bakhale.*—In Bombay, the Government of Bombay has allotted 1 lakh 50 thousand for the establishment of Inspectorate ?

*A.*—Bombay is an industrial province.

*Q.*—But Bihar also has some of the biggest industries having three greatest industrial centres like Jamshedpur, Jamalpur and Sugar Factories.

*Mr. Saran.*—Leaving the coalfields.

As regards spreadover the limit is 13 hours ? Is it not so ?

*A.*—Yes.

*Q.*—Would there be any harm if it is 12 hours in the non-seasonal and 13 hours in the case of seasonal ?

*A.*—I would not recommend any change at present.

*Q.*—The spreadover has nothing to do with the hours of work ?

*A.*—Yes, it includes the total periods of work in any day. As for instance, taking a rice mill, the hours may be 6 to 11 and 2 to 7 with three hours' interval.

*Q.*—But the rice is seasonal factory ?

*A.*—No.

*Dr. Mukherji.*—In Jayanagar we had the evidence of 18 hours a day ?

*A.*—That would be a violation of the Act.

*Mr. Saran.*—In Pakur we have found workers having no shed in the Stone Quarries. They sit under the shadow of the wagons for shelter from the hot sun. Would you not make recommendations to compel the employers to build a shed for them ?

*Chairman.*—That has been found in a number of factories also where there are no sheds for taking food, shelter, etc. ?

*A.*—Yes, there is a provision in the Act on the subject. Shelter for rest may be necessary in specified industries. I am putting up proposals for Rules on the subject.

*Q.*—Is there no provision for this in the Factories Act ?

*A.*—Yes, but so far no rule has been framed on the subject.

*Q.*—In England the welfare workers do press the employers to provide all facilities for shelter, etc., where the workers are more than 20.

*A.*—There is such provision already in the Act.

*Dr. Mukherji.*—Could not some provision be made in the Factories Act about the provision of sheds for the workers ?

*A.*—In case where workers are made to work outside in the open, exposed to the sun, I think there could be some provision in the Factories Act requiring a roof or cover over such places of work so that they would ordinarily not work exposed to the weather; but there may be conditions where workers have to work under the sun.

*Q.*—Is there any provision for the little children to be looked after when their mothers work under the mines ? We found in most cases that there was no provision or there was inadequate provision ?

*A.*—At present there is no rule on the subject. But rules are under consideration.

*Q.*—Suppose a man is working in a hot mill. There he has to work half an hour and then he is relieved by another man. The first man then takes rest. After half an hour the first man goes again. In this way they have to work for several hours and they do not leave the premises of the factory. In such a case, is there any provision for the men to take rest of that kind ?

*A.*—Yes.



**Q.**—Could you say that the men between the ages of 15 to 18 are treated as adult or minors ?

**A.**—That would depend on the medical certificate. If he is certified as fit to work as an adult, he will be an adult for the purposes of the Factories Act and if he is certified as a child, he will be treated as a child.

**Q.**—Is it a fact that the medical officer charges annas 4 for each certificate and the certificate is only *Nam ke vaste* ? He does not care ?

**A.**—The certifying surgeon is the Civil Surgeon of the district. He may charge annas 4 for each certificate.

**Mr. Gandhi.**—Does this annas 4 go to him or to the treasury ?

**A.**—The certifying surgeon may charge Government annas 4 for each certificate. He receives the payment.

**Q.**—Could any arrangement be made for better medical examination ?

**A.**—I am unable to say that.

**Q.**—What is the percentage of adult and adolescents ?

**A.**—It is in the report. There were 89,883 adults and 409 adolescents.

**Q.**—What is the number of women ?

**A.**—The number of women was 5,876.

**Q.**—How will it work if there be periodical examination undertaken by the Assistant Civil Surgeon ?

**A.**—I would not recommend any change in the existing system.

**Secretary.**—Could you say whether the employers keep any record of the distances from which the children come to work in the factories ? It has been found that some of them come from long distances, say 5 or 6 miles. We do not want to stop them from coming but we only want to know whether they keep any record of it.

**A.**—I do not know. They are not required to do so.

**Mr. A. M. Hayman.**—Who is responsible for the maintenance of the wages record ? The person who gives the contract

to the contractor is responsible for the maintenance of this record or the contractor himself ?

A.—The contractor himself is responsible.

Q.—Who is responsible for the payment of wages to the worker, the employer or the contractor ?

A.—The employer is responsible for payment of wages. For persons employed direct by the Company, the Company is responsible but if the contractor is the employer, he is responsible.

Q.—We have got contractors working in our factories. Are we to be made responsible for the wages or it is the contractors ?

A.—For contractor's labour, the contractor is responsible.

Q.—But in the case of Tisco, how do you make them responsible ?

A.—To get in touch with the contractors, the notices relating to returns are served through the Manager.

Q.—A list of the contractors can be supplied to you and the terms of engagement.

A.—If the list of contractors is supplied, the Forms may be sent to them direct. As to whether a contractor is responsible for such returns would depend on what the terms of contract are.

Q.—Supposing a contractor is paid on the value of a building, the Tisco cannot be made responsible for the payment of the wages ?

A.—No.

Q.—Under the ordinary law, is the principal responsible in the matter of payment of wages for the agent ?

A.—No.

*Mr. Gandhi.*—I find that complaints are being received about the employer not paying the wages to his workmen and it amounts to cheating. I also understand that they maintain false registers to show the hours of work, i.e., that they do not take extra work. With your present staff are you able to check these evils ?

A.—Yes.

Q.—Do such cases come to your notice ?

A.—Yes. There have been cases where overtime payments have not been made.

Q.—Are they in great number ?

A.—Not so far as I am aware.

Q.—Complaints have also been received about the supply of water and residing places in various factories. Are your staff particular about getting such provisions being made to the satisfaction of the workers ?

A.—Yes.

Q.—We are told that in Madras there are provisions for canteens or something like that of good refreshment rooms, should not there be such provisions here ?

A.—I have dealt with this point in my memorandum ; it does not form part of the Factories Act.

*Mr. Hayman.*—In Tisco there are refreshment rooms.

A.—There may be.

*Mr. Jagat Narain Lal.*—At page 12 of your memorandum you have said that at present there is no provision in the Factories Act and the Rules in respect of (a) provision of creches for children or women working in factories to provide for a safe shelter for the babies whilst the women are at work. Do you want amendment in the Act itself ?

A.—There is provision in the Act. Rules are under consideration.

Q.—Could not the provincial Government frame certain rules ?

A.—Yes, rules are under consideration.

Q.—You say that the provisions under (a) and (e) are under the consideration of the Government. Have you drawn the attention of the Government to the framing of the rules ?

A.—Yes. I have submitted proposals on them.

Q.—Have you anything to suggest about the inspections which are done by the Subdivisional Officers as *ex-officio*

Inspectors? What is your opinion about these inspections? Do you want to suggest any improvement?

A.—In what way.

Q.—That is what I want to know from you. Are the inspections by the Subdivisional Officers sufficient or not? Or you want some more effective control?

A.—Inspection of factories by regular wholetime Inspectors would be an improvement. Subdivisional Officers being very busy cannot be expected to devote as much time to factory inspection as whole-time Inspectors but they are at an advantage in several respects being on the spot near to the factories.

Q.—I think there is one advantage in the inspection being made by the Subdivisional Officers, i.e., they can pay surprise visits.

A.—Yes.

Q.—So far as maternity benefit is concerned, has your attention been drawn to the absence of this arrangement?

A.—It does not come within the scope of the Factories Act.

Q.—Would you like any rule to that effect?

A.—I would suggest enactment of special Act for it. There is special Act in Bombay, Central Provinces and in other provinces.

Q.—As regards shifts, complaints have been received that labourers are not relieved or not able to get relief within the limited hours of work with the result that they have to work longer hours. Would you suggest some method whereby they could be relieved of the extra strain caused upon them?

A.—There are rules on the subject.

*Mr. Saran.*—Take for example, a man works for 8 hours and is then relieved. By the time the other man comes to relieve him, it takes him 10 hours to be relieved, i.e., it takes 10 hours before he gets a substitute and is actually relieved.

A.—I would not recommend any change in the rule at present.

*Dr. Mukherji.*—From the point of view of the health of the labourer, *Donga coolies* or *cane coolies* in the sugar mills, it is

reported that they have to work in the open sun. Can you under the rules, make it compulsory that some sort of shade, should be provided for them?

A.—There is no such provision in the Act. An amendment of the Act will be required.

Q.—Have you had occasion to examine the register of child workers which is maintained?

A.—Yes.

Q.—It is reported that in many cases small children who should not be employed have been employed.

A.—Wherever we have found such cases, we have prosecuted.

Q.—For the safety of the workers whether it is necessary to provide footwear where it is too hot? That comes within your purview.

A.—There is no provision in the Factories Act on the subject. I have referred to the matter in my memorandum.

Q.—Under the Payment of Wages Act, for the payment to the labourers through contractors, is the employer not to be held responsible? Of course, each case has to be judged on its merit.

A.—Where labour is employed by the contractor, the contractor is responsible for payment and where a person is employed direct, the employer or Manager is responsible for it.

Q.—Is not the contractor only an agent of the employer?

A.—Yes, but the question would depend on the term of contract.

*Chairman.*—You would agree that when a particular officer is charged with the duty of administering a particular law, he has to administer it according to his own notion of the law until he is over-ruled by any authority. So every section of the Act has to be interpreted according to your own interpretation until Court over-rules you.

A.—Yes.

*Chairman.*—Thank you, Mr. Rai.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 29th May, 1939, at 5-20 p.m.

Members present:—

(1) Dr. Rajendra Prasad	...	<i>Chairman, presiding.</i>
(2) Mr. R. R. Bakhale	...	<i>Deputy Chairman.</i>
(3) Dr. R. K. Mukherji	...	<i>Member.</i>
(4) Mr. Jagat Narayan Lal	...	”
(5) Mr. A. M. Hayman	...	”
(6) Mr. H. B. Chandra	...	”
(7) Prof. R. K. Saran	...	<i>Secretary.</i>

**Oral evidence of Mr. N. Baksi, I.C.S., Registrar, Co-operative Societies, Bihar, Patna.**

*Chairman.*—With regard to the co-operative movement, we are concerned only with what we can do to help the industrial workers by this movement. Under the Trade Unions Act there is one section, section 14..... (*reads*). I have not quite understood this section, I should like you to say whether you have considered any application of any Trade Unions for registration under the Co-operative Societies Act.

*A.*—No, not in my time, nor have I any recollection of any such case during the time of my predecessor. I wrote about the industrial Co-operative Societies. No organisation of industrial workers is possible without the help of the management.

*Q.*—What is the effect of this section in preventing members of Trade Unions from starting Co-operative Societies?

*A.*—Workers may organise in their individual capacity. I do not know exactly, as I am speaking off hand, whether there is any bar in the Trade Unions Act to the organisation of Co-operative Societies by the members of Trade Unions. I find some of them organising themselves into Co-operative Societies.

*Mr. Hayman.*—In their individual capacity?

*A.*—Yes.

*Prof. Saran.*—It cannot be a part of the Trade Union?

*Mr. Chandra.*—How can it be?

*Mr. Baksi.*—No, it cannot be under the existing legal provisions.

*Mr. Hayman.*—What do you suggest about the management of the Co-operative Society ?

*Chairman.*—Do you consider that the law permits Trade Unions to participate in the management of societies ?

*Mr. Baksi.*—Up till now our experience is what has been submitted in the form of a note to the Government. This note was prepared by the late Khan Bahadur Mohiuddin Ahmad and a special report prepared by Mr. Collins himself. The late Khan Bahadur undertook a special inquiry of co-operative stores and dealt with various aspects of the question. I have not got much experience of co-operative stores, but *prima facie* I do not think that the working of the Trade Unions is likely to interfere in any way with the working of Co-operative Societies in industrial areas. A Trade Union, registered under the Trade Unions Act, cannot be entrusted with the management of a Co-operative Society, but there is no bar to any office-bearer of a Trade Union working in his private capacity as a director of a Co-operative Society.

*Q.*—We have been told that the workers in different industries pay a very high rate of interest for loans taken by them. Do you suggest that the help of the Co-operative Societies should be taken to relieve the workers of the high rate of interest ? Do you think that the Co-operative Societies will be helpful to them ?

*A.*—Yes, they will be helpful to them. In Jamshedpur Co-operative Societies have been very successful. If the work is done on sound lines, there is no reason why the societies should not function properly. A distinction will have to be made between the more or less permanent and temporary or migratory employees. In the industrial centres like Jharia, with many migratory workers, there may be difficulties. Indebtedness of industrial workers can be greatly reduced, if Co-operative Societies are organised.

*Q.*—Do you think that the Trade Union can control the society on behalf of the workers ? Can the office-bearers be Trade Union men ?

*A.*—There is no provision in the law which prohibits any class of persons, either employees or employers, to organise or manage Co-operative Societies.

*Q.*—Does the formation of a society require that there should be the co-operation of the employers ?

*A.*—Yes.

*Chairman.*—From your experience of Co-operative Societies, can you say that it would be possible to organise Co-operative Societies successfully in the industrial areas ?

*A.*—Yes, it is possible provided the societies are helped by the employers.

*Q.*—What would be the security generally for the industrial areas ?

*A.*—Their wages and the limited liability of the members.

*Q.*—It is said that practically 90 per cent of the labourers are in debt already. What should be the safeguards to prevent excessive borrowing ?

*Mr. Hayman.*—In the bye-laws, there should be a limit of loan upto certain multiples of the monthly salary.

*A.*—Yes, I agree. That is also the existing practice in many societies.

*Chairman.*—Have you had experience of Credit Societies in industrial workers ?

*A.*—Yes, we have several societies in Jamshedpur.

*Q.*—Apart from Jamshedpur, have you got experience of anywhere else ?

*A.*—We have got a large number of big salary earners' societies like the Provincial Civil Service Association, Police Officers' Association, Ministerial Officers' Societies, etc. There is also a proposal to form societies of industrial workers in the Jharia coalfields.

*Q.*—From the experience that you have got of the Ministerial Officers' Societies and of the success achieved, do you consider that starting more societies would be justified ?

*A.*—Yes, I do. The figures are there.

*Q.*—Can you give sufficient details about the management of such societies and the co-operation of the employers ?

*A.*—The heads of the different departments are generally the office-bearers, and all work is done with the co-operation of the employers. The chairman is usually the head of the department.

*Q.*—Could not the workers of the department work the societies ?



*A.*—There is no legal bar to the societies being entirely managed by the workers. In view of the standard of education and the ignorance of the workers, it would be to their interest to secure the co-operation of the heads of the departments. The committees contain representatives of workers, the number of whom can be increased when considered feasible and necessary.

*Mr. Hayman.*—Was there any attempt made in Jharia for the establishment of Co-operative Societies ?

*A.*—In 1936 when I was the Additional Deputy Commissioner of Dhanbad, I requested Mr. Godbole, the then Registrar of the Co-operative Societies, to take the question of organizing Co-operative Societies, particularly welfare societies, but so far no such societies have been organized.

*Q.*—Do the employers help in the formation of the credit societies ?

*A.*—I fear, they are, at present, generally unsympathetic towards any organization of the employees.

*Mr. Hayman.*—Will you try, I offer the Tisco Collieries for an experiment to start Co-operative Societies ?

*A.*—Thank you. The department will take note of this.

*Q.*—Can recovery from deduction of salary be made under the Payment of Wages Act ?

*A.*—Yes, recovery is made through the employer according to authority slips duly signed by the borrowing members. Here again, the co-operation of the employers is essential for the successful working of a society.

*Q.*—Do you think that all the employees can be persuaded to give the necessary assistance ?

*A.*—I do not think that persuasion alone will avail. It might do well with big companies, like the Tatas who see clearly years, if not centuries, ahead, but some of the small employers do not encourage organisation of their employees.

*Chairman.*—This is about credit societies. It has also been suggested that in some of the industrial areas workers do not get their money's worth from ordinary shops. They are either cheated or some times they have to pay more than they need pay, if they want anything on credit. It has been suggested that it would help them a lot if co-operative stores could be started in those areas.

A.—That will be a proposition much more difficult than running a credit society. I have not made any special study of co-operative stores. Just before coming here, I was glancing through the report of Khan Bahadur about the working of co-operative stores in the province. During the last 30 years, the ordinary villagers have come to regard Co-operative Societies as *mahajans* and nothing more. The non-credit side has been substantially ignored; at any rate, the lay man in the street knows very little of it. The ordinary man has come to regard the co-operative movement as represented by the credit side to be a failure. Till we are in a position to rehabilitate that side of the movement and to have public confidence restored, I feel that we should not commit ourselves to additional fresh obligations. With this spirit of conservatism, I should like to give my evidence on this question. As Mr. Mohiuddin has indicated, the general co-operative stores for villages are absolutely out of the question.

*Chairman.*—That leaves the impression that these stores have not succeeded. We are talking of industrial areas and will you let us have your views on this point?

A.—For industrial areas, having a fairly stable industrial population, as in Jamshedpur, or in big collieries belonging to well organized companies like Messrs. Bird and Company, the organization of co-operative stores is certainly a practical proposition. Many of these industrial concerns have an organization for recruitment of labour and depend to a great extent on a stabilised labour force. Many of the workers are salary earners entitled to a provident fund or pension and even those, who are not so, have some sort of a gratuitous system working as an element binding to the company. Where we have these conditions indicating a certain amount of stability of the industrial labour and the requisite active co-operation of the employers and of the Trade Union, there is no difficulty in successfully organizing a co-operative store which will undertake the supply of requirements of the industrial population, e.g., food materials of good quality at reasonable prices. As in the case of purely credit societies, there should be a limit to the purchase on credit. In other words, a man should not be allowed to purchase, on credit, goods valued at more than a certain percentage of his salary. There should be provisions for the recovery of the dues by deduction from his salary. There should be no leniency shown in recovery. This kind of societies require more vigilance and keenness on the part of those who may be entrusted with the management.

*Chairman.*—From the report which you have mentioned, it has been suggested that many of the stores failed because they purchased things which were not needed by the members.

*A.*—I have summarised the main causes of failure. These remarks apply with equal force to the co-operative stores in other areas. For example, the Secretariat Co-operative Stores at Patna is a disgusting affair. Although it is run by the responsible Secretariat Ministerial officers, there is gross mismanagement and perhaps quite a lot of dishonesty. The Secretariat Stores is quite comparable to a store for industrial workers, because there also we have a fairly stabilised population. If due safeguards are provided, there is no reason why, except for sheer dishonesty and culpable neglect, any kind of store should fail.

*Mr. Hayman.*—Have you thought of prescribing certain rules for preventing dishonesty and culpable neglect?

*A.*—I am one of those who believe that mere rules and legislation cannot make a nation. With all rules alone we cannot create a better outlook. We must have character which must play a very important part in the working of all human institutions. In regard to stores, one must aim at maintaining only the minimum stock for the minimum period of time, so that loss on interest on the value of the stock may be reduced to the minimum. It is very necessary that we should know, as correctly as possible, what are the requirements of the consumers. The first thing is a preliminary survey of the requirements of the members and on the basis of that survey, a schedule of things which alone should be stocked, without special order, should be prepared. The absence of this salutary rule has led to useless stocks which had ultimately to be condemned in many cases causing considerable loss.

*Dr. Mukherjee.*—There is one advantage with the co-operative store if it be run on right lines which the ordinary *bania* shop cannot provide. The co-operative store will anticipate better and simple requirement of the workers in the first place and in the second place, the *bania* cannot run his business except at less than 20 per cent profit.

Then having regard to the so-called dishonesty, I can never admit that people here are less efficient or are more dishonest than people of the other parts of India. I can refer to the co-operative store of the Buckingham Carnatic Mill. It is a most magnificent business which is carried on by illiterate men. There is no lead from Government.

A.—I do not mean to say that our people are generally dishonest. I am only referring to particular cases.

Mr. Saran.—Is it a fact that sometimes Co-operative Societies charge interest higher than what is charged by *Mahajans*?

A.—Not generally. One of the main points which I have been pressing for is that the lending rate of the Co-operative Societies must be considerably brought down.

Q.—Assuming that the Co-operative Societies charge 12 per cent, do not money-lenders or the *Kabulis* charge higher rates?

A.—Not always. Industrial workers probably pay much higher interest to the *Kabulis* and *Sardars*.

Q.—As regards the co-operative stores, the price at which they can supply articles is not very different from those at which people buy them from the markets. In that case, there is no inducement for buying from co-operative stores?

A.—Prices must be determined by quality as well and where you have a poor population, cheapness counts.

Q.—That being so, co-operative stores will sell good stuff at higher prices, while *bantias* will sell adulterated stuff at cheaper prices and workers do not care for quality?

A.—Yes, they do not care. Sometimes even men of standing would not buy from co-operative stores because they can get inferior goods at a slightly cheaper rate from the bazar.

Q.—That shows co-operative stores cannot compete with *bantias*.

A.—If you allow adulterated stuff to come in, it is very difficult to stop ordinary people from buying such things without a good deal of propaganda. There is, however, another point for consideration. If you go to the ordinary *bania*, you will find that he has two rates for most commodities—purchase for cash and purchase on credit. The difference is about 25 per cent. Supposing a man takes salt on credit. At the end of the month if the fellow cannot pay, a hand-note is prepared. On this hand-note the consideration money is shown to be the value of the goods, plus interest as the principal amount.

Chairman.—So really there is double profit.

**A.**—Yes. Ultimately the poor fellow gets into his clutches. The efficiency of industrial workers depends a good deal on the quality of food, he takes. It is very necessary that adequate arrangement should be made to provide unadulterated essential food-stuffs to these industrial population, not only to maintain their efficiency but also to preserve the national physique. From that point of view, even if the co-operative store charges 5 or 6 per cent more, it would be justified.

I may now sum up the main causes of failures and the safeguards for the future. In the first place, there was no preliminary survey of requirements and no schedule of goods to be kept in stock.

Secondly, the people who have run these societies have been generally lawyers or assistants or officers who have had little or no experience as to where raw materials like rice, *dal*, etc. should be purchased from, and what should be the best time of purchase. We must have trained men, men trained in good departmental stores or even in *bania* shops.

Thirdly, they depended too much on borrowed capital. The people who ran the societies and who were called upon to dispose of other people's money had little or no financial stake. There must be adequate financial stake of the people who are called upon to manage the stores either in the form of adequate share capital subscribed or they should have an appreciable amount of money of their own invested in the business.

Fourthly, there is no machinery for enforcing regular recovery. Without such a machinery nothing will succeed. If the stores had been able to collect regularly, probably most of them would have been able to meet the loss. On the one side, it was run on unbusiness lines, and on the other hand, the paper demand was also not converted into realised assets.

Fifthly, there was no growth from within. The members had very little to do with the management which should more and more be controlled by members gradually educated to discharge their responsibilities.

Sixthly, we have not sufficient sanction for enforcing financial responsibility on the part of the people who were responsible for the mismanagement. We are not in a position to recover money from these people after four years.

**Mr. Saran.**—May I know what is the difficulty?

**A.**—No order of surcharge lies after four years. Most of the cases that are coming to light now are more than four years old and the department cannot take any action.

Subject to the safeguards enumerated by me the experiment is worth a trial.

*Dr. Mukherjee.*—Where would you run such an experiment ?

*A.*—In industrial areas with a fairly stable population.

*Mr. Saran.*—And not in collieries where the population is migratory ?

*A.*—Not to start with, at any rate.

*Q.*—I am thinking of cutters, loaders, etc.

*A.*—Many of them may be fairly stable. They usually work from father to son.

*Dr. Mukherjee.*—I think the first spade work has got to be done by one of the Inspectors ?

*A.*—There is no difficulty about getting the work of preliminary enquiry done by trained men of the department. Co-operative organization is a technical matter and the first essential step is a proper enquiry before the organization of a society.

*Q.*—With reference to the industrial worker's credit, the amount which is laid down in the Civil Procedure Code is rather too high. Do you not think we can legislate usefully in this province ?

*A.*—As it is, industrial workers have not much of credit in the market. Any restriction of the proportion of their salary which may be attached in execution of a decree cannot but lead to a further shrinkage of the limited credit they have in the market.

*Q.*—I would like to look at it from another point of view. The wages are very low ; there should be safeguards against the attachment of an undue proportion of such wages.

*A.*—I think the objection to such a restriction is of a similar nature to the objection which may be raised against the Money-Lenders Act. Side by side with the restriction of money lending, the state should have a constructive programme for providing legitimate credit to the agriculturists or the industrial workers.

*Q.*—What amount would you suggest ?

*A.*—I am not in a position to lay down a flat rate for all cases.

*Q.*—Do you agree to the principle of distraint ?

A.—A portion of his earning should be free from attachment.

Q.—In industrial centres we have witnessed the high-handedness of the *Kabulis* and evils of taking money from them. What steps do you suggest to ensure that the law may be enforced?

A.—I think the Money-Lenders Act would now serve the purpose. The *Kabulis* are money-lenders and if executive instructions are given by Government to Magistrates and police officers to see that all *Kabulis* are properly registered, the purpose will be substantially served. If you bring restrictions on the credit of people without developing an alternative machinery for providing credit, whether it be in the case of ordinary agricultural or in the case of industrial worker, the inevitable must happen, namely, it will lead to a shrinkage of the limited credit which is available for them and that shrinkage is not likely to be in their best interest.

Q.—Could you suggest whether monthly payment of wages or weekly payment of wages is conducive to thrift?

A.—In my opinion, no generalisation is possible. It will depend on the class of people, on the nature of their employment, on their economic and social status and on their habits of living. I think probably in the case of poor workers, the interval of a month between two payments is too long.

Q.—In some areas we have found that employers instead of giving wages give chits which are produced by workers to the *bantias* who are in charge of shops run by the employers.

A.—This is a most pernicious system.

Q.—How would you deal with such cases? They may come under the Payment of Wages Act, provided it is enforced. If it does not come, how would you deal with them?

A.—It should be laid down that payment must be made in cash.

Q.—How would you check this?

A.—Payment in kind in the case of industrial workers should be totally forbidden under strict penal sanction.

Mr. Jagat Narayan Lal.—We are concerned with labour mainly. Do you find any co-operative stores running properly?

A.—At present no co-operative stores are running successfully.

Q.—There is some opinion that credit societies in Jamshedpur are mixed evils, more evils than good. That is due to the

fact that money is obtained very easily from Co-operative Societies at comparatively cheaper rates of interest and thereby all efforts made by some small workers to inculcate thrift are destroyed. Would you like to say anything on this ?

*A.*—There is great deal of force in this criticism, but after all, this is a matter which should rest with the Board of Management and having regard to the excellent manner in which most of them have run the financial side of the business, I do not think it would be a difficult proposition for them to check the evil by a proper preliminary enquiry before a loan is given and by taking steps to see that no loan beyond the needs of a particular member is advanced.

*Mr. Hayman.*—You think that one of the main items of responsibility of our managing committees should be to check the advancing of excessive loans ?

*A.*—Yes. Not only that, the committees should inculcate habits of thrift by encouraging regular deposits by members.

There is also another danger. If in places like Jharia people are able to get money at a very cheap rate of interest, it might encourage taking money from the Co-operative Societies for the purpose of doing money-lending business. The confidential reports in my office would show that a certain number of men are involved in this kind of transactions. It is necessary to lay down that no loan should be advanced beyond a certain amount and that, within a specified period of the recovery of a loan, a second loan should not be given.

*Q.*—Is there any such provision in the Provident Fund Rules ?

*A.*—Yes. No fresh advance is given so long as another advance is outstanding and within a period (about six months to a year) of the repayment of the first loan. Ordinarily a man should not make it a habit of frequently borrowing money; but at the same time there may be special circumstances in which a man may urgently require money on loan within a very short time of the repayment of the previous loan. I would, therefore, like it to be dealt with in the bye-laws and should leave a certain amount of discretion in the hands of the Board of Management.

*Q.*—Have you the power to amend the bye-laws ?

*A.*—Yes. I have. I can have a bye-law registered compulsorily under the Act.

*Q.*—As regards the rate of interest—now the rate is 9 per cent according to the Money-Lenders, Act. Do you not think



that a maximum rate of interest should be fixed in the case of Co-operative Societies as well ?

*A.*—My original idea was that the rate for lending to the members of Agricultural Societies should not exceed  $6\frac{1}{2}$  per cent. They cannot afford to pay more than this. For industrial concerns also that should be sufficient.

*Q.*—Can you get people deposit at less than 7 per cent ?

*A.*—Yes. Lakhs and lakhs of money are deposited with good banks at the rate of  $1\frac{1}{2}$  per cent, or so. If some sort of guarantee is given by the Government to the rehabilitated co-operative banks, we are not likely to have much difficulty in getting any amount of money from the public.

*Mr. Hayman.*—Have you brought out all the difficulties that led to the failure of the Co-operative Stores ? There is a desire at any rate on the part of some people to have a co-operative stores for lower paid labourers. Do you not think that Jamshedpur would be the best place to start with ?

*A.*—Jamshedpur will provide the most suitable environment for the experiment.

*Q.*—That being so, do you not think that Government should come into the picture and do everything possible to establish a Co-operative Store at Jamshedpur ?

*A.*—Government should certainly help if a beginning is made on sound lines. The nature and extent of assistance will depend on the nature of the scheme.

*Q.*—I want to go a step further and to say that the State should take an initiative in the matter. Is it not the duty of the Registrar of Co-operative Societies to help in such matters ?

*A.*—The department would certainly give every co-operation in working out the scheme.

*Mr. Hayman.*—My Company are anxious to give adequate help but they want me to work in such a way that the poor are particularly benefited.

What part can the Trade Union play in the matter ?

*A.*—If there is a properly organised trade union, provision may be made so that a certain number of seats in the Board of Management may be reserved for the representatives of the workmen. In the beginning we shall have to get trained men from other stores. Unless we have men of adequate educational standard, the stores will not be successful.

**Q.**—Would it not be better that the restaurants, etc., should also be taken over by the stores ?

**A.**—Yes. Such organizations can also be run as parts of the Co-operative Stores.

**Q.**—Have you made any enquiries about the excessive indebtedness in different industrial areas ?

**A.**—Rehabilitation enquiries have not yet been made in industrial societies. But in connection with the enquiries into the assets, liabilities and repaying capacity of members of agricultural societies, certain interesting data have come to light showing the nature of the indebtedness, the nature of the expenditure and the purposes for which the debts were contracted.

**Q.**—What have you to say about the debts in Jamshedpur ?

**A.**—We have not yet made enquiries in that area. The enquiries are proceeding in Dhanbad. We have not much information about the state of affairs in industrial areas.

**Q.**—Have you any idea about the Provincial Banking Enquiry Committee ? Have you followed the questionnaire method ?

**A.**—The Provincial Banking Enquiry Committee followed a method which was quick and could be attempted by a Committee. They depended on statements of certain witnesses having experience of certain special conditions and based their conclusions on these statements. In the rehabilitation enquiry we have followed what may be called the analytical method. This takes more time but gives more dependable results. In this method, data about individual members are collected and then a statistical inference is drawn.

**Q.**—Has your department carried out any investigation so far as indebtedness in industrial areas is concerned ?

**A.**—No. Not so far.

**Q.**—Assuming that there is a fairly large amount of indebtedness in the industrial areas, did the collieries take any debt conciliation measures ?

**A.**—I do not know of any. Measures for debt conciliation are absolutely necessary in the case of industrial workers.

**Q.**—What is your idea about long-term loans ?

**A.**—I do not think that any long-term loan can be safely advanced to members of industrial societies. It may only be suitable in the case of a small number of salary earners, who are yet due to serve for a considerable number of years and who can offer adequate security for such loans,

**Chairman.**—Thank you.

The Committee commenced its sitting at 8.40 A.M. on the 29th May 1939.

The following members were present :—

- |                           |     |                                   |
|---------------------------|-----|-----------------------------------|
| (1) Dr. Rajendra Prasad   | ... | <i>Chairman, pre-<br/>siding.</i> |
| (2) Mr. R. R. Bakhale     | ... | <i>Deputy Chair-<br/>man.</i>     |
| (3) Dr. R. K. Mukherjee   | ... | } <i>Members.</i>                 |
| (4) Mr. A. M. Hayman      | ... |                                   |
| (5) Mr. J. N. Lal         | ... |                                   |
| (6) Mr. M. P. Gandhi      | ... |                                   |
| (7) Mr. H. B. Chandra     | ... |                                   |
| (8) Professor R. K. Saran | ... | <i>Secretary.</i>                 |

**Oral evidence of Dr. B. P. Mazoomdar, Offg. Director of Public Health, Binar, Patna.**

*Chairman.*—We have seen your memorandum. There are one or two points about which I would like to know something from you.

As regards administration of the Food Adulteration Act, especially in industrial areas, is it your experience that the provisions of the Act are inadequate for purposes of giving protection to consumers of food ?

*A.*—In fact the Act has not proved effective even in municipal towns and other places where the Act has been in force. There are also certain defects in the Act and offenders, when they are in fault, have to be let off.

*Q.*—I think this is an all-India Act ?

*A.*—This is Bihar and Orissa Food Adulteration Act.

*Q.*—Is it open to the local Legislature to amend it ?

*A.*—Yes.

*Q.*—Would you give us the points on which there should be amendments in the Act ?

*A.*—Do you not think that this is a big question ?

*Q.*—You may submit your opinion in detail later on, but can you not give us some points just now ?

A.—What I find under this Act is that we deal generally with retail sellers and not with the whole-sale dealers. At least I have been told by the legal authority that the whole-sale dealers cannot be properly dealt with under the Act. When we enforce the Act in municipal towns or even in rural areas, the dealers there say that they have got the thing from such and such firm and they say that they will get better things next time. But the result is that again they get the same stuff and sell it and the *mahajan* remains practically untouched. So, I think, the Act should be so modified that we may deal with the whole-sale dealers and with the manufacturers. A difficulty may arise. Suppose there is a big *ghee* manufacturer residing in another province, say in Bengal or the United Provinces, we shall not be able to deal with that particular manufacturer. So I suggest that the Act should be so amended that whether the manufacturer lives in this province or outside, he may not escape the law.

Q.—Could you not achieve the same purpose by preventing the import of that article into the province altogether ?

A.—That is not possible. If we can prevent the import of that particular stuff, certainly we shall be able to deal with the particular manufacturer who lives outside this province, but then there are other manufacturers living inside the province.

Q.—So far as manufacturers inside the province are concerned, it is perhaps easier to deal with them by regulating their production and insisting upon better quality in production.

A.—Do you not think that we have made serious attempts in that direction, but we have not achieved the object ?

Q.—What are the steps you are taking ?

A.—We have visited manufacturers. We have requested them not to manufacture such things but to no avail. I can tell you that in Sahebganj, there are oil mills which make mustard oil by mixing *chinabadam* and they say that no law can prevent them. They mix the two seeds and prepare oil conforming to the standard laid down by Government.

Q.—Is it fit for human consumption ?

A.—But it is not pure mustard oil.

Q.—And they sell it as pure mustard oil ?

A.—Yes.

Q.—Would that not be cheating ?

A.—But they say that the standard laid down by Government has been strictly followed.

Dr. Mukharjee.—The chemical analyser will say that the oil contains such and such things ?

A.—But it is difficult to say that the oil contains *chinabadam* oil if it is below 5 per cent.

Q.—That means that the standard will have to be modified ?

A.—Yes.

Mr. Gandhi.—Unless the oil is declared unfit for human consumption, I think we cannot take any action.

A.—You cannot declare it unfit, because, after all, there are Europeans and Indians who prefer to take *chinabadam* oil which is edible.

Q.—So it must be declared injurious, I think.

A.—The Act may be modified saying that it must be pure. Why should we say that it should not be injurious ? Because it may not be injurious in a day or two ; but no body is going to watch what happens in five years.

Mr. Lal.—That is adulteration and the intention of the Act is to prevent adulteration and that intention is not achieved ?

A.—Yes.

Chairman.—We had some trouble about animal lard being mixed up with ghee. I was told that that could be used, because, under the Act, both were fats and, therefore, it was no adulteration.

Dr. Mukherjee.—I can tell you that in the United Provinces they have certified Shree *ghee* to be of guaranteed quality. If we could do something of this kind and ask people to use that brand which is approved by Government, I think we can solve our difficulty.

A.—Again there will be confusion. Retail dealers may mix other things with the *ghee* and sell it.

Chairman.—You would prefer the control of production yourself, so that you can at once put the blame upon the retail dealers because the purity at the source is guaranteed and if there has been any adulteration, the intermediary dealer may at once be caught ?

A.—Yes.

*Mr. Saran.*—If you mix cocogem with pure ghee ?

A.—We will prosecute him, if we find the ghee contains cocogem.

*Chairman.*—Is it possible chemically and scientifically to distinguish this kind of adulteration ?

A.—They would not be able to tell that the ghee contains 'cocogem' but they will say that it is below standard and is adulterated with the vegetable fat.

*Dr. Mukherjee.*—But they will be able to distinguish between milk fat and other kinds of fats ?

A.—They will. It might be difficult for the chemical analyser to say what particular vegetable thing is mixed up with the ghee.

*Chairman.*—As regards food adulteration, do you not think sufficient action should be taken by municipalities and other authorities who are concerned with detection of food adulteration ?

A.—In most of the municipalities, municipal commissioners are unwilling to take any drastic action. In some cases, it has been found that the man who has been selling adulterated things has been let off with a fine of Rs. 5 or after making a contribution to one fund here or there. When such a man is actually prosecuted, he is not fined beyond Rs. 5 or Rs. 10.

Q.—Do you think the punishment provided in the Act is inadequate ?

A.—No. The maximum fine that can be imposed is Rs. 100 but generally they are fined Rs. 5 or so. A circular letter has been issued by Government to District Magistrates that punishments awarded are not adequate and such people should be heavily fined. But still the punishment or fine is not exemplary.

*Mr. Saran.*—Cannot the consumers themselves start prosecution ?

A.—In that case they will have to run to the court and spend money. I can tell you, Sir, that the public also want cheaper articles which are often adulterated.

*Chairman.*—Apart from the provisions in the Act, do you not think that there is difficulty also in the procedure and that it is cumbrous ?

A.—Yes. I think certain people ought to be empowered to take samples. In municipality, the Health Officer is empowered but he has no time and in some cases his power is abused. In some municipalities, the Sanitary Inspectors move about with the municipal commissioners. What happens? The shopkeepers get the scent and they are ready with good unadulterated samples. We have not got sufficient staff to do this work and the municipal commissioners do not find time to accompany the Sanitary Inspectors and in several cases the Sanitary Inspectors have been allowed to work individually and have created confusion. Either they have hushed up the whole thing or have picked up a nasty quarrel with the dealers. In the Manbhūm district (Sadr subdivision) where the Food Adulteration Act has been introduced, the Health Officer has only got three or four health inspectors and they do not find time to deal with the work and yet the Act is there. I do not think the procedure now adopted will solve the problem.

Q.—Is the Jharia area under your jurisdiction in this respect?

A.—Yes.

Q.—The Mines Board of Health is also under you?

A.—They have got their own committee. There is a separate Medical Officer.

Q.—So far as this part of the work is concerned, it is under the control of the Director of Public Health?

A.—Yes, but they have got their own staff and laboratory. They send samples there and also sometimes at the Patna Public Health Laboratory.

Q.—Do you not think the arrangement there for examination is inadequate?

A.—No.

Q.—When you have suggested that arrangements should be made for periodical examinations of all workers, considering the large number of workers that have to be dealt with, do you consider it feasible?

A.—There are in this province some factories and four or five mines which are really big. It is not that the examination should be done in 10 or 15 days. We can divide the area in 3 or 4 circles and each circle can be taken up in one or two months.

**Q.**—Take for example, the Jharia area ; there are about 60,000 labourers. Would it not be a very big job to examine these 60,000 ?

**A.**—There are different medical officers under different factories and mines and some work may be entrusted to these medical officers.

**Q.**—Do you think that medical arrangements made by mines and by some of the factories are inadequate for purposes of giving medical relief to workers under those mines ?

**A.**—The difficulty is that these medical officers do not get sufficient time to take this work. They are busy with officers and the members of their families and I know that workers do not get proper treatment at their hands.

**Chairman.**—Your evidence will be very helpful. We have received contradictory evidence from the two sides. Labourers have made allegations that they are not cared for and the management, on the other hand, have always maintained that they have made adequate arrangements.

**A.**—I know it for certain that labourers are not properly looked after.

**Mr. J. N. Lal.**—What remedy you suggest? Would a compounder or somebody go round with medicines like the arrangement we have in jails ?

**A.**—I think some arrangement like that should be made.

**Chairman.**—Admittedly, except the worker, his wife and sons, even the mother of the worker is not examined without fee.

**Dr. Mukharjee.**—Apart from the neglect of these ordinary cases in the outlying factories and mines, have you not come across even more unfortunate situation when a worker or a miner is attacked with small-pox and he is left uncared for ?

**A.**—I fully agree with you.

**Q.**—Have you come across with isolation ward anywhere apart from Jamshedpur or Jharia ?

**A.**—I have seen at Serampur, Giridih and at Noamundi.

**Q.**—Do you not think that Government have a special responsibility in these cases ?

**A.**—I have made these suggestions more than once that in all big mines and in areas where some of the small mines are,



there should be isolation wards where infectious cases could be at once segregated.

*Chairman.*—A suggestion has been made that in the coal-fields where you have got all these mines spread over a large area, instead of each area having a dispensary of its own, which is very inadequately equipped, it would be better to have a number of well-equipped hospitals spread over the area at convenient centres.

*A.*—I suggested the same thing in this note that mines should be grouped and each group should have some hospital.

*Q.*—The objection to that is that even if these were done, the mines would not be relieved of the responsibility of maintaining their own respective dispensaries, although they might reduce in size and this would involve double cost.

*A.*—Certainly, that would ; but I have seen mines which are very very small ; and how can we really suggest that such a small mine should have a dispensary of its own ?

*Q.*—As a matter of fact, these small mines certainly contribute and have doctors who serve in several mines. But I am thinking of the other thing. If you may have one well equipped hospital, it is likely to serve the area round about. The dispensary within the mine itself may serve all the workers, because they will all congregate near about, but this central dispensary would be at a distance from several of the mines which will come under its jurisdiction and workers would not be able to get immediate attention which they get in a dispensary within their own colliery.

*A.*—That is why I said that big factories or mines should have their own hospitals and dispensaries. They should not be mixed up with small mines and there are several small mines scattered over. This particular suggestion is not meant for the big mines which should have their own hospitals and dispensaries. The small mines should be grouped and each group should have a separate hospital and dispensary.

*Mr. Gandhi.*—What are occupational diseases ?

*A.*—In a Lead Industry, it is lead poisoning, in undergrounds, it is hook worm disease. In dusty trades they might get anthracosis, silicosis and eye troubles.

*Dr. Mukharjee.*—Do you not think that a record should be maintained by every factory ?

*A.*—Yes. The trouble will be with regard to day labourers. They come from villages and if they are absent, the employers will never care to know why they are absent.

*Q.*—Is there anything by which workers suffering from syphilis, etc., may be excluded altogether from employment?

*A.*—This disease does not incapacitate a worker from working.

*Q.*—What steps would you suggest to safeguard other workers?

*A.*—As far as I remember, the Medical Officer of Serampore told me that 90 per cent of the workers were suffering from syphilis and gonorrhoea and most of them did not care to go to the hospitals.

*Q.*—What do you suggest under such circumstances, to prevent further spread of the disease?

*A.*—All that we can do is to examine all the new workers and if they are not found suffering from any infection, it is all right and they should be admitted and they should be told that if they get infection, they would be discharged from service.

*Mr. Saran.*—Would that not encourage concealing their disease?

*A.*—Yes, but if there be compulsory health examination periodically, how can they escape? But there will be trouble with females. Some of them do come with infection.

*Chairman.*—It has been brought to our notice that the doctors of the company do not look carefully to the health and welfare of the workers. As they are the employees of the company, they look for the finance of the company more than that of other things? What is your suggestion with regard to the control of doctors of the company?

*A.*—I maintain that if a practical arrangement could be made with the employers under which doctors paid and maintained by the employers could be either controlled by the Government or worked in co-operation with the medical officers of the Government, many of the difficulties which the workers now suffer would be eliminated. It was desirable to examine the health of the workers periodically.

*Q.*—Now coming to the Singhbhum sides, there is practically no arrangement for water-supply in the mining areas of Singhbhum district. Some of the bigger mines have got arrangement,

e.g., Musabani, Goa, and Noamundi but the smaller mines have not got at all ?

*A.*—Yes, there is great scarcity of water in that area. They drink water from wells and *nalas* and rivers. They take water from these sources and store it.

*Q.*—Have you visited any mica mines ?

*A.*—Yes, I have visited mica mines at Kodarma and Hazaribagh.

*Q.*—In the mica mines there are absolutely no arrangement for water ?

*A.*—Yes, at Debar Mica Mines there is no proper arrangement. They go to bring water from a distance of 3 miles. They have been seen carrying water in big tanks in lorries. There is some arrangement in the big mines like those belonging to Messrs. Horil Ram and Chhotu Ram and others have not ; they collect water from any source and store it near the mines. It is also very difficult to dig wells in the hilly areas. There is great scarcity of water in the districts like Hazaribagh, Singhbhum, etc.

*Q.*—You have made some suggestion that mica affects the health badly ? Does mica deter the health ?

*A.*—The mica as such has no effect on water and it is not soluble in water. So water is not spoiled by the action of mica. Suspended mica in water may irritate the stomach.

*Q.*—What do you suggest regarding the supply of water in these areas where there is scarcity of water, taking into consideration the minimum cost ?

*A.*—It is very difficult to give the opinion off hand.

*Mr. Chandra.*—Can the water be carried out in pipes ?

*Dr. Mukharjee.*—Can not dams be erected in the rivers and the water carried in pipes ?

*Witness.*—But how can you erect dams ?

*Chairman.*—What do you suggest for this ?

*Witness.*—If the employers try to make arrangement, they can dig wells, I should say, sufficient number of wells and they may get water at a depth of 200 ft. to 300 ft.

*Mr. Chandra.*—You have said that there should be some control over the doctors of the company by the Government ?

Do you mean that the control should be like the control over the district board and the municipality ?

A.—Yes, as there are Health Officers in the district boards and the municipalities.

Q.—Do you think that there is practical possibility for this Government control ?

A.—Yes, but there are many difficulties.

*Mr. Bakhale.*—All the medical facilities are at present given by the different factories. Then, you want to create some machinery of the Government. Do you like to distribute the cost between the employers and the employees? Some machinery should be made and the charge should be levied on them. Do you not think that it should be direct under the control of the employers and under the patronage of the Government ?

A.—I shall be very glad if there is Government control like that.

*Mr. M. P. Gandhi.*—As regards medical facilities, would you like that some well qualified doctors who are Government servants should be placed at the disposal of the factories? Is it that the Government medical officers not being amenable to factories' discipline and control will feel inconvenient, as they are habituated to Government discipline ?

A.—I think the idea is that the Government may have some control over these factories. If these officers are Government servants, why should they not be able to work under the mills or factories. There are Health Officers who have to work under the district boards and municipalities.

Q.—There is one difficulty. A factory which is a big one may have to employ a doctor with a decent pay while another factory which has not got good resources, may not afford so much. What will be done in such cases? After a doctor is appointed by a factory, it will create a difficult situation.

A.—I think such difficulties can be overcome.

I know, formerly we had almost similar difficulty with regard to Government Health Officers who were being sent to district boards and municipalities. The Chairman had difficulty in controlling these officers. But now it is seen that they can control them. They were told that the Health Officers were

under the control of the Chairman. Similarly, in this case, if the factories are to be controlled by the Government, I do not think that the owners would find it very difficult to manage the doctors.

Q.—Then with regard to cost, one factory might be paying Rs. 40 and another Rs. 10 only.

A.—That has to be decided by the Government as to which factory is to be classed as a big factory, say 'A' class and which is to be classed as a small factory, say 'B' class and which should employ doctors of what qualification and all such other things.

Q.—As it is at present, each employer employs a doctor according to his need. Is it that the complaints that are being received about the medical aid, etc., could be minimised by the vigorous application of the investigating staff and by the appointment of certified surgeons to take upon themselves the duty of Factory Inspectors? If special responsibilities are laid upon such persons, would not that meet the difficulty?

A.—I am very doubtful about that. There is no objection to trying it. I must say that you have to classify the factories and mills into different classes and then to decide which class of factory should have doctors of what qualification, and all such other things.

Q.—What kind of classification is required and on what basis it should be done?

A.—You have to go by the number of workers, e.g., a factory having 100 workers may be classed as 'A' class factory, and with 75 workers may be classed as 'B' class factory and with 50 workers as 'C' class factory and so on.

Q.—It means that it has to be determined on the basis of population of workers?

A.—Yes.

Q.—Thus the medical staff of the factories will be run by the Government.

A.—Yes. They will be brought under the control of Government, but Government must have some sort of contribution from the mill-owners or the factory owners, to meet the expenses.

Q.—You have said in your memorandum that each factory is supplied with calogen and several other medicines.

A.—Yes. These medicines are supplied. Electrolytic chlorine and chlorogen these days are manufactured in Calcutta. Bleaching powder, if not properly preserved, will deteriorate soon.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 26th May 1939 at 3-15 P.M.

*Members present.*

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|-------------------------|-----|-----------------------------|
| (1) Dr. Rajendra Prasad | ... | <i>Chairman, presiding.</i> |
| (2) Mr. R. R. Bakhale   | ... | <i>Deputy Chairman.</i>     |
| (3) Dr. R. K. Mukherjee | ... | } <i>Members.</i>           |
| (4) Mr. M. P. Gandhi    | ... |                             |
| (5) Pt. J. N. Lal.      | ... |                             |
| (6) Prof. R. K. Saran   | ... | <i>Secretary.</i>           |

**Oral evidence of S. R. Zaman, Esq., I. C. S., Collector, Motihari.**

*Chairman.*—I would like to elicit some of the points that have been raised in your memorandum. We have got some evidence on the question of the hours of work, both from the representative of the workers and from the employers. The representatives of the workers have pressed for the reduction of hours of work and the employers have resisted reduction of the hours of work during the course of our enquiry. What is your opinion on this point?

*A.*—My opinion is that the hours of work should be reduced. I have stated in my memorandum that there is strong case for the reduction of the hours of work.

*Q.*—The grounds put forward by the employers against the suggestion to reduce the hours of work are that the efficiency of the Indian workers is not high, as compared with other countries in the west. They say that the reduction of the hours of work would result in the increase in the cost of production. This is one point of view. What do you say on this point?

*A.*—I do not think that there is any force in the contention of the employers. The reduction in the hours of work will lower hours of work and that will give more leisure to the workers which would be beneficial not only from the physical point of view but also from the intellectual point of the workers. If the intellectual and physical conditions of workers are satisfactory, then that would mean increased efficiency and more effective work.

*Q.*—The employers do not tell that the increase in their health and brain power will mean greater efficiency and that therefore there will not be more production?

A.—I hold a quite different opinion on this question.

*Professor Saran.*—In some of the sugar factories, I have been told that it is not possible?

A.—It may be, but that does not lessen the force of the general argument for the reduction of hours of work.

*Chairman.*—They say that the lesser hours of work and relief afforded by it will not, for some time, be utilised by the workers and that they will use their time in some other work, e.g., in working in the fields. They will try to increase their earning by some other means. What is your opinion in this matter?

A.—Personally I think that after 8 or 9 hours of continuous work, the workers get leisure for 4 or 3 hours, they will not do some other thing but take rest, provided adequate wages are paid to them. If the wage is not a living wage then it is possible that in order to augment their earnings they may have to work even in their leisure hours. It is, therefore, essential that there should at least be no reduction of wages consequent upon reduction in hours of work.

*Dr. Mukharjee.*—With regard to the Indian Labour, it has been said by some of the witnesses who gave evidence before us that there is great number of absenteeism and that is the cause of the less earning and not the mere hours of work. And also it has been said that if the earnings are increased the absenteeism will increase more. How do you view this idea?

A.—Yes, that may be. There are some people in this country who say this, and suggest that any further reduction of the hours will mean absenteeism and laziness. This however cannot be advanced as a general principle. There may be a few lazy and unambitious workers who may consider shorter hours of work as god-sent.

Q.—If there is reduction in hours of work, then there may be also reduction in production. The question of reduction of wages does not arise, as the hours of work being shorter, the worker will get a higher rate of wages per hour?

A.—Not necessarily. A reduction in the hours of work may be met by the employer by a corresponding reduction in the wages of labour.

Q.—What time you would think the production will take to reach the same out-put as that prior to the reduction in hours of work?

*A.*—That is difficult question to give an accurate answer. It all depends on how reduction in hours will react on efficiency and whether there is scope for speeding up production. The immediate effect of reduction of hours of work may be that the cost of production will go up. If you take longer view, however, the rise will not be much, if at all. Further, the extent of the increase in the cost of production will depend upon the proportion the cost of labour bears to the total cost of production. No quantitative formula can be laid down. You cannot say that if there is reduction of hours of work by 5 per cent, there will be an increase in the efficiency by 5 per cent. Also it cannot be said with certainty that there will be a rise in the cost of production by 5 per cent.

*Professor Saran.*—With the reduction of hours of work, there may not be increase in efficiency ?

*A.*—Yes, that may not be so, but the chances are that there will be some increase in efficiency.

*Dr. Mukharjee.*—In seasonal factories the hours of work are 60 and in other factories you have said 54 hours a week. Taking all these hours of work what reduction you would suggest ?

*A.*—In my opinion hours of work should be reduced to 48 hours in the week, both in the seasonal and non-seasonal work.

*Mr. Gandhi.*—Many employers say that workers do not work for 10 hours, but they take time for food, talking, etc., and they actually work for 8 hours ? Do you think this to be correct ?

*A.*—As a general statement no, although in particular cases it may be so.

*Q.*—You have suggested the reduction of the hours of work. Does it mean also increase in wages or rather more wages for less work ?

*A.*—In the beginning, yes, but as efficiency increases there will be more output per hour of work. Judged, therefore, from the point of view of output, there will be increase in cost to the employer. There may ever be a decrease in cost. A stronger argument is the argument of national welfare. Even if the cost of production increases, which I maintain it will not, the health of the nation must be preserved and not only preserved but improved.

*Dr. Mukharjee.*—With reference to the improvement in the physical fitness of the workers, the workers will enjoy more



leisure and thus their efficiency will increase. Is it not what you mean to say ?

A.—Yes.

Q.—In every other country the reduction in hours is effected. Has it been in India ?

A.—In India since 1920 there has been only one reduction.

*Mr. Bakhale.*—In the year 1937 you must be remembering that the Textile workers of America prepared statistics showing the effect of the reduction of hours in the Textile industry and it was discovered that there was actually increase in production.

A.—I do not remember but it may be.

*Mr. Gandhi.*—You have said that in Geneva Conference the Government of India did not press for the reduction of hours of work.

A.—There are three reasons : (1) The Indian worker is not so efficient, (2) Work at high pressure is not suitable for a hot climate, (3) Reduction in hours will increase cost of production.

*Chairman.*—Do you hold that there should be reduction industry by industry? What is your point of view ?

A.—Industries should be carefully selected. *Prima facie* reduction should first be enforced in industries which enjoy a large measure of protection and are more or less safe from outside competition.

Q.—Do you think that in competition the industry will stand as against other industries ?

A.—That depends upon the scope for internal economy in the industry concerned and the measure of protection it receives. Much also depends upon the margin of profits in that industry.

Q.—Ultimately the consumers will pay if the employers cannot pay for the increased cost of production.

A.—The cost will be borne by both, partly, by the producer and partly by the consumer. It all depends on the elasticity of demand.

Q.—Do you think that in the present state of the country in the matter of the industrial development, it is necessary to start this experiment.

A.—Yes. A small reduction in the hours of work would not be dangerous either to the industries or to the country.

**Q.**—We have to take into consideration the condition of different industries before we can advocate advance in the direction of reduction of hours.

**A.**—Certainly. Each industry must be considered on its merit.

**Q.**—First of all, we have to consider the principle as to what should be the hours of work—whether it should be 40 hours or 45 hours a week. The basis on which protection is granted is that the industry without that protection is not able to compete with foreign industry.

**A.**—( ? )

**Q.**—With reference to the hours of work, what amount of leisure is required after 8 or 9 hours' work ?

**A.**—I cannot answer this off-hand. The effect of leisure on efficiency has been studied in other countries but not in India.

**Secretary.**—Countries like England can afford to have leisure but India being a poor country cannot afford. What about leisure ?

**A.**—My idea is that everybody whether rich or poor must have leisure after hard work.

**Q.**—Is it not that India being a poor country ought to work harder than others.

**A.**—It does not mean that it should have no leisure and because it is poor, it should become poorer still.

**Q.**—My idea is that a poor country like India cannot afford to choose comfort at the cost of some additional income.

**A.**—I would like to give you an example. Suppose, a man is getting Rs. 200 a month and he has to work 10 hours a day. Would the same man like to get Rs. 400 for working 20 hours a day ? I think, not. The same is the case here.

**Q.**—If income and rest both can be protected, it is better. I would quote another instance. A man has to work for Rs. 5 with 10 hours' leisure and another man works for Rs. 7 with 9 hours' leisure. I think, the position of the man with 9 hours' leisure is better though he has less leisure.

**A.**—In that case, I too would say that the case of the second man is better. He would naturally like to earn Rs. 7 than Rs. 5 though with only 9 hours' leisure.

*Q.*—We have to consider whether the industry can bear the cost or not.

*A.*—This argument that this reduction of hours of work adds to the cost is not a valid argument to a great extent. Where there is small number of hours and higher degree of wages and if the industry is run efficiently, there is no reason to fear that the cost of production will go high. When it is contended that the reduction in working hours may tend to increase the cost of production, it does not seem to be reasonable. What we have really to do is to go into the details of the working of the industry and to find out whether we can afford that higher cost of production. You will also find from the history that the hours of work have been gradually reduced from 60 to 48, but this is not universal. For instance, the hours of work in New Zealand is 48.

*Q.*—Now-a-days with 40 hours' work, you cannot produce as much as is wanted. If your demand goes up, you cannot do satisfactorily.

*A.*—Leisure is also a very necessary factor.

*Chairman.*—Do you say that reduction in hours of work has not resulted in increase in the number of hands employed in a particular factory or industry?

*A.*—Not very much but reduction in the hours of work has, I think, to a certain extent increased the intensity of work. There is also another argument which has to be advanced. It is said that lesser hours are necessary to enable workers to maintain their health in hot climates.

*Q.*—As regards the question of efficiency of labour in India, it has been stated that Indian labour is less efficient. I do not know to what extent it is justified.

*A.*—It is quite true.

*Q.*—What is the reason?

*A.*—Indian labour gets starvation diet and does not get nutritious diet. The food which the Indian workers eat is really a starvation diet. Naturally the nerves and the stamina deteriorate and therefore you cannot work at a high pressure or put up sustained effort.

*Q.*—Therefore, you mean to say that it is due to physical weakness and there is nothing racial at all.

*A.*—Yes.

Q.—How are the workers in Japan ?

A.—They are very efficient.

Q.—Is there difference between an Indian and European in the strength of limbs, etc.

A.—I think there is considerable difference.

Q.—Is this big difference commensurate with the deficiency in diet ?

A.—I think, it is due to poor diet and low standard of living.

Q.—Is want of education also one of them ?

A.—Certainly.

Q.—On a point of fact, this matter was discussed at great length by Mr. Butler who compared the industrial efficiency of Lancashire and he has said that in some of the Bombay mills, they obtain 85 spindles, while in other cases, it is estimated that it has reached 65. Is it that it is an exaggerated account ?

A.—I believe, I am not wrong if I say that the Japanese women are more efficient than the Europeans.

Q.—Speaking generally about Indian conditions, is it your experience that the Indian factories are built on up-to-date lines.

A.—Well, I would not like to lay down a general proposition. Some are quite good, others are not.

Q.—What is your view about the machinery ?

A.—It all depends on the men interested in the industry: It is always good to have machinery of the latest manufacture. It is in the interest of the capitalist who invests his capital in the latest type of machine.

Q.—Is it that some prefer to have old machines on account of cheapness of cost ?

A.—Yes, it is so but in the long run it is disadvantageous. At the same time, it is also difficult to get old machines.

Q.—For improving the efficiency of the workers, according to your opinion, their standard of living should be improved.

A.—Certainly. That is the most important thing in order to improve their efficiency.

*Q.*—What about education?

*A.*—Yes. That should also be given. If they are literate, they will be able to realise their condition and try to improve it; otherwise, for want of education, they cannot look after their own interest.

*Q.*—From what I have heard from people, I understand that Indian workers do not lack in intelligence and can pick up the work very quickly and they can make themselves quite efficient but in India the condition of workers is such and the climatic condition is such that they cannot apply themselves to the work to the extent to which they can do in colder countries.

*A.*—Yes. It is so. Climate has also got some effect. In England one can work up to 10 o'clock at night but we cannot do that here in India. We begin to perspire here and cannot work. Even in this country the colder months are more suited for hard work.

*Q.*—So, generally, the climatic effect of the country to a great extent is responsible for the total output of work.

*A.*—Climatic effect is also responsible to a certain extent, but it is mainly the standard of living which is chiefly responsible. I attach more importance to the standard of living.

*Q.*—Do you agree that in considering any increase in wages, we have to take into consideration the proportion which the wages bear to the total cost of production?

*A.*—The wages bill in textile industry in America is about 12 to 15 per cent of the total cost of production in a textile mill. That is essential.

*Chairman.*—Here we are concerned with one province. If we add to the cost of production to any considerable extent, it is likely that capitalists would run away from this province and they would move to other provinces, or, at any rate, they will be prevented from coming to this province?

*A.*—That is a bogey. This argument has been used many times.

*Q.*—For example, take sugar. It has been suggested to us that on account of increase in the cost of production of sugar, sugar mills are now growing up in other provinces, like Bengal, Bombay, where there is no such restriction as we have got here in Bihar and the United Provinces. Do you think there is any substance in it?

**A.**—In so far as restriction is concerned, the province where there is no restriction will naturally have advantage over other provinces where there is. We cannot deny that. At the same time, because there is no restriction in Bengal, therefore, all the factories will concentrate in Bengal, I am not ready to admit that.

**Q.**—It is not likely that the factories will shift to Bengal, but the capitalists who desire opening mills will prefer Bengal to Bihar?

**A.**—It may be; but there may be other considerations too.

**Q.**—If the disparity is such, then it makes considerable difficulty; it becomes an important factor?

**A.**—Probably, unless it is counter-balanced by some other advantages.

**Q.**—Take for example, if we fix a minimum price for cane at a pretty high figure, the result would be that no new factories would grow up in this province, but they would be established in Bengal; and as a matter of fact, it was mentioned that factories were growing up in Bengal?

**A.**—Because in Bengal there are only a few factories and there is room for many more factories.

**Chairman.**—As a matter of fact, if the quantity of sugar that we can consume ordinarily is produced in these factories in Bihar, why should there be any opportunity for starting new factories in Bengal, unless those factories are promised good profits?

**A.**—As a matter of fact, India has practically attained self-sufficiency in sugar-cane. The number of new sugar-cane factories in other provinces in India is very little.

**Q.**—We must take into consideration the facts and on the basis of those facts, we must conclude whether the industry can bear it. Where we feel it would, we should suggest it?

**A.**—Quite.

**Mr. Gandhi.**—If we keep on fixing the price of cane at the present level and if other provinces have no fixed minimum price for cane, do you think that industry in the province can continue?

**A.**—The most inefficient may close down.

**Q.**—A time will come when they will increase their factories to such an extent that there will be no occasion for us to export sugar from Bihar?

**A.**—We will then reduce the minimum cane price.

**Dr. Mukharjee.**—It is being presumed that if Bihar puts on its anvil such kind of legislation as reduced hours of work and having something of a minimum wage scale, other provinces in their enterprise might be handicapping us. Do you not consider that with the powerful labour movement which is India-wide in its significance, if Bihar takes a forward step in labour legislation, the neighbouring provinces like Bengal would follow in the wake and would not be very far behind?

**A.**—You are quite right. I think other provinces will follow, if Bihar takes the lead.

**Chairman.**—Do you consider the wages paid in the sugar mills and mines, according to you, are the lowest?

**A.**—Lowest in the whole world.

**Q.**—What would you suggest as the minimum wage?

**A.**—I would suggest Rs. 15 for sugar factories.

**Q.**—What for Jharia?

**A.**—Something between Rs. 17 and Rs. 18. The work there is very arduous and living is expensive. I have personal experience about Dhanbad.

**Q.**—Do you not think that wages earned by workers in sugar factories who are mostly from rural areas should not have some relation with wages earned by outsiders?

**A.**—It has been said that these wages should be co-related and they should not overlap, but personally I do not see why this point should be pressed. I would like to ask the reason why this should be so?

**Q.**—For the simple reason that the kind of work which a man is required to do in sugar factory is not of a skilled worker and any number of men from villages near about can come and do the work. Why do you, as you state, insist upon such a big difference between the workers who work in one place and not insist upon the same terms for other workers?

**A.**—You cannot fix a minimum wage for domestic servants whereas in organised industries you can do so and the State should do that where it is possible.

**Q.**—You should discriminate between classes of workers ?

**A.**—Since you cannot do for all, you should do as much as you can ; I would be in favour of Rs. 15 for every body, but you cannot have that.

**Q.**—Does it not come to this, so far as sugar industry is concerned, that the few workers who work in these factories should be pampered at the cost of the industry as a whole ?

**A.**—You will find such kind of subsidy everywhere.

**Q.**—Is it not the time when we should direct our attention more towards villages ?

**A.**—Yes.

**Q.**—Is there any justification for the State introducing a measure which will assure such disproportionately high income to them and not to the rest ?

**A.**—These workers are also villagers. To that extent it will benefit the country.

**Dr. Mukharjee.**—Is it a fact that in countries where they have attempted the minimum wage legislation, the first attempt has been with the organised labour ?

**A.**—That is so.

**Q.**—Is it a fact that wherever possible the safeguarding of the standard of labour has been attempted first by the minimum wage legislation with respect to industrial labour and then the agriculture labour ?

**A.**—To control agriculture will be so very difficult. Very few countries have succeeded. You may pass legislation but it will not be observed. I agree that theoretically there is no reason why one part of the industry should be more favoured than the other, but there are practical considerations too.

**Q.**—My point is not to raise the consideration of difficulty of fixing wage standard for agriculture labour but it is only this. We want to fix and stabilise wage standard and living condition for every one, but since we cannot do it more effectively with agriculture labour, it is suggested that we should deal with minimum wage legislation for industrial workers. Then do you not consider with reference to housing and lack of social and other amenities for the labourers who migrate from country sides to the cities or industrial centres that some consideration should be made and a minimum wage scale is desirable ?



A.—Yes.

*Chairman.*—Do we not come to this that we take the few whom we can help and leave the rest to themselves?

A.—I would put it in a different way. We do as much as we can for as many people as we can.

Q.—Considering the number of men engaged in industry as compared with those engaged in agriculture, is it suggested that you are really improving the standard of living of the people as a whole, if these few people get the benefit, as suggested?

A.—If they get benefit, they will not only benefit themselves, but there will be repercussions. They are not units; they are families. I do not think it will stop at sugar industry or steel industry, but step by step it will extend.

Q.—The number employed in industries in this country is so small, as compared with agriculture—it is only 2 per cent—that this is not likely to raise the standard of living of the country as a whole?

A.—If you take the number of industrial workers in India, they are only an infinitesimal fraction of the entire population and according to your argument there should be no labour legislation, unless you legislate for others.

*Dr. Mukharjee.*—If a small proportion of industrial workers get better standard of living, do you not think that they will represent a new social and economic outlook which will permeate in the country side and they will lead a life of economic efficiency?

A.—They will serve as a focus. I do not say that merely by legislation for a small group, you can raise the standard of the whole of India.

*Chairman.*—As regards housing, you have experience of Jharia and of sugar mills as well. In sugar mills there is hardly any accommodation?

A.—It is practically nil and in Jharia it is disgusting.

Q.—Do you suggest all the industrial employers should be compelled to make sufficient provision for labourers?

A.—Yes.

Q.—In building a factory they should treat this as a part of the factory?

A.—Yes, if they do not build, they should not get the license.

Q.—I think, as in other countries, a minimum cubic floor space should be prescribed for industrial housing?

A.—Yes.

*Professor Saran.*—In the case of social welfare of the workers there is no association which does this work in India as it is done in foreign countries where there is statutory law about it. Do you like that the local Government should have similar power for the welfare work?

A.—Yes, after consulting the employers.

*Dr. Mukharjee.*—Are you in favour of a minimum size being prescribed for workers' dwellings?

A.—Yes, otherwise the accommodation provided will be insanitary. In Jharia there are *Dhokras* of various types called A, B, C, according to the quality of accommodation provided.

*Professor Saran.*—There are many things that are not properly enforced because of the inadequacy of the staff, e.g., the Factory Act is being violated right and left. How do you like the suggestion that there should be non-official visitors under the Factory Acts just as we have got the non-official visitors in the Jails?

A.—No, I do not like that suggestion. That is not in the interest of the workers at all. Do you think the jail visits by the non-officials effective?

*Dr. Mukharjee.*—In many foreign countries there is a practice that the representatives of the Trade Unions are allowed to do inspection. They go and inspect the factories and see to the adequacy and inadequacy of the proper provision from the social point of view. In some of the advanced industrial countries, Government Inspectors, representatives of the employers and the labour unions are allowed to do that. Can we do anything like that?

A.—In the beginning the Trade Unions start rightly but later on trouble arises.

*Chairman.*—You have given your opinion on the Trade Union. Will you please make your statement clear?

A.—The Trade Union Movement in the sugar industry is in its elementary stage. A Trade Union has been started only last

year. I have the experience of the sugar factories since last two years. As regards the coal mines, I can say that they are more organised but there is room for a great deal of improvement. In this country great deal of improvement is required in the movement for trade unionism, speaking generally, without any reference to any particular case. There is no right type of leadership in the movement. There are very few people in India who can lead the workers in the right direction. So-called leaders lead them for their own ends, rather than for the welfare of the workers. They do not know when to strike and when not to strike. They do not know how to strike at the right time. That is my opinion of the Trade Union Movement in this country.

*Mr. Gandhi.*—In one place you have mentioned in your memorandum that ..... (Reads the portion from the memorandum.) What do you suggest in that? Do you think it is correct?

*A.*—Yes, it is based on actual experience. I can cite the names concerned there.

*Chairman.*—So before the Labour Union can be made effective, it is desirable to have some control over them? How can this be done?

*A.*—Well, the Government should be sympathetic to the movement of the labour and should give help to them in their right formation.

*Q.*—In what way?

*A.*—They should extend certain facilities, just as they are doing with the Co-operative Movement. They should send men to organise the movement.

*Q.*—Do you not think that in that way the Government would be suspected by the employers that the Government are partial towards one party. In this connection I may give you one instance that such persons are called in Jamshedpur as *Dalals* of the Company, those who are favourites of the Company? So what will be the position of the Company?

*A.*—But that is my opinion. In this country the State must help the movement otherwise it cannot grow. The State should help. In a country like India it is essential.

*Dr. Mukharjee.*—Do you think that the labour department of the Government can collect statistics and that department should be authorised to do that, as it is done in the case of the Co-operative Movement?

A.—Yes, in a country like India it should be done. It is the common saying that the Government is '*ma bap*' of the people.

*Chairman.*—As regards industrial dispute, can you tell how can this dispute be settled before the strike takes place?

A.—As is done in Ahmedabad. There is a committee consisting of the employers and the employees and they try to settle the dispute. There should be a conciliation or arbitration board the decision of which should have the force of law.

Q.—Do you like that the Government should take to itself to enforce the terms of the arbitration award?

A.—Yes.

Q.—But have you considered the fact that it is easy to force the terms of settlement against the employers but do you think that it is easy to enforce it against the workers? Can you suggest a method of enforcing it against the employees?

A.—If Trade Unions are organised, then it would be easy to enforce it against them. It may also depend upon the local public opinion.

Q.—Do you like to make the report of the conciliation board binding upon the employers and the employees?

A.—Yes, I would make it binding upon them though I feel that it is difficult to enforce it upon the workers; still I can say that if once the decision has been given, it must be enforced and the enforcement and the award will depend upon the co-operation of the workers and the strikers. If the workers will not abide by them then the sympathy of the public will go against them and they will lose ground.

*Mr. Bakhale.*—You will not make it legal?

A.—It will be legal plus moral both combined.

Q.—Then you mean to say that it will abide by the legal sanction?

A.—Yes, certainly.

*Chairman.*—As regards the Workmen's Compensation Act you have suggested that it should be extended to more trades and industries?

A.—Yes, it should be made more widely applicable.

*Q.*—Are you thinking of any particular industry ?

*A.*—No.

*Q.*—There is a suggestion that the Union should be given power to look to the cases fit for compensation and they should try to recover the money.

*A.*—There is no Union at present which can take the responsibility of this work.

*Q.*—Do you think that some labour officers should be appointed by the Government for this work ?

*A.*—Yes.

*Mr. Gandhi.*—I think there are labour officers at Dhanbad and Jharia ?

*A.*—I do not know about them.

*Chairman.*—What is your opinion about the *Kabulis* who come to the industrial areas and give loans to the workers at exorbitantly high rate of interest ?

*A.*—The *Kabulis* should not be allowed to come at all in the industrial areas ; when they come they should be driven out.

*Dr. Mukharjee.*—But it cannot be done in the ordinary way. Supposing an industrial worker is sued for debt and the loan is realisable in 3 months. Then he will file another suit and then again another suit ; so there is no end. (*Laughter*). Supposing there is a loan for Rs. 15, then it will become Rs. 45 and so it cannot be paid ; then after 3 months there will be a fresh case. The loan is generally taken for social functions as marriages, etc. ?

*A.*—Yes, the expenditure on these should be curtailed and discouraged.

*Q.*—I want you to give us some idea of the organisation of labour office in this province. I think you have got experience of this in other foreign countries and you will be able to enlighten us in this matter of vital importance ? In this province we have not before us the statistics available and the little that we have got are not reliable ? In this province there are so many kinds of the industries that it is desirable to have a well organised and efficient labour department of the Government ?

*A.*—I think that the Government have already got the Labour Commissioner.

**Q.**—But we want a detailed account of all that, how it should be organised and what should be its functions. Please give us a considered opinion from all aspects?

**A.**—The difficulty is that I am in Motihari and there I cannot get any good books to study and give a sound opinion. There are some books with me which date to 1911. It is very difficult for me to do so under these circumstances.

**Q.**—Yes, but if you get time we can supply you with all the books which you require and Professor Saran will be at your disposal, and will give you any book which you require, both from the Government and from the Patna University Library?

**A.**—Yes, I will try.\*

**Dr. Mukharjee.**—You have said in the reply to the questionnaire that there should be some factory legislation. I should like to suggest with reference to the extension of the Factory Act. I should like you to consider whether such extension is possible in the case of certain type of factories e.g., Mica Factory, which employ 500 workers including larger number of women and where the conditions are not at all satisfactory. Wages are not paid regularly and there is no sanitary arrangement. There are certain factories in which power is used and there are others in which power is not used. In some countries like Japan and America the Act is applied to all of them. There is certain limit of men. I suggest that 20 people with power and 40 without power should be the limit here. What is your opinion in this matter? Do you like that it should be extended to Mica and some other factories?

**A.**—Yes, in Mica, Shellac, Biri, etc, the Act should be extended. In Shellac, there are small boys working near the *Bhattas*. There should be registration of all these. In Mica, even smaller boys of 6 or 7 work and get annas 0-2-0 or annas 0-3-0 a day. In all these, the Act should be extended. I also suggest that there should be increase in the number of Factory Inspectors.

**Q.**—There is sweating of child labour?

**A.**—Yes, something should be done to stop child labour, under the Factory Act. This should be brought under the Factory Act.

**Q.**—Coming to the methods of recruitment, supposing in the stone quarries many workers are brought from distant places on the pretext of high wages and if the actual work is not available,

\*Kindly refer to Volume III Part A—"Brief note on the organisation of a Labour Department" by Mr. S. B. Zaman, I.O.S., Vidyabhushan Shukla.

there is no possibility of their going back ; so there should be some kind of control over the recruitment. Then comes the case of plantation industries, e.g., in Palandu, in Ranchi. Do you think that there should be control over the recruitment ?

A.—Yes.

Q.—Yet, there is another point. There are many deductions and fines which are not in the Payment of Wages Act and are sheer violation of the Act. Do you approve of the extension of the provisions of the Payment of Wages Act, in these and in the mines of Mica ?

A.—Yes.

*Dr. Mukharjee.*—Is it not desirable that some legislative measures should be taken regarding discipline and domicile of workers ? Notice also ought to be given by the employer when he wishes to discharge workers. They should also be given full expenses of the journey back to their home. Of course, this applies only in the case of those who are recruited from long distances. In India if we consider the extension of the provisions of the Factories Act, do you not think that the safety, hours of work, etc., and also social welfare etc., should be considered ?

A.—Yes, they should be taken up.

Q.—What about the power of dismissal ?

A.—I hesitate to offer any opinion on that point.

Q.—Should not notice of a fortnight be given ?

A.—I approve of the notice being given but I believe under the Payment of Wages Act, you cannot dismiss anybody without due reasons.

Q.—As regards women, when they are employed beyond a certain number, do you consider that they should be earning maternity leave ?

A.—Yes.

Q.—I would also suggest that they should be entitled to pay during such leave. We have found in some cases where maternity leave is given, women are dismissed just before their confinement. There is law in some countries preventing such dismissal. If maternity leave is given, it must be given with pay and it must be effective ?

A.—Yes, there must be some rules,

**Q.**—There is no industry in which there are holidays with pay. Ordinarily in very few cases, employees are granted leave with pay.

If you agree to the principle of reduction of hours of work because leisure is necessary, the same argument will be applicable here. You must consider the cumulative effect of all these things.

What do you say about leave with pay?

**A.**—There should be leave with pay but there are so many difficulties also in enforcing it.

**Chairman.**—Supposing it is not possible to recommend all these amenities to be introduced at one and the same time, what would be the order, in your opinion, for adopting them, e.g., wages, leave with pay, reduction of hours of work, sickness benefit etc., etc?

**A.**—I would place them in the following order:—

- (1) Minimum wage.
- (2) Social items like maternity and sickness-benefit, etc.
- (3) Welfare movement.
- (4) Hours of work.
- (5) Leave with pay.

**Mr. R. R. Bakhale.**—There are two kinds of legislation—directory and mandatory—which one would you like?

**A.**—I do not think directory legislation will have the slightest effect here. I do not see any advantage to be gained by it.

**Q.**—Suppose the wages are too low; you want to raise it, say from Rs. 5 to Rs. 15; would it be too much?

**A.**—I am only discussing the principle of minimum wage. If I mention Rs. 15 or any definite figure, it may not be suitable. If the Government think that Rs. 15 is justified, I can have no objection.

**Mr. J. N. Lal.**—The Labour Officers of the mills or factories and the Labour Officers of the Government will be working together in local areas. Such system is working in Bombay. They collect the information i.e., the disadvantages to which the workers are being subjected and then try to redress them, Would you not like some such system to be adopted here?



A.—The fact is that the industries there are well-established and working very well from a long time. The Labour Officers appointed by the mills are also working well; but I am doubtful that it will do well here.

Q.—Take for instance the industries at Jamshedpur, Jharia etc., which are considered to be important centres; would they not promote better relations?

A.—It all depends upon the power that will be given to these Labour Officers.

Q.—I suppose, so far your experiences go, you have not found these mills and capitalists paying sufficient attention towards the education of the children of the employees.

A.—Yes, it is true.

Q.—In case of other amenities?

A.—I do not think the mill will oppose.

Q.—Do you think a recommendatory circular could achieve the object?

A.—I am not in favour of that.

Q.—Would you like it to be compulsory?

A.—Yes, otherwise it will only delay matters.

*Mr. Gandhi.*—Regarding sugar factories, if the cost of production of Bihar factories were increased, will it prejudice the factories in Bihar?

A.—If it is increased substantially.

Chairman.—Thank you very much.

The Committee resumed its sitting in the Town Hall, Dhanbad, on the 15th February, 1939.

The following members were present:—

- |                               |     |                            |     |
|-------------------------------|-----|----------------------------|-----|
| (1) Dr. Rajendra Prasad       | ... | <i>Chairman, Presiding</i> |     |
| (2) Mr. R. R. Bakhale         | ... | <i>Deputy Chairman.</i>    |     |
| (3) Dr. Radha Kamal Mukherjee | }   | <i>Members.</i>            |     |
| (4) Mr. H. B. Chandra         |     |                            | ... |
| (5) Mr. Jagat Narain Lal      |     |                            | ... |
| (6) Mr. R. K. Saran           | ... | <i>Secretary.</i>          |     |
| (7) Mr. K. N. Sen Gupta       | }   | <i>Co-opted Members.</i>   |     |
| (8) Mr. K. N. Bhattacharya    |     |                            | ... |

**Oral evidence of Dr. B. N. Sinha, M.B., D.P.H., Chief Medical Officer, Jharia Mines Board of Health, Dhanbad.**

*Chairman.*—You are the Chief Medical Officer here? Please give your full name and designation.

*A.*—Dr. B. N. Sinha, M.B., D.P.H., Medical Officer of Health, Jharia Mines Board of Health, Dhanbad.

*Q.*—The Constitution of the Board is that there will be not less than seven nor more than eleven members.

*A.*—Yes.

*Q.*—Two or such larger number, not exceeding four, as the local Government may determine, shall be elected by owners of mines within the Mining settlement or their representatives. (ii) one shall be elected by persons who receive royalties or fines from mines within the Mining Settlement, (iii) Two shall be elected non-officials by the local Government, (iv) Two or such larger number, not exceeding four, as the local Government may determine, shall be officials nominated by the local Government.

*A.*—Yes.

*Q.*—How many do you have at present?

*A.*—We have 11, the maximum number.

*Q.*—How many are elected by the mine-owners?

*A.*—Four and four are nominated by Government from out of the officials. There are two nominated non-official members. The Chief Inspector of Mines, the Additional Deputy Commissioner, the Superintendent of Police and the Inspector of Mines, Asansol are the nominated official members.

Q.—Are there no representatives of the workers on the Board ?

A.—There is one representative of the labour nominated by Government.

Q.—As representative of labour ?

A.—Yes, Mrs. Knowles represents the women.

Q.—Is there no election of representatives by any labour organisation or by the labourers generally ?

A.—No.

Q.—Don't you think that the interest of the labourers in the coalfields would be better served if, instead of nomination, one was elected by them ?

A.—Yes. Of course.

Q.—So you would like to suggest to the Government that there should be provision for election of adequate number of labourers ?

A.—Yes.

Q.—Now coming to the staff which you have, will you please give us the idea of the number you have under you for medical and sanitary purposes ?

A.—I have 7 Sanitary Inspectors and 32 Health Overseers under me.

Q.—What are the respective functions of the Sanitary Inspectors and Health Overseers ?

A.—The Health Overseers go about vaccinating and collect information from their respective circles allotted to them.

Q.—What is their qualifications ?

A.—No special qualification. They are merely literate people.

Q.—No special training ?

A.—Only training in vaccination work, according to the Government regulations.

Q.—What would be the extent of your jurisdiction ?

A.—About 800 sq. miles.

Q.—Do you think that there is sufficient staff for inspection ?

A.—I think, I should have more staff for this purpose. Due to retrenchment, the staff was reduced. There were 13 inspectors for this area in 1931. At present the number is only 7. Therefore the work is nearly doubled.

Q.—Have you got any rules for the inspection of the *dhowras* and other things?

A.—Yes. It is annually done and every Inspector inspects the houses in his area once a year and submits his report to the Medical Officer. A copy of the report is sent to the colliery authority and another is retained by the inspector. After a month, he is supposed to go again and submit a second report as to how far action has been taken by the authorities in the collieries. In the second report the defects already pointed out and those which have not been remedied are mentioned. Some time is given to the authorities to carry them out and if still they don't carry them out, the Penal Sections are applied.

Q.—Can you give us an idea as to the number of cases in which you have had to take action for non-compliance of your orders?

A.—About 34 in 1937.

Q.—Under the Mining Settlement Act?

A.—Yes.

Q.—Are these 34 cases of prosecution?

A.—Yes, in other cases we give, say, sometimes instructions, sometimes warning, etc. and still if they don't comply, we prosecute.

Q.—Have you got anything apart from prosecution?

A.—Yes, we have got another power. We can undertake that work ourselves. That we rarely do.

Q.—Then every *dhawra* in a colliery is inspected once a year.

A.—Yes. The Sanitary Inspector really visits the *dhowras* and other places in his area several times in the year, but he has to submit only one annual report.

Q.—Do you check the percentage of the cases?

A.—Yes. When there is non-compliance and before drastic action is taken against the colliery, I personally go. No figure is maintained.

Q.—A part from the cases in which local inspectors do their work and legal action is taken, do you inspect also some of the collieries in the course of the year?

A.—Every day when I go out I inspect one or two. It is almost every other day business.

Q.—Now I come to another question. Your rules provide for certain floor space and so many cubic space per head as regards the *dhawras*. Have you any idea as to the number of workers who are provided accommodation by the authorities of the collieries?

A.—Roughly about 80 per cent of the workers are provided with accommodation.

Q.—I understand that the number of workers is about 60—62 thousand?

A.—Yes, roughly.

Q.—That means *dhawras* are provided for nearly 46,000 employees?

A.—I should say, more than that number is provided. For, there are nearly 29,000 *dhawras*. But the workers are living with their families. Each room accommodates 3 persons. There are about 87,000 rooms. So the percentage of 80 per cent is roughly estimated. There are only 62,000 employees. Out of this number most of them live in the *dhawras*, others prefer to go back. They are brought for work and sent back in lorries. Generally most of them are sent back once a week, and not daily.

Q.—Where do they remain for the week?

A.—Most of them remain here or in the adjoining villages. Some are brought in lorries daily and taken back the same day. Others come on foot and go back.

Q.—You said that generally a room is meant to accommodate 3 persons. Do you include 3 individuals in their families?

A.—I mean three adults. Each child is  $\frac{1}{2}$  an adult. The calculation is made like that. They may be workers or their families. Then one room is not really intended for 3 workers. It is intended only for three adults.

Q.—It, therefore, does not include the family of a worker?

A.—No, it is intended to provide accommodation for 3 adults. Formerly their wives also used to work, Now they work on the surface.

*Mr. Bakhale.*—It is very small number ?

*Chairman.*—Have you any idea as to the average number of women that work daily on the surface ?

*A.*—In 1937, the daily average was Males—36,107.

Women—1,316.

In 1938, the daily average was 17,263 Males.

7,504 Females.

*Q.*—I suppose that the women working on the surface are the wives of some of the workers ?

*A.*—Might be, I have no correct idea. I think most of them are.

*Q.* So, the accommodation is for the worker and his family, both being workers ?

*A.*—Yes, accommodation for about 80 per cent is thus provided. That is a rough idea of the thing.

*Q.*—Can you tell us whether there is any lack of *dhawras* in any particular colliery ?

*A.*—Yes, there is.

*Q.*—Are there many ?

*A.*—Not many but few, mostly in small collieries on the outskirts of the area.

*Q.*—We visited some of these *dhawras* yesterday and we came across some cases where a particular *dhawra* occupied at least 15 people. How is that possible if there is sufficient accommodation ?

*A.*—I did not say sufficient. I only said that about 80 per cent are provided. That is also a rough estimate.

*Q.*—If 20 per cent more are provided, it will cover all the workers. Certainly 20 per cent come from the villages near about ?

*A.*—Yes.

*Q.*—Then how is it possible that the particular *dhawra* was overcrowded. There ought to be sufficient accommodation ?

*A.*—Yes, it is possible. The over-crowding may be due to their families. That is quite a different thing. At times new workers are brought in. In that case there won't be sufficient accommodation. They are put in *dhawras* that already exist, and there may be overcrowding.

Q.—I suppose it is one of the duties of your department that if there is overcrowding you take action?

A.—Yes.

Q.—As regards the construction of these *dhawras*, I suppose the Board has prescribed a type of Plan?

A.—Yes, the Board has a type of plan and it is also given to the collieries if they ask for it.

Q.—Does it provide for cross ventilation?

A.—Yes. At present we do not allow any new *dhawra* which has got back to back rooms.

Q.—Then how is it that we saw yesterday *dhawras* being built with back to back rooms?

A.—It cannot be. That may be some old *dhawras* being remodelled.

Mr. Lakhale.—Absolutely not.

A.—Then, that will not be licenced.

Q.—I suppose, the Board approves the plan before it is actually built?

A.—No. I should correct my previous statement. There is no hard and fast rule not to allow such (back to back) *dhawras*, but the thing is that there must be adequate ventilation.

Q.—Do you think that there is sufficient ventilation if the prescribed cubic space is allowed?

A.—Much depends upon the method of ventilation also, that is taken into consideration. We do not allow any block with more than ten rooms facing one another.

Q.—Do you think that there is sufficient ventilation in the *dhawras* that exist?

A.—They may be properly ventilated but the rooms may not be airy.

Q.—Don't you think that that also is one of the things that is taken into consideration?

A.—It should be so.

Q.—Your rules do not insist upon it?

A.—No.

Q.—Do you think that the cost will increase considerably if provision was made for cross ventilation also ?

A.—Yes, to a certain extent, it will add to the cost. This will entail the construction of an additional wall. To that extent the cost will increase. There will be some difficulty in insisting on that.

Q.—Now coming to another point, are there privies provided for the workers ?

A.—In very few places.

Q.—Almost non-existent ? And no arrangement for urinals ?

A.—They go to the *maidans*.

Q.—Are they available in plenty ?

A.—Yes, except in very congested areas. It is mostly available.

Q.—As a medical officer, do you think that is a satisfactory arrangement ?

A.—No, we do not. Some arrangement must be made.

Q.—Has your department made any suggestions ?

A.—Not yet.

Q.—You think it desirable to have privies and urinals ?

A.—Yes.

Q.—As it is, a large area is made dirty and it is difficult to keep the whole place clean ?

A.—Yes.

Q.—Are there any public urinals as we have in municipalities ?

A.—There is, perhaps, none in the collieries.

Q.—What are the arrangements, to keep the place clean as far as possible ?

A.—For that the collieries have got to maintain sweepers.

Q.—Is that sufficient ?

A.—It is not sufficient all over the place. But in some of the places they are keeping a sufficient staff.

Q.—You can insist on keeping a sufficient number ?



A.—Yes, we can and we do.

Q.—Then you can take action where a particular colliery does not keep a sufficient number?

A.—Yes.

Q.—Still you think that there are not sufficient number?

A.—Yes.

Q.—What do you propose to do to enforce that regulation?

A.—We can only apply the rule more stringently than hitherto and that is all.

Q.—As regards the diseases, what do you think are the most common amongst the workers?

A.—Mostly fevers.

Q.—Is there Malaria?

A.—Yes.

Q.—Is it increasing?

A.—It is said to be increasing and we are investigating into that at present.

Q.—What progress the disease has made?

A.—It is too premature to say anything.

Q.—We were told yesterday by the manager of one colliery that there has been a big increase in malaria recently?

A.—That was the report received. That is why we have started work on that. We are only investigating. We have not come to any definite conclusions regarding that.

Q.—Have you got a special staff for that?

A.—Yes. A special doctor is on that work. He has assistants for field surveying and other staff also.

Q.—I read in your report that the scourge of cholera is no longer a startling disease?

A.—Yes it is so. This epidemic has been brought under control. The people much appreciated the work done in that direction. For some years, the work was being done by a committee and later on the Mines Board was formally constituted.

Q.—And you have succeeded?

A.—Of course, yes.

Q.—What about leprosy?

A.—In my opinion, there cannot be much of leprosy amongst colliery workers for the reason that the colliery worker has to do much hard labour and leprosy makes a person unfit for hard work.

Q.—As far as our knowledge goes, we have been told that there are cases of leprosy amongst the workers?

A.—There might be. They may be in the initial stages.

Q.—Is there any considerable extent of the disease of hook-worm?

A.—At one time investigation was carried out in that direction and it was found that a large percentage had that infection. It was also found that it did not have much effect on the capacity of the worker. It is supposed to produce some sort of resistance. The workers were not incapacitated by the disease.

Q.—They may be suffering without their knowing it?

A.—May be. But so long as it does not incapacitate a worker, i.e., it does not make him lose strength, I think it has little effect on him.

Q.—I think that the disease is largely induced by insanitary conditions?

A.—Yes. That is the chief cause of hook-worm.

Q.—Do you think that it would not have occurred had there been sufficient privies provided?

A.—Yes, it should not have.

Q.—Now, what is your impression? Has it diminished?

A.—The figures are indicating that way.

Q.—Give the figure please?

A.—No death reported from hook-worm in 1937. It appears that no figure is maintained.

Q.—Is there any special symptom in cases of hook-worms?

A.—No. (*Witness reads the researches carried on in that direction by the Officer in charge of that work some years back: Dr. Thomsons Researches*). The fact that it did not incapacitate a worker was particularly mentioned in that report.

Q.—What other diseases have you got? Influenza in an epidemic form?

A.—Yes, at times.

Q.—Do you have any large percentage of the disease of the lung?

A.—Yes, that comes to about 13,000 in the year 1937. Those who come are treated. That is according to the sickness report.

Q.—What is the general complaint about the chest? Is it ordinary cough?

A.—Yes, mostly. Out of 13,304 cases in 1937:—

Pneumonia was	...	526
Asthma	...	679
T. B.	...	59

Q.—What is the incidence of T. B.?

A.—There is no record at all to show that. What is shown is the actual number of cases treated.

Q.—Judging from the nature of the work, particularly work underground, is it your opinion that it may induce T. B.?

A.—No, that is not important cause.

Q.—In all parts of the world also, this is the case?

A.—Yes, mostly. The actual working in the mines is not a material cause for the inducement of T. B.

Q.—Then, what is the special disease which may be attributed to work in the mines.

A.—Nothing particular except hook-worm, that we have just discussed.

Q.—That also is not because of the working condition. It is due to the insanitary conditions around?

A.—Yes.

Q.—Have you many cases of beriberi here?

A.—Not many. There is no report to show that. It is induced by bad non-vitaminous food. It is supposed to be infectious also. No record is kept and so I cannot say anything on that point.

Q.—At least about the extent of its prevalence here?

A.—No. I think it is not serious.

Q.—Do you have many cases of the disease of the digestive system?

A.—It is common.

Q.—What do you attribute to that?

A.—Nothing particular. It is common disease in all.

Q.—You see the miners have got to do heavy physical work. Digestive troubles are generally due to lack of exercise and all that. How is it then, that it is common amongst the miners also?

A.—Untimely over work; and what exactly they should eat they do not know. These may contribute to it.

Q.—Do you have any control in regard to working hours?

A.—No.

Q.—As regards women, are there many cases of special disease in them?

A.—We have not got a record like that.

Q.—Have you got a record of the venereal diseases?

A.—So many are reported; I suppose all the cases are not reported; the tendency is to conceal.

Q.—What is the number of reported cases?

A.—From our report in 1937, the figure is about 267.

Q.—It is generally reported that in big industrial centres there is a large incidence of venereal diseases? What is your experience of this place?

A.—I have not got much experience of this place. It is only for the last four months that I am here, and therefore, am not competent to pronounce an opinion.

Q.—This record is not of all the cases that may have been found here?

A.—May be. It is fairly common not to report. That is my idea.

Q.—Is there any special arrangement made to prevent its infection?

A.—No special arrangements.

Q.—Is there licensing of the public women?

A.—No.

Q.—Are there any public women in the coal-fields in large number.

A.—No, not in large numbers, there might be few. At least, I have not seen any so far, and the workers mostly live with their wives. As far as my idea goes a large percentage live with their families.

Q.—As regards the maternity cases, I suppose some of the collieries have no such arrangements ?

A.—Yes. Some of them do have maternity clinics and these clinics are supervised by the Jharia Board of Health. We also maintain some. They also form part of my staff in charge of certain circles. Most of these centres are in the collieries. In some places the colliery authorities afford large facilities. In some two or three places they are maintaining centres out of their own funds and except our supervision other things are managed by them.

Q.—Now considering the women population in the coal-fields, do you think there is sufficient arrangement for dealing with all maternity cases that arise ?

A.—No, it is not sufficient.

Q.—Now, in the villages there are old *dais* who attend to maternity cases in their own old methods. Do you have any *dais* or *chamains* who do this work here ?

A.—Yes, there are some. And we are training them; that is one of our activities. We hold classes and pay them something out of the funds of the Board for the work done. They work under our supervision. They get 4 as. or 2 as. for cases that they attend.

Q.—Do you think that there are sufficient number to attend to all the cases that may arise in this place ?

A.—No record of the number of such *dais* we keep. We hope that all the cases that arise are being attended to.

Q.—There must be a good number of *dais* available.

But looking at the report of the deaths, and child deaths, I think there has been an increase in recent years ?

A.—No, nothing appreciable.

Q.—Yet would not that indicate that there is not sufficient attendance ?

A.—There is no doubt about that.

*Mr. Saran.*—There are many still-births also ?

*A.*—Yes, at page 12 of the annual report of the Board for 1936-37 you have the figures.

2·68 in 1936, and 2·81 in 1935 per hundred living children born.

*Q.*—Is that a normal percentage ?

*A.*—Yes, that is about the normal.

*Q.*—Is this figure not very significant as compared to other places ?

1937 shows the percentage as 3·27. There is a considerable increase.

*A.*—Is it for this area alone ? No, I do not think so. It must be for the whole of Bihar.

*Chairman.*—It is Jharia Mines Board's report.

*Witness.*—I do not find the figure from my records here.

*Mr. Bakhale.*—It is being read from the Gazette.

*Mr. Saran.*—May I ask whether it might have been due to venereal diseases that the number of still births are increasing ?

*A.*—It is very difficult to say that.

*Chairman.*—Is it obligatory on the part of colliery owners to maintain sufficient staff to attend to maternity cases ?

*A.*—No.

*Q.*—As regards cases of diseases, I suppose that most of the collieries maintain their whole-time or part-time doctors who attend to that work ?

*A.*—That is one of their obligations.

*Q.*—Are they bound to maintain ?

*A.*—Yes.

*Q.*—Is it one of your functions to see that sufficient staff is maintained ?

*A.*—Yes, it is one of my concerns.

*Q.*—And you have satisfied yourself that they do maintain a sufficient and efficient staff for that purpose ?

*A.*—If they have not, they are not left alone.

*Dr. Mukerjee.*—In many of the collieries there is no doctor at all. There is only a part-time man who attends to many collieries. Have you got any scale for how many workers you have to maintain a doctor ?

*A.*—No scale.

*Q.*—Then how do you judge that there is a sufficient staff or not ?

*A.*—If the labour force exceeds 30, the owners must have a medical practitioner. That is the rule.

*Q.*—If the number is below 30 you don't insist ?

*A.*—No, they only keep first aid equipment and that is enough. If the labour is more than 1,000 they should have a whole-time doctor. If it is less, I think, a part-time doctor is employed. Their appointment has got to be approved by the medical officer. If he is a part-time man, the probable work he will have in different places, will be taken into consideration and if it is found that he cannot cope with the work in the colliery his appointment will not be approved at all.

*Q.*—Do you think that there is a sufficient number maintained in the collieries ? Or do you think there is a shortage ?

*A.*—There is no shortage of doctors.

*Q.*—Is there a shortage of hospitals ?

*A.*—Yes. That may not be satisfactory. A minimum number of drugs have got to be kept in each colliery and the doctor is in charge of these drugs. There is a list prescribed for that. But in fact it is not sufficient.

*Q.*—Another thing about which I wanted to ask some questions is this : you have a board to inspect the food stuffs and do you carry on inspection regularly in shops ?

*A.*—Yes, it is carried on regularly.

*Q.*—What is the percentage of cases that have come up for prosecution ? I think from these books that it is rather heavy. Please refer to page 18. You find there that in 1936 some samples of ghee were inspected; 61 cases were found adulterated, that is 48·8 per cent. In case of milk also you get 57 per cent cases of adulteration. In 1935, I think, the percentage is still higher ; out of 108 cases in ghee 70 were adulterated, that is nearly 65 per cent ; out of 183 cases of milk, 97 were found

adulterated, that is nearly 65 per cent. Do you think that you carry on sufficient investigation in these things? Do you not think that more extensive inspection is necessary.

A.—I should think that we should carry on more extensive inspection. I do not take these percentages to be very high. Even if it comes higher I would not be surprised. Some people escape punishment because of the standard fixed.

Q.—There must be a large number of diseases due to adulteration of food-stuff? What are the diseases that are mainly due to adulteration?

A.—It can only be malnutrition. Nothing is specially attributable to adulteration. The right type of food is not available, that is all.

Q.—Beriberi was found to be due to adulteration of food. Don't you think it is an important matter for consideration? What do you say to co-operative stores which will guarantee the purity of the supply?

A.—Yes, that may solve the difficulty. But we must have extensive, well-controlled system for that. That is my idea. The difficulty will be to have sufficient number of shops in all places. The present tendency of the people is to go in for cheaper stuff and to go to the nearest shop. If these facilities are provided and if they are well controlled, it will help a great deal in stopping sale of adulterated food.

Q.—Do you think that mill-rice is likely to have any effect on the workers?

A.—Yes, it is not so very rich in food value and it causes beriberi.

Q.—Mill flour?

A.—Yes that also. The vitamin is destroyed in both. I do not think most of the workers eat mill-rice.

Q.—Then do you consider that they get enough coarse rice?

A.—Yes. Coarse rice is sold in large quantities here. Local people bring it from the interior and sell it here.

Q.—Is it cheaper or more costly than mill-rice?

A.—That depends upon the quality of the rice also.

Q.—Of the same quality?

A.—It must be dearer.



Q.—Then the poor will not be able to buy it ?

A.—But then that is a thing that is easily available and near to them.

*Mr. Bakhale.*—Can you tell us when bye-laws were last amended ? These bye-laws are passed in 1923 or so. It is nearly a generation old and conditions of sanitation and hygiene have changed considerably.

A.—(No answer).

Q.—Well, you said in reply to one of the questions by the Chairman that it is not obligatory on the part of the owners of collieries to submit plans of houses before they are actually built ?

A.—Yes.

Q.—But at the same time there are bye-laws which give you the power to call upon a colliery, if you desire—of course the law is permissive (*reads the bye-laws*). If instead of “ may ” you have the words “ shall call upon ” etc., that might solve the present difficulty with regard to irregular housing and so on.

A.—I think there is no difficulty on that point.

Q.—If instead of submitting it to you after construction, they are made to submit their plans before construction, I think that will also solve the difficulty to a great extent ?

A.—Yes, but that is increasing the work of the officer.

Q.—Now with regard to space accommodation, do you think in regard to the ideas prevalent with regard to housing to-day, that a small room of 10 by 10 is a reasonable standard or minimum which call for the working class house ?

A.—Yes, that is the minimum standard.

Q.—Well, I should not say like that. I would like the bye-laws to be amended in that direction.

A.—Yes, the bye-laws may be modified suitably.

Q.—Is it a fact that you are also expected to visit the pits under ground ?

A.—I have not myself done that.

Q.—Have you any knowledge of such visits by your predecessors ?

A.—Yes, one or two, as I find it from the reports.

**Q.**—Yes, the Royal Commission has recommended that as far as possible latrine accommodation should be made inside pits also which will to a great extent improve the insanitary conditions that prevail at the present day ?

**A.**—(No reply).

**Q.**—Now coming to the administration of these bye-laws, you have got certain bye-laws in regard to overcrowding, etc. Our experience in the two short days is that either the bye-laws are not strictly followed or there is no control. In other words, we come across several *dhawras* in which more than 10 persons live. This could be checked even under the present bye-laws but is not done.

**A.**—The first thing is that the staff is really inadequate. There is no doubt about that. The second is that it is very difficult to produce any evidence as to the fact that there is overcrowding. There may be congestion but when we go to inspect, there won't be any. If we have to set up a case we have to bring forward evidence and it is rather very difficult to get it.

**Q.**—May I suggest one or two things to get over this ? Increase of staff and more vigilance ?

**A.**—Yes, and also the co-operation of the mining authorities.

**Q.**—The area of the Mining Board's activity was fixed some years ago. Do you think that now it is necessary to extend the area of the Board ?

**A.**—Well, it may be extended a little to the outskirts of our area. There are some coalfields there.

**Q.**—Now as regards the houses, I understand that they are licensed for a year only ?

**A.**—At present there are two kinds of licenses. Permanent and temporary. The latter is revocable at will. It depends upon the condition of the house, which sort of license is granted. We have started a housing programme for 5 years. We have entered on the 5th year now. All temporary houses have got to be remodelled and brought according to the minimum standard.

**Q.**—Now, if the houses are licensed for a year, will it not give the officer an opportunity to see for himself whether the houses are in order and whether they can be given a license for another year also ?

**A.**—Yes.

Q.—In other cases, you do not get a chance for any examination ?

A.—We do examine. I have already said that. We submit one annual report. If there is any deficiency found, that has got to be removed.

Q.—And have you satisfied yourself that all the houses here are alright ?

A.—Well, they do need some improvement. That requires more staff and that fact may improve the conditions a little. We are even otherwise having a heavy pressure of work. If we are required to examine minutely and try to bring to the notice each fact that will occupy most of our time. All possible things are being done in that direction.

Q.—If the colliery owners do not carry out the improvements that you want them to make, you can carry out and charge the colliery owners for the cost ?

A.—Yes.

Q.—Have you ever acted upon this power ?

A.—No, that is very rare

Q.—You have answered to a question by the Chairman that the powers you have and the bye-laws of the Board are not properly used, may be due to inadequacy of staff or some other reason. My point is this : It is said that the Medical Officer of Health is afraid to take action against the big owners because they are very powerful in these places ; is it so ?

A.—I do not think so. In the case of the Medical Officer of Health, he is more or less independent of the Board to be influenced in that way.

Q.—The Medical Officer is to depend on the staff. What about the staff ? Are they influenced in that direction ?

A.—Well, I cannot say that.

Q.—Yes, the fact remains that the bye-laws are not very strictly enforced as it should be. What about income ?

A.—As regards that point, the Board levies a cess on the tonnage of coal raised and secondly receives an amount of the cess paid to the District Board. The amount that we get is nearly a lakh and 30 thousand rupees.

Q.—Is there a limit to the power of taxation that you have got ?

A.—Yes, we can go up to Rs. 12 for every 100 tons raised. That is the maximum that we can go. Our rate for 1930—40 is Re. 1 per hundred ton raised and 15 per cent on the amount paid excess to the District Board.

Q.—So you can extend your taxation to make things better here ?

A.—Yes.

Q.—You said that workers were brought for work weekly ?

A.—Yes, some. That happened largely. When there was a boom in the market. It exists to some extent even now.

Q.—Can you not make some arrangement, as they do in the municipalities, to submit the plans ?

A.—Yes, there will be no difficulty at all. We do that sometimes. But that will certainly increase our work.

Q.—These plans are sent to you later on. You automatically approve of them ?

A.—No. Applications are received for the licensing ; we then go and inspect and license the house if it is properly constructed.

Q.—If they are examined before, will it not ensure better housing conditions and prevent violation of the rules ?

A.—Certainly.

Q.—Do the collieries submit any periodical report of the number of labourers living in their quarters ?

A.—No, but when we call for such statement, it may be submitted.

Q.—If you are made to call for such a statement periodically from every colliery owner, would it or would it not act as a preventive to overcrowding and the like ?

A.—The purpose will be better served if instead of calling for the list of the labourers living in those quarters, you call for a list of all persons occupying it—their families, friends and all that. Suppose I go to visit a *dhawra* in regard to which a report has been submitted and if the report says that there are 20 persons in that particular house which can accommodate 30, and after visiting that place find 25 persons in it, what action can I take ? Nothing.

*Chairman.*—Suppose you visit that place to check the figures supplied to you. You find instead of 25, 29 persons. Can you take action?

*A.*—I do not think so. So long as over-crowding does not exist, they are within the law.

*Mr. Lal.*—Even now, you can give surprise visits, can't you?

*A.*—Yes, we do, but no such purpose is served.

*Q.*—You have referred to a 5-year housing programme in your report. Will you please explain it a little?

*A.*—By that programme we aim at making the *dhawras* further conform to a minimum standard. We have divided them into 5 groups. We have a group taken up each year. I think it will take 5 years to finish that programme and I hope it will be successful.

*Q.*—Have you divided the whole colliery area into 5 sections?

*A.*—No. The total number of rooms in *dhawras* is divided into 5 parts. Each year work is done towards the improvement of one such portion, so that by 5 years the whole may come up to the standard.

*Q.*—Have you come across cases where the labourers cook and live in the same room?

*A.*—Yes, some go outside to cook.

*Q.*—I mean in the room itself; is that permissible under the rules?

*A.*—The rule is silent in regard to that point.

*Q.*—Do you think that the rule must be made more effective on that point?

*A.*—Yes, such a practice must be discontinued.

*Q.*—What effect is drunkenness having on the health of the labourers in this area?

*A.*—It is very rampant, nothing special.

*Q.*—I mean is it undermining the health of the labourers or otherwise?

*A.*—Scientifically it ought to undermine their health. My idea is that there is nothing special about it.

*Chairman.*—Do you maintain any statistics for that ?

*A.*—We do not.

*Q.*—Have you noticed any effect these mining conditions have on the longevity of the labourers? Does it cut short their lives or make them live longer. What is your opinion?

*A.*—I do not think there is any appreciable effect either way.

*Chairman.*—That is an opinion based on general medical knowledge?

*A.*—Yes.

*Dr. Mukherjee.*—I would like to draw your attention to section 14 of the Board's Act (*reads section 14*). You have been giving in answer to several of the questions put to you that the bye-laws are not very strictly applied, that there is lack of vigilance and so on, and that all that was due, probably, to lack of staff. Now may I ask you in what areas and towns would you like to have a Medical Officer appointed additionally to supervise the better working of the laws?

*A.*—The area is 781 sq. miles and the population is 5 lakhs. You agree that one medical officer cannot manage the whole thing himself. At least there should be another Assistant Medical Officer in this Board, as there was previously.

*Q.*—What are the areas you suggest wherein a whole-time Medical Officer could be appointed. (*Reads the suggestions made in this direction by the Royal Commission.*)

*A.*—(*No reply*).

*Q.*—Now with regard to the malnutrition of the workers can you suggest anything to prevent that? Have you made any analysis of the food eaten by them? If you have not got the facilities here, would you at least collect some samples and send them on so that we can find the percentage of carbohydrates, proteins, etc., contained in them and suggest some remedy? We shall get them examined in some laboratories.

*A.*—I shall only be too glad to help in that direction. Of course, I shall procure some samples.

*Q.*—How far do you think co-operative stores and markets well organised and managed, will be able to cope up with and

remove this evil of adulteration of food? You see, the B. & O. Karnatic Mills at Madras have got such an arrangement. I am told that such a system prevails in other places also.

A.—Yes, that is bound to help a great deal in this direction. They should not be located in one or two places. The question is cheapness and nearness. You will have to organise such shops near to the collieries.

Q.—Now with regard to leprosy, have you taken any steps to segregate and also to carry on propaganda in that direction?

A.—We are doing propaganda in that direction but we have not begun segregation.

Q.—Do you think that to prevent infection to other people, it is necessary?

A.—Yes, it is necessary.

Q.—What is your view on the introduction of legislation for compulsory maternity benefits?

A.—I agree. There should be some legislation. It is desirable.

Q.—How far do you think it is advisable to check the increase in the population. The rate at which population is increasing is bound to have its effect on economic life. Do you not think that some agency will have to be created to check this? What is your idea on the contraceptive methods being taught to these people?

A.—It is too premature to say anything in this respect. We have not advanced much in that direction. Nor have other centres produced any useful result. I cannot say anything more on that point.

Q.—Generally speaking you would like to extend the functions of the Board to Social Welfare and Education?

A.—Yes. It indirectly helps sanitation.

Q.—Your answer seems to suggest that the management have nothing in that direction to help the workers.

A.—Some of them are helping us in that matter.

Q.—Do you think that in case of legislation the labourers should have some scheme of social welfare, etc.?

A.—Yes, legislation is desirable in that direction.

**Q.**—In that case do you think that compulsory education can be introduced to advantage? You see the children below 13 do not get employment in the mines and those above 13 also are mostly unemployed.

**A.**—I should like compulsory education.

**Q.**—Also in view of the existence of venereal diseases and drunkenness and immorality; these will very considerably be reduced if prohibition is introduced? Do you think it is a suitable area for the introduction of prohibition?

**A.**—If prohibition is introduced, the standard of living may be raised. I would like to suggest that some other recreation be provided if prohibition is introduced.

**Q.**—Of course, that will also be one of the functions of the Board of Health. Do you think that the Board should be charged with education and social welfare also in the wider sense of that term?

**A.**—Yes, that may be done.

**Mr. K. N. Sen Gupta, (Co-opted member).**—Do you think there is sufficient number of labour representatives in the Board?

**Chairman.**—There is no labour representative at all (*Laughter*).

**Witness.**—What number do you consider sufficient? What is your adequate number that should represent labour? We have labour and capital both.

**Q.**—There are, I suppose, 5 representatives for the capitalists?

**A.**—Yes, there may be say 2 or 3 labour representatives.

**Q.**—Do you think, considering the large number of 70,000 of labourers, 2 or 3 will be a sufficient number?

**A.**—It all depends upon the constitution of the Board. There should be a big parliament, if according to your view representation for all the 70,000 is made. (*Laughter*.)

**Q.**—Do you not think that labour is not sufficiently represented compared to the royalty receivers and capitalists?

**A.**—Labour is not sufficiently advanced for that. It is difficult to find the right sort of people.

**Mr. Saran.**—Do you not think then that, if adequate representation is given to the labourers who form the majority, they will try to exploit the minority?



A.—I should not think like that.

Mr. Sen Gupta.—Which is the vital interest in the administration of your Board, labour or capital?

A.—Labour as well as capital.

Q.—Do you exist for labour or for capital?

A.—For both.

Q.—And more for whom?

A.—For both. (Laughter.)

Q.—Do you pay any surprise visits to the *dhauras*?

A.—Yes.

Q.—Do you find any overcrowding as the Committee has witnessed?

A.—The thing is that I go during the working hours and they are mostly deserted. Even otherwise, I have submitted that it is difficult to say whether they are working people or not?

Q.—Do you consider it necessary to give surprise visits?

A.—Yes, I do.

Q.—Have you made any prosecutions for overcrowding in 1938?

A.—I must look into the records for that. I am not in a position to say exactly whether there has been any prosecution for overcrowding. I might remind you that I have been here for only 4 or 5 months and not more.

Q.—Please look up the records for the last 4 or 5 months and try to answer?

A.—That record is not here with me.

Q.—Do you think your inspecting staff perform their duty honestly.

A.—Certainly. I am here to take action if they do not.

Q.—Are you satisfied? Have you not got any reports against them?

A.—It is too premature for me to say anything in regard to satisfactory work; I should not hazard an opinion on that.

Q.—Has it been brought to your notice that most of your staff are in the pay of the shop-keepers?

A.—No, I am not aware.

*Chairman.*—It is rather a serious allegation you are making against the staff.

*Mr. Sen Gupta.*—I have made that allegation in the Assembly, Sir. (*Laughter.*)

*Mr. Chandra.*—Have you any suggestion to make with regard to the improvement of the administration of the Food Adulteration Act?

*A.*—Well, that is a big question.

*Mr. Sen Gupta.*—Have you ever worked out the average family budget of a worker?

*A.*—No, I have not.

*Q.*—Do you know that such a budget was taken by your department some years ago?

*A.*—Yes, I have seen them in the records.

*Q.*—And you have seen there the food taken by the miners?

*A.*—Yes, I have got it here.

*Q.*—Are you satisfied that the food taken by them gives them sufficient nourishment?

*A.*—The analysis of the food is not here. But apparently it is likely to lack in food value to some extent.

*Q.*—Do you take into account this factor and the fact that the man has to perform such a hard work as coal-cutting? Do you take into account the age of the workers and can you tell me how long they will be able to do such a work with the food they are eating?

*A.*—I have not made any investigation in that direction.

*Q.*—Do you think that they will not be able to perform it beyond a certain age, say 40-45?

*A.*—That should depend upon the state of health of individual workers.

*Q.*—I would like you to give me an average?

*A.*—Yes, I should say he can work till 50.

*Q.*—Considering the food taken by them?

*A.*—Well, what I said was only my rough idea. I cannot say definitely.

*Mr. Bhattacharya (Co-opted Member).*—Have you got any other duties to perform excepting the duties of the Medical Officer of the Mines Board of Health?

*A.*—I am an ex-officio Inspector of Mines.

*Q.*— Besides that?

*A.*—A Medical Officer, that is all. Do you mean my other work temporarily? I devote an hour or so as Secretary of the Mines Board of Health.

*Q.*—In the Water Board?

*A.*—One hour covers both.

*Q.*—Before you joined here, who was acting as a Medical officer?

*A.*—There were two people, Mr. B. P. Agarwala and Mr. M. S. Mukherjee.

*Q.*—Do you consider that the duties and responsibilities of the Medical Officer entail heavy work?

*A.*—Of course, it does?

*Q.*—You know that there is seasonal influx of labour in the collieries.

*A.*—Yes.

*Q.*—Do you then make any arrangements to prevent overcrowding.

*A.*—No, we do not take special steps.

*Q.*—You have said in reply to a question by the Chairman that there are fewer houses in the collieries lying in the outskirts of the town?

*A.*—Yes, that is my idea.

*Q.*—Is it not due to the fact that in those places the labourers mostly come from the villages?

*A.*—I have said that also, I believe.

The Committee met at the Circuit House, Dhanbad at 3-5 P.M., on 20th February 1939.

*Member present.*

Mr. Bakhale (Vice-Chairman) presiding.

Mr. R. K. Saran (Secretary).

Dr. Mukherji.

Mr. J. E. Phelps, Co-opted Member.

Mr. K. N. Bhattacharya, Co-opted Member.

**Evidence of Rai Bahadur N. N. Ray, Additional Deputy Commissioner, Dhanbad (Manbhum).**

*Mr. Bakhale.*—You have given your full name and designation?

*A.*—Yes.

*Q.*—You are, I believe, an ex-officio Inspector of Factories?

*A.*—Yes, Inspector of Mines and also of Factories.

*Q.*—What are your chief responsibilities with regard to the labour. You are, I think, the Chairman of the Mines Board of Health and the Water Board.

*A.*—Yes. But as Inspector of Mines and Factories I have not much to do with the labour. I deal with compensation cases as Commissioner for Workmen's Compensation. The two Boards of which I am the Chairman look after the health, housing, water-supply, etc., of the labour.

*Mr. Saran.*—I would like to ask you one question about the labour conditions prevailing in the collieries here. There is a general complaint that they find it very difficult to obtain labour in certain seasons. Do you think that if there are employment exchanges, that will solve the difficulty? Will the workers be available in sufficient numbers and in all seasons??

The employer will have to pay for every labourer supplied eight annas and this cost of supplying the labour will help the Exchange to run. Each unemployed worker must get himself registered in the exchange. What do you think about the suggestion?

*A.*—May I know whether the exchange for supplying labour will deal with the local labourers only.

*Mr. Saran.*—Yes.

*A.*—It will be so uncertain. At present the inadequacy of labour during certain seasons is mainly due to the fact that the workers go back to their lands during the cultivating season, harvesting and planting seasons, etc. It is only during those periods that labour is very scarce. I think the same difficulty will persist with regard to employment exchanges also. I can not say anything definite with reference to the success of the scheme. Labour generally is recruited through raising contractors, to avoid this difficulty.

*Q.*—Yes, just as the contractor is supplying labour at present; I put it to you that the same functions will be performed by the Exchange. The Exchange can charge the management a certain amount of money in supplying the labour that they require.

*A.*—That may be. As I said before, to me it appears that the Exchange will have to meet the same difficulty of finding labour during certain seasons. I am sorry I cannot say anything definite with regard to the success of the scheme.

*Q.*—Labour is really slack during certain seasons. The employment exchange will have so many on its rolls?

*A.*—Yes. We have imported labour also. We have men from Gaya, Hazaribagh, Central Provinces and other places.

*Q.*—The idea is to eliminate the system of contractors.

*A.*—I am not sure of its success.

*Dr. Mukherji.*—Now, continuing that topic a little further, when you have a labour exchange at a particular place, it will regulate the supply and demand of labour. At present there is a large surplus in the colliery areas during certain seasons and also the reverse, at other times. A labour exchange office will be able to meet with the necessary quantity of labour only. Moreover, it will be controlled by Government, the employers and the trade unions?

*A.*—As I asked before, does it cater only for this particular area?

*Q.*—No, it will serve all the industrial areas in Bihar. Say it can be split up into departments also, one for the collieries, one for the industries like sugar and another for cotton, etc.

*A.*—Well, I cannot say anything as to the success of such a scheme. If you transport men in that manner from, say, the

coal mines of Jamadoba to some other coal mines, firstly it is very likely that they may not go at all. Secondly, the conditions of workings in the different areas will be different. One worker used to a particular pit will naturally prefer that only to any other. All these difficulties exist. I am sorry to say that to me it appears that it will be difficult to work the exchange. I wish it success. I believe, Mr. Saran said that the labourers should get themselves registered in the employment register. That is bound to be a failure. There will be the utmost difficulty that the exchange will have to meet with. There is also the question of preference, between old hands coming back and new people registered.

Q.—Then you are not in favour of such an exchange ?

A.—So far as the principle goes, I am one with you, but I am doubtful of its success. A small exchange within the local area may be tried as an experimental measure than one for the whole province of Bihar.

Q.—The exchange will be managed by the employer, the Government and the trade unions. All interests will thus be protected to an extent. The difficulty of the employer in getting labour, the unemployment of labour and the consequent strikes and so on, all will be smooth if you have such an arrangement ? Don't you think it will be useful ?

A.—Of course, if all these things could be achieved. An experimental exchange can first be begun, say, for this subdivision. If it proves successful, the Government can properly organise that into a provincial concern.

Q.—Well, we have been told during our investigations that conditions of employment are much better in the *Sarkari* system than in the system of raising contractors. Is that so ?

A.—I have not much experience in that direction, that may be the case.

Q.—Could you give us a suggestion as to how the system of raising contractors might be gradually superseded ?

A.—That is for the colliery owners to take up. Only when labour is so organized or when the proposed exchange comes into being and works successfully, this system can be gradually superseded.

Q.—Now, are there many collieries which are outside the Mines Act ?

A.—I do not know of such collieries but there are some such fire clay mines which I inspected last year. There may be some small collieries which are outside. The rule is that mines with a labour force of less than 50 or which are less than 20 feet deep shall not come under the Mines Act.

Q.—The question was—what are the reasons for the defects in the mines noticed by or brought to the notice of the Committee? Is it due to the lack of staff for inspection work or...?

A.—Inadequacy of inspecting staff is one of the main reasons.

Q.—What is the staff at present?

A.—We have two inspectors only, I think, besides the Chief Inspector of Mines.

*Mr. Phelps (Co-opted Member).*—Yes, one Chief Inspector for the whole of India.

Q.—So you suggest an increase of staff; and more stringent application of the Act would be necessary for adequately making the smaller mines also to come within the purview of the Act?

A.—Yes, I mean that the staff should be increased to provide for adequate supervision of all mines, big or small.

Q.—I may say in this connection that in Russia there is an Inspector of Mines with reference to each mine? What do you think of that?

A.—We have only a Chief Inspector for the whole of India and two others.

Q.—Is it a fact that the colliery managers are vested with the powers of the Inspector of Mines.

A.—No.

Q.—About the proportion of increase you are not sure?

A.—It is an affair of the Government of India, I cannot say anything.

Q.—Have you come across instances where there has been a Fines Fund which has been utilised for public or social objects?

A.—In the Mines? I have not heard of any. I have read it in the Payment of Wages Act, but I have not come across any.

*Q.*—Another question I would like to ask is this. At present women are excluded from underground works. These women workers who may be the wives of the labourers employed there, will not be leaving the place, but will remain there as unemployed. How far do you think we should introduce legislation for compulsory maternity benefit for such women workers?

*A.*—Yes, some of them are given that benefit even without legislation to that effect.

*Mr. Bakhale.*—Only on a voluntary basis.

*A.*—Yes, I would prefer it to be voluntary; gradually all the employers will begin to give such benefits. It is to their own interests if they give it voluntarily than when compelled to do so. There is no pressing necessity for legislation. Most of the big colliery managers are having such maternity hospitals in their areas.

*Q.*—Do you think that the Payment of Wages Act should be extended to the Mines also. You see how, they are not getting their wages in time. Sometimes it is not paid for months after it has become due? What do you think of the suggestion?

*A.*—It might do some good if the Act could be properly worked. For the Act to work, you must first have properly developed Trade Unions. It will otherwise be difficult to work the Act. The Labour Unions or some other agency should be there to see that it properly works.

*Q.*—Do you not think that it will be more beneficial if the Act is extended to the Mines.

*A.*—Yes, it may be more beneficial if the Act could be properly worked.

*Q.*—Do you know of any instance where payments have been delayed? I know cases where the payment is delayed till the 19th of the next month.

*A.*—No, I am not aware of any such delay.

*Q.*—Do you enquire about cases of such delayed payments, whether they are justified or not?

*A.*—No. Unless it is brought to my knowledge officially, which hardly happens.

For the proper working of the Act, Trade Unions must be developed to a high degree. We cannot say that it must depend entirely on the officers only. The Law will be there, of course.



*Mr. Bhattacharya (Co-opted Member).*—Do you not see that the payment is made properly when once the Act is introduced? It must to a great extent take away the delay that is often existing at present? Under the Act one can go to the Civil Court when the wages are not paid according to the Act. The redress is there for him.

*A.*—Yes, even without the Act being there, they are having litigation. I am only of opinion that under the present conditions of labour, even if you introduce the Act, a proper working of the Act will be difficult. If the Act works alright, of course, I have no objection. I am only giving my opinion in the matter. To me it appears that there will be more occasions for mischief.

*Q.*—Mischief there will be. But are there corresponding benefits?

*A.*—Yes. When you have no proper Trade Unions, it is impossible to get the benefits. The poor labourers will be very much in the same position, whether the Act is there or not. When there is a trade union, it will look after the working of the Act. That is what I feel in the matter.

*Dr. Mukherji.*—So you will wait until such a properly developed Trade Union is evolved?

*A.*—Yes, because the labour is not settled as yet, or until there is some other agency to see that the labourer gets the benefits of the Act.

*Q.*—Are you aware that even those who are monthly paid are dismissed summarily?

*A.*—Yes, I do not approve of that. I am of opinion that each worker must be given a chance to explain his position before he is summarily dismissed.

*Q.*—What suggestions do you propose to stop such a practice?

*A.*—I have said that also. They must be given a chance to bring out their side of the case also. The facts must be carefully enquired into and then the decision arrived at.

*Q.*—Are you in favour of granting to the workers certain leave with pay in certain cases?

*A.*—I think the men on the staff, permanent staff, are getting leave with pay.

Q.—Yes, what about the workers ?

A.—I think workers also, who are permanently employed, whether they are paid monthly or weekly, get privilege leave of 14 days in the year.

*Mr. Bakhale.*—Would you favour the idea that when accidents occur the Additional Deputy Commissioner should receive a report and also the Chief Inspector of Mines ?

A.—Yes, this is done at present.

Q.—Would you favour the idea of a similar report being sent to the Secretary of Trade Unions, so that they may also be informed about the injured man and try their best to get the worker injured or deceased the compensation that he is entitled to get.

A.—Yes, I have no objection if it is reported to the recognised Trade Union of that particular colliery ?

Q.—Would you kindly explain what you mean by 'recognised Trade Unions of that particular colliery' ?

A.—I mean that trade union of which the particular workman injured is a member ?

Q.—Do you think that legislation on that behalf is desirable ?

A.—I think there is already a legislation. The Trade Union Act provides for such a thing, I believe. There may be several trade unions existing. I take the necessity for the management to report only to one.

Q.—Do you think that the miners now get proper information regarding the accidents in the mines ? If information is given, I mean a copy of the report that is sent to the Additional Deputy Commissioner and the Chief Inspector of Mines is also sent to the Trade Union, the dependants of the worker will know about the details of the accident and get the compensation that they are entitled to. It will just facilitate giving more knowledge to the worker's dependants ?

A.—I have no objection to that. The question depends on the proper Trade Union to receive the report. By legislating in this manner you are compelling the management to recognise the Trade Union. The management must have recognised a trade union to whom it should be bound to report. Apart from the question of recognition, I would like to know

if there are three unions in a place, would you inform the Secretary of the Registered Trade Union of that particular colliery or would you inform all the three ?

Q.—Yes. All.

A.—That will be too much to expect them to do.

Q.—Is it not a fact that a large amount of the compensation money remains with the Government ?

A.—Oh, yes. I may just tell you that since 1930, the amount of money pending for disposal is nearly Rs. 40,000. I can give you a statement of the details of the amount. If I may be permitted to explain.

Q.—Yes, please give us more details.

A.—What happens is this. If Rs. 800 is sanctioned as compensation and if the deceased has left a minor boy, who is not competent to take care of the money, what we do is to deposit the money in his name for the purpose of land or future payment and pay him a little sum for his maintenance through his guardian. Say, if he takes 80 rupees out of the 800 in the first instance, the rest of the amount lies in the bank in the name of the minor boy. Thereafter nothing is heard about him. The money remains unclaimed. I have to write to the District Magistrate of the place which the boy belongs to investigate and try to find out his whereabouts. If we are able to trace him or his relations, we pay the money after duly satisfying ourselves that the amount has gone into proper hands.

Q.—Do you get any reports ?

A.—Yes, two very old cases have thus been found out. In one case a girl of 8 turned up. We had made a small payment to her elder sister at first, as we were then told that the deceased had only left that one child. We investigated and found out that the deceased did really leave two children and the girl of 8 was at that time a baby.

Q.—What suggestions do you make in this behalf ?

A.—If proper enquiries are made at regular intervals, I am sure all this amount now remaining with the Government can be disposed of in the proper way. We have to be very careful in the beginning. A boy of 7 may come forward to claim the money. His relatives will want the whole of the amount

being handed over at once. We should not do that as we are certain that the boy will get nothing out of that. That is why we do not dispose of the amount completely at the beginning. In the majority of cases the major part of the money is kept in deposit at the request of the widow or minor children of the deceased till they have settled purchase of land. The result is that the amount has accumulated. We investigate and also pay through the District Magistrate of other districts, and if they are satisfied as to the identity of the person, they pay the amount and get the receipt, which they send on to me. When the claimant cannot personally appear before me, this step is taken.

♦ Q.—Do you know whether the compensations awarded in particular cases are really adequate ?

A.—Certainly, I do compensation cases personally and decide the award to be made. If, of course, the worker and the management agree to a certain amount, I do not generally interfere. Most of the agreed cases come to me for registration and when the injured man appears, I see that the compensation is adequate, before registering.

Q.—Have you any idea, as the Chairman of the Mine, Board of Health, that the medical facilities that are offered to the labourers, are sufficient ?

A.—I make enquiries in that respect to see whether they are consistent with the provisions of the Mines Board of Health Regulations. The Chief Medical Officer is here; I think he will be able to give you the details, whether they are sufficient in his opinion or not. (*The Chief Medical Officer said that they were not sufficient in all respects, but mostly that depended on the adequacy of the staff and all that.*)

(*The Chairman replied that the Chief Medical Officer had already been examined and there was no necessity for a repetition of the facts already deposed.*)

Q.—Do you think that the interests of a labourer are sufficiently looked after in the Mines Board of Health ?

A.—I believe so. The Mines Board and Water Board were constituted at a time when the conditions prevailing in these places were the least satisfactory. The state of affairs now existing is a sufficient answer to that question. At present the Board is working with a reduced staff. There are in the Board two representatives (strictly only one) from the labour also.

Q.—Generally, I have been told that the labourers are much worse off as regards treatment under the raising contractors, than under the owners ?

A.—Yes, that is the general position. I have answered that question in the beginning, I believe.

Q.—You said you have a representative of labour in your Board. Is he elected or nominated ?

A.—Nominated and I think, for some time more, it must be on nomination. The labourers rarely know yet whom to elect and whom not. The labour representative of this constituency can be elected. The rules provided for nomination of two members when the constitution was made. We can, of course, change that to election, if so desired.

Q.—But you think that owing to capitalist interest, owner element being more largely represented in the Board, the officers of the Board of Health are slow in discharging their duties for fear of displeasing the owners ?

A.—Personally, I should not say that.

Q.—Well, have you any idea as regards the indebtedness of the labourers in the coalfields ?

A.—I am sorry I cannot say anything definite about that.

Q.—Do you know whether the money-lenders besiege the coalfields on pay day ? Do you say, it is a crime ?

A.—Not under the law. But of these *Kabulis*, you find a lot near about on pay day. I have succeeded in putting a stop to the *zulum* of a class of money-lenders called *Gossains*, worse than *Kabulis* in some respects, in some rural areas.

Q.—Do you favour the idea of a legislation to make it an offence to besiege the work spot on pay days ?

A.—How can that be, these people have advanced money or that money is due to them for purchases made. They are entitled to get the money back. I cannot say whether it can be legislated upon. The colliery authorities can keep the *Kabulis* out of their premises if they like.

Q.—No, they can wait outside, not in the pay offices, that is what I mean. At least in the interests of the labourers, don't you think that such a provision will be helpful ?

A.—Even now they are not allowed near the pay-office, I believe.

*Mr. Phelps.*—Labour is seasonal in the coalfields, I mean during certain seasons you get a large surplus labour and at other times there is scarcity, is it not so ?

*A.*—Yes.

*Q.*—Well, I hope, you also know that the labour tendency is to work at a particular colliery only. When they come back after the harvests are over, they try their best to get into that particular colliery at which they were employed before. And if you ask them to go anywhere else, they may not like to go ? Is it not so ?

*A.*—Yes.

*Q.*—Under such conditions prevailing, a labour exchange is not workable, I believe ?

*A.*—Yes, it cannot work. I have already answered a similar question. The tendency of the labour is such that at the same place they prefer to work in one particular colliery only. I was equally diffident of the success of the Exchange.

*Dr. Mukherji.*—We are asking you to consider only a labour exchange for the colliery. It does not cater for any other industry.

*A.*—Yes, the surplus will be there on the rolls ; there will also be scarcity as before in particular seasons.

*Mr. Phelps.*—Do you know the types of labour prevailing in the Jharia coal-fields ?

*A.*—Yes, there are two main types of labour, the Central Provinces miner and the pick labour.

*Q.*—Do you know that one labourer accustomed to one type of labour will not work if he is put in the other ?

*A.*—Yes.

*Q.*—Generally, if the labour is really unpopular with the management, they would prefer to go back than work in any other factory or field ?

*A.*—Yes, that is sometimes the case.

*Q.*—Moreover, if as it was said, each labourer should get himself registered, do you think that is possible ?

*A.*—Hardly possible. They may not care to come and register their names. I have said that the Exchange is not

workable and I have already given my reasons, Mr. Phelps. The workers are not only from this place. They come from different districts. The workers here may not like to go to any other place. In the Exchange there is bound to be import and export of labour. As far as I know, I do not think it will work.

*Dr. Mukherji.*—What about the workers from these round about villages ?

*A.*—Yes, there are workers from villages near about, say, within 10 miles. They come and work and go back everyday. There are such labour, I know.

*Mr. Bakhale.*—From the replies to Mr. Phelps I am not able to understand what exactly your view is in the matter. Will you please tell us what is your view in the matter.

*A.*—My point is that even assuming that in the Jharia coal-fields there is a surplus of labour, I am not able to understand how that labour exchange is going to succeed in distributing them, as they would prefer to go back to their homes than work elsewhere. There is this practical difficulty in working it.

*Q.*—The main object of the labour exchange is not to deal with surplus labour only. It is trying to regulate labour as far as possible. There cannot be always a surplus to deal with.

*A.*—I think, regulating comes to the same thing. The Labour Exchange will themselves be at a loss to absorb all the labour; it is nearly 150,000. Moreover, they cannot supply the right type of labour that the employers want. There will be trouble in that direction also.

*Mr. Bakhale.*—The idea in introducing a labour exchange is to avoid the contract system of recruitment altogether.

*A.*—Yes, but the labour exchange will seek the help of contractors when there is a demand on them.

*Q.*—No, it will be a Government agency. Some of the European countries are having such exchanges; I suppose you know that.

*A.*—Yes, but they have also got organised and well managed Trade Unions to look after the interest of the labour, even at the exchange. Here conditions are different. Let me tell you that I have no objection to the Labour Exchange being tried here. I am only giving my opinion that it may not be

successfully worked. If it can supply the right type of labour at the right time and thus regulate labour as you say, of course, it is a better system than the contract system.

*Dr. Mukherji.*—Very few holidays are given to the coal workers, I think. Do you think that they should be given more holidays.

*A.*—Holidays generally depend upon local custom and festivals. They do get holidays during festival times, say, Hindu festival, Holi, etc.; they avail themselves of it; they would not come to work at all. I believe four or five such holidays are given.

*Mr. Phelps.*—There is a time limit for the worker to be underground. Is it not so?

*A.*—Yes, 9 hours is the limit, I think.

*Q.*—Have you had any infringement of that law?

*A.*—Not that type, no.

*Q.*—You are Inspector of the Mines; can you tell me how many hours underground a miner actually cuts coal? And how long he is kept inside?

*A.*—That I cannot answer. I know that there has been no infringement of this law with regard to this.

*Mr. Bakhale.*—Will the inspecting staff of the Mines Board of Health have that information, whether there has been a breach of the law or not?

*A.*—Yes, no prosecutions have so far taken place. That is my impression.

*Q.*—Is your inspecting staff totally inadequate?

*A.*—Not totally, it is inadequate.

*Mr. Saran.*—Allegations are made to us that they are kept for more than 8 or 9 hours underground. We want to know exactly why so?

*A.*—May be due to inadequacy of inspecting staff.

*Mr. Bakhale.*—A couple of minutes ago, I remember, you said that the Payment of Wages Act if applied to the Mines, should have a properly organised Trade Union to look after its administration. And that otherwise the Act will not have any effect.

*A.*—Yes, somebody should look after the interest of the labourers.



**Q.**—So according to you Trade Unions are the proper machinery to look after the interest and welfare of the labourers, and unless they are sufficiently strong, it would not be advisable to have the operation of the Act to be extended to mines? Is that your view?

**A.**—It would be unworkable under the present conditions. It will be of no practical benefit if introduced at present.

**Q.**—I would like to tell you that when the Government of India passed certain legislations with regard to the factories and mines, they, I hope, would have understood the condition of labour in this country and yet did not wait till they came across organised labour in this country. The Payment of Wages Act is still made applicable in industries where labour has not been organised. And I may also tell you that it is satisfactorily working there.

**A.**—Conditions of work in the coal-fields are different from other industries. Mines and factories differ widely.

**Q.**—You solve the difficulty by requiring a Trade Union for the mine labourers and then apply the Payment of Wages Act, whereas in other factories it will work even without Trade Unions? I take it that you know the benefits that a worker gets under the Payment of Wages Act. With regard to fines also there are limitations imposed. Do you think that because the mining industry is such a risky and dangerous operation, the Payment of Wages Act dealing also with fines, will not work properly in that particular industry?

**A.**—Yes.

**Q.**—I take it that it is your view that for the application of the Act you want a properly organised Trade Union?

**A.**—Yes, that is one of the preliminaries that should precede the introduction of the Act.

**Q.**—Or you want more inspecting staff from the Government to see that the legislations passed by them are working properly and in the desired direction?

**A.**—Yes, that also may be necessary.

**Prof. Saran**—As regards the Payment of Wages Act, one objection to this being made applicable to mines is with regard to fines. Fines are limited to  $\frac{1}{2}$  an anna in the rupee under that Act. You want a greater margin to fine the miners. You do accept that argument?

**A.**—That is also one of the reasons.

Q.—So in short you accept the argument of the Indian Mining Federation on that point?

A.—Yes, to some extent. I do accept the position that mining is a dangerous operation and one man can do some mischief which will cause loss of many lives.

Q.—Now, raising contractors; do they keep any shop and compel the workers to buy from their shops and deduct from their wages what is due to the shop? Have you any idea of such a practice?

A.—Well, I cannot say anything. I am not aware.

Mr. Phelps—Prof. Saran has just mentioned the Indian Mining Federation's views with regard to applicability of the Payment of Wages Act. Don't you consider that mining is essentially a different industry than from the factory and that the objection raised by the Indian Mines Association stands to reason that there should be a greater punishment for the offender?

A.—Yes, that is my view also. But that is not the only reason why I am not in favour of the introduction of the Payment of Wages Act to the mines at present.

Q.—You also know that the only other alternative is to turn the worker out?

A.—Yes.

(Mr. Phelps took up the Act and was reading a section, when the witness stated that he had not read the Act in a detailed manner and that he would not be in a position to give definite opinion).

Dr. Mukherjee—Could you tell me the compensation that is to be paid? Is there not a particular form in which it is conducted, decided and paid?

A.—If the injured man appears before me, I examine and fix the compensation to be paid. In fatal cases, the compensation is based on the wages earned by the deceased.

Q.—Suppose the man and the management agree mutually to a particular amount. Can you interfere and alter that?

A.—I do actually interfere when the injured man appears before me and I find that the compensation agreed upon is inadequate for the injury received and loss of earning capacity.

**Q.**—What guarantee is there that an adequate compensation has been paid?

**A.**—Only when the question is referred to us, we take it up and decide according to law. If there is a question raised by the injured man that an adequate compensation has not been awarded, we re-open the whole matter.

**Mr. Saran**—So, as Commissioner for Workmen's Compensation, you have power to re-open the settlement?

**A.**—Yes, where the settlement has not already been registered by me in the injured man's presence.

**Q.**—You cannot also check an arbitrary settlement?

**A.**—Of course, not, unless the injured man approaches me.

**Q.**—What remedy do you suggest to avoid such arbitrary settlement?

**A.**—The injured man may be produced in all cases and a regular investigation conducted. The Claims Bureau always produces the injured man before me and gets the agreement registered.

**Q.**—Do you consider that legislation in that direction will be useful?

**A.**—Yes, in all cases the injured man should be produced before the Commissioner for Workmen's Compensation and the agreement registered by him.

**Mr. Bakhale**—You said some time back that in the Mines Board of Health, nominations are preferred to election. At least that was said in connection with the nominations of a labour representative. You said that, so far as proper persons are not available, nominations will be better than election? Could you tell us what you mean by proper persons and how election would then be preferred to nomination?

**A.**—It is this. At present the labourers blindly follow a man who may act on their sentiments without being a sincere worker. Nobody knows any thing about him. Such persons there may be in plenty. Instead of having one who may not have the real interest of labour at heart, it is better to nominate one who is known to be a sincere labour worker. I also said that the constitution could now be changed if it was found necessary. You can replace nomination by election.

Q.—I suppose you know that we have now a Government which is not like the one before 1937. When a Government could be formed on the basis of election, I am unable to understand your argument in favour of election. To continue nomination, even at this stage, appears to me to be not fair. In the Bihar Assembly you have got two or three elected labour representatives?

A.—Yes, I know that. When I meant nomination, I was referring to Jharia coal-field only, not the whole of Bihar. If on the basis of election, we do get people like Mr. Sen Gupta, election will be alright. But we are not sure. We do fear that the wrong type of men may get in on the votes of illiterate and ill-guided labourers.

Q.—Suppose a constituency is created?

A.—I am not opposed to election. I have also said that the constitution can be amended.

Q.—Again, you accept the principle that election is better than nomination under any circumstances? We do know that in election it is the party that backs up the candidate that wins. The principle is sound?

A.—I have nothing to say against the principle.

Q.—Then, I cannot understand why it should be narrowed down to this particular Jharia coal-field only?

A.—I never said these things. I mentioned only the practical difficulty. The workers in the mines know little about the man whom they are asked to vote for.

Q.—With regard to the constitution of your Board, if your present Board is converted into what they call a Health and Welfare Board, so that more attention can be given to primary education, are you in favour of such a recommendation?

A.—Yes. Along with that, there should also be an increased staff to take up the additional duties (*Laughter*).

Q.—Again, with regard to your constitution, are you in favour of an equal number of representatives of capital and labour to be in your Board? You have at present 4 seats for the capital and one for the labour.

A.—No objection, if suitable men can be had.

*Q.*—Coming to the sanitary arrangements in the collieries, have you had any experience that they are totally inadequate?

*A.*—With regard to the underground, I have not inspected. On the surface, I have found that in certain places I inspected, they are quite satisfactory.

*Dr. Mukherjee.*—Let me take you a little further with regard to the proposition to change your Board into one of Health and Education. Could you tell me why the social welfare scheme has not been so far undertaken by your Board?

*A.*—The functions of a Medical Board do not provide for such an activity. It is mainly concerned with public health and sanitation.

*Q.*—Would you like the extension of the Mines Board of Health and Education?

*A.*—There was no question of extension of the jurisdiction of the Indian Mines Board of Health which now extends over the whole of the subdivision. The question was increase of activities and staff and I agreed to both and proposed two posts of Assistant Medical Officers—one for Jharia circle and one for Katras and Kenduadih circles.

*Q.*—Is there no municipality or Town Committee at Jharia?

*A.*—There is some sort of a sanitation committee there.

*Q.*—Now, as Chairman of the Mines Board of Health, I would like you to answer this question with the best of your knowledge. We have been given to understand that the bye-laws of the Board are more observed in the breach. Let us take one specific instance. When we visited the *dhowras* here, we did find a lot of overcrowding? Has there been, to your knowledge, any prosecution for this?

*A.*—I should say no. It is a very difficult task. When the sanitary inspectors go there, they may actually find only a smaller number than what it can accommodate.

*Q.*—We are also told that there is inadequacy of water-supply?

*A.*—I do not think so.

*Q.*—We were told that in Nawagarh, there is inadequacy of water-supply. That even well water is very scarce? Is that so?

*A.*—That particular area is excluded from the operation of the Water Board.

*Q.*—The colliery authorities are expected, under law, to provide adequate facilities for water-supply ?

*A.*—Yes.

*Q.*—If they fail to do it, they may be prosecuted ?

*A.*—Yes.

*Q.*—Any such case of prosecution ?

*A.*—No, none has been reported. I hope, you are not taking this particular year into consideration. Our talks are dry (*Laughter*).

*Q.*—What is your considered view on the question of primary education ?

*A.*—It is a necessity. It must be introduced as early as possible.

*Q.*—In the whole area ?

*A.*—Yes, in the coal-fields. The colliery authorities in some places have schools already. The Mines Board of Health's activities may be extended to take education also conjointly with the district board.

*Mr. Phelps.*—You mean free compulsory education ? And the Mines Board of Health to take that up ?

*A.*—Not alone ; the district board and the Government must have their share also (*Laughter*). If it is to be free, the Mines Board cannot take it up entirely without the help of the Government. That will be impossible.

*Dr. Mukherjee.*—What is your opinion with regard to the introduction of prohibition in this area ? Do you think it will have better effect on the moral as well as other activities of the miner ?

*A.*—Yes, it can be tried.\* It will be a really difficult task to enforce prohibition. I know how a worker is addicted to drink and drinks away almost all his earnings. It is a great evil that is rampant but we cannot help it.

*Q.*—Do you approve of the outstill system ?

*A.*—I should not say that I approve of it but instead of replacing it straightaway by the distillery system, I would first, as an experimental measure, increase the price of liquor with improvement in staff. It is the cheapness of outstill liquor

that has increased drunkenness. I also think that intensive propaganda against the drink evil should precede compulsory total prohibition. Innocent recreations, amusements, etc., should be provided for the labour to keep them away from the liquor shops in the evening.

*Mr. Phelps.*—Now, with regard to the compulsory education, are you sure it will be a successful venture on the part of the Board?

*A.*—I have said already the financial implications of that scheme. If necessary staff and adequate financial help are provided, why should not the Board take it up for the coal-field labour?

*Q.*—Do you think that the miners will take it up, whether it is compulsory or otherwise?

*A.*—At present they may not like it and will try to avoid it as far as possible. You must make them realise the benefits of education, raise their standard of life and gradually bring them round. Even a coal cutter may be made to appreciate the benefits of literacy.

*Q.*—Alright, can you give us some details of the medical facilities generally provided for in mines?

*A.*—There is the Medical Officer here, I suppose he will answer better than I can do.

*Q.*—Is it sufficient or insufficient?

*A.*—It is not insufficient anyway; of course, it needs improvement. (*Laughter.*)

*Q.*—Do you think that labourers take advantage of the facilities afforded to them?

*A.*—They do. In most of the big concerns, of course, the medical facilities provided are much better. But the smaller collieries must improve their medical department.

*(The Chief Medical Officer also said that in the outlying collieries the medical facilities are really inadequate, a fact already deposed by him, in his evidence).*

*Mr. Saran.*—There are about 2,900 *dhowras* under the Mines Board of Health as shown by the statement.

*A.*—Yes, in the *dhowras* most of the workers live. All are generally supervised by the Medical Officer with the aid of his subordinate officers.

**Q.**—It is a statement from the collieries that all the workers live in the *dhowras* ?

**Medical Officer of Health.**—Yes, I think so. I have said that about 80 per cent of the workers live in the houses. In the course of the year, there is about 6,500 average. The thing is that when I or any officer goes to visit the houses, the majority of the workers remain outside the houses. They are on their work.

**Q.**—Can you give an idea as to how many workers live in which season ?

**Medical Officer of Health.**—It is found that in certain seasons workers live in the *dhowras* to the full extent and in certain seasons they do not live to that extent. It is found to the extent that about 50 per cent of the *dhowras* remain vacant in certain seasons.

**Q.**—The Medical Officer of Jharia Board of Health may not find time to visit all the collieries. What can you say about the adequacy or inadequacy of the staff under him ?

**A.**—The Medical Officer is appointed by the local Government and under him are the Sanitary Inspectors who are appointed by the Board. The staff is inadequate in certain sections and is being increased gradually.

**Q.**—Regarding the water-supply by the Mines Water Board, we were told that it supplies about two millions of gallons in summer and about 1.5 millions gallons in winter. I think that it is not sufficient supply. What is your idea of the same ?

**A.**—The supply given should be ordinarily sufficient for domestic purposes, but much of the water is wasted. Even then the supply was never restricted before this year when due to shortage of water in the lake on account of scanty rainfall, supply has been restricted to prevent wastage. Before this year no complaint of shortage of water-supply reached me.

**Dr. Mukherjee.**—How many gallons of water is given ?

**A.**—It is about 10 to 12 gallons per head.

**A.**—Is it meant for the workers only or for the supply of *Bazar* population also ?

**A.**—It is mainly for the workers, but it is given to some important *bazars* also, such as Jharia, Katras and Kenduadih.



*Mr. Bakhale.*—Now, I come to the question of the workmen's compensation. You have said that about 40,000 rupees remain with the Government for the disposal to the sufferers.

*A.*—Yes.

*Q.*—The case of compensation is decided between the parties concerned. They come to you for decision?

*A.*—Not in every case. If no agreement is arrived at between the parties concerned and if the case is filed in my court, I decide it. If the case does not come to me, it cannot be decided. If a compensation is payable to a minor, it is kept deposited in the name of the minor; he gets the money by and by or in a lump sum where land is purchased. Suppose he has received Rs. 200 and then he is untraceable; then that money remains with the Government.

*Q.*—Is it that figures of different amount of expenditure incurred by the collieries for the injured men are not sent to the higher authorities?

*A.*—No. When an agreement case comes up to me, then such expenditure is reported.

*Mr. Phelps.*—Do you know that there is any difference in payment of compensation between the European and Indian collieries? Does anyone avoid the payment of compensation cases?

*A.*—So far as the European-owned collieries are concerned, the claims are mostly settled by the Claims Bureau and adequate compensation paid. In the case of some of the Indian-owned collieries, it is not so; they fight out the claims, sometimes on flimsy grounds and compel the injured persons to come to court and have their claim decided by me.

*Q.*—Large number of Indian collieries are against the compensation case?

*A.*—Some of them are.

*Mr. Saran.*—Do you know that the engagement of lawyer are allowed under the Act to fight the compensation cases?

*A.*—Yes, the worker engages a lawyer if he can afford it. If he is not able to engage a lawyer, I myself help him in conducting his case.

*Q.*—In a place like Jharia, it is necessary that there should be an officer to look after the cases of compensation?

*A.*—Yes, I agree with you

**Q.**—All the grievances of the workers regarding the compensation cases should be thoroughly looked after by the same man, so that there may not be any injustice done to them ?

**A.**—Yes, if he really looks after the interests of the workers

**Mr. Bakhale.**—Can you say, from your experience, that industrial disputes have increased in the recent years ?

**A.**—Yes, during the past year, i.e. 1938, strikes were frequent. The reason is that the Trade Unions are not run on proper lines and so there is frequency of strikes.

**Q.**—So far as the coal areas are concerned, there are about 10,000 members of the unions. How is it that they are not run on proper lines ?

**A.**—Membership alone does not count for much. It is not the numerical strength of a union that determines its character but the persons by whom it is run and how it is run. It is generally in the collieries when so-called unions have been or are being formed that strikes have occurred. No heed is paid to the constitution, if there be any, but strikes are called without notice and on flimsy grounds. Some so-called irresponsible leaders or workers of the Unions have been responsible for many of the strikes. Some strikes have also been mainly due to the rivalry between the labour agitators. I fully approve of the principles of trade unionism but the unions should be formed of the workers themselves and run on proper constitutional lines.

**Q.**—If you find that there is great trouble created by unions, you can promulgate section 144 of the Criminal Procedure Code and under that Act you can proceed against them ?

**A.**—Yes, when it interferes with the public peace of the place. In that case the strike leaders might be arrested also if they caused a breach of the peace. It has been seen that in consequence of the strikes, riots break out in some places ; so it is necessary to take action under section 144, Indian Penal Code.

**Q.**—To deal with the industrial disputes there should be some Conciliation Board appointed by the Government in the province who will decide the grievances of the workers and thus prevent the undesirable and sad consequences of the disputes ? What do you think of that ?

**A.**—Yes, that will be a very good thing.

**Q.**—That Board will consist of the members from the employers, from the workers and also the District Magistrate of the place and then some representatives of the Government and

the thing will be done on a voluntary basis? What do you think?

A.—Yes, if voluntary conciliation fails, the Conciliation Board should have powers to enforce their award.

The present practice is that the District Officer tries to bring about an amicable settlement. If he fails to do so, he takes necessary precautionary measures to see that there is no breach of the peace and no damage to property by the use of force or violence. Promulgation of orders under section 144, Criminal Procedure Code, is one such measure. There should be no strike without sufficient notice to the employers and the authorities.

Q.—You said that in the case of use of force section 144 is promulgated to guard against violent attacks of the strikers, and to prevent the labour leaders also from troubling?

A.—Yes.

Q.—All the difficulties of the workers can be got rid of by strong and disciplined Trade Unions run on proper lines. Is that your view?

A.—Yes, that is so.

Q.—The machinery of conciliation is the best way to deal with the industrial disputes in this area?

A.—Yes.

Q.—The Government officer should be alert in dealing with the industrial disputes?

A.—Yes, that would be helpful.

*Mr. Bhattacharya.*—You have said that the sanitary and water arrangement in the collieries are totally inadequate? Can you not do anything to improve the matter in order to improve the conditions of the workers because you are the Chairman of the Water Board and the Health Board?

A.—I never said that sanitary and water arrangements in the collieries were *totally* inadequate. I have said that sanitary arrangements in some collieries are unsatisfactory. In this respect there is room for improvement which can be achieved by an increase of the sanitary staff of the Jharia Mines Board of Health to ensure more frequent and detailed inspections. As to arrangement for water-supply the Jharia Water Board has all along given a sufficient unrestricted supply. Whether the collieries themselves restricted the supply, I cannot say, for no such complaint has reached me. Only this year the Board has restricted the supply due to shortage of water in the lake on account of scanty rainfall last year.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 26th May 1939 at 6 P.M.

The following members were present :—

- |                        |     |                             |
|------------------------|-----|-----------------------------|
| 1. Dr. Rajendra Prasad | ... | <i>Chairman, Presiding.</i> |
| 2. Mr. R. B. Bakhale   | ... | <i>Deputy Chairman.</i>     |
| 3. Dr. R. K. Mukherjee | ... | <i>Member.</i>              |
| 4. Mr. A. M. Hayman    | ... | <i>Do.</i>                  |
| 5. Mr. M. P. Gandhi    | ... | <i>Do.</i>                  |
| 6. Mr. J. N. Lal       | ... | <i>Do.</i>                  |
| 7. Prof. R. K. Saran   | ... | <i>Secretary.</i>           |

**Oral evidence of Rai Bahadur Dr. B. Mallik, Civil Surgeon, Manbhum.**

*The Chairman.*—You are the Civil Surgeon ?

*A.*—I am the Civil Surgeon of Manbhum.

*Q.*—Were you at Chaibasa or Singhbhum ?

*A.*—No, Sir.

*The Chairman.*—We have been considering one suggestion with regard to organization of medical relief in the coal-fields and other mining areas. The suggestion is whether it would be better instead of such mines having small dispensaries of their own, or the dispensaries being inefficient on account of the resources of particular mines, to have something like central dispensaries and hospitals at convenient places within the coal-fields which could look to the medical relief of the colliery workers. I would like to have your opinion.

*A.*—I would consider it to be an ideal thing. There are about 600 collieries in the Dhanbad subdivision and each colliery has not got its own medical officer. Certain factories have got hospitals where they can treat important cases but perhaps they are few. As regards the collieries, I think there are several doctors who look after 4 or 5 collieries or even more and some of these maintain in-door hospitals. Serious cases are advised to go to the Dhanbad Subdivisional Hospital but this hospital is over-crowded and under-staffed. If central hospitals and dispensaries could be established and distributed in mining areas equally, they would relieve the Dhanbad Subdivisional Hospital. At the same time patients could be treated at the earliest opportunity.

**Q.**—There are two objections raised to that. One objection is that we could not have sufficiently large number of hospitals of this description at convenient places which could be reached by workers, considering the area over which the mines are spread.

**A.**—But roads are being developed. If they can go to the Subdivisional Hospital, they can as well manage to go to these places where there will be easy communication.

**Q.**—How many hospitals do you think of this type could we had within the coal-fields to serve the population ?

**A.**—I think the Chief Medical Officer, Jharia Mines Board of Health, will be in a better position to answer. I will let you know later on.

**Q.**—I told you there were two considerations. We were told that the mines could not dispense with their own dispensaries because in case of injuries, they could not be treated as quickly as they need to be treated, if they had to depend on central hospitals.

**A.**—Supposing an accident case comes, they will give first-aid. After the first-aid, their duty should be to advise and to see that cases are promptly sent to the best hospital available.

**Q.**—According to your suggestion, the mines will not dispense with their own dispensaries and their own medical relief arrangements, but in addition, as suggested, they should have central hospitals.

**A.**—I think so. If there are central hospitals, they will be attracted to go there.

**Q.**—According to your suggestion, you do not want a replacement of the present arrangement ?

**A.**—We cannot do without these. There must be some arrangement for giving first-aid.

**Q.**—Do you want these hospitals to be established in addition ?

**A.**—Yes. These should be evenly distributed.

**Q.**—What is the number of beds in the Dhanbad Hospital ?

**A.**—70 or so, but they are always over-crowded. It is meant for civil population, but they cannot refuse accident cases.

**Q.**—What is your total expenditure ?

**A.**—I cannot tell you off-hand.

**Q.**—I want to know what proportion is contributed by collieries to the total cost of maintenance of the hospital?

**A.**—I cannot tell you off-hand.

**Dr. Mukherjee.**—What about the maternity cases. In many hospitals, perhaps, they cannot be treated.

**A.**—There are about 11 maternity centres in charge of the Medical Officer, Jharia Mines Board of Health, but they cannot cope with all cases, as there are over 14,000 births in the whole mining area. I would suggest the maternity work should be improved; more maternity centres should be opened.

**Q.**—Do you need to do away with indigenous *dais*?

**A.**—I think so if they cannot be trained. They are very unclean and are ignorant about elementary principles.

**Q.**—Are they able to save the child?

**A.**—Rarely. They cannot save the child in difficult cases. They make normal cases abnormal and endanger mother's life.

**The Chairman.**—Would you give us a scheme for the whole of the coal-fields stating how many hospitals you will need, what it will cost, and how the cost should be met?

**A.**—I will do that after meeting the Chief Medical Officer, Jharia Mines Board of Health.

**The Chairman.**—When making your statement, please take into consideration the equipment that is required for the hospitals.

**Mr. Lal.**—What is your experience about infectious cases and venereal diseases?

**A.**—The Chief Medical Officer is in a better position to give opinion. Leprosy is a special problem in Manbhum.

**The Chairman.**—What is the cause?

**A.**—Malnutrition is one of the important causes. There is another predisposing cause, viz., hook-worm. About 60 per cent are affected by it as is the case amongst the jail prisoners.

**Q.**—We are told that it is much less now.

**A.**—No. Miners all over the world are affected by it.

**The Chairman.**—What is the incidence of leprosy?

**Q.**—Ten times the census figures, i.e. 30,000 in a population of about 19 lakhs.

**Q.**—What is in the coal-fields ?

**A.**—There has been no regular statistics. But I can give you the figures from the Mines Board of Health who have made some survey.

**Dr. Mukherjee.**—Are any steps being taken by Government ?

**A.**—We can compel the pauper lepers to go to asylums.

**Q.**—As regards venereal diseases, could you give us some information, whether they are on the increase or decrease ?

**A.**—Last year's returns show roughly 400 patients suffering from venereal diseases, in the Jharia Mining Settlement, but this is a low estimate, as labourers conceal the disease for fear of losing their work.

**Dr. Mukherjee.**—If workers suffer from leprosy, I think the employers will be compelled to discharge such workers.

**A.**—If the patient is not infectious, we do not discharge a man who is a leper. We can control the whole problem of leprosy if we can segregate the infectious lepers and the children of lepers.

**Dr. Mukherjee.**—Have you come across cases of occupational diseases in Bihar ? To what extent the employers are responsible towards special treatment of workers who suffer from occupational diseases.

**A.**—We have not come across such cases. In many factories, workers are liable to get cataract due to effect of heat, but that will take some years to develop. In England this is one of the diseases for which they can get compensation.

**Q.**—What steps do you suggest for fixing this responsibility ?

**A.**—These cases should be followed up.

**The Chairman.**—I hope you will submit a statement giving the details of information we want to have. Thank you very much.

The Committee resumed its sitting in the Finance Minister's room, Patna Secretariat, on the 11th May 1939, at 10 A. M.

The following members were present—

1. Dr. Rajendra Prasad ... *Chairman, presiding.*
2. Dr. B. K. Mukharjee ... *Member.*
3. Mr. J. N. Lal ... *Do.*
4. Mr. A. M. Hayman ... *Do.*
5. Prof. R. K. Saran ... *Secretary.*

**Oral evidence of Mr. Nagendra Nath Dutt, Subdivisional Officer, Patna City.**

*Chairman.*—In what year were you at Dhanbad ?

*Mr. Dutt.*—I was at Dhanbad for some 3 years, from 1936 to 1939.

*Q.*—Were you in any other industrial areas ?

*A.*—No. After Dhanbad I am in Patna City where also there are some factories.

*Q.*—In the memorandum which you have submitted you have said that at Dhanbad there occurred as many as 10 strikes; were they on a large scale ?

*A.*—During my stay there, 10 strikes had occurred and majority of them were on a large scale. Only 2 or 3 of them were on small scale.

*Q.*—While referring to the strikes, you may have taken into consideration of the last year also ?

*A.*—Yes.

*Q.*—In all these strikes there was fight between the colliery owners and the labour union. Can you give me an idea of the methods employed by the workers and the employers during the continuance of a strike ? I want to have a thorough idea of the different methods that were employed by both the parties in dealing with the strikes. The colliery owners tried to break the strikes and what did the Government do and what the strikers ?

*A.*—I cannot tell you off-hand ; but if you like I can submit a separate confidential report or memorandum dealing with the various aspects of the questions raised by you. This subject may be treated as very confidential.



**Q.**—What role did the Government play in the strikes? It is maintained from the side of the workers that the Government sided the employers against the workers?

**A.**—The Government officers have primarily concerned themselves with maintenance of law and order and intervened to effect a compromise only when approached by the parties. As to the charge of officers generally siding with the employers, I say that the allegations are without any truth or foundation. Such misunderstandings were created on account of the employers' ability to present their case in a convincing manner due to their greater resources and also on account of the labourers' distrust of Government officers. Officers always tried to get at the real truth underlying the fight.

**Q.**—What should be the general attitude of the Government in a particular strike? That is the general question.

**A.**—The duty of the Government is only to prevent any outbreak of violence. The Government came to the assistance of employers for recruiting fresh mill-hands during strikes only when this was necessary for safety work or was unavoidable and emergent. Government's duty is to maintain law and order in a peaceful atmosphere. We help them in arriving at a compromise only when both parties desire so and solicit such help.

**Q.**—The complaint has been made that the Government acts as the intermediary to the recruitment of black legs?

**A.**—That is a mis-statement of facts. We help the worker who likes to join work and who is prevented from joining work by such restraint as is unlawful. The complaint is quite untrue. In the cases of wrongful restraint, I would like to take action only on the aggrieved party lodging a complaint, although in exceptional cases of organised action by several persons constituting an unlawful assembly, the initiative may come from the Government.

**Q.**—Workers have also complained that the Government help the employers in persuading some of the strikers to join work and also in the appointment of new workers in place of the old?

**A.**—No, there is no basis in the complaint. I have dealt with this point exhaustively in my memorandum. We help those who want to work but are prevented. We have no interest in the appointment of new workers at all. We always

prevent the outbreak of violence. In the case of the strikes generally, there are many outsiders who are real agitators and have no control over actual strikers and this complicates the matter more.

*Q.*—Suppose that there is a strike and the employers want to employ new hands in preference to the old hands who are on strikes. What do you say on this point?

*A.*—I should say that if the strikers have given proper notice of the strike and there has been strike after that, then the employers are not justified in recruiting new labour. But if there has been strike without notice and the employers want to employ temporary hands for safety or emergent works, then they are reasonable in doing so. And in that case, if they require help from the Government, then it is reasonable to help them.

*Q.*—Supposing there are workers on strike; do you think that it is justifiable to help the employers in getting fresh labour, if there is no violence on the part of the workers?

*A.*—These attempts to replace the labour has been sometimes demanded; at any rate, it was so at Dhanbad, so far as I remember. But these attempts were made only when all efforts for compromise had failed mainly due to the fault of the strikers and the work had been suspended for long. Respectable persons, of course, came to us and when it was felt that there is no alternative without such recruitment, help to escort the workers to their place of work and to protect them while working was given, the actual enrolment of labour being done by the management.

*Q.*—If there is no violence on the part of the workers, then is it right to help the management in recruiting the new hands? In what cases the police help was given?

*A.*—We never help the management in recruiting new hands. We only give the police help when the new hands are prevented from entering the working places or require protection at the time of work in their working places. We do not employ labour but only help to maintain the peace and to assure protection to persons working. Whoever seeks the police help is given protection no matter whether he is an employer of a new labourer or a striker, only on condition that the apprehension of danger is real and substantial and protection is necessary.

*Q.*—It is said that while the workers are engaged in strike, the Government help in recruiting new labour and that is why the strikes fail.

A.—No, not at all. It is not a true allegation. When there is actual violence or reasonable apprehension thereof, then only the Government come in for the protection of the life and the property of the people.

Q.—What is your experience from the strikes regarding the method which contributed to violence? What sort of violence was there?

A.—To explain what led to violence is very difficult.

Q.—The natural anxiety of the strikers is that the strike should be successful and with this end in view they might prevent some workers. There is question of the natural desire of the workers. Do you come in to prevent this?

A.—No, that is not the case.

Q.—So you mean to say that whenever there is violence, the Government step in?

A.—Yes.

Q.—The only difficulty is a proper definition of violence. What do you mean by violence in the case of strikers who want to prevent others from going to work?

A.—So far as we have done, we have confined the term violence to the following use. Whenever actual force is used and the person of the willing worker is touched, then it is violence. So long as there is no attack on his person, we do not do anything at all. When the labourer is going to work and he is bodily prevented from doing so, then it comes under violence.

Q.—If the worker shouts and does nothing else and he does not touch the body, what will you do?

A.—In that case we do nothing but watch and see.

Q.—Supposing the workers surround the house and do not allow the willing workers to go to the factory?

A.—No, we do not do anything. We only watch and see.

*Professor Saran.*—Supposing at any particular time, there is a conflict between the maintenance of law and order and the preservation of peace. What would you prefer? Would you maintain law and order or preserve peace when they appear to be in conflict?

A.—At that time I would exercise my own discretion and act according to the exigencies of the circumstances.

Q.—Supposing when the workers go to the factory, the strikers block the way to the factory.

A.—Such instance has not happened, but if there is any blocking of the way by anybody, then we have to take action because complete blocking of the way is causing wrongful restraint. But I would first ask the management to keep the passage clear or to clear it up by removing the persons thronging when the willing workers want to go.

Q.—But it may be impossible for the management to clear the way. Would you not protect the right of the management to keep the passage clear of the workers? What will you do?

A.—That is more or less a question of opinion.

Q.—So far as there is wrongful restraint will you not do anything?

A.—Yes, if any person is obstructed while going, action is necessary and is taken on the complaint of the person aggrieved.

Q.—What in the case where there is police cordon and strikers want to break through it?

A.—If the strikers try to break through the police cordon, prompt action is taken. The police is asked to charge, where necessary, if such attempt of the strikers leads to a breach of the peace and force is used by the strikers in trying to accomplish their intention.

Q.—Do you also affect arrest in these cases of obstructiveness.

A.—Yes, it also depends on the circumstances. If no force is used by the strikers violating the law, 2 or 3 people may be arrested. Generally the ring leaders are arrested.

Q.—Will you sacrifice the maintenance of law for preservation of the peace?

A.—All depend upon circumstances. Such conditions do not arise generally. If the circumstances are such as require enforcing the law then it is enforced.

Q.—But if there is a worker who wants to go to work and you help in joining work and there is some resistance in that, and there is likelihood of a breach of the peace, would you maintain law and order?

A.—What I generally do is that if a worker scents danger and asks for police help and there is likelihood of violence, I will try to clear the passage removing some of them and allow the worker to go. We always help those who want to go to work.

Q.—That is, you are maintaining law.

A.—Yes, it is our duty. If there is any breach of the peace and the worker lodges the first information report, then a police case is started and investigation proceeds.

Q.—If a strike continues to be on a larger scale, do you think it is justifiable for the employers to order the strikers to quit the houses ?

A.—It is for the management to decide. It is not our concern. If you ask my personal opinion on this matter, I will say that there is no justification for this order of quitting the *dhauras*.

Q.—Supposing the factory owners ask of the police and the magistracy to help ?

A.—I will refuse to help but will depute constables and watch ; unless there is violence we will not take action.

*Chairman.*—Supposing there is a case like this, half of the workers want strike and another half do not want and the first half obstructs the other half and the interest of the half of the workers is jeopardised. Would you not help them.

A.—Yes, in this case he will be protected with the help of the police when there is some personal violence.

*Mr. J. N. Lal.*—When you speak from what you have done in dealing with the strike, the answers given just now may be taken to have the approval of the Government. Whenever the management want to make the passage clear for their willing workers to go to the place of work, do you feel any difficulty in dealing with the situation if the workers on strike come and actually obstruct the passage ? From your experience can you say that there is justification and reasons for the interference by the police ?

A.—The main difficulty we have to face when a number of willing workers want to go to the place of work against the desire of the workers on strike is that the latter never allow the former and obstruct the passage going to the work. The interference by the management to remove the

obstructors from the passage is fraught with danger and is very likely to lead to the breach of the peace. In such cases, therefore, what we generally do is to prevail upon the leaders of the strikers to take recourse to peaceful picketing and to urge on the strikers to stand on the roadside soliciting the willing workers not to go to work. Very often our persuasion has succeeded but when they do not allow, the willing workers are given the police protection and are passed almost in a police cordon and if anybody actually obstructs or touches the person of any of the willing workers, he is bodily removed from the passage. In case this method is pursued, other strikers, generally, take recourse to violence by pelting stones; but as soon as they would do this they would be dispersed by force.

*Q.*—Supposing there is a case that the willing workers are prevented on a certain occasion from going to the factory by peaceful means, for example, by throwing themselves down on the passage of the willing workers; what will you do?

*A.*—I am speaking from my personal experience. Such contingency never happened. Supposing 5 hundred people are willing to work and there is unanimous determination in them to do the work in spite of protest. In that case, I would ask the willing workers to walk in a body to the place of work in spite of the strikers urging them to the contrary. If I find that the strikers are throwing themselves on the road without touching the person of the willing workers, I would allow the willing workers to return to their residence for the first day unless they are prepared to lodge complaint for wrongful restraint. If any complaint of wrongful restraint is lodged by any of the willing workers, steps would be taken according to law and the persons who throw themselves on the way may be arrested. When no such complaint is lodged, I would try to avert the situation by notice under section 144, Criminal Procedure Code, prohibiting gathering of 5 persons or more so that the blocking of the passage by a big force may be reduced. On the next day, I would take the willing workers in batches and try to clear the passage by lifting the strikers bodily out of the passage when they throw themselves on the passage. If this method fails or strikers are led to violence which they are most apt to do under the provocative circumstances that is likely to arise, other method may be tried and a proceeding under section 107, Criminal Procedure Code, against the leaders may prove useful.

*Chairman.*—You have got considerable experience in this, as to how the union should be managed. Can you tell us

with regard to the way in which the unions should be managed which you may consider satisfactory ?

*A.*—Most of the unions do not work in the right manner. The strikes are generally artificially engineered by self-seekers and therefore the latter must be severely dealt with and condemned. The workers are, in most cases, hardly aware of their grievances. A union has hardly got limited number of workers whose real intention is the welfare of the labour. The leaders of the union very often do the work for their own gain. There are also the self-seekers and that is the greatest trouble for the union movement. This is generally the cause of the conflict between the employers and employees. Even if the grievances are real, the workers seldom understand this or even know what they are fighting for.

*Mr. J. N. Lal.*—In what cases firing is resorted to ? You have said of the *lathi* charge ?

*A.*—The firing is resorted to in the very extreme cases and after exhausting all other means to preserve peace. When all the weapons under the possession of the Government fail, then the last weapon of firing is resorted to.

*Chairman.*—So you say that the strikes are not really the result for redressing of genuine grievances ?

*A.*—Yes.

*Q.*—Your opinion is that the strike is resorted to without understanding the grievances. Can you suggest any legislation for the purpose of controlling the starting of the strikes ?

*A.*—I will think over the matter and then reply.

*Q.*—Suppose there are, in a particular firm, grievances on the part of the workers and they may go on strike and also that these grievances are genuine. Can you suggest that it should be made compulsory by law that the grievances of the workers should be placed before the employer and certain time should be given to think over the grievances and there should be some provision to settle them by agreement between both the parties ?

*A.*—Yes, I perfectly agree to what you suggest, and it would stop the evils of useless strikes.

*Q.*—What percentage of workers you would like should vote for the strike so that the strike may be legal and representative ?

A.—I want that the strikes should be regarded as legal only when 75 per cent of the workers signify their assent thereto. The opinion of the workers in this regard should be ascertained by the union people through secret balloting which should be also later scrutinised. There are many mischief mongers who spoil all the game.

Q.—Then you want that the strikes should be prevented by legislation?

A.—Yes, it must be. There must be some provision in the law for that. Before a strike takes place, there should be Government enquiry.

Q.—You speak of the secret ballot. Who will do this? Will it be in the control of the union or the Government?

A.—By the union people but must be scrutinised by the Government.

Q.—The workers may go on a lightning strike. Would you put any restriction on such right of the workers? Or will you take away that right altogether? Or will you concede to them that such a strike is the legitimate right of the workers.

A.—Every right which can be recognised has corresponding liabilities. Thus there should be restrictions on the right of the workers to go on lightning strike and this should be taken recourse to only in very exceptional circumstances. There should be collective bargaining on behalf of the workers before the strike comes in and such collective bargaining which is not always for the interest of the workers should be properly watched and scrutinised before the workers take recourse to lightning strike on that account.

Q.—The collective bargaining is always bargaining. Strike is the last recourse when bargaining fails. Do you mean to say that the occasions should be fully discussed and all avenues closed before such lightning strike is decided upon? Should there be legal restriction in coming to a decision on lightning strike?

A.—Yes.

Q.—You leave to the workers to decide this.

A.—Yes.

Q.—Will it not, in fact, be that the decision will be of the executive of the union?



A.—At present moment the executives are mainly of outsiders and as such the decision rests with the outside elements but my intention is that, if the executive is so constituted as to mainly include the workers and if the evil effects of the strike are fully known to these workers, there will be very little scope for such lightning strike, even if the decision be made by the executive. Further, what I really mean to say is that the decision for lightning strike should only be made by the entire body of workers who must be fully alive to the responsibilities, suffering and other factors attending strike. The Government should also know this and may have an opportunity to explain facts regarding the reasonableness of the claims of the parties concerned which are bones of contention for the strike.

Q.—Do you mean to suggest that the Government should do this in a sense of duty to both parties.

A.—Yes. Government should, I think, give some suggestions which may prove beneficial to both parties, though the final say in the matter may rest with the parties themselves.

Q.—Then you mean to say that it should be enforced by Government by legislation.

A.—Yes. Preservation of industrial peace which is a primary concern of the Government gives to my mind the right to Government to dictate to the parties what is reasonable. Such right of the Government to curbe the civil right of the parties has been vested by legislation in the provision of section 144, Criminal Procedure Code, when there is likelihood of the breach of the peace in ordinary daily life. Breach of the industrial peace is far more serious and is fraught with graver danger and a greater national calamity than the most of the ordinary cases of the disturbances of public tranquillity. If legislation could be done for lesser evil, it should be done for greater ones.

Q.—There are already certain rules and regulations in dealing with the labour problem under the Trade Union and Trade Disputes Acts meant for such industrial areas. Would you like more legislation on the above lines to hamper the judgment of the employers or the employees?

A.—Yes.

Q.—As regards the Compensation Act, have you got some experience?

A.—No, that was for the Additional Deputy Commissioner.

Q.—You have said something about the tapping in the mining areas?

A.—Yes, one of the methods I have suggested is the establishment of the Recruitment Bureau. There should be no miners' *sardar*.

Q.—In the mining evidence we were told that certain functions are preferred by the contractors and they are absolutely necessary? What is your opinion in regard to that?

A.—I think, it is better if these functions are taken over by the union people working in collaboration with the management. The labour leaders should do this job to prevent distrust, otherwise, it is not possible for the employers to do the work without them.

Q.—There is no harm in only helping the men of the gang. The system of payment is through the headman and that should not be.

A.—As a matter of fact, in the mines, headman seldom works and still gets much more than what he would earn by working.

Q.—Other class of contractors are the raising contractors?

A.—There are many contractors under them. *Coolie* supply contractors take something per head when they bring the *coolies* to work and also sometimes a part of the earnings of the *coolies*.

Q.—We were told that it is not possible to do away with them. That is your opinion also?

A.—As regards the raising contractors in certain mines, it is very difficult to eliminate, as they are very resourceful. They control the labour much. At Bhadruchak, for example, it is difficult to carry on the work and it is advantageous for the management to employ them.

Q.—But at present in the collieries which are run by the raising contractors, they take, suppose, annas 10 per tub of wages and pay to the workers only annas 8 per tub. If the contractors are eliminated the wages of the labourers will be annas 10 per tub and they will get more, if the wages are distributed directly by the management?

A.—Yes, that is correct.

Q.—Do the management advance anything to the workers? Perhaps you do not know that in this way the employers can keep control over them?

A.—I do not know that they advance something.

Q.—The point is this that they do not pay in cash but in kind ?

A.—Yes, they pay something in cash and something in kind. Jharia Mines Board of Health can supervise if you have the co-operative stores, supervised by the Government and the day to day purchases may be had from them.

Q.—What is your experience of the money-lenders and the indebtedness of the workers ?

A.—Yes, the workers are in great debt and *Kabulis* are very rampant in the areas.

Q.—What is the security ?

A.—No security except the chance.

Q.—Have you got the statistics ?

A.—No. I have not collected statistics ?

*Professor Saran.*—As regards the labour leaders, do you maintain that there are two kinds of labour leaders? Which of them are dangerous ?

A.—The outsiders are generally dangerous. The difficulty is that they work for their own self rather than for the workers. This spirit of work does not help the cause of the workers, rather they spoil their cause. This should be controlled.

*Chairman.*—Thank you very much.

The Committee resumed its sitting in the Conference Room, Secretariat, Patna, on the 18th January 1939.

The following members were present :—

- |                         |     |                             |
|-------------------------|-----|-----------------------------|
| 1. Dr. Rajendra Prasad  | ... | <i>Chairman, presiding.</i> |
| 2. Mr. R. R. Bakhale    | ... | <i>Deputy Chairman.</i>     |
| 3. Dr. B. K. Mukherji   | ... | <i>Member.</i>              |
| 4. Mr. Jagat Narain Lal | ... | <i>Do.</i>                  |
| 5. Mr. H. B. Chandra    | ... | <i>Do.</i>                  |
| 6. Mr. R. K. Saran      | ... | <i>Secretary.</i>           |

**Oral evidence of Mr. R. Ghosh, Superintendent, Government Printing, Patna.**

**Q.**—What is the difference between a permanent and a temporary hand ?

**A.**—The posts are created on temporary basis and the incumbent of the post continues to hold it as a temporary hand so long as it is a temporary post but gradually, when we find that the post is absolutely necessary, it is made permanent and the incumbent becomes a permanent hand. The Superintendent cannot abolish a permanent post. Both temporary and permanent hands are treated alike but a temporary hand will not get any pension even after he has served for 25 or 30 years as a temporary hand. If he falls ill or takes leave, he will go without his earning. In the case of permanent men, they get sick leave but the temporary piece-worker gets nothing except the casual leave which is 10 days in a year.

**Q.**—Do you think there is dissatisfaction amongst temporary workers ?

**A.**—Yes ; and that is why I have made my recommendations on that point.

**Q.**—Have you also included in your recommendations the contingent workers ?

**A.**—No. These men are taken in and they are allowed to work as *coolies*.

**Q.**—What is the difference between the temporary hands and the contingent hands ?

**A.**—The pay of the contingent hands is met out of contingent grants and not through an acquittance roll as in the case of temporary hands.

Q.—Do the contingent hands perform the duties of a permanent nature ?

A.—Yes.

Q.—Have you any rules governing these contingent employees ?

A.—Yes, rule 317 of the Bihar and Orissa Service Code may be referred to.

Q.—Is the scale of wages fixed by Government in the case of contingent hands ?

A.—Yes. The contingent hands get 10 days casual leave.

Q.—What leave is allowed to other workers ?

A.—They are allowed leave on average pay, half average pay and casual leave.

Q.—Your workers are technical workers ?

A.—Yes, but there are unskilled labour also.

Q.—Are those who receive training there, maintained by you ?

A.—Yes, we pay stipends of Rs. 5, 10 and 15 a month.

We give—

Rs. 5 to 30 students

„ 10 „ 5 „

„ 15 „ 3 „

The period of training for Rs. 5 and Rs. 10 is two years and for Rs. 15 three years. Employment is not guaranteed to them after they have completed their training.

Q.—After their training do you employ them ?

A.—Whenever there are vacancies, we give them the first opportunity. Some of them go to the private presses.

Q.—Do you agree that the majority of your workers may be regarded as skilled workers.

A.—Yes. But forme washers and contingent workers cannot be said skilled workers.

Q.—Do you insist on a medical certificate even for casual leave ?

A.—No.

**Q.**—You have a Sub-Assistant Surgeon employed by Government ?

**A.**—Yes. In case of actual illness, I even accept the certificate of a Hakim. But there are men who carry on some other business and they want to take leave whenever they find that if they go to office their own work will suffer. In that case I am not prepared to accept the certificate of the Sub-Assistant Surgeon.

There is no question of doctor's fee as it is clearly laid down that the Sub-Assistant Surgeon should go and see the patients and they are treated free. I know of cases where men go to the doctor and pay a fee to get a certificate.

**Q.**—You think a certificate from the Patna City Dispensary is secured ?

**A.**—Yes.

**Q.**—Is it a fact that you cannot refuse to accept the certificate of the Patna City Dispensary ?

**A.**—I have got to accept that under the rules.

**Q.**—Do you get many cases of breach of discipline ?

**A.**—No.

**Q.**—Have you got definite rules to govern such cases ?

**A.**—Yes. These rules are laid down in the Board's Miscellaneous Rules.

**Q.**—What leave do your permanent workers get ?

**A.**—They are entitled to one month's leave on average pay and one month's medical leave on full average pay. This leave is cumulative. The leave on average pay in the case of piece-workers is not cumulative. If it will be cumulative in the case of piece-workers, they will start taking leave, which I cannot stop and thereby my work will suffer. If I go on refusing leave to everybody, there will certainly be trouble. Under the new rules, leave on average pay to permanent superior hands is also not cumulative for more than 3 months.

**Q.**—How do you calculate the average class rate ?

**A.**—We work it out on the earnings on fresh works of the whole of the previous year.

Q.—As regards pension, you will base his pension on the earnings of the last 6 years ?

A.—Yes.

Q.—Do you not think it rather hard because as the man grows old his earnings come down ?

A.—His previous class rate is not reduced, if he earns less in later years. He will continue to draw the higher class rate. If he is slow, his monthly wages will suffer but I cannot help that. If they are allowed leave on average pay, they will always like to be on leave and that is why leave on average pay is not allowed.

Q.—In the matter of leave and pensions, does the Government Press compare favourably with other presses ?

A.—It compares very well. In private presses they do not get any leave.

Q.—Do you agree that Government as an employer has to set up a standard ?

A.—Yes.

Q.—Can you give us the rates for compositors in private presses ?

A.—It is not more than Rs. 30. In private presses they have no leave rules and as regards payment, I have heard that they are not paid regularly but piecemeal. So far our press is concerned, the scales of pay are very high.

Q.—Are you aware that the Railway Board of the Government of India suggested that Rs. 15 should be regarded as the minimum wage for an adult worker ?

A.—Yes.

Q.—Are there any class of workers in your press who get less than Rs. 15.

A.—There are many classes of workers in the press earning from Rs. 10 to Rs. 15.

Q.—Do you think they could meet their needs ?

A.—If the cost of living in Calcutta is Rs. 15, in Patna Rs. 13 will be enough. The living in the Gulzarbagh area is cheaper than the Bankipore area.

Q.—What are the categories who get less than Rs. 15.

A.—Contingent menials, peons, forme proof-pullers, packers, counters, folders, etc.

Q.—Do any piece-workers get less than Rs. 15 ?

A.—A very few of them, because they have grown old and they are on the verge of retirement and their outturn of work has gone down but there is no difference in the rate.

Q.—Do you think Rs. 12 is enough for such employees ?

A.—My ideas of the coolies who live in the press is that they actually spend Rs. 6 per month. For one man Rs. 12 is sufficient.

Q.—Would this Rs. 12 include his subscription to the Union, his sickness insurance, if a sickness insurance is introduced and all that ?

A.—For the Union he has to give only one anna a month. He does not pay anything for the hut he occupies. He gets free medical aid.

Q.—Have you tried to convert this into cash value ? What will be your level ?

A.—I would not like for these labourers to convert these free services into cash because they will not take the advantage of these free services.

Q.—Do you consider Rs. 15 unreasonably high level ?

A.—I would not say that Rs. 15 is unreasonably high but I do not advocate the idea of stopping these free services.

Q.—Would you favour that these should be free in addition to Rs. 15 ?

A.—No, these should be free in addition to Rs. 12.

Q.—What are the hours of work ?

A.—9 A.M. to 1 P.M. and 2 P.M. to 6 P.M. Eight hours a day. No night work. In case of urgent work, we take a few men and that is for not exceeding two hours. For extra 2 hours they are paid extra. We pay 25 per cent over their usual rate for the extra hours they work.

Q.—Do the forme washers work extra hours ?

A.—They have got to work to the limit of 10 hours. If they work beyond 10 hours, they will get extra but it is not necessary for them to work extra.



Q.—Can you make distinction between man and man in respect of hours of work ?

A.—As regards these workers, there is a sort of understanding. They are appointed on condition that they will work for 10 hours.

Q.—We find that you give a 2 hours' rest pause to the permanent hands in the summer but this is not applicable to new hands. Why ?

A.—This is not a kind of rest but the press building is so hot in summer that they cannot work and due to that Government, instead of making them work 8 hours, make them work only 6 hours.

Q.—In the summer the wages of these temporary men will fall ?

A.—There are not many temporary men, except certain class of workers.

Q.—How many people are there who would not be able to take advantage of this ?

A.—3 or 4.

Q.—With the introduction of new machinery, there is reason to believe that your idle time work has increased ?

A.—I think in 1936 about 4,000 collections used to be received from the Secretariat leaving aside other works. The collections used to keep the compositors engaged and other works used to be done by machines ; but now-a-days the collections have dropped to 488 approximately. Our machines are only engaged for printing gazette, bills and manuals which are urgently required.

Q.—The compositors complain that they have got to print every solid matter and other matters are done by monotype ?

A.—It is for us to decide which work can be done by them more quickly and at a less cost to the Government.

Q.—Do you think there is anything in the complaint of the compositors that they are given solid work ?

A.—No. The rate for tabular work is higher than the rate for solid work. We have got to see how the work can be done in the shortest time and economically. The compositors are to do any work they are given and they are not to dictate. It is

not a fact that the introduction of the new machines has reduced the work but the quota of work has gone down.

**Q.**—Do their earnings now compare unfavourably with those 10 years back ?

**A.**—I have not calculated that. There was a cut in pay in 1932 which did affect the piece-workers and subsequently the cut was restored.

**Q.**—Do you think 8 hours are sufficient for workers ?

**A.**—I think 8 to 10 hours are sufficient labour for the workers. They cannot work for more than 8 hours efficiently.

**Q.**—Why do you not suggest full wages for 6 hours ?

**A.**—Personally I should think that the total hours of work should be reduced to 6 with no rest period but Sundays off.

**Q.**—Do you hold that the output of work will be the same if the hours of work are reduced from 8 to 6 ?

**A.**—In 6 hours we will get slightly less work but the total output will not be affected.

**Q.**—Can you give us an idea as to the total extra wages that will have to be paid for the amount of work if this recommendation is given effect to ?

**A.**—It is very difficult to say that.

**Q.**—As regards wages, have you got certain fixed scales ?

**A.**—Yes. They have been fixed according to the recommendations of the committee on which the presses were represented. The rates were fixed long ago, perhaps before the war.

**Q.**—Do you think any change is desirable now ?

**A.**—I think the present rates are quite good and need no change.

**Q.**—You have stated that wages in your press are higher than in private presses. Could you give us the reason ?

**A.**—Private presses cannot pay their men high wages as they do not get sufficient work and in order to compete with the market they try to reduce the rates very low. Our rates are fixed without consideration of the prevailing rates.

**Q.**—Have you got a commercial basis for fixing the price of your publications ?

A.—No. We take the actual amount paid. The variation in the cost of publications of the same size is due to the nature of printing, such as solid matter and statements, etc. There are certain over-head charges. The private presses have no over-head charges.

Q.—The compositors complain that they have got to fetch types and so much of their time is lost ?

A.—In each section we have one forme carrier, one case carrier and two coolies for 32 compositors. In order to do the work more rapidly they rush to fetch the types. If they are allowed to keep more types they will mix them up.

Q.—Is any idle time payment made in presses outside ?

A.—No.

Q.—Have you got any arrangement for the education of the children of the press employees ?

A.—Yes. We have an upper primary school. The children pay a nominal fee of one or two annas.

Q.—The compositors complain that the lighting is not enough ?

A.—The lighting has been done according to the report of the Chief Inspector of Factories and he considers that the lighting is sufficient.

Q.—Is there any reading room ?

A.—There are libraries near about.

Q.—Is there the arrangement for medical aid ?

A.—We have got a dispensary which also serves the general public. It is within the compound of the press building.

Q.—Have you got sufficient sanitary arrangements ?

A.—We have got latrines, urinals, etc. The proposal for improvement is under consideration. We get drinking water from the tap and store them in drums according to the Factories Act. We keep water in earthen pots.

Q.—What is the arrangement in case of sickness ?

A.—If a man is sick, he is allowed sick leave. For treatment he has got to go to the doctor and the service is free. The dispensary is maintained by Government and it is not necessary for us to contribute anything.

**Q.—Recreation and rest ?**

**A.—**We have got an interval of one hour but they do not want to have that advantage as they are anxious to go home earlier. I personally think that they must have the interval. They generally take their meals while working and that leads to lead poisoning. In cases of lead poisoning, we give compensation under the Workmen's Compensation Act.

**Q.—What about games ?**

**A.—**There is a football ground provided by the press. The club is maintained by subscription amongst the press employees.

**Q.—Have you got undue indebtedness amongst your workers ?**

**A.—**I have not got any idea of that. They had a co-operative society but it failed. I have not seen money-lenders loitering on the pay-day.

**Q.—Do you think that a co-operative society will be useful ?**

**A.—**Certainly. But I am afraid that, as it was a failure last time, it may again be a failure.

**Q.—Do you give advances ?**

**A.—**They can take advances from their General Provident Fund. Government also advances money for house building purposes.

**Q.—Do the piece-workers contribute to the General Provident Fund ?**

**A.—**They do.

**Q.—Is there a union ?**

**A.—**There is a Government Press Workers Union and more or less all are members of the union. It was started long ago. I do not know if it is registered but it is recognised by Government. It has an elected chairman. I have allowed each individual to put forward his individual case to me and in the case of any general grievances, they come through the union.

**Q.—Do you maintain any profit and loss account ?**

**A.—**We do not prepare any profit or loss account as the press is not a commercial concern. We keep account of the publications that are for sale.

**Q.**—Do you like the idea of having something like Pressmen Welfare Committee which will give you a better opportunity, if you meet them once a fortnight or so, to discuss the labour grievances and to understand the labour point of view instead of leaving to informal talks which may or may not take place systematically ?

**A.**—This may not be applicable to a Government factory. In our case Government has decided that the union is there and they can represent their case to the Hon'ble Minister and the Governor. I have been delegated with certain powers, beyond that I cannot go.

**Q.**—Have you any objection to meet them regularly ?

**A.**—I have no objection to that but I heard from my predecessors who tried to meet them, that the union stated that they had nothing to discuss.

**Q.**—In case of individual grievances, would you allow somebody else to represent his case before you ?

**A.**—The usual procedure is that the individual should come to me. If I want to take evidence, I shall call for witnesses. If he is not satisfied with my decision, he can come through the union and go up to the Governor. I cannot allow myself to be guided by the union in matters of administration.

The Committee resumed its sitting in the Finance Minister's Room on the 11th May 1939 at 9-15 A.M.

MEMBERS PRESENT :

- (1) Dr. Rajendra Prasad—*Chairman, presiding.*
- (2) Mr. Jagat Narayan Lal.
- (3) Professor R. K. Saran—*Secretary.*

**Oral evidence of Professor S. R. Bose, M.A., Patna College, Patna.**

*Chairman.*—In this province there is no proper arrangement for collecting the statistics so far as the labour conditions are concerned.

*A.*—Yes, as compared to some other provinces like Bombay and Bengal, I think there is no arrangement for collecting statistics in any other province.

*Q.*—We are anxious to make suggestions to the Government to open a department for the collection of statistics relating to labour problems, and we want to have information on this. Will you be able to do this? Do you think that it could be done?

*A.*—Yes, I think so.

*Q.*—As the labour in this province is developing, there is general demand for the improvement in the conditions of labour and such statistics are very necessary. I think you will be helpful to the Committee in giving the information?

*A.*—Yes, I think so. I will submit a separate memorandum giving all that.\*

*Q.*—May I request you, since you are taking very much interest in the work of the Committee in this subject and you are expert in this subject, to compile a scheme for the collection of the statistics and detailed scheme for the constitution of a Statistical Bureau and make suggestions as regards the method it would adopt for collecting the data with regard to the labour conditions in this province?

*A.*—By scheme you mean to give the information.

*Chairman.*—Yes.

*Professor Bose.*—Yes, I will do so by the 15th of June.

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\* Kindly refer to Volume III, Part A—“A note on a Labour Office” by Professor S. R. Bose (Vidyebhushan Saikla).

**Q.**—Is labour gazetteer of any use to the formation and collection of the statistics and is it possible to have any guide which might be available for the publication. What would be the staff required for this purpose? If representatives are required to compile the information, would it be made available to the department by various departments concerned with the employers and the employees?

**A.**—One of the recommendations of the Royal Commission on Labour was to compile such statistical figures and you can have such informations required by the Government in certain matter.

**Q.**—I think that is the main recommendation we want to make; the local Government will supply the scheme. Have you any experience in this matter?

**A.**—I have got some experience. I was in Bombay for three months to study the labour problems and to investigate the conditions of labour. In Ahmedabad the trial has been made. They are paying Rs. 1,000 and there is total expense of about Rs. 81,000 per year.

**Q.**—But it is not necessary to spend so much nor it is possible for this Government to spend so much.

**Mr. Jagat Narayan Lal.**—You have said that you went to Bombay for the labour investigation. In which year did you go?

**A.**—It was in the year 1932.

**Q.**—Bombay is fairly rich province and it can manage to spend so much money on the collection of the statistics but this province cannot afford to spend so much.

**A.**—I do not think it is necessary to spend so much here.

**Q.**—Did you say that in Bombay this work is done throughout the year?

**A.**—Yes, that is what I actually saw.

**Q.**—What is the cost there for this work?

**A.**—I think it is about two lakhs of rupees and the annual recurring cost is about 80,000 rupees.

**Q.**—We have to work out the detailed scheme, do you think that you would do that?

**A.**—Yes, I will try. But it is not possible to do alone.

*Professor Saran.*—If the proper staff is supplied to you?

*A.*—Yes, I will do that.

*Q.*—But the scheme should be submitted before the report.

*A.*—Yes, I will do so and submit in the form of a memorandum by the 15th June 1939.

*Chairman.*—You have referred to this aspect in your memorandum ..... (*reads*). As to the preparing of statistics for unemployment, what do you think the difficulties are in this way?

*A.*—In this case, the difficulty is that the labour here in India is predominantly migratory in character and nature. Only in the case of the organized industry, this could be prepared with some accuracy. Here in India, there is no organized trade union which could be helpful in the collection of unemployment statistics. When I was in Jharia in connection with the collection of family budgets, I found a large proportion of labour unemployed. A large number of workers requested me to make arrangements for sending them home. It is very difficult to take a census of unemployment.

*Q.*—You have said that it is not possible to collect figures as regards the unemployment?

*A.*—Yes, unemployment in the factories is great. It is very difficult to collect figures for the rural areas, as for example, in the remote areas on the Muzaffarpur side where the workers are many miles away from the easy reach of the investigator. It is very difficult to collect the employment figures.

*Q.*—Do you think that any body can prepare the statistics of the employment in the different industries?

*A.*—Yes.

*Q.*—In the agricultural countries the compilation of the statistics of the employment is extremely difficult. It is also difficult to prepare the figures. Is it not so?

*A.*—Yes, certainly.

*Q.*—Do you think that in the organised industries under the Factories Act it is very easy to collect statistics?

*A.*—Yes.

*Q.*—As regards the question of drink among the labourers, have you made any investigation that the drink evil is very grave in the industrial areas?



**A.**—I have not conducted any inquiry regarding the question of drink evil and it is very difficult to find data for this in Jharia. In Jharia there are labourers under the contractors and so it is difficult to get figures from the contractors, as they do not keep regular account and figures. Indirectly, I got some figures for this. I could gather whatever information I could get. The drink gives the worker a sort of rest and forgetfulness. It is also difficult to get figures of employment in the case of the contractors. The employers can be compelled to supply the figures.

**Q.**—What is your opinion about the compilation of the wage statistics ?

**A.**—In the case of the wage statistics, the employers and the workers can be compelled by law to supply the requisite information of wages. There should be established a department by the Government to look into this matter.

**Q.**—How these statistics can be obtained ?

**A.**—The statistics of labour, in the case of industries under the Factories Act, can be compiled but how can that be done in case of those under the Mines Act? It is very difficult to do that. There are various categories of workers in one and the same factory. Take the case of the Tisco ; there are thousands of categories of workers and so is the case of the Cable Company ; there are many categories of workers. That is the problem.

**Q.**—How should the statistics of wages in establishments under the Factories Act be compiled on the lines similar to those of the wages under the Mines Act ?

**A.**—There is this difficulty that there are various kinds of factories and different categories of workers in each factory, e.g., in the Tisco there are 17,000 workers belonging to 100 categories ; similarly in the Indian Cable Company.

**Mr. J. N. Lal.**—If you are supplied with the average wages in different sections of the operations in the whole of the factories, I think it would not be difficult. What is your view of the preparation of the statistics, if you want the different varieties of wages and they are given to you? I think it would be difficult in this case.

**A.**—The main point in collecting wage statistics is by comparison with the average cost of living to find out if the economic conditions of the workers are improving or not.

**Q.**—So far as the work is concerned, the wages vary according to the nature of the work ?

A.—Yes, certainly, you mean wages relating to the different categories of workers ; they also vary according to the locality.

*Chairman.*—The statistics should be relating to the different kinds of work and to a particular locality.

A.—Yes.

Q.—The categories of work and the conditions of work at Jamshedpur differ from those of sugar factories.

A.—If you take into consideration a particular locality of industries, then the provincial average would not be so as you say.

Q.—The immediate point of view is that if it varies for ten years, we can find out the last ten years' variation in the wages of the locality and then of the provincial average, e.g., the local wages in the sugar factory ?

A.—This is much more available in the general index.

Q.—Now coming to the minimum wages in the different industries, if any minimum wages are to be fixed, then it would be known with regard to the wages of the locality of the province and with regard to the particular industry and for particular locality also.

A.—Yes.

Q.—In determining wages we have to take into consideration the local conditions and the conditions in the industrial area. Is it not so ?

A.—Yes.

Q.—Is there any relation between the wages of agricultural labourers in the rural areas and of labourers in urban areas taking the conditions prevailing in Bihar ?

A.—With regard to rural wages, I can say that it is not entirely a money wage, as they are mostly paid in kind. While in the urban areas of the industrial field the reverse is the case. So I find that there is no close connection between the two in this province.

Q.—What is your opinion about the fixation of the minimum wages in the industrial areas ?

A.—With regard to the minimum wages, even if some minimum wage is fixed, it should not be much above the prevailing rate. For if the disparity between the wages in the rural

and industrial areas were large, it would have the effect of accentuating unemployment in the urban areas. Large numbers of workers would be tempted to seek employment in the industrial areas, all of whom, naturally, could not be provided for. If the minimum wage was very high, the employers also may take recourse to rationalisation and thus augment the number of unemployed workers.

*Mr. J. N. Lal.*—Can you say that wages in the rural and urban areas can coincide?

*A.*—No, I admit that the levels of wages in the rural and urban areas could never coincide. The recommendation of the minimum wages higher than the agricultural wages in the rural areas is not possible and practicable in this province.

*Prof. Saran.*—Then it cannot be fixed higher than the present rate?

*A.*—Yes, that is my opinion.

*Q.*—In the case of employers taking to rationalising their factories, generally, the danger is with the big employers.

*A.*—Yes.

*Q.*—I think you agree about the unsatisfactory nature of the cost of living figures as published at present. Can you give suggestions for improving them?

*A.*—Yes, I will do so, not at present, but later on.

*Chairman.*—Regarding the case of unemployment, we have found at several places, in the course of our visit, say, at Mosaboni that there is a large number of people waiting for employment and on the other hand we find that the employment is full of Nepalis. For every one employed it is found that two or three people are waiting for work. Those unemployed live at the cost of the people who are employed and are perhaps their relations.

*A.*—Yes, in some cases it is due to the system of employing labour contractors.

*Q.*—As regards the skilled workers, larger number of workers replaced the skilled hands.

*A.*—Yes.

*Q.*—You have referred to some kind of ..... (*reads from his memorandum*). How is it?

*A.*—Yes, the maximum under the Factory Act is not more than 20 per cent for the registration under the Act. We have to take the maximum of each factory and then take the average of that.

*Mr. J. N. Lal.*—You have referred to the system of the statistics in our province. Would you give a memorandum dealing with the statement how the statistics in the province can be compiled? Can you say how these have been prepared in the provinces like Bombay and Bengal? Can you give a fuller statement?

*A.*—I am afraid I have not got full information about the collection and compilation of statistics in those provinces. I had been to Bombay and I did examine those of Bombay about five or six years ago. If all the information is made available to me through the Government then I can give you fuller statement.

*Q.*—What power Bombay has got for collecting labour statistics under the Government of India Act, 1935?

*A.*—Yes, in Bombay there is a separate department of labour under the Labour Commissioner which makes investigation into the labour problems, but we have not got any in this province. They collect family budgets, make wage censuses, etc. If we have the full facilities here also then we can prepare the labour statistics and family budgets.

*Chairman.*—If you have the rural wages statistics, you can also have wage statistics in the case of the industrial workers. Perhaps in India there are exact figures from 1873 to to-day with reference to the wage work.

*A.*—We will have to qualify the statement.

*Prof. Saran.*—The basic year in the preparation of the index number is very old now because there has been much change in the prices of the commodities and hence there is much dissatisfaction with the prepared cost of living figures in this province?

*A.*—Yes, you mean the index number of the cost of living.

*Q.*—Is the weightage taken into consideration in calculating the price?

*A.*—Yes, according to the consumption of the commodities.

*Q.*—Are the figures of cost in the Jamshedpur area the same as the cost of living in Jharia or Jamalpur?

*A.*—No.

**Q.**—Is the cost of living actually of the basic year ?

**A.**—No, not of the basic year. It is based to a certain extent on consumption, and family budget.

**Q.**—Generally a weight of 82 is given for food and 18 for clothing. How is weightage given ?

**A.**—Yes, on the family budgets of the total expenses, in the proportion of 18—100.

**Q.**—So the weightage and the figures are unsatisfactory .....  
(reads from a book).

**A.**—Yes, it is so, for food the weightage is unsatisfactory ; so also for clothing and housing.

**Q.**—So is the case for most items in the country like India.

**A.**—Yes.

**Chairman.**—In making calculation there is necessity for taking some standard wages.

**A.**—It is not exactly the cost of living which makes much difference.

**Q.**—Supposing a Labour Council is formed to collect statistics, would that be successful ? Would you do that ?

**A.**—Yes, why not ; but I cannot do it alone. If sufficient staff is provided, it will be possible. Other requirements should also be given. I can give suggestion of improvement.

**Chairman.**—Thank you.

The Committee commenced its sitting in the Council Chamber, Ranchi, on the 21st May 1939, at 8-30 A.M.

MEMBERS PRESENT :

- (1) Dr. Rajendra Prasad, *Chairman, presiding.*  
 (2) Mr. B. B. Bakhale, *Deputy Chairman.*  
 (3) Mr. A. M. Hayman, *Members.*  
 (4) Dr. R. K. Mukherjee, *Members.*  
 (5) Professor B. K. Saran, *Secretary.*

Oral evidence of Mr. Harnandan Prasad, M.A., Deputy Magistrate, Chaibassa and Investigator, Labour Enquiry Committee.

*Chairman.*—What was the method followed in collecting the family budgets?

*A.*—We found out the total number of the employees in the Tisco and other concerns. Of these we examined about 4 per cent. These were representatives of various classes of workers. The recording was done at the workers' homes where we had an opportunity of noting their living conditions at first hand. The workers' replies to our questions after due cross-examination and with ancillary evidence was recorded on the inquiry forms.

*Q.*—In selecting the particular family what was the procedure followed?

*A.*—No rigid principle was followed. We had figures according to community, religions, and wage-scale available. We had, therefore, a broad picture of the labour composition ready at hand. With this picture in mind the actual selection was a matter of "random sampling" controlled by the necessity of avoiding representation of extremes and of working within the limitations of the Budget Enquiry Form. We hope, however, that the random sampling would not distort the picture, as the number of budgets recorded was large, the agency recording the budgets was multiple and the biases in individual recorders would mutually correct each other.

*Q.*—How did you find out that the families which you took were the average samples?

*A.*—Mostly from personal impression.

Q.—What percentage of workers did you take?

A.—About 4 per cent. Thus we examined 45 workers of the Tisco, who get less than Rs. 50 or just a little above it per month. This comes to about 4 per cent of the total number of such persons employed under the Tatas. In my opinion an examination of budgets of 4 per cent of the workers, is sufficient to indicate their economic state.

Q.—Have you got the copy of the budget reports?

A.—Not with me just now.

Mr. Hayman.—How many families did you take?

A.—I took in all 540 budgets. I have given all this in the report (reads).

Q.—What minimum percentage of families do you consider suitable for representing the condition of the workers?

A.—Mine works out at 4 per cent. I consider this is a suitable minimum.

Q.—You mean 4 per cent of the total workers employed whose income is less than Rs. 50.

A.—Yes.

Q.—How could you have taken the bonus as it was paid after you left Jamshedpur?

A.—No, we took no note of the bonus.

Q.—You have suggested that the minimum wage for the Tisco should be Rs. 20 a month, in the course of your investigation report. Have you examined the conditions of the coal-fields in Jharia? Do you know that the investigator of the Jharia centre has recommended that the minimum wage for the coal-fields of Jharia should be Rs. 15 and it is sufficient?

A.—In my opinion the minimum wage of Rs. 20 for Jamshedpur centre should be assured to every worker whether he has a family or not.

Q.—But he has recommended Rs. 15 as the minimum?

A.—He might have. I must take into account the conditions at Jamshedpur centre. The cost of living in Jamshedpur is comparatively higher than at other places in Bihar. The cost of living in Jharia may be lower than at Jamshedpur; so he has recommended Rs. 15 only. In this centre, the workers have to pay rents for their houses from which they are immune at Jharia. There may be other differences in the conditions of life. His estimate of the workers' needs may be different from mine.

*Dr. Mukherjee.*—The cost of living in Jamshedpur is higher than at any of the other industrial places like Jamalpur, Jharia and Rohtas. For the first and the third places, the minimum has been recommended to be Rs. 15 only. Do you stick to the figure 20 for Jamshedpur ?

*A.*—Yes, I do adhere to Rs. 20.

*Mr. Bakhale.*—I have got some figures taken from the Department of Industries of Bihar and there I find that at Jharia and Jamalpur under food head the figure is 55 for Jharia and for Jamalpur it is 48 and for others it is 31 and 28.

*Mr. Hayman.*—Yes, in the publication of the Department of Industries the cost is higher at Jharia. The miners should get more food and more drink and all taken into consideration the minimum there has been suggested to be Rs. 15 and at Jamshedpur it is Rs. 20.

*Dr. Mukherjee.*—Dr. Letter has suggested that in the Iron and the like industries the wages should be higher ?

*A.*—I have said that the minimum should be Rs. 20 after considering the food, clothing and housing conditions of the workers at Jamshedpur.

*Mr. Hayman.*—You have taken the quantity of rice, etc., consumed by the workers ?

*A.*—Yes, I have shown quantity of rice, etc., consumed by the workers in my report.

*Q.*—You have taken into account the consumption in the case of men of every province employed in the Tisco ?

*A.*—Yes.

*Q.*—I find in your report that you have taken the consumption of rice as 68 per head in the food item (*reads*).

*A.*—No. It must be 68 per day. It is a mistake in typing.

*Dr. Mukherjee.*—Have you taken into account the consumption of salt by income groups ?

*A.*—Yes, I have given it in Table 36.. (*reads*) the value is not given here.

*Q.*—That shows that the quantity of salt consumed is smaller in the lower groups.

*A.*—It is larger in the lower groups than in the higher groups.



**Q.**—Which figure gives this ?

**A.**—Figure B, it is highest in the lowest income group.

**Q.**—The percentage of sugar is small in your chart ?

**A.**—Yes, it is only .08 and this is all the sugar they consume. *Gur* is almost absent from their consumption.

**Q.**—All these figures have been taken into consideration in the suggestion of the minimum wage of 20 ?

**A.**—Yes. In laying down 20 as the minimum I have taken into account the major items of consumption like food, clothing and housing.

**Q.**—You have taken the present consumption ?

**A.**—Yes, and I have worked out the figures on the present prices of commodities.

**Q.**—That is your rock bottom below which the minimum cannot fall ?

**A.**—It cannot be lower without serious detriment to the workers' health and comfort.

**Prof. Saran.**—You know that the Government publish figures of the cost of living which is prepared by experts. It is said that their cost of living index does not give correct results. In the first place the basic year is 1914 which is too remote in time and in the second place the weightage is unsatisfactory. There is no allowance for the miscellaneous expenditure. Do you think that figures of consumption, as you supply, would provide a satisfactory basis for the construction of a cost of living index number ?

**A.**—These figures would certainly be a more comprehensive basis for a cost of living index, and the weightage they indicate would be more in conformity with the changes in consumption since the war and the great depression.

**Q.**—Have you got the figures of prices ?

**A.**—Yes, they are available.

**Q.**—So you have all the requisite figures to give us a more correct basis of cost of living index ?

**A.**—Yes.

**Dr. Mukherjee.**—The Government of India publish the statistics of food materials in the Institute of Statistics. That is

very helpful. Have you looked at the statistics for the different industrial centres?

*A.*—Yes. Comparison of conditions is not easy because the food material differ in different areas. I have taken groups of things like pulse, cereals, etc., and such groups can be had for every area. We should be able to compare conditions, if the commodities could be so grouped.

*Chairman.*—The great difficulty is the method of composition because food constituents are different at different places.

*A.*—Yes, it is different in different areas.

*Q.*—Is it different in different communities.

*A.*—It varies with community too. But income grouping is a very much more important determinant of food consumption than religion or community. I have neglected religion but shown the consumption both according to communities and income groups.

*Mr. Hayman.*—With regard to page 80 of the report.....  
(reads).

*A.*—It is 1/6th.

*Q.*—How did you get figures of accommodation for the Tisco?

*A.*—We got it from the books. About 1/5th of the total workers live in the companies' quarters.

*Chairman.*—Now coming to literacy, have you taken note of the literacy centres of the Tisco?

*A.*—Some literacy centres have been started by the Tisco but at the time of my investigation they were non-existent. I have not got the exact figures of literacy as such but from the expenditure incurred on education by the various families an indirect idea of education in the families can be had. Please consult the report, section F, chapter on education.....(reads).

*Dr. Mukherjee.*—Have you any information about the primary education? You have taken into account the expenditure on education in the formation of the family budget? Is not education free?

*A.*—No, the primary education is not free at this centre except in a very few schools. I have also taken into account

the expenditure a worker would require in educating his child up to the primary standard, when fixing the minimum wage. Taking all together, I have concluded that Rs. 20 should be the minimum wage.

*Mr. Hayman*.—Could you get extracts from the registers of the company about the number of children going to school?

*A.*—I did not get the number from the companies' registers.

*Q.*—You have suggested the minimum wage of a certain figure. Have you taken the average size of the family into account?

*A.*—I have taken the average number of adults supported by the earnings of a single worker. It is given by the average size of the family in terms of adults divided by the average number of workers in the family.

*Dr. Mukherjee*.—You have taken the minimum wage of the daily workers, is it for all time?

*A.*—I have taken Rs. 20 to start with. The worker will start his life with Rs. 20 as his minimum wage.

*Q.*—What is the size of the family that you have taken?

*A.*—I have taken the family to consist of 3.77 adults.

*Q.*—Supposing there is a worker who is of 18 years of age and he is starting his life in the Tisco. Would you consider that he should get the same minimum as a worker who has a family? Do you consider that the minimum for one of the early age and one who has a family of 3.77 will be the same?

*A.*—I have suggested the minimum of Rs. 20 to start with for a family of 3.77. The earning of a worker of 18 may well have to support 3.77 adults without the worker himself having founded a natural family.

*Prof. Saran*.—You have suggested that there should be in factory a "Works Committee" consisting of the representatives of the management, Government officials and labour union. There will be one representative of each unit. Now the Works Committee is for the redressal of the grievances of the workers. In the Works Committee there will be discussion on the points of the grievances. Do you think that it is feasible proposition to introduce an outsider, a Government nominee, on the committee which should be a private affair?

**A.**—I think it is necessary and it is feasible. The Works Committee is somewhat different from the Trade Councils of England. A committee so constituted would not stultify itself by conflicts of evenly matched forces of self-interest. An outsider would be likely to bring in a detached mind and compel some recognition of the social effects of the committee's decisions.

**Q.**—Do you think that the board of the employer and the employees should be on a statutory basis ?

**A.**—Yes, it will be a statutory body and will have statutory powers.

**Chairman.**—You mean something like the Conciliation Board ?

**A.**—Yes, but a more responsible and businesslike board. The Labour Council and the Works Committee are distinct bodies. I suggest the formation of the Statutory Labour Council for a particular area for labour welfare work with the power to realise subscriptions from the workers and also a Works Committee of three persons—one from the management, one from the labourers and one representing the Government not below the rank of a Deputy Collector. The latter will decide disputes regarding promotion, grading and permanency of workers, subject to appeal to the Labour Commissioner. It is not intended that petty questions like steps against late attendance, etc., which occur from day to day or of major portion like strikes and lock-out should be decided by this body. Its task would be limited but will cover the more important problems in normal times namely promotion and security of the workers.

**Q.**—Could not the work that you would trust to the Statutory Labour Council, be better done by voluntary organisations or if co-ordination is desired, by Federation of Trade Unions ?

**A.**—Habit of co-operation for rather distant ends is yet undeveloped among the workers and trade unionism at Jamshedpur has been weakened by divisions engendered by unscrupulous people. It is not likely that co-ordinated welfare schemes will be undertaken by voluntary associations of labour for a long time to come. I would, therefore, vest limited authority in the Labour Council to impose its will for the same reasons as we give a committee of citizens organised into a municipality certain powers over them. It will be a purely labour body and Government would stand to it in the same relation as it stands to a municipality. Such a body will be more businesslike and be able to harness the initiative of the workers better.

**Q.**—Will the Labour Council have a house of their own ?

**A.**—This is a secondary matter. There is no bar to the employer providing a house for the Council.

**Q.**—Will you by statute make discussion of labour problems compulsory.

**A.**—Such compulsion would be certainly desirable. But if it stops at discussion only, it will be as fruitful as the powers of the League of Nations. Disputes have not only to be discussed but also settled and in settling society must intervene.

**Mr. Bakhale.**—What kind of organisation have you in view ? Do you refer to the Labour Council or the Works Committee.

**A.**—The Labour Council.

**Q.**—Do you want a voluntary board ?

**A.**—No, I want something like the B. B. C. or the Railway Board or a municipality. An autonomous body, fully democratic but with power to act definitively.

**Q.** As regards housing, you have suggested that Government should provide something like Improvement Trust ? In Bombay, there is an Improvement Trust which does the work of making houses for the workers. Do you know that now it has been abolished in Bombay ?

**A.**—Government might work departmentally or may act through bodies like an Improvement Trust. It is unfortunate that the Trust in Bombay should have failed. The housing should be taken away from the employers and it should become a public concern. The accommodation provided by the employers is unsatisfactory and I think, better houses than the existing ones might be provided at the rent which the labourers have to pay at present whether to the employers or to private landlords.

**Mr. Hayman.**—Did I understand that you said that the Government would provide better accommodation than the company ?

**A.**—Yes, at no higher rent.

**Q.**—Do you think that the Government would provide them at the same rent as the employers ?

**A.**—Government or any other public body should provide the same kind of accommodation at a lower rent, because they need not run for positive profit.

*Mr. Hayman.*—But the experience is otherwise. The Bombay Government has abolished the scheme.

*Chairman.*—Are you aware that the land in Tisco for the housing has been provided to the workers? Could you think of some other method of housing?

*A.*—The land has been let out to workers but at high rent. I have indicated that in my report. I have already discussed the alternative plans of housing through Building Societies, etc.

*Prof. Saran.*—Do you consider that the suggestion would be cheaper?

*A.*—I should think so.

*Q.*—Do you think that the rent is very high?

*A.*—Existing rent of house sites and of dwellings are both rather too high considering the kind of accommodation provided.

*Q.*—Do you think that such bodies could provide *pucca* houses at cheaper rates?

*A.*—A mud structure is better if it is spacious, neat and well ventilated than unventilated cheerless *pucca* ones. It is a question of economy whether more durable *pucca* houses or less durable *kutchra* ones should be provided.

*Chairman.*—We were told by management of the Tisco in the course of the examination that their municipal administration is renting very big lands for the housing purposes? Are you aware of this?

*A.*—No, I am not aware.

*Prof. Saran.*—You have said that there are certain facilities given to the workers for medical reasons. In case of sickness leave and compensation, the worker has got to produce certificates from doctors and since the doctors are employed by the employers they are not likely to be scrupulously just in granting certificates that may entail a liability on the employers. You have suggested in this connection that there should be Government doctors for this purpose of issuing certificates, so that there might be impartiality in dealing with the cases. Is it practicable?

*A.*—The existing system has worked unsatisfactorily. I received numerous complaints in this connection, specially at Mosabani

and Mowbhandar. The doctor who will issue certificates may be financed by a levy on the company but he should be under Government discipline.

Q.—In this case there is one difficulty. That is that the company's doctor will examine him and then the Government doctor will have to examine him again for the certificates. The company's doctor will examine him for treatment. So there will be duplication of the work. Would it not be better if medical department be wholly taken away from the employers ?

A.—The duplication is not likely to be serious. But it would be surely better if the Government take charge of the medical department of each factory and realise the expenses from the factories concerned, as in that case the workers are likely to get better service.

Q.—You have said that the prices of vegetables and other consumable commodities at Jamshedpur are very high and you have given the reason for that. Two of the reasons are that dealers are charged very high rents for the stall and that there is much competition ?

A.—High rent of stall reflects itself in the prices charged. I have not said much competition, but the presence of numerous retailers. That necessarily makes retailing costly.

Q.—What remedy do you suggest for that ?

A.—The remedy is that there should be Co-operative Stores. The workers would be saved to some extent from paying prohibitive prices for commodities and would obviate needless middlemen's toll. A central dairy farm should be established for the supply of cheap and pure milk.

Q.—We were told that the price is high because there is not enough competition among the shop-keepers. Is it so ?

A.—High prices are a result of several factors. Little is grown locally. Nearly everything is imported. But the presence of many retailers and the excessive rent charged are contributory causes which may be easily attacked.

Q.—We were told by Sir A. R. Da'al that rent of the shops cannot have much effect. How much they pay for the stalls ?

A.—In the market place for very small areas of 4 ft. into 3 ft. the charges are Re. 1 per day.

*Q.*—What is the daily business of such a shop ?

*A.*—I think it would hardly exceed Rs. 10 per day ; that is, 10 per cent of the gross return is paid away in rent.

*Q.*—Do you think that the Co-operative Stores which you have recommended will be successful ?

*A.*—I think, they should. The Registrar of the Co-operative Societies has given in his report that there are two centres, one at Pusa and another at Patna, which are running very successfully. For successful co-operative supply a compact area and stable volume of demand are essential. Both these are available in centres like Jamshedpur.

*Prof. Saran.*—But those are run by Government servants.

*Mr. Mukherjee.*—In Madras also, in Buckingham Mills and at Karnal they are doing good work.

*A.*—Jamshedpur is a compact area and with a large population. It should succeed here, if properly conducted. In England about two-thirds of the retail trade is accounted for by consumers' societies.

*Q.*—In Ahmedabad the living wage is 42 including the worker, his wife and children ?

*A.*—That is a dizzy standard when we remember the present low standard. Rs. 42 is an ambitious minimum.

*Q.*—Suppose there is a single worker and he pays high rent and high retail price, has his own establishment and does not live in mess ; what do you consider could be his living wage ?

*A.*—If we imagine a worker in isolation, having only himself to support, and not obliged to remit any money home, he could not maintain a separate establishment decently with a monthly income of less than Rs. 10. Such hypothetical cases are rare. A worker has several dependants and besides food and clothing and housing, expenditure on education, etc., has to be incurred.

*Mr. Hayman.*—Figure is perhaps Rs. 4-5-0 plus 1/3rd that is equal to a total of Rs. 5-12-0 per head ?

*A.*—That is the present level of members living in families. This level is unsatisfactory. I have suggested Rs. 20 as the minimum wage per worker on a very austere view of the worker's



requirements. If we were generous enough to allow some amenities, the minimum will go up. If all the social amenities are taken into consideration, the minimum may well rise to Rs. 45, the Ahmadabad minimum of Dr. Mukherjee.

*Dr. Mukherjee.*—One of the chief reasons why the cost of living is high in Jamshedpur is that the rent is high. The price which each worker has to pay for vegetables and other consumption goods is also high (*reads*). We were in Jamshedpur and we found that in this way cost of living was high. It was suggested by the development board of the Tisco that there has been re-organisation of the municipal services and that was the cause of the high prices?

*A.*—I am not aware of what re-organisation is suggested and how such re-organisation could affect prices. Any one who has visited areas like Kasidih would have noticed how little municipal activity affected the company's *bustis*.

*Q.*—Do you not think that there should be some sort of separate body for the purpose of conciliation?

*A.*—Machinery for conciliation is desirable and continuity would give it an expertness. But such a body could be only utilised to resolve abnormal questions of strikes and lock-out and such other matters of general policy. For certain questions that affect individual workers in normal times and where no policy should be involved, a greater smoothness and impartiality of working can be secured by a body like the Works Committee which would not conciliate but pronounce finally, subject to an appeal.

*Q.*—The Labour Council you suggest is not to be a political body?

*A.*—No, it will be a multi-purpose trust to manage certain benefit schemes for workers.

*Q.*—Do you mean to say that the Labour Council will be like the Jharia Mines Board and the municipality and the district board?

*A.*—Yes, except that it shall be a purely labour body. It will have a limited power of taxation.

*Q.*—By taxation you mean some sort of compulsory levy?

*A.*—Yes, we may call it a 'cess. The Badshahi Mosques Cess Act would provide an analogy.

*Chairman.*—Do you advocate an increase of wage with the length of service ?

*A.*—I advocate periodical increment of wages of all permanent workers even if their skill and ability remains stationary. This is to relate wage to the growing responsibility that comes with age. The gradation *cum* time-scale pay scheme will guarantee this.

*Q.*—It has been suggested to us that the wretched conditions of the workers are due to their improvident expenditure ?

*A.*—I do not agree with that. I repudiate the suggestion that the existing wretched condition of the workers is due to their improvident habits.

*Q.*—What things are to be taken into account in fixing the minimum wages ? Does it depend on the state of the particular industry ?

*A.*—In my opinion in fixing a minimum wage, the capacity of the particular industry or factory was not to be considered. We should consider minimum living cost of a worker. Uniform minimum wages for a particular area should be fixed and not for a particular industry.

*Q.*—Referring to the piece rate system, what have you got to say ?

*A.*—I consider piece rate system generally objectionable, as it is likely to overdrive the worker and act harshly on him. Only when the workers' skill and strengths of overshadowing importance in production and when the result can be objectively measured, should piece rate be allowed. It is necessary to examine the spheres in which piece rate system prevails.

*Mr. Hayman.*—A general introduction of time rate system will benefit slackers, but would not allow the more enterprising worker to profit by his enterprise.

*Dr. Mukherjee.*—How would you meet this objection ?

*A.*—Time rate scale of wages may be based on a reasonable normal output when output can be measured. The more enterprising worker may exceed this output and get extreme wages upto a certain percentage. He should not in any case be allowed to overdrive himself ?

*Mr. Hayman.*—If workers fail to give the normal output would you penalise them ?

A.—Logically they should be penalised. But much will depend on the magnitude of the normal out-put expected. If it is reasonable and if at the time of recruitment satisfactory medical and other physical tests were employed in selecting the worker, failure to give normal output need not be frequent.

*Mr. Hayman.*—If you penalise the slackers and reward the more enterprising worker, I have no objection.

*Prof. Saran.*—You had in mind mainly conditions at Mosabani and Mowbandar?

A.—At Mosabani, of course, piece rate is naturally widespread. But even when nominally time rate system is in vogue, workers may be overdriven by insistence on completing a set task. Thus among the blasters at Mosabani, it is much more difficult to control such practices from outside.

My point is this that the conditions of the piece rate workers are very deplorable. This is more so in the mining areas, e.g., in the Mosabani mines. In the Mosabani mines every member is paid by piece rate.

*Dr. Mukherjee.*—Now on this point another question arises. Now have you taken the balance sheet of workers in different income groups? You have said that the conditions of the lowest income group is abnormal. What is the lowest income group?

A.—Group earning below Rs. 10 a month; see page 16 ..... (*reads*). High cost of living coupled with low earnings leave the lower income grades with unmanageably large deficits.

*Mr. Hayman.*—The reason is absenteeism. Whatever earnings they have, they spend in the social ceremonies and due to the absenteeism the earning is small. Is it not so?

A.—I do not think that they have much left to spend on extravagant social ceremonies.

*Mr. Bakhale.*—How many budgets have you collected?

A.—About 1,050. We finally accepted 1,040.

Q.—Your enquiry lasted only for one month?

A.—For six weeks.

Q.—Do you think that if the enquiry had lasted for larger number of months say, 6 months or 12 months, you would have got greater details and better facts and figures?

A.—Yes, we could have had a more detailed enquiry.

**Q.**—So far as the statistics are concerned, you would have got more reliable data ?

**A.**—Yes, certainly. I would have taken the figures month by month. And that would have shown changes in the conditions month by month. The averages could have been more stable.

**Q.**—If the enquiry would have been extended say, for 6 or 9 months you would have got better result ?

**A.**—We might have had better perspective of the workers' condition.

**Dr. Mukherjee.**—Did the Government fix the time limit for the enquiry ?

**A.**—No, the Government did not do so. I was told that the report and everything should be ready in 3 months.

**Q.**—You referred to certain limitations under which your enquiry was conducted ? What do you mean ?

**A.**—We were limited by the requirements of the family budget enquiry form which did not enable us to examine problems like education, etc., except indirectly. Single workers were not considered.

**Q.**—What functions would you assign to the Works Committee ?

**A.**—Settling disputes of certain categories rigidly defined ?

**Q.**—You mean like breach of Factory Regulations and so on ?

**A.**—Not breach of regulations so much as its application to individual worker in normal circumstances. I have suggested the functions in the Memorandum. These relate to promotion, grading, permanency and other allied questions of individual workers.

**Q.**—Now please turn to page ..... (*reads*). You are suggesting a grading *cum* time-scale pay scheme. Do you seriously think that it is practicable ?

**A.**—It has been found practicable over large fields as in the Railways, Post and Telegraph, Municipalities and so forth.

**Q.**—The grades should be according to the nature of the work ?

**A.**—Of course, nature of the work would be the basis.

Q.—Do you think that in Bihar the restriction is possible so far as the Bihar industries are concerned?

A.—I admit unequal legislation in the provinces may have unfortunate effects. The National Planning Committee and other co-ordinating bodies should see to it.

Q.—You want grades with a view that there should be no encroachment upon the workers' wages?

A.—Mere grading without automatic increment would not prevent encroachment on workers' wages.

Q.—If the kind of legislation and control you suggest are not found in the neighbouring provinces, the Bihar industries may suffer?

A.—They should be copied to help easy development.

Q.—Do you think that maternity benefits for women workers are good?

A.—There can be no difference of opinion about that.

Q.—Do you hold the view that legislation is good on this point?

A.—Yes.

Q.—Can you say how many provinces have copied Bombay and Madras?

A.—It is a pity the example has not been followed. There should be exchange of views between the provinces.

Q.—You suggest a Board like the Sugar Control Board of Bihar and the United Provinces to deal with inter-provincial matters?

A.—Yes. Even without a formal statutory Board uniformity can be introduced by such bodies as the Congress Parliamentary Sub-committee and the like.

*Mr. Bakhale.*—As regards the housing, you have said that it should be a public concern. .... (*reads*). Do you mean that it should be a social service?

A.—Yes, on the analogy of the slum clearance scheme of England.

Q.—You have said about the Works Committee in reply to the question of Dr. Mukherjee; I do not follow whether you mean this for each works?

A.—Yes, there should be a Works Committee for each works

**Q.**—Who will be the representative from the side of the Government?

**A.**—A Government official not below the rank of a Deputy Collector. It will be concerned with specified questions.

**Q.**—Do you think that from the Deputy Magistrate they can get expert advice?

**A.**—The committee may easily consult outside experts if necessary.

**Q.**—Do you think that the Deputy Magistrate will be always available?

**A.**—Yes, I think, when the work will be assigned to the man, he will be available.

**Q.**—Take the case of North Bihar where there are about 50 Sugar Factories and each concern has got its peculiar labour trouble and each is situated at very long distance from the headquarters? Do you think that the Deputy Collector will be available always and everywhere?

**A.**—There may be extra Deputy Collectors for this purpose only. Besides, the Works Committee does not undertake to solve all labour problems. Its tasks are narrow and are more or less like judicial functions but without its elaborateness.

**Q.**—Supposing there is a grievance that the worker has been dismissed for coming five minutes late. Well, it is a matter of judgment and discretion. How will you settle this technical question?

**A.**—My opinion is that it is outside the competence of the Works Committee. Other informal agencies of employers and workers are not ruled out and they may mutually discuss.

**Q.**—But this is not an arbitration; it is a day-to-day grievance?

**A.**—This can be settled by day-to-day negotiation.

**Q.**—But there are other various questions which require day-to-day negotiation. How to do that? Can you suggest any method?

**A.**—Question of minor importance like late attendance and so forth are not likely to involve controversy. They will be mostly adjusted as a matter of course. In rare cases they become serious. Trade union and employers can come together for negotiation.

**Q.**—I should like you to help us in this matter.

**A.**—It is not possible to prescribe a single remedy for all industrial areas. The Works Committee will deal with normal questions that affect the position and prospect of individual workers. The kind of committee that you suggest should deal with day-to-day grievances, individual or general. It may help preliminary discussion of abnormal questions involving policy like the revision of wage-scales, retrenchment, new methods of control, slow down of work, strikes and lock-outs, questions which involve a group of people, before these can be referred to Conciliation Boards or Arbitration Committees. So far the body that you have in view is certainly desirable. But the question whether this arrangement is better cannot arise when we are comparing two bodies different in aims and intentions.

**Q.**—The better view of the Works Committee is that it concerns the management and the workers and provides a forum for negotiation and conciliation. Would it not be better to leave this work to themselves, the Government to step in when there is actual necessity? Do you think it will be better?

**A.**—You have in view something like Trades Council. The Works Committee is a somewhat different concept. Within the limits of agreed policies, this Committee will see that a change in the position and prospect of individual workers does not cause hardship to them.

**Q.**—What will be the size of the Labour Council.

**A.**—The Labour Council may consist of 15 to 20 members.

*Prof. Saran.*—It might be that the representative of the Labour Council does not belong to the works concerned.

**A.**—Yes, it might be so. But it is possible that 15 to 20 members suggested might be drawn from almost all the works in the area and by convention, the representative of the Labour Council may be one who belongs to the works.

**Q.**—What will they do?

**A.**—Their function may be like these :—

- (a) To send representatives to the Works Committee.
- (b) To help in the allotment and disposal of houses among the workers.
- (c) To control and supervise the management of the co-operative stores.
- (d) To undertake such schemes of labour welfare which the council may decide on.

*Q.*—What will they do in the housing ?

*A.*—They will do the allotment of the housing, etc.

*Q.*—But these are questions which are generally in the line of local bodies like the municipalities, local boards and the like ?

*A.*—The Labour Council will be an analogous body but concerned specifically with labour welfare schemes.

*Q.*—You want that it should be done by statutory authority ?

*A.*—This is necessary in order to insure co-ordinated management of welfare schemes. Under a quasi-public organisation like the Labour Council, initiative would be canalised and planned development would be possible.

*Chairman.*—In fixing the minimum wage you have said that the minimum wage should be fixed irrespective of the conditions of the industry ?

*A.*—Yes, the workers should be guaranteed a decent minimum of living standard. The condition of the industry is immaterial for this minimum. It will be irrespective of the capacity of the industry to pay.

*Q.*—Suppose in a town like Jamshedpur where there is an industry like the Tisco and there are a number of other concerns some of which are not working with the same efficiency and profit, do you fix the minimum wage so as to apply to all the concerns ?

*A.*—There will be minimum for a particular area and not for a particular industry. The fixation of the minimum will depend upon the living conditions of the place. Each homogeneous area should have a particular minimum wage.

*Q.*—It will be without any regard to the financial conditions of the industry ?

*A.*—The financial conditions are not to be taken into consideration.

*Dr. Mukherjee.*—In America, this is done without reference to the conditions of the industry. There it is that the living requirements must be provided and guaranteed to the workers. This kind of minimum is called the economic minimum, and this minimum wage is called the economic minimum wage. This is something like the foundation above which the income of the workers may vary.



*Chairman.*—Take a concrete illustration. There are two concerns in Jamshedpur, say, the Tatanagar Iron Foundry and Tisco. There is a vast difference between the two as regards the financial conditions. But if the minimum wage is fixed for a place say, Jamshedpur, then would it not be hard upon the first company to pay the same minimum as the latter company?

*A.*—Everything remaining the same, raising the lower wages to a particular minimum may cause hardship. But everything need not remain the same.

*Chairman:* Have you fixed your minimum according to the nature of the work.

*A.*—The minimum wage may be related to a minimum amount of work.

*Q.*—Under the same concern also say in the Tisco, there are workers in the Hot Mill and in some other mill. The conditions of workers in the two mills are quite different. Will the workers of both the mills get the same minimum wage?

*A.*—There will be different grades of payments, but the minimum wage generally associated with unskilled work would be everywhere the same.

*Q.*—Do you mean to say that there will be separate minimum for each kind of work or same for all kinds of work?

*A.*—There are different scales of pay for different kinds of work. It is possible that the lowest pay in a particular scale may be higher than the suggested minimum. It only means that workers in this scale are not affected by the minimum.

*Q.*—So, really there is no minimum. If there is, there are so many. Now would you stick to the minimum wage even if it should mean closing down of the factory.

*A.*—Even if owing to fixation of this minimum wage some factories were forced to close down resulting in unemployment and consequent suffering to many of the workers, I would not recommend further reduction of the minimum wage, as it was the minimum living wage. Introducing a minimum wage, however, need not cause a great financial strain because higher wages might be cut down to avoid financial ruin. The eventuality of factories being closed for this reason appears to me to be very remote.

**Q.**—But if it happens, what should be done? What is your opinion?

**A.**—In my opinion in such rare cases the state should come forward to subsidise the industries which were likely to close down owing to fixation of the minimum living wage to the workers, if it is satisfied that every other step has been taken to avoid the financial collapse.

**Q.**—In fixing the minimum wage have you considered the conditions of the industries?

**A.**—No, I have not considered that. Primarily the minimum has been suggested on a consideration of the minimum requirements of life.

**Q.**—Suppose there are two competing factories in Jamshedpur, would you move your minimum with the lowest prices?

**A.**—No.

**Q.**—Take the case of the coal industry. We have coal industry both in Bengal and in Bihar. Suppose in Bihar you have fixed the minimum wage for coalfields in Jharia; but in Assam and Raniganj coalfields the conditions are unaltered; would there be an effect? What do you suggest?

**A.**—If it is suggested that the result will be higher cost of production at Jharia than elsewhere, I do not regard it as an inevitable consequence. The balanced structure of costs of production need not be disturbed.

**Q.**—Raniganj and Jharia are in two different administrative units. They are both side by side but are administratively distinct. Suppose you have fixed the minimum wage in Jharia; the result may be that the cost of production in Jharia will rise but the cost of production in Raniganj will be lower than that of Jharia? Would it be proper to stick to the minimum and ruin the trade?

**A.**—Cost of production is determined by many factors. The mere fact that fixing a minimum wage may mean levelling up of lower wages, need not place serious financial burden on an industry. In the first place a relatively small proportion of the wages will be levelled up. Secondly the rise may be off set by cutting down the higher wages suitably. Besides the state may insist on better technique. In view of all this, I do not think it likely to cause the ruin of the trade. I would not say ruin is an impossible event.

*Q.*—The result will be that the Jharia coal will be thrown out of market.

*A.*—Conceivably, it may be.

*Chairman.*—Further effect will be that the coal miner will be thrown out of employment which would be a disastrous effect for the country ?

*A.*—If this very unlikely contingency arises, Government ought to come to the rescue by giving subsidy.

*Dr. Mukherjee.*—But the effect also depends upon the kind of coal Jharia coal is better than the Raniganj coal ; and so there might not be any loss of market.

*Chairman.*—But grant of subsidy means finding money. Where will the money come from ?

*Mr. Bakhale.*—It sounds quite all right as an argument. But how to do that ?

*A.*—Much of the difficulty appears to be hypothetical. The minimum wage will affect a small section of the workers only.

*Mr. Bakhale.*—But in Jamshedpur it is a large number.

*A.*—(Consults the memorandum, Table no. 28.)

*Q.*—How many ?

*A.*—244 out of 1,050, i.e., 25 per cent. The number affected in a writing population of 50,000 would be only 12 to 13 thousand.

*Chairman.*—We were told in the coalfields that it would be better if a larger number of workers were put to work at a lower wage than a small number getting high wages when many are unemployed.

*A.*—It is a question of distributing work to affect the distribution of income. Roosevelt tried it in the United States of America. It sounds plausible but it would be much better to create new employment than to distribute a small volume of existing employment.

*Q.*—Should they give more regular employment and higher wages and higher earnings to a smaller number of workers, then ? It would be preferring a small class of people for which there seems to be little justification.

*A.*—If we begin to think of it, no rational arrangement seems possible unless we raise productivity and increase employment manifold.

*Q.*—Considering the population of Bihar, the number of those employed in factories is very small ?

*A.*—It is a negligible proportion.

*Prof. Saran.*—Rise in cost of labour will mean rise in price.

*A.*—Yes, some rise in price is likely.

*Q.*—Who pays the higher price ?

*A.*—The consumer, of course, which means society.

*Chairman.*—Thank you. I congratulate you, Mr. Harnandan Prasad, on the very exhaustive report and memorandum that you have submitted with facts and figures.

The Committee resumed its meeting in the Council Chamber, Ranchi, on the 21st May 1939 at 4 P.M.

The following members were present:—

- |                          |                                      |
|--------------------------|--------------------------------------|
| 1. Dr. Rajendra Prasad   | ... Chairman, presiding.             |
| 2. Mr. R. R. Bakhale     | ... Deputy Chairman.                 |
| 3. Dr. B. K. Mukherjee   | ... Member.                          |
| 4. Mr. A. M. Hayman      | ... „                                |
| 5. Prof. R. K. Saran     | ... Secretary.                       |
| 6. Mr. A. L. Ojha        | ... Co-opted Member<br>(Management). |
| 7. „ S. F. Tarlton ...   | ... Ditto.                           |
| 8. „ K. N. Sengupta      | ... Ditto, Labour.                   |
| 9. „ K. N. Bhattacharjee | ... Ditto.                           |

**Oral evidence of Dr. Balraj Seth, M.A., Ph.D., Professor of Economics, D. A. V. College, Dehra Dun and Investigator, Labour Enquiry Committee.**

*Chairman.*—You were appointed to conduct the enquiry into the conditions of labour in the coal-fields ?

*A.*—Yes.

*Q.*—What are the places which were assigned to you for investigation.

*A.*—I was deputed to investigate into the conditions of labourers in the coal-fields of Jharia, Bokaro and Giridih.

*Q.*—What are the names of the collieries that you visited in Bokaro ?

*A.*—Kargali, Bokaro, Swang, Bhurkunda, Argada, Sirka and Dhori.

*Q.*—How many labourers of the coal-fields did you examine ?

*A.*—About 1,042 families.

*Q.*—Were you assisted by students ?

*A.*—Yes. I was assisted by 3 students.

*Q.*—What time did you take to collect the information ?

*A.*—About two months and ten days.

**Q.**—What were the methods that you adopted to collect the family budgets ?

**A.**—I classified all the collieries under four heads (a) European managed limited concerns, (b) Non-Indian privately owned collieries, (c) Indian limited concerns and (d) Indian privately owned collieries. In the case of Indian collieries, I collected at least six budgets from those employing more than 100 workers and three from those employing less than 100 workers. In the case of European owned and railway collieries, I took 1 per cent of the employees. In selecting the families I took 40 or 50 classes of coal workers. I also consulted the report of the Chief Inspector of Mines and from that I calculated the percentage as to how many are coal cutters and how many loaders and how many other workers for collecting budgets.

**Q.**—How many family budgets you collected ?

**A.**—1,042 budgets from among the workers numbering about 1 lac including those of the railway collieries.

**Q.**—What is the percentage then of collection ?

**A.**—About 1 per cent of the total workers.

**Q.**—Do you think that would give you correct idea of their earnings and state of affairs ?

**A.**—I think so, because if the different classes of labourers are properly selected according to the proportion of their employment, we will find the budgets representing the same economic condition as of the total labour force.

**Q.**—In making selection did you consult the management or the labour ?

**A.**—No, as regards the selection, I took the help of the labour leaders only in showing the way and I made my own choice. So far as the choice was concerned it was distinctly mine. In 1934 I had toured in all the coal-fields of India excepting Assam and that experience guided me in my work of selection.

**Q.**—In the matter of selection did you take the advice of the management and the labour union ?

**A.**—I took the half of the management in this way. If I required 3 workers belonging to the Central Provinces, I asked the manager to produce before me six coal cutters of the Central Provinces. But out of so many I myself selected whom to take and whom not to take. Similarly, if I required coal cutters of other provinces, I did the same.

Q.—So to say you gave the description of the workers to the proprietors and they produced to you?

A.—Yes.

Q.—Did the union leaders help you in the matter of selection?

A.—No.

Q.—Were all the budgets collected by you?

A.—I collected 200 budgets and the rest were done by the students.

Q.—In how many days?

A.—In about 70 days. For the first 20 days I worked with only one student. I myself used to go to the houses of the workers and talk to them. Every student used to give me at least five budgets a day and I checked them before finally approving them. For checking purposes I myself used to collect at least one budget from every colliery visited by the students.

Q.—In selection did you take into consideration the size of the collieries?

A.—Yes.

Q.—Did you take the quality of the coal?

A.—Yes.

Q.—In these samples, did you take all kind of employers?

A.—Yes.

Q.—Now turning to your report, I shall take some of the items. I think you have got the copy of the report?

A.—Yes.

Q.—Generally speaking do you find uniform conditions prevalent in all the coal-fields or the conditions are different in different collieries?

A.—I found them uniform on the whole.

Q.—Conditions of works and conditions of wages?

A.—They are different in different collieries.

Q.—From your impression of works can you say whether for the same uniform work the wages differ? Supposing in one

'colliery conditions are hard and in another colliery the conditions are better ; is the payment also the same or does it differ ?

A.—The allowance for hardship is generally made in some big European managed collieries but not in Indian collieries. In the latter it is quite a common practice to pay the same rate for 14 and 15 cwt. tub. In collieries like Loyabad allowance is made for difficult works.

*Mr. Hayman.*—Other difficult collieries ?

A.—Some of them make allowance.

Q.—What do you think about the 'Tatas Collieries ; are they Indian or European managed ?

A.—I think they are Indian managed. As regards the economic conditions of workers, Tata's Jamadoba Colliery is one of the best concerns.

Q.—There all allowance is made for the difficult works ?

A.—Yes, but in Tata's Sijua Colliery some complaints were heard that allowances for difficult works were not made.

Q.—In Jamadoba ?

A.—Yes, the allowance is made.

*Chairman.*—It has been observed that there are long hours of work in some of the collieries ?

A.—I also came across some workers who complained of long hours of work. In Kustore colliery, though the working shift was of eight hours, yet some *hazari* workers were found complaining that they had to work for 10 to 11 hours a day. This practice of long hours of work is quite common in some Indian collieries. At one place I checked and questioned the miners coming out of the pit. They reported that they had entered the pit between 8 and 9 P.M. and had come up at 9 A.M.

*Mr. Hayman.*—Do you accept that such practice is not in the law ?

A.—Yes.

*Dr. Mukherjee.*—So to speak there are long hours ?

A.—Yes.

Q.—The language of the law can be changed ?

A.—Yes, working hours should be taken from the entrance into the mines to coming out.



*Chairman.*—Is the over-loading of tubs taking place in many collieries ?

*A.*—It is quite common in some big European managed collieries and most of the Indian collieries. In Bokaro colliery the contractor was found to be taking  $1\frac{1}{2}$  tubs for every one tub. Besides getting the tub overloaded he was asking one or two baskets of coal extra for every tub. This extra coal is called line coal. For its loading he was paying two annas six pies or three annas per tub. Deductions are made for underloading.

*Q.*—The coolies are not paid for the extra coal loaded.

*A.*—Yes, they are not paid.

*Q.*—It has been said that the European collieries get surplus coal and pay for it.

*A.*—Yes, there is surplus coal and for the surplus coal an extra allowance at the rate of one anna or two annas per ton is paid to the supervisory staff in some big collieries. In Indian collieries no payment is made for the surplus coal either to workers or to the supervisory staff.

*Dr. Mukherjee.*—You have recommended for the standardization of tubs and the weighment before responsible persons and in the right manner ?

*A.*—Yes.

*Q.*—Coming to the question of increase of wages of which you have given figures, did you collect these figures from the workers ?

*A.*—Yes, I collected these figures from managers and colliery workers and got them verified from the colliery registers. At Jamadoba colliery the General Manager refused to supply these figures.

*Mr. A. M. Hayman.*—Did you ask for it ?

*A.*—Yes, but he said that he had not the permission of the Company to supply such figures.

*Q.*—Did you get the figures from the office register ? Did you find the figures given by the workers different from that given by the colliery management ?

*A.*—Yes. This I found generally at collieries like Swang, which are run on contract system. The contractors gave me some figures and the workers some others. At one place I was

told by the contractor that woman workers were paid five annas per day but actually they were getting three annas and six pies per day. All the figures of wages given in my memorandum, though collected from different sources were verified by the management.

*Chairman*—So the figures are verified.

*A.*—Yes.

*Q.*—In fixing the minimum wages you have taken the conditions of trade and other requirements of the workers ?

*A.*—I have taken into consideration the conditions of the trade and cost of living in fixing the minimum.

*Q.*—Have you taken conditions of the industry ?

*A.*—I have taken into consideration the present condition of the industry, but generally when one fixes the minimum wages, it is not taken. The basic or living wage ought to be fixed irrespective of the trade conditions.

*Q.*—So the minimum wage cannot be representative of the condition of the workers ?

*A.*—The wage that I have suggested represents the condition of trade but whether in future it would represent or not depends on the circumstances.

*Q.*—If we recommend to the Government to fix the minimum wage in Jharia and if coal mines in Asansol and Raniganj do not raise their minimum wage, then what will happen in Jharia? Will it not cause the migration of workers from Bengal to Bihar coal-fields and will not the Jharia coal lose its market.

*Dr. Seth.*—Why ?

*Chairman.*—Because the wages will be higher in Jharia and so the price of Jharia coal will be higher and it will be disadvantageous to Bihar and easy for Bengal.

*A.*—Firstly, there will not occur any flow of workers from Raniganj coal-field to Jharia and other Bihar coal-fields as the character and nature of labour supply in Bihar and Bengal coal-fields are quite different. In the Raniganj coal-field most of the workers are permanently settled and are local, non-residential. In not a few collieries workers have been given land either free or on nominal rent and under these circumstances, a small increase of wages will not be a sufficient inducement for the workers to

migrate to the Bihar coal-fields. Secondly, Jharia coal will not lose its market as the fixing of minimum wage will not cause any increase of cost if proper economies are affected in the management cost. But even if the management cost is not reduced, the fixing of minimum wage will hardly raise the cost of production by hardly 15 per cent—a disadvantage which is neutralised partly by the higher cost of production of Raniganj coal on account of greater depth of mines and partly by the higher freight charges which the Raniganj coal has to pay for being sold in the up country market.

*Q.*—But generally all facts should be taken into consideration ?

*A.*—I have already considered all those facts.

*Mr. Ojha (Co-opted Member).*—I should like to tell something for the sake of information that wages in Raniganj are different from those in Jharia. It is not a matter of belief but it is a fact that after coming to Giridih we find a different case. Secondly, the conditions are different in two places, and thirdly, in Jharia the labourers are more and they raise more coal than in Raniganj. So do you think that it is possible to sell a certain type of coal for certain purposes to those who take ?

*A.*—It depends on the situation of the colliery. The higher labour earnings in Jharia which are supposed to result from the fixing of minimum wages will hardly give any new advantage to the Raniganj coal over Jharia coal. The labour earnings are already higher in Jharia than in Raniganj. This difference has not discouraged the sale of Jharia coal because Jharia and Raniganj coals differ in quality. One is coking and the other is steam coal and are thus used for different purposes.

*Q.*—If this is the case today, do you not think that wages are determined by the conditions of the market ?

*A.*—Yes, market conditions also affect wages but it all depends upon the labour scarcity and abundance whether the wages rise and fall.

*Chairman.*—So you mean that it depends upon the economic effects of supply and demand ?

*A.*—Yes, I think so.

*Q.*—In coal, different scale is required ?

*A.*—No, same scale.

*Q.*—Is it a fact that in a certain part of the year there is surplus of labour and so there is a large number of unemployed?

*A.*—There is surplus of labour in the months of January, February and March. So far as the six summer months are concerned there is scarcity of labour. In other months there is sufficient labour supply.

*Q.*—So far as these busy months are concerned, there is no scarcity of workers, but there is surplus labour and thus there is trouble?

*A.*—Yes. I think so. There is unlimited supply of workers in these busy months.

*Mr. Hayman.*—Did I understand that generally speaking wage rates have rival in Bihar and Bengal?

*Chairman.*—The rise may not happen in Bengal.

*A.*—Why?

*Chairman.*—Because the employers are very doubtful about the better return of higher wages and there it may not be in the interest of every employer to raise wages?

*A.*—Employers are unnecessarily over cautious.

*Prof. Saran.*—You raise because here I have got the supply of coal from the railways without profit for Jharia produce?

*A.*—I have already pointed out the condition for fixing the wages and so the question does not arise.

*Chairman.*—What I am driving at is this that if the Labour Committee recommend the fixation of minimum wage, it would be considerably higher than what is being paid at present and consequently the cost would increase.

*A.*—The increase in the cost can be easily avoided if the employers can effect economies in their management cost. At present the labour cost varies between 22 and 35 per cent of the total cost while in foreign countries, such as Great Britain, labour cost comes to 60 or 65 per cent. The workers should be paid so much that labour cost should amount to at least half the total cost.

*Q.*—But he is already paid near about 40 per cent of the cost?

*A.*—I do not think so. The management cost (including royalty) on the average, is not less than 70 per cent. I have calculated that,

*Mr. Ojha.*—Before you do that, I would like to know as to what are the factors that you have taken into account.

*A.*—I have taken into account all the important items of cost such as royalty, depreciation, interest, labour, supervising and managing cost and others.

*Q.*—What is the idea of these figures ?

*A.*—In this connection I would like to place before the Committee one more important fact. It is given in the evidence volume of the Report of the Royal Commission on Labour that the labour cost of mining coal in India, hardly comes to 25 per cent of the total cost. So far as I can remember these figures were supplied by Mr. Ojha as representative of the Indian Mining Federation in his oral evidence before the Royal Commission on Labour.

*Prof. Saran.*—Even at present the contract of raising coal is Re. 1 per ton or so and the selling price of coal is only Rs. 3 per ton and so obviously the share of workers in the selling price comes hardly to 33 per cent.

*A.*—Again I would refer to figures given in the report of the Indian Coal Mining Committee which would also show that the labour cost amounts to 27 to 35 per cent of the total cost. At present the price of the first class coal is Rs. 3-8-0 per ton and the contract rates for raising coal vary generally between Re. 1 and Rs. 1-4-0 or Rs. 1-2-0 on the average. Taking the whole of contract rate as the remuneration of labour, it hardly amounts to 21 to 32 per cent of the selling price. Of course, one would like to say that contractor's labour is not the only labour employed. There is also *Sarkari* labour. But we should also remember that the whole of the contract rate does not represent the remuneration of workers. It includes the profit of the contractor, and the salaries of his supervising staff and the depreciation cost of the tools he provides.

*Mr. Hayman.*—But the labour cost of mining coal in Tata Collieries, is 66 per cent of the total cost.

*A.*—It might include supervising and managing cost.

*Chairman.*—With regard to the question no. 55 about the fixing of minimum wages, how far it is practicable to fix it considering the position in other provinces.

*A.*—Position in other provinces is not such as not to permit the fixing of minimum wage in Bihar. The United Provinces

Government has already accepted the recommendation of the Cawnpore Labour Enquiry Committee about fixing the minimum wage at Rs. 15. In Bengal, where minimum wage has not been fixed. Government will have to take this step as Bihar Province supplies sufficient labour to this province. The minimum wage should not be the permanent wage, it should vary with the cost of living and trade condition.

*Dr. Mukherjee.*—Should it be based on the price of coal or cost of living ?

*A.*—It should be based on cost of living and I think the workers should get at least half the selling price of coal that they have produced.

*Q.*—What do you say, half ?

*A.*—I mean labour cost should be as much as 50 per cent of the total selling price.

*Mr. Ojha.*—Do you think that it would be practicable ?

*A.*—Yes.

*Q.*—Can it not be paid on the cost or price of coal.

*A.*—No, it should be on the cost of living. If the cost of living rises the minimum should also rise.

*Dr. Mukherjee.*—Your point is this that, as it is done in the Great Britain coal industry, what is called the minimum economic wage, lower than rent, should be fixed with the reference to the cost of living conditions in Bihar, is it not ?

*A.*—Yes.

*Q.*—You also mean to say that there should also be a basic rate ?

*A.*—Yes.

*Mr. Hayman.*—If the profits rise without the rise in prices and the workers are given profit sharing bonus would you like ?

*A.*—Yes.

*Q.*—Again if the employers make less business, what will happen to the basic rate ?

*A.*—For the inefficiency of the employers workers cannot be allowed to suffer and hence the basic rate should remain the

same. If you cannot feed labour then it is better to close down rather than to exploit labour.

*Q.*—Would it not result in the increase of unemployment.

*A.*—It may or it may not. The workers might be absorbed in some other industries or go back to their villages.

*Q.*—Do you not think that half loaf is better than no loaf.

*A.*—No, I do not maintain that opinion. There must be full loaf.

*Chairman.*—One thing is that some of the miners have got their wages reduced and at the same time their earnings are reduced. What do you say?

*A.*—Between the months of January and April labourers are over employed and when the busy time is over then employers reduce their output and consequently the earnings are reduced.

*Q.*—How can it be done?

*A.*—This difficulty can be easily solved in case of piece-workers by fixing the daily work that they should get, the number of days in a month for which they should get this work and the wage for this daily work. If we say that a miner and his loader should get three tubs a day for 25 days in a month and should be paid 6½ as. per tub, each of them will get Rs. 15 a month.

*Q.*—More cannot be paid per week.

*A.*—Of course, they can earn if they can raise more than three tubs per day.

*Mr. Bakhale.*—In fixing the minimum wage, should we take into account cost of living or selling price.

*A.*—Cost of living.

*Q.*—Am I right in saying that the minimum wage will be fixed on the selling price?

*A.*—No, it will be on the cost of living irrespective of the coal price.

*Q.*—Minimum wage is the wage that would accrue to all persons giving monthly minimum earnings.

*A.*—No, minimum wage should also be fixed in case of daily paid workers. In their case we can also fix up the number of days that they should work to earn living wage.

*Q.*—Your point is that there should also be minimum number of days in the months together with the minimum basic rate?

*A.*—Yes.

*Q.*—That minimum days should also be fixed.

*A.*—Yes.

*Q.*—By agreement or by the Government machinery. How will you fix that minimum number of working days?

*A.*—By legislation.

*Q.*—Do you think that there is anywhere in the world that the minimum number of working days are fixed by the Government? On the other hand do you think there is collective bargaining power of the employee with the employer?

*A.*—I cannot say if there is any such country but this does not mean that we should not try this device here as the labour is quite different from that in the coal-fields of foreign countries. In Indian coal-fields collective bargaining is not possible as there is no labour organization worth the name.

*Mr. Hayman.*—If he provides, less coal and reduced efficiency will be worth for 25 days.

*Prof. Saran.*—You will pay for unemployment?

*Dr. Seth.*—Yes, as in England it is done.

*Mr. Bakhale.*—You mean unemployment benefit? That is quite different.

*Dr. Mukherjee.*—In the case of every measure.

*Mr. Bakhale.*—That is a different proposition. You want minimum wage and also minimum days to be fixed. Then the employers will have to give some minimum wages at the end of the month whereas the miners will work for fixed days, say 18 or 25. Is it so?

*Dr. Seth.*—Yes.

*Q.*—As regards the trade conditions of the mines, there may not be work for 26 days?

*A.*—If there is no work, the employer should pay for this forced unemployment. He can create a wage equalisation fund out of annual profit to meet such contingencies.



*Q.*—Suppose there is minimum wage and minimum earnings per week and the worker is entitled to get that under certain conditions of trade and suppose if there is any change in the condition of trade, say 5 per cent better position, what do you suggest in this case ?

*A.*—The workers should be paid some sort of bonus out of this wind-fall.

*Chairman.*—You maintain that the basic rate must be low ?

*A.*—It will depend upon the labourers' necessities of life.

*Prof. Saran.*—It may be fixed for a week or a month or long period.

*A.*—Say two weeks, but in England it is fixed for four weeks.

*Chairman.*—As regards minimum wage, do you think that the rates should be fixed with reference to a particular industry ?

*A.*—There is no such consideration as the basic rate is to be fixed with reference to cost of living.

*Q.*—But the wages in one industry will not be the same as in other industries.

*A.*—It matters little. In all industries wages cannot be expected to be the same. What matters most is the basic or living wage which can differ from industry to industry according to the cost of living of the places where they are situated.

*Q.*—As regards the surplus labour, can you say that it will be employed elsewhere ? Do you think it will be practicable in India ? Is it possible for provincial Government to employ it in the province ?

*A.*—I have not studied this question thoroughly but from what I have studied I say that it will not be difficult for the Congress Government to find new avenues of employment for this surplus labour either by encouraging both cotton and large scale industries or by affecting agricultural improvement.

*Q.*—What is the number of coal workers in this province ?

*A.*—90,000 or about a lac.

*Q.*—Do you think it can be employed in other industries ?

*A.*—If they are properly expanded.

*Q.*—You mean to say that 1 per cent of the population in this province is engaged in the coal industry ?

*A.*—Yes, about that, if we take the dependants of the workers also.

*Dr. Mukherji.*—With regard to the possibility of minimum wage legislation in Bihar, there is much internal competition, as your point of view is; and you say that the coal miners should get the minimum wage of Rs. 15 a month.

*A.*—Yes, Rs. 15; at present about 70 per cent of the workers get less than this minimum.

† *Mr. Hayman.*—Is it due to absenteeism ?

*A.*—Partly.

*Mr. Sen Gupta (Co-opted Member).*—You have said that surplus coal occur in the collieries including the European collieries.

*A.*—Yes.

*Q.*—Can you name the Collieries ?

*A.*—That is given in the memorandum; further names can be given later on.

*Q.*—If this is started by the International Labour Office, in the case of the minimum wages, do you agree ?

*A.*—Yes, I agree to that.

*Q.*—Can you say what is the cost of percentage of profits to the total cost of mining coal.

*A.*—I cannot say. I have only calculated the share of workers in the total cost which is at the maximum 35 per cent and minimum 22 per cent for the labourers; rest for the management, i.e., 65 per cent.

*Q.*—What is the actual profit, which accrues to management ?

*A.*—I cannot say.

*Q.*—In every case did you calculate the cost ?

*A.*—Yes.

*Q.*—Do you agree that there will be cost increment ?

*A.*—I have already given reply to this question.

**Q.**—Will it not affect the sale of Jharia coal ?

**A.**—No. As a matter of fact there is much difference in the qualities of Raniganj, Central Provinces and Jharia coals.

**Q.**—So far as the upcountry market is concerned, Jharia coal enjoys some advantage over Raniganj coal in matters of freights.

**A.**—Yes.

**Q.**—So you agree that so far as this country is concerned, if rationalisation is carried out in the organized industries and in the methods of mining, then it would be good ?

**A.**—Yes, by rationalising the coal industry you can improve its condition a lot.

**Dr. Mukherji.**—You say that the margin of cost of management is already big enough and the fixing of minimum wage will not raise any difficulty if there is rationalisation ?

**Chairman.**—Loss of employment.

**A.**—Of course, not. Management cost is already 6½ per cent the total cost and so the fixing of minimum wage would hardly raise any difficulty such as of unemployment even if the employers would try to reduce the management cost by 15 per cent.

**Mr. Bhattacharjee (Co-opted Member).**—What is the minimum wage that you have found earned by the labourers at present ?

**A.**—About Rs. 3-8-0 per month.

**Q.**—Which is that Colliery ?

**A.**—Argada, there, even if a miner cuts and loads three tubs per day, he gets only six annas per day or Rs. 9 or 10 per month (A month of 24 or 26 days.) And then there is a deduction of one pice per rupee for *Gousala*.

**Mr. Bakhale.**—Is the Payment of Wages Act not applicable ?

**A.**—Yes, it is.

**Mr. Bhattacharjee.**—Do you want that the present system of recruitment of the workers should be altogether eliminated ?

**A.**—Yes, of course.

*Q.*—Do you agree that higher wages to the industrial labourers will help the agricultural labourers ?

*A.*—Yes, of course.

*Chairman.*—In your memorandum you have said that some workers were found who did not work for more than 4 and 5 days of the week as they had earned in these days sufficient for the whole week. Can you give us some idea about the percentage of such workers ?

*A.*—I do not think they are even 1 per cent.

*Mr. Bakhale.*—In your memorandum you have said that you are against the exclusion of women from the underground work.

*A.*—I am definitely against the present methods of exclusion though not against the reform itself. It could have been carried out in a much better way.

*Q.*—If the law is changed will you favour it ?

*A.*—Yes.

*Q.*—Do you think public opinion will favour that ?

*A.*—Yes.

*Q.*—You have given three reasons for that, do you agree to that ?

*A.*—Yes, I agree.

*Q.*—Can you clarify ?

*A.*—The reform has been carried out totally at the expense of the workers. A considerable fall in the average family earnings of the workers has been an important result of untimely execution of this reform. This fall in the family income has all the more destroyed both the home and the morals of the workers.

*Q.*—Is there much likelihood of some women being left unemployed and demoralised ?

*A.*—Yes, for instance in Railway collieries women workers are more than the work that is available for them on the surface. It was complained by the workers in the Bokaro fields that the family earnings of these workers have decreased and that has aggravated their troubles.

*Q.*—Do you think this is one of the reasons for including them in work ?

*A.*—Of course, this is an argument against excluding the worker from underground.

*Q.*—Then you mean to say that the fundamental difficulty is that they do not get work ?

*A.*—Yes, they do not get work on the surface.

*Q.*—The other question is that the health of the child it spoiled if women are given hard work. That is the most important question ?

*A.*—Yes, it is an important point but still more important point is that health of the child is likely to suffer still more, if the family earnings are not adequate. The remedy lies either in providing work to women or in increasing the wages of the workers.

*Mr. Ojha.*—I want to ask one question, Dr. Balraj Seth. What are the different taxes in the case of the coal-fields ?

*A.*—There is water tax.

*Q.*—Do you know anything about the tax, that is charged in the Raniganj coal-field and what is charged in Jharia coal-fields ? Is there any difference between the two ?

*A.*—Yes, there is some difference between the two.

*Q.*—The other point is that if the process of rationalisation is introduced, will it be possible to reduce the cost of production ? I should like to know from you what do you mean by efficiency in some mines ?

*A.*—Yes, the cost of production is likely to be reduced if rationalisation takes the form of replacing uneconomic units of production by economic units through amalgamation as there would accrue all the economics of large scale production. By efficiency of some mines I mean their efficiency of management and of equipment.

*Q.*—Some collieries are producing 20,000 tons and others 10,000 tons a year, how do you think that it will be possible for all to pay the same rates of wages ?

*A.*—Smaller collieries can pay the same rates of wages as the bigger ones partly by amalgamating themselves and partly by accepting lower profits ?

**Q.**—If the cost of production is greater due to the inefficiency of the workers then what do you say.

**A.**—This possibility can be avoided by standardising the amount of work along with the fixing of minimum wage.

**Q.**—The collieries are selling the coal at the rate of Rs. 3-8-0 per ton, Rs. 2-8-0 per ton and Rs. 4-8-0 per ton; then how will you fix up the minimum wage, there are practical difficulties?

**A.**—There are no such difficulties which cannot be overcome.

**Q.**—Do you think that the better class of coal has higher selling price than the inferior class of coal has. What should be the basis of the minimum wage?

**A.**—I have already pointed out that the minimum wage is to be fixed primarily with reference to the cost of living. The difficulty arising out of the difference in the selling price of inferior and superior coals can be solved if the inferior coal producers will have less costly management and accept lower profits. At present they are competing with superior coal producers by paying their workers comparatively lower rates of wages which some times do not enable the workers to have two meals a day.

**Chairman.**—Do the different rates justify the higher rates?

**A.**—Yes, they not only justify higher rates but also the fixing of minimum wage. Those who cannot pay the subsistence wage, cannot be allowed to starve the labourers. They must close down.

**Q.**—Are you definitely of opinion that they should be closed down?

**A.**—Yes.

**Mr. Ojha.**—If I am not prepared then can the Government compel.

**A.**—Yes, you cannot be allowed to starve the labourers.

**Chairman.**—Thank you.

*Examination concluded at 6-30 p.m. The meeting rose for the day.*

*Dr. Balraj Seth was recalled at the request of Mr. A. L. Ojha,  
for examination at 11-40 a.m.*

22nd May 1939.

*Mr. Ojha.*—Yesterday you gave some answers to the questions put by the members and I was not in a position to go through your memorandum. Today I want to ask some questions. It is not possible for the coal trade to pay increased wages than what it is paying now. You said in reply that if they cannot pay the subsistence wages to the labourers they cannot be allowed to starve and exploit the labourers and they must close down ?

*A.*—Yes, I have said that and even now I stand by that. If they cannot pay adequate wages, they must close down, seeing the economic condition of this country.

*Q.*—But do you know that even now some of the collieries are not earning higher profits and they are paying adequate wages to their labourers ?

*A.*—Yes, there might be a few such concerns but there are also a good many concerns which are working with profits but without giving adequate wages and that kind of exploitation is undesirable.

*Q.*—That is your considered opinion. Do you know that in actual practice in the life of the country people are earning Rs. 15, Rs. 20, Rs. 30 and Rs. 100 per month and there are people who are not earning even that. Are they starving because they are getting less remuneration ?

*A.*—They are not living in the actual sense of the word but passing on their life some how. Those who cannot pay adequate wages have no right to exist.

*Q.*—You will agree with me that in this country there are industries which are not making profits but are also passing their existence.

*A.*—They are living by exploiting the workers ?

*Q.*—Is it your considered opinion that in this country there should be any industry ?

*A.*—No, this is not my opinion but they must pay adequate wages.

*Q.*—Do you think that it is possible in these days because of foreign competition ?

*A.*—There is no foreign competition in coal.

**Q.**—Why, South Africa is underselling? What is the import? What is the consumption?

**A.**—The annual imports of coal in India amount to hardly one lac tons while the total coal consumption of India is more than 22 million tons. South Africa is not underselling coal in India. Even in 1921 when imports of coal shot up to over a million figures, the price of Natal coal in Bombay and Karachi was much higher than that of Dishergarh coal. Much of the Bombay and other export markets were lost to the Indian coal mainly due to the dishonest dealings of the Indian colliery owners.

**Q.**—What was the export in 1925, what about freight and other factors?

**A.**—In 1925 exports of coal from India amounted to about two lacs tons. Freights and other factors were more favourable than what they were just after the war. Subsequent increase in exports can be safely attributed to the valuable work of Indian Coal Grading Board in standardising the quality of coal.

**Mr. Hayman.**—If the capital of the small collieries will be destroyed then there would be repercussion in other industries considering the condition of coal industries.

**A.**—It would not affect other industries.

**Chairman.**—If the terms are not payable, there would be left nothing for the industry.

**A.**—But profits should not be the only aim of the industrialists. They should also make the industry pay adequate wages. If they would start the industry with this object in view, they may not get good profits in the first 10 or 12 years but afterwards they are sure to get as payment of adequate wages would increase labour efficiency which in turn would increase industrial profits.

**Mr. Ojha.**—Do you think 10 or 12 years or more?

**A.**—10 or 12 years.



The Committee met in the Finance Minister's Room on the 11th May 1939 at 8-20 A. M.

The following members were present :—

- (1) Dr. Rajendra Prasad, *Chairman*, presiding.
- (2) Mr. Jagat Narayan Lal,
- (3) Professor R. K. Saran, *Secretary*.

**Oral evidence of Mr. Rameswar Dayal, M.A., B.L., Investigator, Bihar Labour Enquiry Committee, Patna.**

*Mr. J. N. Lal.*—I understand you were deputed as the Investigator of the Committee ?

*A.*—Yes.

*Q.*—What areas and centres were you assigned to ?

*A.*—I was deputed to the Rohtas Industries, at Dehri-on-Sone and Japla centre.

*Q.*—How long did you do your work ?

*A.*—About a month or so.

*Q.*—I hope you have submitted your report to the Committee ?

*A.*—Yes, I have submitted the memorandum.

*Mr. Saran.*—In those areas certain kinds of work are done on contract and certain work done by direct management. Is it not ?

*A.*—Yes.

*Q.*—Do you think that the conditions of the workers under contractors are satisfactory ?

*A.*—No, it is not at all satisfactory, on the other hand the conditions are worse.

*Q.*—What are the main grievances of the workers under the contractor from the point of view of wages ?

*A.*—They get very low wages. The labourers working at Dehri and Japla on contract basis under the contractors not only receive low wages but had to undergo various other hardships as well. The contractor oppressed them freely, there being no machinery effective enough to restrain

him. Besides that the housing conditions are worse. They do all sorts of things that are very bad from the labourers point of view. They have to go to the homes of the contractors. They have to work for their homes. They have to dance attendance on them. There is one *purja* (slip) system which is the worse of all. The contractors exploit the workers as they act as the middle-men.

Q.—Are you speaking of the conditions in Baulia or Japla?

A.—I am speaking of both. The question is this that the contractors are given certain amount of work by the management to be done on certain terms. For the accomplishment of those works the contractors engage labourers. The contractors get certain payment by the factory. Out of those payments they give to the labourers. Now what might have gone to the workers directly now goes to contractors. This is a great evil, as they are the middlemen. So the contractors are not in a position to pay more wages. In many cases payments are refused. I got also some report while I was carrying out my work at Dumarkhar. Workers at Dumarkhar generally come from the United Provinces and the Punjab and the result is that they are kept in complete servitude so that they cannot go away.

Q.—In this case if there is any employment for those who come from foreign provinces, can they go back?

A.—No, they cannot go as they have no money. What I mean is this. They get in kind more than in actual cash. So that they have no money to go away, even if they wish to go.

Q.—Now what I suggest is that if the employers are compelled by law to deposit a fixed sum per capita for the workers imported from outside and employed on piece basis, say, Rs. 20 per head is deposited by the employers with the Government as a safeguard for the outside workers, do you think it desirable? That amount will be paid to them if they want to go?

A.—Yes, that would be a very good thing. I endorse the suggestion made by you. There are defects of the *purja* system. The sub-contractors exploit the workers as they act as middle-men.

Q.—The question is this, what will they do at home?

A.—No doubt that there are difficulties but we are to solve them.

Q.—In Baulia you have said that there is the exploitation of the workers; are you aware that certain bad systems have been abolished?

A.—I do not know that. I had seen the *purja* system. There are labourers who do not get money but they get in kind. I will explain this in detail. Suppose there is a worker who has earned Rs. 3 in the course of the week in the case of a contractor. Out of those Rs. 3 he will require rice, *dal*, vegetables, etc. Now they will be given *purjas* by the contractors mentioning, give so much rice, so much *dals*, etc.; the workers will go to the shop-keepers who are the men of the contractors and get those things mentioned in the *purja*. Now, out of the weekly earnings of Rs. 3 they will get goods worth about Rs. 2 and the rest they will get in cash.

Another very bad system is that of the medicine. If workers under the contractors are sick, they will not get medicines but the same *purja*.

Q.—Suppose there is one labourer who wants to go on leave or wants to leave the job altogether, and wants to go to some other contractor, will he get the job under the other contractor?

A.—No, he will not be taken by the other contractors. If one contractor will come to know that he has come from such and such contractor he will not take him. Besides that, the workers, due to the *purja* system, become heavily indebted to the contractors and the result is that they will be asked to pay off all the dues which is quite impossible for them. These are the greatest difficulties of the *purja* system.

Q.—You have described all the evils of the contract system, do you want that the system should be abolished?

A.—Yes, the contract system should be abolished altogether.

Q.—Now coming to the minimum wages, as regards the fixation of the minimum wages, what is your idea of this; do you think that it should be fixed?

A.—Yes, I think so, and I have written in my report likewise.

Q.—Do you think that this work should be taken by the Government? Do you like that there should be a Government machinery for that?

A.—Yes, it should be done by a proper machinery of the Government. In this connection I suggest the appointment of a Trade Board for the purpose. In my opinion the minimum wage may vary in respect of different areas and industries.

**Q.**—Will it vary to a considerable extent from area to area and industry to industry? Will it depend upon the standard of life prevailing in different places and industries.

**A.**—Yes, the point is this that the minimum will vary in different areas and industries.

**Q.**—Do you intend to say that there will be higher minimum wage for Coal industry and for Mica and lower minimum wage for others.

**A.**—Yes.

**Q.**—Do you also intend that it will be different for Dehri and different for Japla?

**A.**—Yes.

**Q.**—How will you find the standard of life which will be different?

**A.**—The standard of life is different as the cost of living is higher at one place than another. Between Japla and Dehri it will be different as the cost of living is different. At one place it is higher and at another place it is lower. The wages should vary according to the area.

**Q.**—Will it vary according to the areas or to the industry?

**A.**—I think both, because the cost of living is not the same. The minimum wages are definite wages which the industries must pay irrespective of making profits or making loss.

**Q.**—What should be the machinery; the Provincial Board? Do you want that there should be one board for the whole of the province or there should be different boards for different areas, as there should be one board for Japla and another board for Dehri and another for Jamalpur.

**A.**—There should be one Provincial Board and not different boards for different places.

**Q.**—You mean that there should be one central board for the whole of the province.

**A.**—Yes.

*Mr. J. N. Lal.*—You have advanced an opinion in your memorandum that the jobbers should be removed and the recruitment should be made directly. Is it not so? What do you say?

*A.*—Yes, I have said that. The jobbers are very terrible people. They tyrannize the workers. They extract *dasturies* and other illegal payments from the workers. Out of the weekly payments they will deduct a portion. At the time of recruitment also the workers have got to pay a lump sum to them. If the workers have no money to pay, they borrow and pay them. Sometimes they advance from their own pockets and charge interest for the money. They keep the workers under complete subjection. If they are not paid the workers are dismissed.

*Q.*—What remedy you suggest for this evil? By what you want to replace the jobbers?

*A.*—Yes, I want the labourers to be appointed or recruited by the labour officers?

*Q.*—You want the labour officers of the Government or of the company.

*A.*—Of the Government and the company both.

*Q.*—Now with regard to the operation of the Factory Act, you have made certain suggestions that the Factory Act should be extended to many other important industries in your memorandum?

*A.*—Yes, I want that it should be extended to industries like *biri* making, carpet making, weaving. In the *biri* industries many people, like 30 or 40 work and in the carpet also 15 to 20 work. Then I may mention tanneries. There also Factory Act is not in force.

*Q.*—That is you want that if there is any industry where about a dozen workers work, the Factory Act should be applied.

*A.*—Certainly.

*Q.*—Then you have said that the rule of the 8 hours a day and 48 hours a week of work must be strictly enforced.

*A.*—Yes, that is the most important part of the work. The Factory Act is most flagrantly violated at Japla and the Rohtas Industries. As a matter of fact there is no fixed period for the work. I have noticed during my investigation at

Dehri and Dumarkhar that workers are extracted work for 12 hours and 15 hours a day.

*Chairman.*—Is it in the factory ?

*A.*—Yes.

*Q.*—I want to know as to how such a violation was possible when the duty hours were regulated by changing shifts ?

*A.*—I will explain that. The evil prevailed only at such places where the shift basis was not employed. In Japla and Dehri factories the labourers are made to work for 13 hours, and on the average never less than 10 hours. Sometimes, as I have said, 15 hours.

*Q.*—How do you say this. What is your basis for this opinion ?

*A.*—I have met with the labourers and they told me when I asked them their grievances, that they have to work for so many hours. They said that this was their main grievance.

*Q.*—That is a serious charge ?

*A.*—Not only this but there is also another charge which is more serious than this. The factory employers are Marwaris, Baniyas and Jains, and in the works there is communal difference. The Bihari workers are taken more work than the workers who belong to the Jain community. At Dehri, Jains are given much preference than others. Bihari workers are made to work for more than 11 or 12 hours. While others only 9 or 10 hours. That is the general rule.

*Q.*—Is there difference in wages also between the Bihari workers and Jain workers ?

*A.*—Yes, the Jain workers get Rs. 20 and for the same jobs Bihari workers get Rs. 10 or 12 ; there is great distinction.

*Q.*—How do they make difference in the hours of work ?

*A.*—That is what I noticed actually.

*Q.*—When there is work in shifts how can it be possible to work for more than the number of hours provided by the shifts ?

*A.*—That is what I saw, people working for more than 12 hours.

**Q.**—You have seen working in actual number of hours ? Or are you confusing shifts work for actually 9 hours ?

**A.**—No, Sir, I have actually seen the work for 11 hours.

**Mr. Saran.**—You say that there is 12 hours work. The question is this that they are actually taken work for 8 hours and other hours over this might be the overtime work for which there might be separate payment ?

**A.**—No, overtime work is separate. 12 hours is allowed under the Factory Act if they are paid for the overtime.

**Mr. Lal.**—Regarding the child labour and hours of work for them what is your suggestion ?

**A.**—In my opinion five hours work for the children would be quite sufficient ; six hours as provided in the Factories Act was too much.

**Q.**—What do you say about the minimum age for the children for the employment ?

**A.**—There should be compulsory education provided by the factories.

**Q.**—How do you think that the system of labour officers, as suggested by you in your memorandum, would work ?

**A.**—A labour officer would chiefly concern himself with looking after the welfare of workers. This function could not be properly discharged by the factory inspectors. In Bengal labour officers had separate areas allotted to them. They also tackle trade disputes. Government should engage labour officers. Their duty will be to have control over the employers and they will settle the disputes between the employers and employees. They will look to whether the workers are getting proper wages, there is proper hours of work, there is rest period, there is leave and off on Sunday, they get proper compensation. The officers will see to the housing conditions and educational problems and lastly general supervision. I had been in Bengal for two months and I have seen them working there satisfactorily.

**Q.**—What scheme can you suggest in Bihar ?

**A.**—As for Bihar there should be Labour Commissioner, Deputy Labour Commissioner, 3 or 4 Labour Officers, and they will be given certain areas in which they will see to all above, mentioned things. They will see to the labourers grievances—how far Factory Act is followed, etc., as given above,

Q.—So the labour officer will be the bridge between the company and the Government?

A.—Yes, yes.

Q.—Do you think that the Labour Officers of the employers as we have in some factories, will serve the purpose?

A.—No, it will not, because he will be the man of the employers. He will serve in the interest of the company. The Manager will have the full control over the officer of the company.

Q.—Now I will once again revert to the question of the minimum wage. You have said that in the areas you have visited there are very low wages. What amount of minimum wages you want to fix for the workers.

A.—I will fix annas 8 a day or Rs. 15 per month, for the male labourer. That I have written to the Committee in the memorandum.

Q.—You have said that there will be variation from labour to labour and from place to place?

A.—Yes, at Dehri there is great variation for the same work; some employer gives Rs. 15 and the other gives Rs. 30.

That is the general complaint.

Q.—What is the proposal?

A.—There should be uniformity of scale of wages. There is no reason for that difference. It is injustice.

Q.—Is there any fixed time for payment?

A.—Yes, at Dumarkhar the payment is made every Sunday. But at Dehri payment is not made weekly, but they pay after 10 days or 12 days.

*Professor Saran.*—Are you referring to the case of the Factory or the contractors?

A.—I am referring to the factory.

Q.—You have said that the trade board will fix the minimum wage both for piece worker and time worker?

There should be guaranteed time rate, what should be the basis?

A.—There should be guaranteed hours of work on monthly basis to fix such minimum.



Q.—Do you say that the time rate should be monthly, but the piece rate should be weekly ?

A.—Yes, yes, on the hours of work. Workers should be given per hour. There should be 8 hours of work and besides that there should be payment for the overtime work. If the work exceeds 8 hours or 9 hours, then there should be payment on overtime basis on the weekly piece basis.

Q.—Do you want that the payment should be on the weekly basis or on monthly basis ?

A.—Not monthly basis but on the weekly basis.

Q.—Are you aware that the workers want the monthly basis of payment ?

A.—Yes, they want monthly but I think the weekly is better.

Q.—Why do you think that the weekly is better ?

A.—Wages may be calculated monthly but they should be paid weekly.

Q.—But the workers are against the weekly payment ?

A.—I think that there should be payment by week ; that is the view which I hold.

Q.—Now I come to Workmen's Compensation Act ; with regard to that you have dealt in your memorandum. You have said that the workers have failed to derive the benefit from it on account of their ignorance of its provisions. The situation could be to a large extent improved by distributing Hindi translations of the Act among the labourers. The Trade Unions could also be helpful in this regard. Do you like this to be done by the Government ?

A.—Yes, that would help them much and the thing is that the labourers are very illiterate and they do not know what is written in English about the Workmen's Compensation Act and so they cannot file the proper cases in the court.

Q.—Can you suggest any other method to do this job of compensation ? The thing can also be done by the labour unions, what do you say about this ?

A.—Yes, it is right. But the best thing will be to translate the Acts into Hindi and distribute them.

**Q.**—Do you also desire that lawyers should be engaged for the workers to argue their cases for compensation without demanding any fees and that the lawyers should be appointed by the Government?

**A.**—No, I do not think that the legal people can be of much help to them in this matter. It may be given a trial.

**Q.**—Do you think that it should be done on voluntary basis?

**A.**—I do not think that this voluntary basis will also succeed and will be of any use to them, considering the legal position. I do not suppose this will prove successful. It was said at Dumarkhar that the compensation money is shared by the lawyers who take up the case in the court after the worker has won the case. If the Government appoint them it may be possible to do that.

**Q.**—If the workers are not troubled to fix the appointment and the Government appoint the lawyers, do you think it would be possible?

**A.**—Yes, it may be given a trial.

**Q.**—But if the Government will do this thing, it might be said that the Government is taking one of the sides?

**A.**—Yes, that is one of the troubles, if the Government do this the employers might say that they are taking the sides of the employees and if the Government do something on the sides of the employers, it might be said that they are taking the sides of the employers.

**Mr. J. N. Lal.**—You have said in your statement that the housing at Boulia and Dalmianagar are very bad on the eastern side of the factory. Is that so?

**A.**—At all the places. In the quarries there are only 18 houses out of 250 workers and those 250 workers live in the 18 rooms.

**Q.**—We have come to know that at Dalmianagar certain new houses have been built,

**A.**—I do not know that. At least when I went there, no such thing was found.

**Q.**—What machinery you suggest for the settlement of disputes between the workers and the employers ?

**A.**—I suggest three methods for the dealing of the disputes.

- (1) that there should be some labour officers.
- (2) that there should be strong well organised Trade Unions.
- (3) that there should be some permanent machinery for the settlement of the disputes.

**Q.**—What do you mean by the permanent machinery for settlement ?

**A.**—By the term permanent machinery I mean that there should be permanent Arbitration and Conciliation Board appointed by the Government.

**Q.**—Do you mean to say that the permanent board will be appointed on the voluntary basis ?

**A.**—The board should be appointed by the Government. There will be a Conciliation Officer in Bihar and under him there will be some officers who will inspect the factories and the mills.

**Chairman.**—Have you carried the investigation in the areas of Boulia and Japla and also Rohtas ?

**A.**—Yes.

**Q.**—What method you adopted in the investigation of the conditions of workers at Japla and Dehri ?

**A.**—I had made personal enquiries from the labourers and had taken statements from the employers also. I went to the labourers and I went to their houses, I asked their grievances, mixed with them on equal terms, talked with them. I also made enquiries from the employers what were the grievances, and in this way I carried out the work of investigation.

**Q.**—Did you come in contact with the employers also ?

**A.**—Yes.

**Q.**—Did you take any figures from the employers ?

**A.**—No.

**Q.**—Did you take the permission of the employers to go into the houses and did you take any of them with you ?

**A.**—Yes, I did take the permission but I did not take any of them with me.

Q.—So your report is based on the facts and figures collected by you ?

A.—Yes.

Q.—Did you collect family budgets ?

A.—Yes.

Q.—How many family budgets did you collect ?

A.—I collected about 150 family budgets. The sampling from different categories of workers was at random. I was fully satisfied that the information supplied by the employees were accurate. I had also made verifications from shopkeepers and other sources.

Q.—You took 150 budgets in Japla, Dumarkhar and Dehri ?

A.—Yes, at all the three places.

Q.—How do you select the families of the budget ?

A.—I got it from the company about different types of the employees.

Q.—How did you select right type of them ?

A.—It was only done by my own guess and the average type of them were taken. I went to the quarters and talked with 30 people, I visited their rooms and how did they live ; I enquired all about this, and out of them I selected about 3 or 4 men for the family budgets.

Q.—How did you take 3 or 4 representatives ?

A.—Those cases which were typical of all, I took them in. They were thought to be the representatives of groups.

Q.—So in a way it was random selection. Different categories of workers, both skilled and unskilled, daily rated and weekly rated, all ?

A.—Yes.

I should like to tell that the figures supplied by the employers sometimes did not tally with the actual figures and so they were not taken as being much helpful.

Q.—In collecting the family budgets what item of things did you take ?

A.—I took generally the things which are consumed by the workers such as rice, *Ghee*, *Dal*, Flour, etc.

**Q.**—You verified the figures given by the workers from the shopkeepers ?

**A.**—Yes.

**Q.**—You were thoroughly convinced about the facts given to you about housing, food, about the adequacy of water-supply, latrine, urinals, etc. ?

**A.**—Yes, I was thoroughly satisfied.

**Q.**—Was the report written by you ?

**A.**—No, the report was written by Mr. Harnandan Prasad, Deputy Magistrate, in consultation with us. The facts and figures which were collected have been supplied to the Committee.

**Q.**—Did you check the certain percentages of them ?

**A.**—Yes.

**Q.**—What is the percentage of check ?

**A.**—About 25 per cent to 30 per cent. It was also checked by Professor R. K. Saran, the Secretary, Labour Enquiry Committee.

**Chairman.**—Thank you very much for the evidence given.

The Committee resumed its sitting at 11-10 A. M. on the 11th May 1939 in the Finance Minister's room, Patna Secretariat, Patna.

The following members were present—

- |                         |     |                             |
|-------------------------|-----|-----------------------------|
| (1) Dr. Rajendra Prasad | ... | <i>Chairman, presiding.</i> |
| (2) Dr. B. K. Mukherjee | ... | <i>Member.</i>              |
| (3) Mr. A. M. Hayman    | ... | <i>Do.</i>                  |
| (4) Mr. J. N. Lal       | ... | <i>Do.</i>                  |
| (5) Prof. B. K. Saran   | ... | <i>Secretary.</i>           |

**Oral evidence of Mr. Deokinandan Prasad, B.A., Investigator, Bihar Labour Enquiry Committee, Patna.**

*Prof. Saran.*—Are the scale of wages in the workshop at Jamalpur lower than that at Lucknow? If so, why?

*A.*—Yes, the wages at Jamalpur are lower than that of Lucknow and Lilloa. The reason is that the cost of living at these places is different. The difference can be only explained on the ground of the difference in the cost of living.

*Q.*—What is the justification for this under the same management, i.e., E. I. Ry.?

*A.*—It was explained by the D. C. M. E. while I was investigating at Jamalpur that the atmosphere of the labour population of Jamalpur workshop is altogether rural. The labourers of this area are generally brought from the adjoining villages. Generally they come from a radius of 20 miles.

*Q.*—Is the difference in the wages explained by the cost of living?

*A.*—As I was told, and it was supported by facts, it appears that there is difference in the cost of living and so there is difference in the wages. It has also been observed that some labourers who work at Lucknow were trained at Jamalpur and still they get higher wages and the Jamalpur people get lower wages for the same jobs as explained in my memorandum.

*Q.*—Is it due to the fact that the factory at Lucknow was under the O. R. Ry. and Jamalpur was under the E. I. Ry.?

*A.*—At present both are under the same management. I do not think that is one of the reasons. The only reason is due to the cost of living. In some other cases also there is difference in grades

for the same work in different railways, though managed by the State. There is still more difference in the scale of wages of the State-managed railways and the Company-managed railways, e.g., the workers in B. N. R., B. B. C. I., G. I. P. and E. I. R. for the same job get higher wages in some cases and lesser wages in others.

*Q.*—As regards the second class *Mistris*, wages differ in cases of those who are recruited from outside and those who are recruited and trained within the workshop?

*A.*—Yes, that is so. The so-called trained *Mistris* generally get their promotions up to Rs. 54, while those taken from outside are stopped at Rs. 27 only.

*Q.*—Why is that so?

*A.*—Both of them do the same job, but it is presumed by the management that those *Mistris* who are trained in the workshop turn to be more expert and efficient than those who are taken from outside.

*Q.*—Has the railway administration taken any action in this direction?

*A.*—The discontent among the labourers on this account is acute, there are about 1,500 cases like this. The D. C. M. E. and the C. M. E., after going into the matter, have tried to redress this grievance by placing one condition, namely, that some of the workers will be examined and if they are found fit and they pass the test then they will get promotion in wages.

*Q.*—Is there any arrangement for the Safety Committee and has it been suggested to the administration that the compensation should be paid immediately?

As regards representation of the workers, it is said that there is no adequate representation in the Safety Committee and so there is frequent accident and no right of compensation? What do you say to this?

*A.*—The accident may be frequent, but there is already a Safety Committee. It is not a fact that the representation of the workers is not adequate, but the grievance is that the Committee is not an elective body as is the *Faidamand Panchayat*. Its members are nominated from among the workers as well as from the supervisory staff.

Q.—Do you think that the *Faidamand Panchayat* works well ?

A.—Yes, I think so. The management and the workers are well for the conciliation matters and make recommendations to the Government of India. In the G. I. P. also there is the Staff Council for the same object and it has proved successful.

When I was there, I found on the notice board that the *Faidamand Panchayat* could not invite grievances.

Q.—Is that so ?

A.—Yes, it is concerned with the cases of general nature rather than individual ones, which are dealt by the respective officers. The employment officer generally looks into particular cases.

Q.—It was complained to us that the representatives of the workers in certain workshops were victimised by the foreman of the department in order to deprive them of the benefit from the *Faidamand Panchayat* ?

A.—Yes, a case was brought to my notice as well and I had a discussion with the executive authorities.

Q.—Coming to the housing accommodation we find that the houses are overcrowded in the Indian section and it was suggested that part of the European section might be allowed to be occupied by the Indian section ?

A.—Yes, it is a good suggestion. It is desirable that some European ward should be transferred into Indian ward. There are some nurses who get Rs. 250 a month and they get better quarters than Indians who form 98 per cent of the labourers. Hence it is not sufficient.

Q.—Do you find the necessity of the employment officer and do you think that he will be successful as a Labour Officer ?

A.—No, an employment officer is not a Labour Officer, but he is in charge of the establishment department and as such he is ever busy with files and records and so he cannot afford to spare some time for outdoor works.

Q.—What is the distinction and how it is justified ?

A.—When the labour problems are so complicated and their grievances and disputes so grave and also when the questions of establishing co-operative societies and welfare works are so strongly pressed in every quarter, it is justified to have an officer exclusively in charge of the above items and a separate officer in charge of recruitments and promotions.



**Q.**—What about the medical facilities ?

**A.**—There is inadequacy of arrangements for medical aid at Jamalpur centre. The remedy is that the European ward which at present lies mostly vacant, could be converted into one for the Indians and thereby it could be utilised in the best interest of the poor workers.

**Chairman.**—How many family budgets did you collect ?

**A.**—I collected 450 family budgets at Jamalpur centre and 200 at Rohtas centre. There are 8,700 workers at Jamalpur and 1,800 at Monghyr. And out of these I collected 450 budgets including the Jamalpur Railway workshop and Monghyr Tobacco Factory. 200 budgets at Rohtas centre included the budgets of the workers of Japla, Rohtas, Dumarkhar, Baulia and Banjari.

**Q.**—What method did you employ ?

**A.**—I chose samples of every kind and facilities were provided by factory authorities, unions and villagers. I took the cases of skilled, semi-skilled and unskilled workers. I took 3 per cent of each class of the workers.

**Q.**—Was it at random samplings ; or based on some principles ?

**A.**—No, it was not at random samplings. The Secretary had issued some instructions, which were further discussed with the parties concerned. But in some cases I based my own opinion.

**Q.**—Did you verify the figures supplied to you by the workers ?

**A.**—Yes, I did verify the informations supplied to me in various ways.

**Q.**—Have you corporated in your memorandum the result of your investigations ?

**A.**—My memorandum embodies the grievances of the workers but a separate report in details corporating the result of my investigations has also been submitted. It was written in consultation with the investigators concerned.

**Q.**—So the representation was full ?

**A.**—Yes, I think so.

**Mr. J. N. Lal.**—You collected statistics both at Jamalpur and Monghyr ?

**A.**—Yes, both at the Railway and Tobacco factories.

**Q.**—Is the average earning and wages at Monghyr and Jamalpur the same ?

**A.**—No, it is different for all kinds of labourers.

**Q.**—For every class it is different ?

**A.**—Yes, in Jamalpur it is higher. In Jamalpur the wages are not less than Rs. 13 to Rs. 17 but in the Monghyr Tobacco Factory the workers get as low as Rs. 5 to Rs. 10.

**Q.**—What opinion have you formed of the educational facilities for the workers ?

**A.**—For general education there is one primary school and one Middle English school on behalf of the workshop but there is none from the side of the P. T. Factory. There is much inconvenience in the educational facilities. In the round about villages there are no primary schools at all.

**Q.**—Is it a fact that the grievance about the inadequacy of hospital facilities was represented by the workers to the higher authorities ?

**A.**—Yes, to my knowledge it was represented to the D. C. M. E. and to the General Manager of the P. T. Factory, respectively.

**Q.**—Is there much indebtedness among the workers. If so, what remedy you suggest for removing the indebtedness ?

**A.**—Yes, there is much indebtedness, the responsibility lies equally on the Labour Officers, the Trade Unions and the workers, all of whom must unite to eradicate this evil.

**Q.**—Do you suggest that the Loan Co-operative Societies should be established for that ? Is there any such society in this area ?

**A.**—There is no such society in this area but its establishment will do immense good.

**Q.**—There is no Labour Officer at Jamalpur ?

**A.**—No, there is none.

**Q.**—You have said that 97 per cent of the workers are in debt ?

**A.**—Yes, it is a fact which is based on the result of my investigations.

**Q.**—Do you like that the Labour Officer should be appointed ?

**A.**—Yes, the appointment of Labour Officers by the Mills as well as by the Government is an imperative necessity.

**Q.**—Is it true that the maternity benefits for women are not given ?

**A.**—This question does not arise in the case of the Railway workshop because there is no female worker at Jamalpur. But at Monghyr this system has been recently introduced and is under experiment.

**Chairman.**—Thank you very much for the evidence.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 21st May 1939 at 3 P.M.

The following members were present :—

- |                           |     |                         |
|---------------------------|-----|-------------------------|
| (1) Dr. Rajendra Prasad   | ... | <i>Chairman.</i>        |
| (2) Mr. R. R. Bakhale     | ... | <i>Deputy Chairman.</i> |
| (3) Dr. R. K. Mukherji    | ... | } <i>Members.</i>       |
| (4) Mr. A. M. Hayman      | ... |                         |
| (5) Professor R. K. Saran | ... | <i>Secretary.</i>       |

Dr. Rajendra Prasad presided.

**Oral evidence of Mr. Nageshwar Prasad, Mining Officer, Chaibassa, Singhbhum.**

*Chairman.*—I think you are Mr. Nageshwar Prasad.

*A.*—Yes.

*Q.*—What is your work ?

*A.*—My main work is to check the raising and despatches of the different minerals of the district of Singhbhum in order that there might not be any loss of Government Revenue.

*Q.*—Are you the employee of the Government ?

*A.*—Yes, I am under the employment of the Bihar Provincial Government.

*Q.*—What has a Provincial Government got to do with the Mining ?

*A.*—Provincial Government is the proprietor of the mines. I am also to see that the mines are being worked properly and in a businesslike manner. In these places the leases are for 10 or five or 20 years. They take the lease from the Provincial Government, so my work is to look after the cases of regular payment of the royalties.

*Q.*—That is done by the Provincial Government ?

*A.*—Yes.

*Q.*—What does the Government get ?

*A.*—About two lacs of rupees as royalty annually.

*Q.*—What kind of mines are under your supervision ?

*A.*—There are mines of Asbestos, Chromite, Yellow and Red Ochres, Iron Ores, etc.

*Q.*—Where are these mines ?

*A.*—Mostly in Kolhan in Singhbhum district.

**Q.**—What are the different names of the mines which you visit ?

**A.**—Noamundi, Gua, Duia, Chiria of B. I. Company, Chromite mines in Jogohatu and Iron Ore mines, Manganese mines in Jamda, China clay mines in Hatghamaria.

**Q.**—Have you got sufficient housing accommodation in the mining area ?

**A.**—Yes, in most of the mines.

**Q.**—All the above named mines are under the Singhbhum district ?

**A.**—Yes.

**Q.**—But you have said that the housing is unsatisfactory in the mining areas in the memorandum that you have submitted.....(*Reads*) ?

**A.**—Yes, excepting at some places. This statement does not apply to all mines.

**Q.**—Can you give us the percentage of workers who live in quarters supplied by the company ?

**A.**—About 90 per cent live in quarters made by the company. They live in rooms of the size of 10' by 10'. In such a small room I do not think a man can live conveniently.

**Q.**—That is to say that there is no sufficient accommodation provided by the company in the quarters provided by them ?

**A.**—Yes, it is correct.

**Prof. Saran :** What is the arrangement of water-supply in the mining areas ?

**A.**—Excepting the Tatas, they are using to a great extent well water. In most cases water is pumped up and then supplied. In the Tatas the water is supplied by means of pipes after it is treated.

**Q.**—Is the water-supply sufficient ?

**A.**—Yes, more than sufficient throughout the season. In some areas the water is not well provided.

**Q.**—Have you got any experience of the mica areas and can you say of the water-supply in them ?

**A.**—Yes, there is scarcity of water in most of the mica mines. In the dry weather some of the sources become dry. In the winter there is the regular supply.

Q.—Is there any sanitary arrangement ?

A.—Yes, in Goa and Noamundi they have got.

Q.—Is there any sanitary inspector ?

A.—No.

Q.—Coming to the question of medical treatment, do you think that the arrangement for the medical treatment is sufficient ?

A.—No, not sufficient.

Q.—What are the diseases more common ?

A.—Meningitis, Malaria, Black-Water Fever, Typhoid, etc.

Q.—What is the effect of these diseases ?

A.—The effect is that these diseases last for a few days and then the patient dies. Meningitis was very common this year so much so that there were many deaths due to this in Noamundi.

Q.—What other diseases occur there ?

A.—Cholera in epidemic form sometimes. Meningitis is like an epidemic disease.

Q.—Is Meningitis due to bad water ?

A.—Yes, in most of the mines the water is not filtered. No medicine is given in the water.

Q.—Do you have Meningitis every year ?

A.—Yes, in Noamundi it had effected last year also. It was on a very larger scale.

Q.—Have you this number of diseases in the mines due to the mining conditions ?

A.—Generally it is due to the mining conditions. Malaria is due to the bad water and climate in the mining areas.

Q.—Is the venereal disease also very common ?

A.—Yes, in that area it is very common. But it is not due to the mining conditions but due to the loose morality of the workers. There should be arrangement for treatment for this disease in every part of the place. Regular medical clinique should be there. In this part of the Chota Nagpur area there are many aboriginals and there is much of the venereal diseases. Fifty per cent of the workers of Goa area have got this disease, I think.

*Dr. Mukherji.*—Is the labour population there very heterogeneous ?

*A.*—Yes, there are Punjabis, C. Pians, U. Pians, Bilaspuris, etc.

*Mr. Hayman.*—How do you know that there are 50 per cent of the people who have got the venereal diseases ?

*A.*—I have got this figure from the manager. The company never gives return of them ; and I have also got this information from the district board hospitals.

*Prof. Saran.*—Now coming to the question of education, is there any arrangement for the education of the children of the workers ?

*A.*—There are smaller schools up to the middle vernacular standard. There are three teachers in Goa. There is one school in Goa.

*Q.*—One school accommodates many boys ?

*A.*—Yes, there are about 150 or 200 boys in all in the school.

*Q.*—Is it the district board school ?

*A.*—Yes, there is one at Jamda ; there is one at Noamundi.

*Q.*—What are the wages of the males and females ?

*A.*—On the average 0-3-0 for males and 0-2-0 for females.

*Q.*—Is this wage for the skilled worker ?

*A.*—No, it is for the miners. For the skilled it is 0-10-0 or 0-12-0 per day.

*Q.*—Did you take note of this thing ?

*A.*—I will make enquiry before giving a note.

*Mr. Hayman.*—(*Reuds*)...It has been reduced last year. You mean to say that out of three months if there is absence of 15 days it is taken as a break in service to the new man.

*Prof. Saran.*—In three months, one month is taken as absence or something like that.

*Mr. Hayman.*—Is it your suggestion that the increment scale is very few ?

*A.*—Yes.

*Dr. Mukherji.*—Where does it happen ?

*A.*—Noamundi.

*Q.*—But at Noamundi actually there is smaller part of labour so far as directly engaged men are concerned ; majority is engaged by the contractors ?

*Mr. Hayman.*—We do not do with the contractors.

*Mr. Saran.*—What is the difference in rates of wages paid by the contractors and the management ?

*A.*—The raising contractors do pay lower than the management. In Noamundi only smaller portion is done by the Tatas directly, 90 per cent is done by the contractors.

*Q.*—What is the payment by the contractors ?

*A.*—0-4-0 to the males and 0-3-0 to the females on the piece work.

*Q.*—What is the earning per week ?

*A.*—For men it is 1-4-0 to 1-6-0.

*Q.*—In the groups or singly ?

*A.*—In groups of 2 average is 2-4-0 per week.

*Q.*—What is the basis of work in Noamundi ?

*A.*—The loading is done by the company and raising is done by the contractors.

*Q.*—On what basis the company decide that this should be done by the department and this should be done by the contractors ? We find that the loading is done by the contractors ?

*A.*—No, I cannot say.

*Q.*—How many days in the week on the average the miners do work ?

*A.*—They work for six days in the week.

*Q.*—On the pay day or on the market day are they all present ?

*A.*—No, on these days they are absent.

*Q.*—We are told that on those rest days also they do work ?

*A.*—They are not made to work on rest days.

*Q.*—Are they all piece-workers ?

*A.*—Yes, they do mostly piece work.

*Q.*—I am not taking the contractors' labour. We are told that 50 per cent do not go at all on the day following the pay day and 25 per cent do not go on the second day of the pay day ?

*A.*—Yes.

*Dr. Mukherji.*—What do they do ? Why they do not go to work and why there is absenteeism ? Is it due to the drink ?

*A.*—Yes, as soon as they get payments, they greedily go to the liquor shop or they pass their time in some other ways.

**Q.**—They complain to us that there is a clash on Monday following the pay day, and the tub is not provided that day ?

**A.**—When a complaint is made to us, we take action.

**Dr. Mukherji.**—Under what regulation ?

**A.**—The Deputy Commissioner has got powers under the terms of the lease.

**Q.**—Is this prevalent much ?

**A.**—Only at Noamundi, but now abolished. They are paid for that.

**Q.**—Have you come across ?

**A.**—No.

**Q.**—How does the Goa rates compare with the Noamundi, taking both the contractors and the department ?

**A.**—Goa rate is higher.

**Q.**—Earning is also higher ? Which is on the high level ?

**A.**—Earnings are higher of these coolies living on the top of the hill at Goa.

**Q.**—In Noamundi is there mining difficulty because it is higher ?

**A.**—No.

**Q.**—Because there is difficulty in working ?

**A.**—No, I do not think. Rates in Goa are higher.

**Q.**—One reason is that there are contractors in Noamundi ?

**A.**—Yes, there are many raising contractors in Goa and hence the competition is there and therefore the wages are little higher.

**Chairman.**—What are the rights that the Government reserve for themselves ? Have they got any right at all ?

**A.**—They have got the right of charging the royalties. They have control over the dispatches and similar other things.

**Q.**—Does the Government interfere with the actual working of the mines ?

**A.**—Yes, the owners have got to submit reports of the mines whether they are working properly or extravagantly.

**Q.**—Do they control wages ?

**A.**—No, we do not control wages at all.

**Q.**—Do they control housing ?

**A.**—Yes, there is one provision by which the Deputy Commissioner controls to a great extent.



*Prof. Saran.*—But the Deputy Commissioner is a part of the Government ?

*A.*—Yes, that power has been conferred on him by virtue of the lease.

*Q.*—The general power of the Government is to charge royalties on the ores. What is the rate of royalty ?

*A.*—For iron ore it is 0-1-0 per ton for which the tariff valuation of imported pig iron has been fixed at Rs. 65 or less, when the tariff valuation exceeds Rs. 65 one anna will be added to the royalty rate for every increase of Rs. 15 or part thereof in the tariff valuation.

*Q.*—What do you do if the royalty is not paid ?

*A.*—If the royalty is not paid within six months we issue certificate but after six months we serve a notice that if the royalties are not paid by a fixed date, steps will be taken to re-enter the property.

*Q.*—What is the period of the lease ?

*A.*—The maximum period is 30 years and the minimum period is 5 years. Generally it is 5 years for China clay and other minor minerals.

*Q.*—Is it different for stone quarries ?

*A.*—Yes.

*Q.*—What is the royalty in the case of stone quarries ?

*A.*—It varies from Rs. 2 to Rs. 3 per acre. I am saying of minimum royalty.

*Q.*—You have mentioned just a minute ago that there is much drinking. Do you think that the drinking is much on the increase ?

*A.*—Yes.

*Q.*—Can you say what percentage of their income they spend on drinking evils ?

*A.*—Yes, say 40 per cent in Kolhan do live on drink actually.

*Q.*—Have you had any occasion of investigating and collecting the statistics ?

*A.*—No, I have not,

Q.—I understand that in Noamundi there is a Labour officer ?

A.—Yes, recently an appointment has been made, about two or three months ago.

Chairman.—Have you had any occasion of finding out the indebtedness of the workers ?

A.—No, I cannot say.

Q.—Are you aware that many *Kabulis* do the money-lending business ?

A.—Yes, in that side there is one class of people known as *Katchies* who do the money-lending business to a large extent.

Q.—Have you had any occasion of looking at the rate of interest charged by these people ?

A.—No.

Q.—Do you find the workers living with their wives there ? Do they work with their wives ?

A.—Yes, they live with wives and work with them.

Q.—What is their earning, i.e., to say of one man and his wife ?

A.—The total earning of the man and his wife is about Rs. 10 a month, each earns about Rs. 1-4-0 or Rs. 1-2-0 a week.

Q.—Do they work for the whole week ?

A.—They work for six days in the week.

Q.—They work for six days and there is leave for one day ?

A.—Yes.

Q.—Do they do the marketing in the midst of the working day ?

A.—Yes, at Noamundi they work for every day, though the percentage may be smaller.

Mr. Hayman.—Do you suggest that contractors' workmen do not get a fair deal because company's supervision staff is controlled by the contractors at Noamundi ?

A.—I do not mean to tell that they are all dishonest.

Q.—Is some of the lower paid staff controlled by contractors?

A.—They are controlled by the contractors to some extent.

Q.—That means that there is corruption and bribery?

A.—Yes, there is no doubt about it.

Q.—Can you cite any instance? You are making a very serious allegation.

A.—No, I cannot give specific cases at present.

Q.—Did you bring it to the notice of the Deputy Commissioner?

A.—Oh, yes, whenever it comes to my notice. It is for the Deputy Commissioner to take action. Our work is only to bring it to the notice of the Deputy Commissioner.

Q.—In your statement you say that there is no provident fund benefits?

A.—Yes, that is the general statement not any particular. I am speaking of the daily paid workers and not the monthly paid workers.

Q.—Are you aware that those who get above Rs. 15, whether daily rated or monthly rated workers, get that benefit? This change has been introduced last year?

A.—We have no information of any changes. The company has not informed us.

*Dr. Mukherji.*—We are anxious to extend the Mines Act and the Payment of Wages Act to many quarries and mines which are not at present under them. I should like you to help us. Would you give your opinion whether this extension will be advantageous to the workers there? As for example workers are fined for minor faults like the breaking of tools and many atrocities like this are done. How many of this type are there in the district of Singhbhum where that extension might be done?

A.—Yes, 46 mines are working under the Payment of Wages and Mines Acts. About 22 are not under the Mines Act.

Q.—How do you distinguish?

A.—Where more than 100 peoples are employed and where quarries are more than 20 feet in depth, in both these cases the Acts are applied.

Q.—Do the Inspectors visit and give report ?

A.—Yes, the Government of India Mines Department Inspectors visit and submit reports.

Q.—Is there case for more inspection ?

A.—Yes.

Q.—Do you suggest that there should be more so that the operation might be extended ?

A.—Yes, there should be better inspection.

Q.—The Payment of Wages Act safeguards the interest of labourers. Whether big or small employers, they work in practice ?

A.—Yes, the two Acts should be extended as far as possible to all the quarries, irrespective of the number of people employed.

Q.—Do you lay this statement for Payment of Wages Act or for the Mines Act also ?

A.—Yes, for both.

Q.—Do you feel that in the operation of the Mining Acts there should be qualified men in charge of the responsibility ?

A.—Anybody of 10 years' practical experience acts as manager of the mine. In my opinion only qualified men should be allowed to act as managers.

Q.—Have you reasons to believe that a number of accidents are occurring due to the lack of supervision of the staff of the mines ?

A.—Yes, because the staff has not got sufficient knowledge.

Q.—Is the staff provincial ?

A.—No, it is for the Government of India to look to these things. For sanitation and health there is provincial arrangement, and not for safety. The safety is under the Central Government.

Q.—Now in many of these mining cases, the wagon is not of standard size. In Germany such loadings are graded; similar is the case in Japan. Deduction should not be made, and the rubbish should not be taken into account. There is regulation

in Japan loading. Do you think that such regulation will be much useful ?

A.—Yes, it will be very useful.

Q.—Generally in the loading of coals and mica there should be the standardisation of tubs and there should be legal measurement to check many frauds ?

A.—Yes, it should be enforced.

Q.—Do you think that such evils are also prevalent in Mica ?

A.—I cannot say of Mica.

Q.—You have referred to the aspect that there should be a fixation of the minimum wage rate for the miners, and the piece-rate system should be abolished ?

A.—Yes, that should be.

Q.—Have you any experience of the Giridih side or the coalfields ?

A.—No.

Q.—You have said that there is much evil of drink, are you in favour of prohibition ?

A.—Yes, I am in favour.

Q.—Is there any gambling Act ?

A.—No, there is no gambling Act.

*Prof. Saran.*—But in this part they are allowed the *Handia* system of drinking ? That is the difficulty in this part for prohibition ?

A.—Yes, if prohibition is enforced, we can control them.

Q.—Under what section ?

A.—In Kolhan it can be done.

Q.—What is the arrangement for the *bazar* at Chaibassa ?

A.—There is *Hat* system.

The Committee resumed its sitting in the Dak Bungalow, Sheikhpura (Monghyr), on the 12th April 1939, at 5 P.M.

The following members were present :—

- |                        |     |                       |
|------------------------|-----|-----------------------|
| (1) Dr. B. K. Mukherji | ... | ... <i>Presiding.</i> |
| (2) Mr. H. B. Chandra  | ... | ... <i>Member.</i>    |
| (3) Prof. B. K. Saran  | ... | ... <i>Secretary.</i> |

**Oral evidence of Mr. S. N. Pandey, Deputy Magistrate, Monghyr.**

*Mr. Chandra.*—Firstly you please give your experience of the quarries at Sheikhpura and then if there will be necessity we will put some questions.

*Mr. Pandey.*—Before 1937 I had no experience of the quarries and the conditions of the workers there, but in 1937 there was a complaint lodged by some of the workers at Monghyr and I was deputed by the District Magistrate to enquire into the case. The complaint was made by about 100 workers and in that complaint they had shown three grievances : viz. (1) that there were illegal deductions in the payment of wages, (2) that there were some cases of victimisation and (3) that the girls of the workers were kidnapped by the contractors and their men. I came here to examine the case and I called the proprietor of the quarry who lived in the Punjab. His name is Lakshmi Seth. I was told that the rate per trolley was annas 8 per worker in the month of December 1937. The contractors were called, who represented that Rs. 2,700 was given to the workers as loan and so they deducted from the wages. Besides that they said that they had advanced them money for the house building purposes, and there was great difficulty in realising from them after they were paid and so they realise and cut it from the wages. They showed me the figures from their registers. I was further told by the workers that these registers were forged ones and there was no truth in them. When I came here I found that there was a great sensation in the town due to the kidnapping case. I wanted to start a criminal case but as I was not entrusted by the District Magistrate and as it was beyond my jurisdiction, I could not do so but I instructed the police to do that. There was again the question of wrongful confinement. I actually started a case of kidnapping against some *goondas* who are kept in large numbers by the contractors to keep the workers in terror. One respectable gentleman also helped in that. I was further

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\*This evidence is not corrected by the witness.—*Vidyabhushan Shukla.*

told that payment to the Reva people was annas 8. A negotiation was carried with the proprietor and as a result of the negotiation the wages per trolley was raised from annas 8 to annas 14. The contractors who have just said that the rate is annas 14 is due to that and they have not done so willingly but it was forced upon them to pay annas 14. They have said that they give them money for housing but they do not give them as gratis but realise that money very ruthlessly afterwards. They keep the Rewa workers in such a way that they cannot even fly away. There is a deduction of anna 1 per trolley for nothing. The contractors say that they deduct it for house repair. I was also told many kinds of illegal deductions. The contractors also maintain shops and they ask the workers to purchase their necessities from these shops. Taking all this they pay them very much less in cash but more in kind. They deduct for things purchased in wrong manner. The workers are illiterate and they cannot understand the account; so they admit whatever they are told. They do not incur debts but the contractors putting all these together say that they owe so much. There are also cases of bogus loans put in their names in order to keep them under subjection. Whenever they like to fly away, they are victimised that so much is due with them.

Q.—What safeguards and protective measures you suggest to be taken in order to check these kinds of malpractices and illegal deductions and victimisation?

A.—I will suggest the establishment of regular recognised Provident Fund Rules and Co-operative Societies and Stores to be done by legislation. All the previous debts should be wiped off by legislation. There is a similar kind of legislation in Bombay which should be brought into force here. There should also be provision of migration of labour from one centre to another centre. At present they are not allowed to go to other centres. Whenever they like to go, they are prevented by *goondas* and *badmashes* who surround them with *lathis* and say to them to pay off the loans and then go. The poor fellows cannot go. These *badmashes* keep them under control.

There are boys and girls working against the Mining Act.

Q.—But that can be prevented by prosecution?

A.—But that is not possible because they do not maintain proper register and they say that they come of their own accord in order to help the family.

Q.—How many times the mining inspector comes here ?

A.—He came on the 12th of the last month, but I cannot say how many times he comes.

Q.—Are you aware that he started the prosecution ?

A.—No.

Q.—As regards the hours of work, what is your experience ? Are there any fixed hours here ?

A.—No, there are no fixed hours of work, sometimes they work in the morning, sometimes up to 2 or 3 P.M. There may not be prescribed hours.

Q.—Is it a fact that some of the headmen belong to the *Banias* and they take *begari* work at home for which they give house to live in without any rent ?

A.—I cannot say of this.

Q.—Can they take the Government land to build houses ?

A.—I cannot do that, only the Subdivisional Officer can take the cognizance of the fact.

Q.—What is the rate of agricultural wage near about the area ?

A.—I think it may be annas 3 or 4 for cutting wood, etc.

Q.—What do you think to be the average earning of the worker per week or per month in the stone quarry ?

A.—I think it is annas 2 for local workers and annas 3 for the Rewa people per day. Rewa labour is more skilled than local labour.

Q.—Do they drink much ?

A.—Yes, they spend their money on toddy, which is, in plenty, available here. The price of liquor also is annas 6 per bottle here. There are 20 toddy shops and one distillery at Luckisarai.

Q.—Sometimes it is found that the trolleys are full and sometimes we find that trolleys are 8" or 9" higher than the brim ?

A.—Yes, that is overloading.

Q.—Can powers to enforce fair wages be given to the municipality or the district board ?

A.—No, it is not possible because in the municipality the contractors themselves are the Municipal Commissioners.



There are three things which must be immediately done for them, viz. (1) the rate per trolley should be raised, (2) provision of Provident Fund, and (3) control of the illegal extraction and some organisation of the workers.

*Dr. Mukherji.*—Can you give us some idea of the powers that can be vested to the Executive Authorities like the local magistracy for taking measures against victimisation, social injustices, and things like these in the case of labourers?

*Mr. Pandey.*—That can only be done by the 'Separation of the Executive'.

*Q.*—What kind of inspection and powers can be taken from the Mining Inspectors to check these and remedy the situation and vested in the magistracy?

*A.*—There are many things which cannot be done by the magistracy unless there is a cognizable offence.

*Q.*—The question of safety, adequate wages, conditions of better living can be vested in the hands of the magistracy under the Factory Act?

*A.*—Yes.

The Committee assembled in the Town Hall, Dhanbad, at 5 P.M., on the 14th February, 1939.

The following members were present :—

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|-------------------------|-----|-----------------------------|
| 1. Dr. Rajendra Prasad, | ... | <i>Chairman, presiding.</i> |
| 2. Mr. R. R. Bakhale.   | ... | <i>Deputy Chairman.</i>     |
| 3. Mr. H. B. Chandra    | ... | ... <i>Member.</i>          |
| 4. Dr. R. K. Mukherji,  | ... | ... „                       |
| 5. Mr. J. N. Lal,       | ... | ... „                       |
| 6. Prof. R. K. Saran,   | ... | ... <i>Secretary.</i>       |

**Oral evidence of Mr. Sant Ram, Assistant Engineer, Jharia Water Board, Dhanbad,**

*Chairman.*—You are the Assistant Engineer of the Jharia Water Board? Please give full name and designation.

*A.*—My full name is Mr. Sant Ram. I am the Assistant Engineer of Jharia Water Board. Since the Engineer has gone to Calcutta for the work of the Board, in his absence, I will try to enlighten you as far as I can.

*Q.*—As regards the supply of water is concerned, I suppose tap is the source from which the workers get water?

*A.*—Yes, that is so.

*Q.*—Can you give me an idea as to the quantity of water? I want the total number.

*A.*—1,165 million gallons is the capacity of Topchanchi Lake.

*Q.*—What is the daily supply here?

*A.*—It is about 1.2 and 1.6 millions of gallons.

*Q.*—Is this capacity such as to provide the entire population of the workers who are under services?

*A.*—Yes. This year the water is scanty, but during all other years it was sufficient. This year only it is scanty.

*Q.*—What is the average quantity of water per head spent?

*A.*—It is about 10 to 20 gallons per head. The minimum is 10 gallons, but sometimes it goes higher than 10 but it remains between 10 and 20.

*Q.*—Does that quantity include the water for washing and bathing purposes as well or only for drinking purposes?

A.—It includes only the water for domestic purposes and not for other purpose. For domestic purposes we consider 10 gallons per head (minimum) as sufficient.

Q.—Can you give me an approximate figure of the entire working population which is being supplied water this year?

A.—This was replied by Dr. Sinha, Chief Medical Officer of Health.

Q.—Do you submit your accounts of work to the Medical Officer, about the population which is supplied water? Did you supply this year?

A.—This question was not put to me, but to Dr. Sinha.

Q.—Can you supply us the rough figures about the same from your Water Works?

A.—This was not put to me.

Q.—What is the average number of labourers of the collieries who take water from the Water Works?

A.—This was replied by Dr. Sinha to be about one lakh and fifty thousand or so.

Q.—As regards the supply of water how many people take?

A.—Well, it will be about 1·2 millions of gallons divided by ten, i.e., 12 millions.

*Mr. Chandra.*—Your Engineer has gone to Calcutta, in his absence you cannot give the figures.

A.—I said about 10 to 20 gallons per head.

Q.—How is that supply fixed?

A.—We have no arrangement in our Water Works for that.

Q.—You supply them water for drinking purposes and for domestic use. May I suppose that it includes also for bath and washing of the clothes. Do you prefer to give them for all these purposes?

A.—We supply them for domestic purposes generally, but how can it be said that they utilise only for that purpose?

Q.—In that case, 1·25 gallons are not sufficient to maintain labourers both for washing clothes and other things?

A.—Yes, that may be so.

Q.—All the *dhowrahs* are under the Mines Board of Health?

A.—Yes.

Q.—Have you got rules describing that there must be so much water to be given ?

A.—Replied by Dr. Sinha.

Q.—Why do you not put large number of taps at short distances of about 50 ft. from the *dhowrahs* ? It is also learnt that there is only one tap for many *dhowrahs*. If you reduce the distance, people will get sufficient water ?

A.—Replied by Dr. Sinha.

Mr. Chandra.—Experiment of this kind has been started in some collieries ?

A.—“ Yes ” was the reply from Dr. Sinha.

Q.—Have you made any arrangement for bathing purposes for labourers.

A.—For bathing and washing purposes generally collieries supply pit water of the mines which is pumped out and remains collected in ponds, etc.

Dr. Mukherji.—Who makes this arrangement—whether Jharia Mines Board or Water Board ?

A.—Pit water is arranged for by collieries.

Mr. Chandra.—What is the cost of water to the collieries ?

A.—The cost is about annas 12 per thousand gallons for Topchanchi Water.

Q.—Under the Water Board Act there is nothing like that ?

A.—This question was not asked so far as I remember.

Mr. J N. Lal.—The water-supply is regulated according to the quantity of water to the labourers.

A.—No, it is not so. Supply is open.

Chairman.—Can you give me an idea as to whether there is supply of water underground and in the mines and if not why not ?

A.—No tap is taken under the mine. Ordinarily workers take water when they come on the surface.

Q.—Workers work underground for about 8 hours. Do you think that there is great necessity for water provision and there

should be some arrangement for them to drink water under the mines? Can you suggest why it is not so? You can very well take down pipes underground?

*A.*—It is very difficult job to take pipes underground. Generally labourers take their *lota* and some take water jars. However, it is for the collieries to arrange for water underground.

*Mr. Saran.*—In a colliery there was complaint that the tap water is very bad. It gives rise to constipation and the *dal* does not cook in it.

*A.*—This year due to scanty rainfall we are supplying Kustore Pit water after filtering and chlorinating to a portion of the coalfields and this water is slightly hard. *Dal* can be cooked by adding a little soda while cooking.

*Chairman.*—In England workers of mines are given soap for washing their clothes. Do you give here also?

*A.*—This was replied by Dr. Sinha.

*Dr. Mukherji.*—Regarding the supply of water in the pit we came across with many complaints and the Royal Commission on Labour has also said that in coal mines water should be supplied.

*A.*—We supply water on the surface. It is for the collieries to take pipe into the pit.

*Mr. Bakhale.*—It has been brought to our notice that you supply more water to the superior authorities and for them the tap remains open always, throughout the day, but for the workers is closed after sometime in the noon.

*A.*—It is the look out of the collieries. We supply water to the collieries through pipes and it is for them to distribute.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 29th May, 1939, at 3—15 P.M.

The following members were present :—

1. Dr. Rajendra Prasad,	<i>Chairman, presiding.</i>
2. Mr. R. R. Bakhale	<i>Deputy Chairman.</i>
3. Dr. B. K. Mukherji	... <i>Member.</i>
4. Mr. A. M. Hayman	.. ..
5. Mr. Jagat Narain Lal	... ..
6. Mr. M. P. Gandhi	... ..
7. Mr. H. B. Chandra	... ..
8. Prof. R. K. Saran	... <i>Secretary.</i>

Oral evidence of Mr. E. O. Lee, I.C.S., Registrar of Trade Unions, Bihar.

*Chairman.*—Your connection with the unions practically begins and ends with the registration of the unions ?

*A.*—Apart from that they have to send me annual statements of accounts.

*Q.*—In recent years perhaps there has been an increase in the registration of unions ?

*A.*—Yes. There were only 10 registered unions on the 31st March 1938, 8 were registered in 1938-39 and some more applications have been received since.

*Mr. Chandra.*—Do unions submit their annual statements in time ?

*A.*—Many of them do not.

*Q.*—Is it difficult for them to do so ?

*A.*—No. The statements are very simple. (Produced the annual return of Indian Miners' Association for 1937-38.)

*Q.*—What is your duty as Registrar of Trade Unions in applying your power of registration ?

*A.*—My duty is merely to register a union once it has supplied all the papers required by the Trade Unions Act. Until the necessary papers are supplied, I cannot register it.

*Q.*—We have been told by some of the unions during the course of our enquiry that there is delay in their registration.

**A.**—I maintain that there has been no avoidable delay in registration except only in the case of the Jamshedpur Labour Federation which was held up for special reasons. Its President had been convicted for embezzling the funds of a former Jamshedpur Labour Federation and turned out of the Presidency by the Civil court and I had doubts as to whether in those circumstances I could register him as President of the new Federation. My doubts were finally resolved by the Legal Remembrancer and I had to register much against my will. Ordinarily delays are due to the union's not supplying full particulars as required by the Act.

**Q.**—What is your suggestion regarding the control of Unions and their accounts ?

**A.**—I think that the State should provide free audit for the unions. This would not entail much expense and would protect the funds of the union from being misspent.

**Q.**—Are you in favour of the Registrar being vested with general powers to refuse registration of Trade Unions ?

**A.**—No. His attitude would be liable to misrepresentation whenever he did refuse registration. And how could he decide that a union was unfit for registration ?

**Q.**—Do you consider that Government should maintain a separate staff of Chartered Accountants for auditing accounts or could this be done by private Chartered Accountants ?

**A.**—What is necessary is that the audit should be efficient. Could it not be done by the ordinary Government of India Audit Department ?

**Q.**—Will not the work become too heavy as the Trade Union movement develops ?

**A.**—It may do so ; but it is not as yet. If the work justifies it, Government may maintain a special Trade Union Audit Department.

**Q.**—How many days does the audit of a Trade Union take ?

**A.**—That depends on the volume of accounts to be audited.

**Q.**—How many days will it take in the case of a union with 500 members ?

**A.**—I do not suppose it should take more than 3 days at the most.

**Q.**—On the average the accounts of 100 or 200 unions can be done in the course of a year ?

*A.*—I cannot give an estimate.

*Mr. Bakhale.*—Can the audit stop the wastage of the funds of the union ?

*A.*—It cannot stop money being misspent but it can point out where it has been misspent so that action may be taken to recover the money and to prevent such misconduct in the future. That audit is necessary is proved by Mr. Homi's case. He was actually sent to jail for misappropriating the funds of the union; and the result was that the union ceased to exist for several years.

*Mr. Chandra.*—I have heard that the registration of Professor Bari's Unions was held up unnecessarily by you.

*A.*—Not being an expert company lawyer, I thought it advisable, when I became the Registrar of Trade Unions, to introduce as the normal procedure on the lines of Civil Court procedure the sending of a copy of the application for registration of a Trade Union to the employer for any criticism or objection which he might wish to make on legal grounds and legal grounds only. This procedure I found helpful, as in several cases mistakes of law, in the form of application, were pointed out by the employer and I had these rectified before the unions were duly registered. Professor Bari objected to this procedure not to me, but to the Government; and I was told to stop it, which I, therefore, did.

*Q.*—Did this procedure delay registration much ?

*A.*—Not more than a month or two in any case. The main delay was caused by the officers of the union failing to give full information.

*Q.*—Some time-limit may be ordinarily observed within which the Trade Union must be registered.

*A.*—That is impossible. Until the Trade Union supplies the information required by law, I cannot register it, however many months elapse.

*Q.*—Can you not make the union supply the information ?

*A.*—I have no power to do so.

*Chairman.*—In the Companies Act there is a form which contains the Articles of Association as a sort of model of Articles of Association to be adopted by any company. Is there any such standard form for the Trade Unions, which can just be filled up by an applicant for registration of a Trade Union ?



*A.*—No. Such forms are not attached in the ordinary course to Acts or Rules. One expects an applicant to consult a lawyer and have his application put in order by the lawyer as he would if he had to go to court for any other purpose.

*Q.*—Would it not simplify matters if a model were provided ?

*A.*—Yes. But it would still be advisable for an applicant to consult a lawyer.

*Mr. Chandra.*—Has any union ever been struck off the register ?

*A.*—Two unions were struck off, Mr. Homi's Jamshedpur Labour Federation and the Golmuri Union. Both have since been reconstituted and registered afresh.

*Q.*—What is the point of law that may arise against the registration of a Trade Union ?

*A.*—The commonest point is that they put down purposes for the expenditure of their funds which are not permitted by the Act.

Then there are rules about the age of members and office bearers, which they fail to observe. And names are written only in Hindi, and not in English. And so forth.

*Q.*—Do you invariably get replies when you inform the applicants of flaws ?

*A.*—Very often not for a long time and then only after reminders.

*Q.*—Cannot undesirable office bearers be eliminated ?

*A.*—Not under the Act as it stands.

*Mr. Saran.*—If you disqualify a man from being on the executive on the ground of moral turpitude, will it not deprive the Trade Union of the services of an intelligent man ?

*A.*—I have not proposed to disqualify a man for moral turpitude.

*Q.*—My point is that if we incorporate provisions in the Act preventing intelligent persons from being office bearers of trade unions, we might be putting unnecessary difficulty in the way of forming a capable executive.

*A.*—I do not consider that persons who had previously been caught out misappropriating funds should be allowed on the

executive. Once a thief always a thief. Let them be members of a Trade Union, but they should not be in a position of trust. As for moral turpitude that is another matter : it does not appear to me to be a necessary bar to office. The danger is financial turpitude.

*Chairman.*—There is one section of the Act with regard to the recommendation of the Royal Commission on Labour that it should be amended so as to remove the obstacles in the way of the Trade Unions taking to co-operative work. You have supported that recommendation. Under the present Trade Unions Act a Trade Union cannot run a co-operative store at all.

*A.*—My support of the recommendation was given merely because I have seen Co-operative Stores run extremely well especially the Jamalpur Co-operative Association.

*Mr. Saran.*—Will there be any legal difficulty if co-operative work is done by trade unions? We cannot separate the functions that are vested in different supervising bodies.

*A.*—I suggest that the Registrar of Co-operative Societies be questioned on this point.

*Mr. Bakhale.*—Will you be able to send to the Committee the membership of the unions that got registered last year? Do you get the membership figures?

*A.*—Figures are not given in the form of application. They cannot be given properly because the union is still in the process of formation.

*Q.*—In the Bombay rules the number of members has to be noted. Can we not have such a form in Bihar?

*A.*—We can; but the figures will only represent the state of affairs on the day of application.

*Dr. Mukherji.*—Can the same officer not be made Labour Commissioner and Registrar of Trade Unions, and work under the Department of Labour?

*A.*—I think it will be better to keep the Registrar, Trade Unions in a purely judicial position.

*Q.*—It has been suggested that for the improvement of the labour movement there should be officers looking into the unions' activities and trying to develop the right union spirit just as there are persons in the Co-operative Department for the improvement of Co-operative Societies.

*A.*—I think Government would be put in a difficult position if it appoints agents to organise labour against employers.

It should be possible to get a sufficient number of honest public spirited non-officials to start the Trade Union movement on the right lines.

*Mr. Bakhale.*—You have remarked that a number of persons are members of the executive of more than one Union. Can a single person be a member of several Unions?

*A.*—Certainly, for instance, Mr. Subas Chandra Bose and Professor A. Bari are each president of more than one union.

*Q.*—Would you recommend some sort of training for Trade Union workers? In England the British Trade Union Congress has a summer school of its own.

*A.*—The proposal seems sound; but I do not think it advisable for such a school to be conducted by the State. The State should remain above both capital and labour.

*Q.*—Trade Unions have increased in number during the last year or two. What is your impression about the new Unions? Have they not sent any reports?

*A.*—Most of them were late in submitting their reports. My impressions of the unions are merely what I have gathered of their activities from the Press.

*Q.*—Has any action been taken against those who have not submitted their reports?

*A.*—Yes. There were three prosecutions for default in submission of statements for 1937-38.

*Q.*—Do you think that sending out a circular inviting the attention of Trade Unions to the important provisions of the Trade Unions Act would be beneficial?

*A.*—The rules are very short. If a man cannot understand them he will only be confused by getting circulars about them.

The Committee resumed its sitting in the Council Chamber, Ranchi, on the 29th May 1939 at 3-15 P.M.

The following members were present :—

- |                              |                      |
|------------------------------|----------------------|
| 1. Dr. Rajendra Prasad       | Chairman, presiding. |
| 2. Mr. R. R. Bakhale         | ... Deputy Chairman. |
| 3. Dr. Radha Kamal Mukherjee | Member.              |
| 4. Mr. A. M. Hayman          | ... "                |
| 5. Mr. Jagat Narain Lal      | ... "                |
| 6. Mr. M. P. Gandhi          | ... "                |
| 7. Mr. H. B. Chandra         | ... "                |
| 8. Prof. R. K. Saran         | ... Secretary.       |

Oral evidence of Mr. E. O. Lee, I.C.S., Commissioner of Excise, Bihar.

*Mr. Bakhale.*—I am interested only in one of the sentences in your written report, viz., that Government would not perhaps approve of your expressing your opinion on prohibition in Saran.

*A.*—A Prohibition Commissioner has recently been appointed, and Government would probably prefer his opinion to be given.

*Mr. Jagat Narayan Lal.*—You have given figures of consumption at different places. Can you give us figures of the Jamshedpur labourers who visit the Saraikela side?

*A.*—I cannot give you figures of consumption in Saraikela State; but I have given you our figures of consumption in Jamshedpur from 1st April 1937. The fact is that there is a river which is fordable for 9 months in the year between Jamshedpur and Saraikela State, and drink is available at very cheap rates on the Saraikela side. So the labourers used to go there when the price in Jamshedpur was too high for their pockets. But that has practically been stopped now through Government's lowering the price of liquor in Jamshedpur and thereby sending up Jamshedpur consumption. The consumption of liquor during 1937-38 was 58,344 gallons, in 1938-39, 70,574 gallons. In 1936-37 it was only 36,924 gallons.

*Q.*—Why has consumption gone up so much?

*A.*—Because when Jamshedpur workmen can afford to buy a drink in Jamshedpur, they naturally do so. On the other

hand, the price is high enough to prevent their buying many drinks in Jamshedpur. When the price was high, they could not afford to buy much drink there and would go to Saraikela. In Saraikela they got one drink after another very cheap, until they would get drunk.

*Q.*—Can you give us figures as to how the experiment of prohibition is going on in Jharia?

*A.*—There can be no figures because there is no licit sale of excisable articles in Jharia. The whole Jharia coal mining area is under prohibition (4 Thanas). But now we find that the coal miners go outside these Thanas in lorries in order to drink. Some also go by train.

*Q.*—And how is the experiment going on in Hazaribagh?

*A.*—I saw the Superintendent of Excise, Hazaribagh a day or two ago. He told me that in spite of his patrolling for about 4 hours every night and wearing himself out so that he could not do his office work next day, he had caught no offenders. But his staff had caught a few offenders. He understood that there were people who were distilling liquor in their homes but that as no one is interested in giving information now that there are no licensed vendors of drink, probably only one case in 20 was being detected.

*Q.*—Do you think that putting up of the price of liquor is very beneficial?

*A.*—Putting up the price always reduces consumption; but if the price is put up too high it leads to illicit practices, and turns a considerable fraction of the population into criminals, which is most undesirable.

*Dr. Mukherji.*—Do you think that the drink evil affects the health of the workers, apart from other considerations?

*A.*—The distilled liquor favoured by the coal miners has a very high percentage of alcohol. So it would do harm if drunk in excess. Some coal miners do drink to excess.

*Q.*—What is the meaning of 30 u.p.?

*A.*—It means 30 per cent water and 70 per cent alcohol.

*Mr. Lal.*—Do you think that prohibition is necessary?

*A.*—I maintain that the enhancement of the price of liquor combined with regulations about sales and licensing hours would give better results than prohibition.

*Dr. Mukherji.*—If the strength is reduced from 30 to 80 that would give the labourers sufficient drink. Would it not? I should like to have fixed strength of 70 and 80 to 85 u. p. What is your opinion? What is the price at present?

*A.*—At present the prices at Jamshedpur are 2 annas a bottle of 80 u.p. and 4 annas a bottle of 70 u.p., the latter being the popular strength. There is also some 50 u.p. strength, sold at 8 annas a bottle. From the 1st April this year Government has at my recommendation abolished strengths higher than 50 u.p. I think it would be a good thing to reduce the maximum strengths to 60 or 70 u.p.

*Q.*—Was the former Government opposed to prohibition in Jamshedpur?

*A.*—Yes. In Jamshedpur the difficulty is that Saraikela State is close by, so that prohibition will probably not reduce drinking to any extent. Increase in the price will reduce the consumption in Jamshedpur as before but will send up the consumption by British Indian subjects in Saraikela.

*Mr. Hayman.*—Have you figures to prove it?

*A.*—We have no figures for Saraikela; but local information is to that effect.

*Q.*—We were told otherwise in Jamshedpur.

Suppose Government were to double the price in other industrial areas.

*A.*—It would have a good effect in the coalfields where the price, before prohibition was introduced this year, was too low in view of the boom in coal and the consequent comparative prosperity of the coal workers. I had actually prepared proposals for doubling the prices all round in the coalfields just before Government decided to introduce prohibition instead this year. It will be quite another matter to double prices in Jamalpur which is surrounded by hills in which illicit distillation is already rife. Last year about 200 cases of illicit distillation were detected in the hilly areas of South Monghyr and if prices were doubled in the towns, illicit distillation in the surrounding hills will increase enormously. Even in the coalfields if prices are put up unreasonably, illicit distillation is certain to start in the disused pits. It was rife in the years prior to 1933-34, when my predecessor Mr. Peck persuaded Government to reduce the prices to about a half of what they previously were.

*Mr. Chandra.*—Do you not think prohibition to be practicable in the case of coal workers ?

*A.*—They have a terrible life underground in appalling heat and dirt ; and when they come up they have no kind of amusement or relaxation provided for them. Even baths do not seem to be provided to wash off the coal dust. Consequently their sole relaxation is drinking ; and I do not see how it can be stopped unless the conditions of coal mining are entirely changed.

*Q.*—Supposing the workers are given relief in the shape of reduction in the hours of work, and the working conditions are better, do you think they will drink more or less ?

*A.*—Unless they are provided with other occupations for their leisure hours I am afraid that greater leisure will only cause them to spend more time in drinking. What is really required is the education of the workers and the provision of social amenities for them.

*Q.*—The wages are paid weekly in Jharia and as soon as they get their money the workers go to the liquor shops. Do you think that there will be any improvement if the methods of payment were changed from weekly to monthly ?

*A.*—I doubt if such a change is practicable. I think it would completely upset the mining industry.

*Q.*—Have you noticed any connection between the quantity of liquor drunk by an average man and his outturn of work ? Can one say that drinking affects the quality of the work ?

*A.*—No. The quantity that a man can drink depends more on his size than anything else. Of course, drunkenness is bad for work.

*Mr. Lal.*—Is drink more of importance in European societies because Europeans have good incomes while the earnings of the Indians are more limited ?

*A.*—Drinking depends upon a man's education and upbringing and the customs of his community, not only the amount of money he possesses. In any railway colony you will find Anglo-Indians getting bankrupt over drink, though they do not earn much. Anglo-Indians as a class are more addicted to heavy drinking than Europeans, though their incomes are generally less.

*Mr. Hayman.*—It is true that they do drink too much.

*Mr. Chandra.*—Is it your suggestion that consumption of liquor can be reduced by giving an increase in wages ?

*A.*—Not necessarily but if the increase in wages results in an improved standard of living, there should be a decrease in the consumption of drink.

*Q.*—May it not be that the increase of wages would give more capacity for drink ?

*A.*—I hope not.

*Chairman.*—We have seen in Jamshedpur that a large number of people who have come from Ohhatisgarh to work in Jamshedpur do without drink. How do you account for that, when they have plenty of money to spend ?

*A.*—Drinking or abstaining from drink is not a matter so much of money as of one's personal views and community custom. For instance, the Arabs do not drink whether they have money or not. But practically all Europeans do, however poor they are.

*Q.*—Prohibition has now been going on for over a year in several places. We started first of all in Saran district, where there are many Sugar Mills, and now prohibition has been enforced in the Jharia coalfields and in Hazaribagh. Do you know what are the effects of prohibition on the labour population in these areas ?

*A.*—I am not in a position to say. Last year numbers of people from Saran district used to visit Hajipur by train in order to drink (they can no longer do so this year). But I fancy that the prohibition of drink in Saran district was generally successful. On the other hand, my information is that the prohibition of drugs had much less effect as they are so easily smuggled.

*Dr. Mukherji.*—In Bokaro we found that the women also drink ; but we found that even then they entreated us that it should be abolished. Workers also say that they cannot leave this habit by themselves, but if prohibition is introduced they will leave it. They cannot leave it unless compelled to do so.

*A.*—If they cannot get a drink, they will not drink it. But I suspect that human nature is much the same everywhere and my experience is that people who say that they will give up drink always start again when an opportunity occurs. It pays smugglers to provide that opportunity.

*Chairman.*—Thank you.



The Committee resumed its sitting in the Dehri Inspection Bungalow, on the 19th December, 1938.

The following members were present :—

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|---------------------------|-----|--|
| 1. Mr. R. R. Bakhale      | ... | <i>Deputy Chairman,<br/>presiding.</i> |
| 2. Dr. R. K. Mukherji     | ... | <i>Member.</i>                         |
| 3. Mr. H. B. Chandra      | ... | "                                      |
| 4. Mr. Jagat Narain Lal   | ... | "                                      |
| 5. Mr. M. P. Gandhi       | ... | "                                      |
| 6. Prof. R. K. Saran      | ... | <i>Secretary.</i>                      |
| 7. Mr. Shanti Prasad Jain | ... | <i>Co-opted Member.</i>                |
| 8. Mr. Basawan Singh      | ... | " "                                    |

**Oral evidence of Mr. C. A. Browne, I.S.E., Executive Engineer, Dehri Division.**

*Chairman.*—It was our idea Mr. Browne, to ask the workers of Public Works Department as to whether they had any grievance of a serious nature and then to request you to tell us something about those grievances from your point of view. But as none of them is here, I request you to tell us what is your idea about the grievances which might have been represented to you. I do not propose to examine you in detail as the time at our disposal is very short. I suppose you have submitted a statement.

*Mr. C. A. Browne.*—Yes, I have submitted a statement. The demand of the Dehri Workshop Workers' Union runs as follows :—

1. Restoration of 12½ per cent of wage cuts of 1932.

There was a cut made by the Executive Engineer in 1932 when there was financial stringency.

*Q.*—When was this cut made ?

*A.*—In August 1931. It is now about eight years.

*Mr. R. K. Saran.*—Did the Government make a ten per cent cut in the pay of all classes of its employees ?

*A.*—Yes. But in their case the cut was at 12½ per cent.

*Q.*—Why this distinction was made ?

*A.*—On account of a fall in the price of commodities evidently.

*Chairman.*—What are the other grievances ?

1.—The other grievances are :—

2. A general increment of 30 per cent in pay.
3. Rs. 15 per month to be fixed as the minimum living wage.
4. Grant of one month's full pay as bonus to the workers.
5. Grant of travelling allowances at the previous rate, i.e., 4 annas to *khalasis*, 8 annas to fitters, carpenters, smiths, etc., in addition to the pay they get when they are made to work out of headquarters.

Q.—What is the present allowance ?

A.—The present allowance was based on the Jobra workshop rates. It varies according to the daily pay.

Q.—Why was this allowance also reduced ?

A.—To make it uniform throughout the province for Public Works Department workshops.

*Mr. M. P. Gandhi.*—What is the present minimum wage that you are giving in your workshop ?

A.—Annas six a day.

*Chairman.*—Are they all daily-rated ?

A.—Yes.

Q.—Irrespective of the length of service they might have put in.

A.—Yes.

Q.—What objection could you possibly have if they are put on the monthly-rated basis ?

A.—Quantity of work varies according to the working and slack seasons, and we cannot afford to keep a lot of permanent men when there is no work for them. There was a scheme to take on outside work, but we could not do so on account of various causes. The workshops are being run at a loss and there has been a constant attempt to balance the profit and loss account side of it.

Q.—But is the loss due to the present wage level or something else? Could you give us some idea of the total cost of production? Profit and loss may be there, but I should like to know whether that loss is due to the present wage level or

due to something else, and if it is due to the present wage level, what is the proportion of the cost of wage to the total cost of production?

A.—I am sorry I cannot give that statement at this stage.

Q.—Very well, you may take your time. But I should like you to do so at a later stage.

A.—Very well.

*Mr. Shanti Prashad Jain (Co-opted member).*—They do not sell anything, how are they going to make out a profit and loss account?

*Chairman.*—It does not matter, we want to have a copy of the balance sheet for the last year or two, and if the workshop is running at a loss, I should like you to tell us what is the proportion of the total wage cost to the total cost of production so that we may be able to know what the proportion is between these two.

*Mr. R. K. Saran.*—You say that Government imposed the cut at 12½ per cent in 1931 because of financial difficulties and fall in the cost of living. Now that the Government have restored the cuts in the case of their employees, why they have not done so in the case of these persons?

A.—I am unable to answer this question.

*Mr. M. P. Gandhi.*—What is the method adopted by you in allowing holidays?

A.—We do not allow holidays with pay—all gazetted holidays are allowed without pay.

Q.—Do you allow any sick leave?

A.—No.

*Mr. H. B. Chandra.*—You state in answer to Q. 1 of the questionnaire that the number is 75 and that the number has been constant this year; has this number been never subject to fluctuation?

A.—The number has not been subject to constant fluctuation, because in the past there has been difficulty in getting ready labour. The labour has been kept on when there has not been sufficient work. They consider it hardship if we turn them out. So when there has been a certain amount of work to be done they have been kept on regardless of the quantity of work.

*Mr. R. K. Saran.*—Then why not put them on a monthly basis ?

*A.*—That was done in the past in the case of a few employees only.

*Chairman.*—This system of employing men on a daily-rated basis has caused a lot of irritation not only here but elsewhere also in the minds of those who are employed on that basis, and on account of this system the employees do not get the privileges that those who are employed on a monthly basis get. Would it not be a better system, if the unrest is to be avoided, that people whom you consider to be such as to be said to be permanent labourers be put on a monthly-rated basis in the interest of peace and harmony ?

*A.*—Yes, my suggestion is now that some definite policy should be laid down in this connection. A lot of our work can be given out on contract.

*Q.*—What is the advantage in giving out work on contract when you have got your own workshop ?

*A.*—To get through the work quickly.

*Q.*—Could it not be done by your own men ?

*A.*—With the staff that we have got it is difficult to supervise properly, as the work is not always concentrated in the workshop.

*Q.*—But I have found by experience that the idea of having your own workshop is to get the work done promptly and to your own satisfaction.

*A.*—The workshop was originally meant for the construction of the Headworks and now that work has decreased, the workshop is too big for our present requirements.

*Q.*—At the same time you give out work on contract ?

*A.*—It is necessary to do so to get the work done promptly.

*Q.*—But suppose Government take steps to see that your staff is so enlarged as to get the work done which you want to be done promptly, would it not be advantageous to abolish this contract system altogether ?

*A.*—I do not think it would be.

*Q.*—How ?

*A.*—Because on the contract basis you specify a time-limit for that job and the contractor has got to do it by that time.

If he fails to produce that job by the specified date, he is liable to be penalised.

*Mr. Jagat Narayan Lal.*—Is the work which you give out on contract mostly of a temporary nature?

*A.*—Yes. This work is of such a nature that Government would not sanction permanent men for it.

*Chairman.*—Now we proceed to consider demand no. 6.

*A.*—Demand no. 6 is—Regular and systematic yearly promotions.

*Mr. H. B. Chandra.*—Are you not in favour of regular promotions?

*A.*—No.

*Dr. R. K. Mukharii.*—But surely you are aware that graded promotion is the best incentive to efficient work.

*A.*—Yes, when there is competition.

*Q.*—I think it is so even when there is no competition. You may have an efficiency bar or something of the sort. It is really very surprising to hear from an employer of labour that the system of promotion is a thing which cannot be instrumental in getting the best out of a man.

*A.*—We have got a very small number of labourers.

*Q.*—Supposing you had a system of promotions, would you want it to be graded or to be in the same scale? I mean promotions not according to individual judgment but according to certain standardized rules.

*A.*—Personally, I do not think it will be any inducement to do better work. If a worker increases his efficiency, there is no bar to putting him on a better pay.

*Mr. Jagat Narayan Lal.*—Am I to understand that you are not opposed to a graded system of pay where there will be several types of workers and where, if a worker increases his efficiency, he has the opportunity of being put in another grade?

*A.*—Yes.

*Q.*—Then what you want is that if a worker has been working for a number of years with the same efficiency, he should not be put on a better pay?

*A.*—Yes.

**Q.**—I suppose you have got different rates of pay for different kinds of workers ?

**A.**—Yes.

**Chairman.**—Now let us come to demand no. 7.

**A.**—Demand no. 7 runs thus—Any leave, sick, privilege, casual or leave on festivals or Sundays, with full pay.

Subject to a certain limit, I am in favour of the principle of granting Government holidays with pay.

**Mr. Jagat Narayan Lal.**—Have you any objection to giving them such holidays if commercial firms are agreeable to giving them a certain number of holidays ?

**A.**—But with the number of Government holidays, the work could not be done economically.

**Dr. R. K. Mukherje.**—I suppose for Sundays they do not get any wages ?

**A.**—No, because they are daily-rated.

**Mr. M. P. Gandhi.**—Have you addressed Government in respect of these holidays ?

**A.**—I have written to Government that certain type of work should be stopped. Our workcharged establishment is entitled to 10 days casual leave and holidays in the year according to the Government rules. I have recommended that Government may consider the desirability of extending this to daily labourers. Other than this we are unable to do anything. As already stated it is cheaper to get the work done on contract. Considering the size of our workshop, I do not think we can usefully draw any good comparison with those of commercial firms.

**Dr. R. K. Mukherji.**—Don't you think that Government, as employer of labour has to lay down a certain irreducible standard for employers and this must represent a criterion by which other employers have got to be guided ? On the other hand, what appears to me is the fact that you are much lowering the standard that obtains in India in many private establishments, for you are considering the question only from the point of view of cost without considering the relation of the wages bill to the total cost of production. One would think that such curtailment of holidays has got a great deal to do to elicit the best out of a labourer

*A.*—I do not for a moment suggest that Government should lower the standard. I have suggested in my letter that if the workshop is to be continued, Government should lay down very clearly definite rules with regard to the workshop labour.

*Mr. Jagat Narayan Lal.*—I suppose you could not say anything with regard to other Government workshops except the one that is under your charge ?

*A.*—Yes.

*Chairman.*—Now let us come to claim no. 8.

*A.*—Claim no. 8 runs thus— $1\frac{1}{2}$  months' leave with full pay in the year.

Claim no. 9 runs thus—Late comers (a) by up to 1 hour be allowed to work with wages for  $1\frac{1}{2}$  hour deducted from their day's earnings, (b) by up to 5 minutes with wages for  $\frac{1}{2}$  hour deducted from their day's earnings.

Claim no. 10 runs thus—Security of services.

With regard to 8 and 9, I think, Government should accede to these. As regards 10, it is very difficult because it is not on a permanent basis.

*Mr. H. B. Chandra.*—In reply to question no. 6 of the questionnaire you have stated that there has been no dismissal during the last six years. Does it not come to this that they have some kind of security of service by convention ?

*A.*—Temporary reductions are effected according to the work which fluctuates.

*Dr. R. K. Mukherji.*—It has been suggested that you might have two branches of your service consisting of some permanent and some temporary hands and give the privilege which is due to permanent hands to those whom you employ in the permanent section and then ask the casual section to do all the odd jobs instead of giving them to contractors.

*A.*—The amount of work is so fluctuating that it will not be possible to do so. The question of the Dehri workshop is going to be looked into as to whether we can keep a nucleus of permanent staff for all our emergent works and when there is no such work they will do other works and continue to remain in employment. For other work of a temporary nature, if we find that it will be better to get it done by casual labourers

then we will employ them, or, if we find that it will be better to get the work done by contractors, we will give it to them.

*Chairman.*—Mr. Browne, while submitting your statement with regard to the total cost of production *vis-a-vis* the total wage cost, please include also information regarding the amount of work you gave out on contract, say during the last seven years and also the amount that has been spent on contract, i.e., the amount you have actually paid to the contractors. Let us now see what is demand no. 11.

*A.*—Demand no. 11 runs thus—Re-instatement of the eight hands who have been discharged recently in pursuance of a policy of victimisation.

*Q.*—You state that these eight people were discharged because there was no work. How did you select them for discharge?

*A.*—Generally junior people were selected for discharge regardless of wages.

*Mr. H. B. Chandra.*—Do you mean that your work had actually decreased just before their discharge?

*A.*—Yes, it was the slack season.

*Q.*—I notice that there was no case of discharge in view of the fact that there was a lot of work during the dry season and the monsoon and the work went on from season to season and year to year. What was the particular occasion last time for effecting discharge of so many hands?

*A.*—I could not actually state the reason but we only want to keep as many men as are necessary for our work.

*Chairman.*—What is the next demand Mr. Browne?

*A.*—Demand no. 12 runs thus—Provision of rest houses where the labourers can cook their meals during midday recess.

There had been some unauthorised production of articles in the workshop and it was decided that the workers should be asked to go out after a certain date and stay in a different shed during the recess hours. There was a small shed in the workshop and when the time came the Subdivisional Officer asked them to vacate the workshop during the recess. They demanded adequate accommodation. There was a 'Treasure Guard's shed *plus* the old office building, which, though condemned, has got verandahs and a few rooms fit for use, I suggested that



a number of labourers who actually required to stay near the workshop during the recess hours could go there, while those who could go to their homes should go to their homes and come back after their meals. If they utilised these buildings, I did not consider that there was any necessity for them to demand an additional building inside the workshops. With this arrangement they were not satisfied. As unauthorised articles had been produced and they were not prepared to vacate the workshop, I then said that they must allow themselves to be searched to which some, including Ram Parikha first agreed. I gave them time to think over the matter, but they still persisted in their attitude. I then told them that there was no other alternative but to vacate the workshop buildings. To that also they were not agreeable. I told them that there was no genuine or reasonable demand so far as I could see.

*Chairman.*—How do demand nos. 13 and 14 read ?

*A.*— No. 13 reads thus—Provision of proper tools or no punishment for less work.

No. 14 reads thus—No victimisation of workers for taking part in the union's activities

*Q.*—Have you recognised this union ?

*A.*—No official order has been issued with regard to that.

*Mr. Jagat Narayan Lal.*—Is it a registered Union ?

*A.*—No.

*Q.*—Would it be your policy to recognise the Union ?

*A.*—Yes.

*Q.*—Who has got the authority, you yourself or some one higher to you ?

*A.*—I am unable to answer this question.

*Q.*—Suppose the Union addresses you ?

*A.*—I would have to go up to Government to get this considered.

*Q.*—That means, for practical purposes, there appears to be some connecting chain between you and the union.

*Mr. Basawan Singh (Co-opted member).*—Is there any settlement possible for the recent dispute ?

*A.*—I do not understand what the dispute is about.

*Q.*—But a lock-out has been declared,

**A.**—A gang of workers were asked to go to Buxar. They demanded that Government should accede to their demands immediately before they went to Buxar. I told them that I had communicated to the Secretary of the Union that Government had undertaken to give him a reply within a month but that they should proceed there to work. They did not agree to that. So I said to the gang deputed to go to Buxar: "Here are your wages, and if you wish to work, you will have to go to Buxar, as there is no work for you in the workshop."

**Q.**—So there is a lock-out.

**A.**—No. As no body would come to work, I had arranged to get the work done by the Anicut staff and they were obstructed. These people will neither work themselves nor let anyone else do the work.

**Dr. R. K. Mukherji.**—Were these demands presented to you or to your predecessor before this?

**A.**—This is the first time that they have been presented.

**Q.**—Were these demands formulated after the strike?

**A.**—They were presented some months back, but they were formulated under normal conditions, and now the position is that 20 people have been asked to go to Buxar and they do not want to go.

**Mr. H. B. Chandra.**—They wanted a reply to these demands before they went to Buxar, so your workshop is not working normally. Is that not so?

**A.**—Yes, that is so.

**Q.**—What is the number of attendance at present?

**A.**—About 2.

**Q.**—So, your workshop is practically closed?

**A.**—Yes, since Thursday.

**Mr. R. K. Saran.**—Do you think that their transfer will affect their wages?

**A.**—They will get the same wages as over here. I also gave the Secretary an undertaking that if there was any increase in their wages or any increase in their travelling allowance, the gang which was being sent to Buxar would get that increase. But in spite of that they wanted a reply to their demands at once.

The Committee resumed its sitting in the Conference room of the Secrefariat, Patna, on the 19th January 1939, at 2-30 P.M.

The following members were present :—

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Dr. Rajendra Prasad,      | ... <i>Chairman presiding.</i> |
| 2. Mr. R. R. Bakhale         | ... <i>Deputy Chairman.</i>    |
| 3. Dr. Radha Kamal Mukherjee | ... <i>Member.</i>             |
| 4. Mr. H. B. Chandra         | ..                             |
| 5. Mr. Jagat Narain Lal      | ..                             |
| 6. Professor R. K. Saran     | ... <i>Secretary.</i>          |

**Summary of the oral evidence of Mr. J. F. Gantzer, Deputy Director of Surveys, Bihar.**

Mr. J. F. Gantzer, Deputy Director of Surveys, Bihar, stated that 50 per cent of employees in his office were permanent hands while the rest were on temporary basis. Rs. 15 was the minimum salary for permanent workers and Rs. 10 for temporary hands. There has been no reduction in the salaries but retrenchment was made in the staff. He said there were two cases in which workers having worked for 25 years have not been made permanent because the workers in question did not prove to be efficient. At present every person is employed as a temporary hand and when any vacancy occurs, he is made permanent. There was no provision for apprentices but he allowed a few to work. With regard to privilege leave, pension, etc., he agreed that it was a hardship that temporary hands with many years' service should be deprived of the benefits given to permanent hands; but he explained that due to the instability of the demand for the reproduction of village maps, owing to the closing of survey settlement operations, it did not seem a feasible proposition to bring all the temporary workers up to the permanent scale.

There was no workers' union. For welfare work he had started a co-operative society which was functioning very efficiently and saved the workers from the hands of the money-lenders.