G.O., Nos 81- 82

Dated 11th February

[Despatch Abstract.]

Enclosing the despatch of a letter to the Govt: of India submitting the views of this Govt: on the general questions of principle involved in the proposed legislation for the inspection & regulation of mines.

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FURTHER PAPERS.

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Recd. } 1898. *Enclosures*

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G.O., No. 81, 11th February 1898.

FEBRUARY.

Proposed legislation for the inspection and regulation of Mines.

Ordering the despatch of a letter to the Government of India submitting the views of this Government on the general questions of principle involved in the —.

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., Mis. No. 4812, Revenue, dated 26th November 1896:—

Read—the following extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture (Geology and Minerals), No. 10—7-10, dated 9th October 1896:—

Read again—

Resolution of the Government of India, No. 8-26—13, dated 7th May 1895, appointing a committee to consider and advise upon the regulation by Government of mines in India.

Read also—

Letter from the Government of Bengal, No. 48 (Marine), dated 8th January 1896, forwarding the report of the committee and the draft Mines Act and draft general rules framed by them.

Letter from the Director, Geological Survey of India, No. 189, dated 13th February 1896, forwarding a memorandum by Mr. James Grundy, Inspector of mines, to the Government of India, containing his remarks upon the draft Act and draft rules.

Annual report of the Inspector of mines for the year ending 30th June 1895.

Resolution—The question of the inspection and regulation of mining operations in India has been under the consideration of the Government of India for many years past, and has formed the subject of several references to Local Governments. No action was taken upon the early proposals for legislation; but in 1890 the question was again raised by Lord Cross, then Secretary of State, who forwarded a copy of the Proceedings of the Berlin Conference of 1890, and asked the Government of India to consider the advisability of undertaking legislation for the inspection of mines and for the regulation of the employment therein of women, young persons and children. After considering the views of Local Governments upon this question, the Government of India decided that before taking any action it was advisable to obtain a fuller knowledge of the conditions of labour in Indian mines; and for this purpose Mr. Grundy, one of Her Majesty's Inspectors of mines in England, was appointed to inspect Indian mines and to report what regulations he would recommend for the protection of the miners. Mr. Grundy's first report for the year ending the 30th June 1894 satisfied the Government of India that some regulation of the working and sanitation of mines was necessary, though they preferred to take no action upon his recommendations regarding female and child labour until they were in position of his views based upon a wider experience of the country generally. A committee was therefore appointed, consisting of Mr. Williams, I.C.S., as President, and of two members nominated by the Bengal Chamber of Commeree and the Indian Mining Association, respectively, one representative of native coal-mine owners and the Inspector of mines. They were requested to frame general rules applicable to all mines; to frame special skeleton rules to be applied to individual mines or groups of mines; and to specify the heads on which legislation was desirable and the provisions which they would suggest under each.

They were also instructed that the end desired was, to afford full protection to the mining population in all matters in which they have a reasonable claim to

2. The Government of India have now considered the report of the committee, and they congratulate its members on the successful manner in which they have accomplished the difficult task of steering a wise course between over-interference on the one hand and insufficient protection to the workmen on the other. They are unable to accept the proposition put forward by Kumar Dakhineshvar Malia in his note of dissent, that no mining regulation is yet needed. The two reports by Mr. Grundy furnish abundant evidence to the contrary; and the Government of India regard the fact that definite proposals for such regulation have been framed by a committee on which the Bengal mining industry at any rate was strongly represented with no protest or dissent save by a single member, as an indication that the necessity for some such action is now generally accepted by those who are most closely concerned in the matter.

3. At the same time the Government of India recognise the force of the Kumar's contention that the proposed rules might, if applied to them in their entirety, press hardly upon the owners of the smaller mines which are numerous in some parts of India, and with the circumstances of which it is believed that no other member of the committee had any minute acquaintance. Indeed the most difficult portion of the problem to be solved, and the one in the solution of which the committee have been able to afford Government less information and help than in other matters, is how to relax in favour of small mines the regulations which are essential in the case of large ones, so as to prevent their being ruinously burdensome, and at the same time to secure the necessary protection to their workmen. The Act being in the main an empowering Act, the Government of India agree with the committee that the definition of "mine" given in section 2 (1) of the draft, broad and comprehensive as it is, should stand; the necessary relaxations and exemptions being provided for by empowering sections, and in the rules which can easily be altered at any time as experience of their working is acquired. It is true that it is not desirable to bring a *kankar* pit 11 feet deep under the operation of the Act; but it is no less true that open workings of no very great depth may be so extensive, or carried on under such dangerous conditions, as to require regulation for the safety of the workmen. They think, however, that open pits and quarries should be defined in the Act as distinct from coal mines [section 2 (20)] and mineral mines [section 2 (21)], thus following the classification of the English Acts, and that different sets of general rules should be framed for each of these three classes. The distinction between coal and mineral mines followed in England seems to be based upon whether the mine penetrates stratified measures or igneous rocks (see page xix of the appendices to the committee's report). It does not appear that any mines of the former class, other than coal mines proper, exist at present in India. But it would be well to give power to the Governor-General in Council to declare that any mine or description of mines falls within the definition of section 2 (20) for the purposes of the Act, and to the Local Government to decide conclusively to which class any particular mine belongs.

4. The classification of mines being thus provided for, very wide powers of exemption will be required; and the more so, because the committee have included in their general rules many matters that are in England dealt with by special rules applying only to individual mines or groups of mines. They were probably wise in doing so, since special rules will take some time to establish, and Indian mines are in an earlier stage, and therefore probably more uniform in their conditions than English mines. In the first place, the Government of India think that all mines—

(1) in which not more than 50 persons are employed belowground during any 24 consecutive hours; and

(2) in which not more than 100 persons in all are employed at any one time; or

(3) in which, being wholly open workings, not more than 200 persons are employed at any one time;

might be exempted at once from the operation of the greater number of the general rules. They are of opinion that *all* underground mines, however small, which fall

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means of access, the use of safety-lamps in the presence of inflammable gas, the examination of working-places, the ventilation of under-ground workings, the use of explosives and the reporting of serious accidents. They therefore think that the rules noted in the margin as class A should ordinarily apply to all mines without exception; and they are inclined to add to them those enumerated as class B, and perhaps those shown as class C also. But on this point they will be glad of opinions and advice. They think that the small mines specified above might then be exempted from the remainder of the general rules; power, however, being reserved to the Local Government to exclude any particular mine, and to the Governor-General in Council to exclude any particular class of mines at any time from the benefits of this exemption. Besides this general exemption, the Local Government and the Governor-General in Council should have power to exclude mines as above from the operation of any or all of the general rules. Finally, it is suggested that in order to meet the case of *kankar* pits and the like, the District officer should have power, by written order in each case, to exempt entirely any wholly open workings from the operation of the Act.

Class A.—32 to 44, 48, 53, 59, 65 (first-half only) 67, 84 to 89, 91, 92, 95, 96, 103, 104, 106, 107.

Class B.—31, 49, 60 to 63, 64 (first part only) 66 to 69, 72 to 75, 108, 110, 111, 129, 136.

Class C.—27 (*a*) (with or without the proviso) 27 (*b*), 45, 46 (first part only) 56, 57.

The proposal of the committee (paragraph 52 of the report) that no punishments should be inflicted under the Act for a year after it comes into force is accepted by the Government of India; and an addition will be made to the Act suspending the operation of the penal sections accordingly.

5. The two important subjects of the employment underground of women and of young children were not expressly referred for the consideration of the committee, who have, however, briefly noticed both. The whole question of the employment underground of female labour, which was referred for the opinion of Local Governments in * May 1891, is still under the consideration of the Government of India. As regards the underground employment of young children, the Government of India recognise that many of the arguments by which its prohibition in Europe is supported do not apply to India. On the other hand, they find that it is already prohibited in some of the larger mines. The committee point out that such prohibition may injure the small mines, upon which the regulations which it is necessary to impose may, it is feared, weigh heavily in some cases, especially at the first; and they state as the general opinion that underground work does not injure children. It is true that children form an integral part of the family-gang system of labour; but it appears to the Government of India that their labour is valuable rather as accustoming them at an early age to the work by which they will have to earn their living than on account of the actual work done by them. It would seem that the employment underground of growing children must tend to produce stunted bodies and impaired health, while its prohibition would not appreciably hamper the mining industry. But the actual employment of children is not the only question to be considered. It must also be decided whether they are to be prevented from going below ground, even if not employed. This question is closely connected with that of the employment of women; as it is possible that to forbid the mothers to take their young children below with them might, in some cases at least, practically amount to preventing them from going down themselves. The Government of India would be glad to receive opinions on both these points; as also upon the limits of age to be adopted if prohibition is to be enforced in either case. So far as information is available at present, twelve years would appear to be a suitable limit. They would also ask Local Governments to procure for them as full information as can be readily obtained regarding the number and ages of children now employed above and below ground and the educational facilities available at the several mines within their jurisdiction.

* Circular No. 1124—25-2, dated 29th May 1891.

6. In paragraphs 131 to 134 and 137 of their report, the committee express the opinion that the demand for labour is so great in the case of Indian mines, that no such protection as is afforded by law in England, and as is proposed by Mr. Grundy* in the important matters of payment of wages and hours of work is needed, at any rate for the present. Before expressing an opinion on this subject, the Government of India would be glad if Local Governments would collect information regarding the local systems of payment, the hours of work, the existence of any discontent and so forth.

* Page 44 of his memorandum and rule 7, page 48, and paragraph 7, page 49.

The Government of India agree with the view of the committee expressed in paragraphs 128–129 of their report that no general rule can be framed for the compulsory provision of latrines at mines, and that the matter of sanitation will be best dealt with by special rules; but they are inclined to add a general rule that, in the absence of any special rule on the subject, the manager shall make such provision in the shape of latrines or sweepers, or both, as may be directed by the District Magistrate on the report of the Civil Surgeon, subject to an appeal to the Commissioner.

7. The Act and rules as drafted will require to be entirely recast; but it is proposed at the present stage to leave questions of form for future settlement, and to discuss only those alterations in substance which appear necessary or advisable. Many of these affect points of detail only, and will be found noted in the margin of the draft Act and rules. It will be sufficient here to notice the larger matters.

8. *Responsibility of Owners and Agents.*—The committee in paragraph 50 of their report urge that the manager, and not the owner, should be primarily responsible if any offence is committed. But the Government of India are inclined to think that the principle upon which the English law on the subject is based, and which is embodied in the first part of section 30 of the draft Act, should be strictly adhered to; and that no owner, agent or contractor should be able, by the mere appointment of a manager, to relieve himself of personal responsibility for seeing as far as in him lies that the manager does his duty. This point is noticed in paragraph 2 at page 49 of Mr. Grundy's memorandum on the draft Act and rules, and the Government of India think that the proviso to section 30 of the draft Act is wrong in principle. It is, indeed, in direct contradiction of the principle upon which section 19 is based, and of which the Government of India approve, that it is for the authorities of the mine, and not for the Inspector, to enforce the observance of the rules upon the workmen, by prosecution if necessary; and that if they fail to do so, it will be they whom the Inspector will prosecute, and not the workmen.

9. *Certificated Managers.*—Strong exception has been taken by Kumar Dakhineshvar Malia to the provision that all mines above a certain size must be supervised by certificated managers. That some such provision is urgently required is abundantly evident from the facts regarding the number of accidents in the mines of India as compared with those of England which have been furnished by Mr. Grundy. It is true that the comparative frequency of accidents in the former is only what might be expected. Miners in England are for the most part a hereditary class who represent the training and experience of generations; while mining by English methods is new to India and to Indian miners. But this very fact makes skilled supervision and management all the more necessary for the protection of the latter against their own ignorance. The argument that skilled persons are less common in India than in England, tells almost as much for as against the necessity for their employment. Whether the precise limits fixed by Rules 1 to 6 should be maintained, or whether they will press too hardly upon small mines, is a point upon which opinions are specially invited, regard being had to the moderation of the Rules (12 to 25) regarding the grant of certificates. In England a certificated manager is required for every coal mine in which more than 30 persons are employed underground. Perhaps a higher limit might be fixed for metalliferous mines than for coal mines.

10. *Contractors.*—In paragraph 57 of their report the committee discuss the important question whether a separate manager is required for a mine let out on contract. Their recommendation as embodied in their draft Rule No. 9 is that, where the contractor holds a certificate, he may be appointed manager on the application of

the owner, and with the special sanction of the Local Government, but not otherwise. The Government of India accept the proposal, even thus limited, with hesitation. The interest of the owner in his mine is at least permanent, and he is always at hand to answer for himself. The interest of the contractor is confined to making as much money as possible out of the mine within a given time, after which he may disappear entirely, and is generally diametrically opposed to those interests which it is the object of the measures now under discussion to protect.

Section 2 (7) of the draft Act excludes from the definition of contractor all persons employing fewer than 50 persons underground; and in paragraph 8 of their report, the committee explain that their object was to discourage the small contractor. The Government of India are unable to follow the argument. The section referred to imposes a liability upon the contractor, but not so as to relieve the owner; while rules 9 and 77 (the only rules which deal with contractors) impose disabilities upon them. Thus it appears that the only result of the limitation to the definition is to exempt small contractors from a liability and disabilities which apply to large ones, and thus to encourage rather than to discourage the former. The Government of India think that the defining portion of section 2 (7) should run —

(7) "Contractor" means a person working a mine or a part of a mine under a contract with the owner of the mine, so as to profit directly by the amount of work done or mineral raised (*cf.* Rule 9).

11. *Arbitration.*—The desirability of constituting a Court of Arbitration is discussed by the committee in paragraph 117 of their report. The Government of India see great difficulties in working such an institution; but they think that some such provision is absolutely necessary. The matters to be dealt with are of a highly technical nature, there is little expert advice available to Government save that of the Inspector, and in the absence of any appeal, such as is now suggested, the Inspector would practically be able, by proposing special rules, to legislate for India in mining matters under the name of the Government of India. The constitution and powers of the court should be settled in the Act, its procedure only being dealt with by rule; it might consist of five members in the more and of three in the less important cases; and service upon it should be compulsory upon the persons mentioned in Rule 122, since the court is constituted in their interests.

The committee recommend, and the draft Act contemplates, that an appeal should lie to the Court of Arbitration from an order of a Magistrate dismissing a criminal information under the Act. The Government of India are not, however, prepared to give the Court of Arbitration jurisdiction of any sort over the criminal courts of the country. The power of referring to the Court of Arbitration for advice, which is secured to the Magistrate, sufficiently meets the object which the committee had in view.

Kumar Dakhineshvar Malia, in paragraph 10 of his note of dissent on the committee's report, suggests an appeal from the decision of the court. It appears to the Government of India that the power of appeal is inconsistent with the idea of arbitration. But it is obviously desirable that the decisions of the court should be subject to some form of control, and it is proposed to empower the Local Government to revise them on the application of the President or any two members of the court, or of the Inspector of mines.

It seems necessary to provide for the carrying out of orders pending a reference to the court; and it has been suggested that all such orders should remain in force until reversed or modified by the Court, provided that the President should have power to suspend their operation, pending decision, in whole or in part, except when the Inspector certifies that to do so would "threaten or tend to the bodily injury of any person" (*cf.* section 29 of the draft Act).

12. *Protection of Railways.*—The necessity for protecting railways against risk from undermining has repeatedly been brought to the notice of the Government of India. They think that in addition to the provisions already embodied in the draft rules regarding the maintenance of plans of mines, and to the powers of entry and inspection which they confer, it will be necessary and sufficient for the due protection of railways to provide that whenever any underground working first approaches within

500 feet of the metals of a railway, the distance being measured horizontally between vertical lines, notice shall at once be given by the manager of the mine to the Inspector of mines and to the Agent or Manager of the railway concerned. This provision may conveniently be added to General Rule 109.

13. In a matter of this nature which so intimately affects numerous interests, many of them small ones, and which is essentially a matter of detail of a highly technical nature, the Government of India are anxious for the fullest discussion; and they invite free criticism of the views expressed in this resolution, which are open to reconsideration in the light of fuller knowledge. Indian miners must be protected; and the Governor-General in Council believes that all mine-owners, whether great or small, will accept without murmuring the burden of whatever measures may be resonably necessary to that end. But he asks for their assistants in rendering those measures as little burdensome as possible, and desires, by the fullest publicity, to associate them with himself in the task. To this end a pamphlet consisting of this resolution, the report of the committee with appendices, the draft Act and rules and Mr. Grundy's memorandum will be printed and supplied gratis by the Inspector of mines to the manager of every small mine that he may have on his register, and to the owner or manager of any mine in India on application. It will also be for sale to the public.

Especially does His Excellency in Council desire to obtain the assistance and advice of the mine-owners of Hyderabad and Mysore. It may be that when the new law is in working order and the benefits of it have become apparent, the Darbars of those States may desire to adopt similar measures of regulation. But, however that may be, interests in coal mines alone were represented upon the committee, and as the most important metalliferous mines in India are situated outside British territory, the Governor-General in Council desires to have the assistance of the mining industry in Native States in criticising the present proposals as applicable to that class of mine.

14. The Government of India have pleasure in recording their high appreciation of the services rendered by the President and the other members of the committee. Their acknowledgments are more especially due to its non-official members for the great help afforded by them at the cost of much time and trouble. They also notice with satisfaction the remarks made by the President regarding the assistance received from Mr. James Grundy, the Inspector of mines, whose proposals and suggestions were considered to be of the greatest value.

Order.—Ordered that a copy of the foregoing resolution, with a copy of the report of the committee, of the draft Act and rules, and of Mr. Grundy's memorandum, be forwarded to all Local Governments and Administrations, with the request that, after consulting such officials and non-officials as they may think fit, and especially owners of metalliferous mines (if any) and of small mines, they will furnish the Government of India with a full expression of their opinion.

Ordered also that a copy of the resolution and of the papers mentioned in the preceding order be forwarded to the Foreign Department, for favour of communication to the Agent to the Governor-General, Baluchistan, and with a request that the mine-owners of Hyderabad and Mysore may be consulted through the Residents at those States.

Ordered also that the resolution be published in the supplement to the *Gazette of India*, and that copies be forwarded (1) to the Government of Bengal for communication to Mr. Williams, the Bengal Chamber of Commerce, the Indian Mining Association, and the members of the committee, and (2) to the Director, Geological Survey, for communication to Mr. Grundy with reference to the last paragraph.

(True Extract.)

(Signed) DENZIL IBBETSON,
Offig. Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

Order—Mis. No. 4812, Revenue, dated 26th November 1896.

The Board of Revenue is requested to furnish the information asked for by the Government of India in the resolution read above and to submit its opinion on the chief points mentioned therein after consulting the principal firms and individuals engaged in mining operations in this Presidency.

2. Copies of the resolution will be supplied to the Chamber of Commerce and to the Madras Trades Association.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

Read—again the following G.O., Mis. No. 762, Revenue, dated 10th February 1897 :—

Read—the following letter from G. G. ARBUTHNOT, Esq., Chairman, Chamber of Commerce, Madras, to the Secretary to Government, Revenue Department, dated Madras, 3rd February 1897 :—

I have the honour to acknowledge the receipt of the G.O., No. 4812, dated the 26th November 1896, forwarding the Government of India's Resolution on the subject of legislation for the inspection of mines in India, and to inform you, in reply, that, while the Chamber generally approves of the proposed legislation, it shares the views of the Special Committee in regard to the fixing of the responsibility of owners as indicated in paragraph 50 of its report.

Order—Mis. No. 762, Revenue, dated 10th February 1897.

Recorded, pending receipt of the report from the Board of Revenue, &c.

(True Extract.)

(Signed) LIONEL DAVIDSON,
Ag. Under Secretary to Government.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), No. 273, dated 9th August 1897 :—

(Full Board.)

Read—again Proceedings of the Board of Revenue (Land Revenue), No. 472, dated 19th December 1896.

Abstract.—Communicating to all Collectors, with Board's remarks, Government Order, Revenue Department, requesting the Board to furnish the information called for by the Government of India in their circular regarding *mining legislation* and to submit its opinion on the chief points mentioned therein after consulting the principal firms and individuals engaged in mining operations in the Presidency.

Read—also replies from Collectors to the above Board's Proceedings.

Resolution—No. 273, dated 9th August 1897.

The Board resolves to submit to Government the report called for in Government Order, Mis. No. 4812, dated 26th November 1896, on certain points specified by the Government of India in connection with the proposed mining legislation.

2. The only districts in which prospecting or mining operations are carried on are those mentioned below :—

Anantapur.—Diamond mine at Wajrakarur on enfranchised inam land.
North Arcot.—Gold mine in the zemindari of Kangundi.
Gódávari.—Prospecting for coal in Bhadráchalam.
Nellore.—Mica mines.
Trichinopoly.—Mining for phosphatic nodules.
Vizagapatam.—Manganese mines in the zemindari of Vizianagram.

Messrs. Arbuthnot & Co., who carry on mining operations in respect of phosphatic nodules in Trichinopoly, state that their experience and interest in mining is not sufficient to enable them to go fully into the subject and that they would prefer their views being represented by the Chamber of Commerce and the Mining Superintendent in Mysore. The information furnished by the Collectors of the other districts named above has been summarized and arranged under the several heads specified in the resolution of the Government of India and the same is printed as an appendix to these Proceedings.

3. The Collector of Coimbatore states that some prospecting for gold is going on in Kollegal taluk, that one of the shafts is about 100 feet in depth and that the number of persons employed does not amount to 50 *per diem*. He presumes that it is not intended to extend the provisions of the Mining Act to works under prospecting licenses. The Collector's attention is drawn to paragraphs 28 (*c*) and 29 (*a*) of the rules. In Cuddapah there are a few blue slab stone quarries in respect of which the Collector thinks that legislation is not called for. In the remaining districts there are no mines falling within the scope of the Government of India Resolution and the Collectors concerned have no suggestions to offer.

4. The main points on which information is required by the Government of India are the following, and they will be dealt with in the order of the paragraphs given in the resolution of the Government of India.

5. *Paragraph* 4 *of the Resolution—Application of General Rules*.—The Government of India proposes to apply certain specified paragraphs of the draft general rules (noted as Class A, B and C) to all mines without exception and to exempt from the remainder of the general rules the small mines falling under any of the classes specified in the margin, power being reserved to the Local Government to exclude any particular mine, and to the Governor-General in Council to exclude any particular class of mines, at any time from the benefits of the above exemption. In addition to the general exemption, the Local Government and the Governor-General in Council would have power to exclude mines as above from the operation of any or all of the general rules. Finally, it is suggested that in order to meet the case of gravel pits and the like, the District officer should have power by written order in each case to exempt entirely any wholly open workings from the operation of the Act.

(*a*) Mines in which not more than 50 persons are employed below ground during any 24 consecutive hours;
(*b*) mines in which not more than 100 persons in all are employed at any one time; and
(*c*) mines in which, being wholly open workings, not more than 200 persons are employed at any one time.

The Collector of Nellore and the Engineer in charge of the Diamond Company in Anantapur offer certain suggestions under this head. They are detailed in the appendix, but all of them have been sufficiently provided for in the draft general rules framed by the Committee. The Manager and Engineer in charge of the manganese mines in Vizagapatam is of opinion that in India more distinction should be made in the Act between quarries and actual mines if it is proposed to include pits and quarries under one and the same Act. The Board has no knowledge of the technical matters dealt with in many of the rules, but so far as it can judge it sees no objection to the rules noted as Class A, B and C being made applicable to all mines without exception save such petty open pits as District officers declare by written order to be exempt entirely from the operation of the Act. Many of these rules will be inapplicable to such mines as at present exist in the Presidency, but their retention will do no harm now, and they may become useful as mining industries develop.

6. *Paragraph* 5 *of the Resolution—Employment of Women and Children.*—The Government of India desires an expression of opinion on the advisability of allowing or prohibiting the employment underground of young children or their being taken thereto by their mothers even if they are not to be employed; as also on the limits of age to be adopted if prohibition is to be enforced in either case.

The Collectors of Nellore and Vizagapatam state that the prohibition of the employment of women and children does not seem to be necessary in the case of the mica and manganese mines. The Engineer in charge of the Diamond Company in Anantapur suggests that no women under 20 and no boys under 14 years of age should be allowed to work underground. In the gold mines at Kangundi, it is reported that no women or children are employed underground. The mining officers are of opinion that no women or boys under 14 should, under any circumstances, be employed underground in any metalliferous mines as the work is too hard and the conditions of labour too trying for them.

The Board does not consider that any special provisions are necessary in regard to the employment of children in mines which are mere open quarries. It would, however, prohibit the employment underground of women under 20 and boys under 14. A rule to this effect will, the Board believes, involve no hardship as it is already observed in practice in the mines in this Presidency.

7. *Paragraph* 6 *of the Resolution—Wages, hours of work, &c.*—The information supplied by Collectors under this head which is detailed in the appendix shows that the rates of wages paid do not compare unfavourably with those ordinarily prevailing in the localities, and that the hours of work are not excessive. The Board is therefore of opinion that no special regulations for the protection of labourers in the matter of wages and hours of work are called for at present. Fining of work people by managers has been adequately dealt with in paragraph 136 of the General Rules.

As regards the compulsory provision of latrines at mines, the proposal of the Government of India that, in the absence of any special rule on the subject, managers shall be bound to make such provision for latrines or sweepers or both as may be directed by the District Magistrate on the report of the Civil Surgeon seems to the Board a satisfactory solution of the difficulty.

8. *Paragraph* 8 *of the Resolution—Responsibility of Owners and Agents.*—The Board agrees with the Government of India that it is most important that the full responsibility of the owner should be maintained and that the proviso to section 30 in the draft Act should be struck out. No doubt, as remarked by the Committee, when a manager has been invested with full powers and directed to enforce the rules, he should be held primarily responsible, but this is amply provided for in the section and the proviso might lead to difficulties as powers given to managers are sometimes more ostensible than real.

9. *Paragraph* 9 *of the Resolution—Employment of Certificated Managers.*—The manager in charge of the coal prospecting operations in Gódávari points out that when the Mines Act of 1872 came into force in England, managers were given certificates of service upon much easier terms than those now proposed by the Committee. He suggests that the operation of the rules about the qualification of managers should be suspended until instruction in mining has been properly provided for. The Collector of Nellore states that mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. Captain Scantlebury (officer in charge of Kangundi Gold mines) is of opinion that a certificated manager is unnecessary in gold mines. The manager of manganese mines in Vizagapatam considers that uniform rules regarding the qualification of managers would prove very irksome and that the list of general subjects of examination prescribed for all classes of certificates is much too comprehensive for small mines and quarries. As under rule No. (1), certificated managers are not required except for mines in which more than 50 persons are employed underground, the Board does not consider that any change is required in the rules 1 to 6 and 12 to 25.

10. *Paragraph* 10 *of the Resolution—Contractors.*—The Board sees no objection to the Committee's proposal as embodied in their draft rule No. 9 which contains abundant safeguards against abuses in regard to the employment of qualified contractors as managers.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.
Copy to all Collectors.
„ to the Settlement Department.

APPENDIX.

Précis of the Collectors' replies arranged under the several heads specified by the Government of India.

Paragraph 4 *of the Government of India Resolution—Application of the general rules.*

Vizagapatam (*Manganese mines*).—The Manager and Engineer states that the workings are really quarries and as such would not fall under the term "mines according to the English Coal Mines Regulation Act 1887 or under the Metalliferous Mines Regulation Acts 1872 and 1875." He thinks that in India more distinction should be made in the Act between quarries and actual mines if it is proposed to include pits and quarries under one and the same Act.

Gódávari (*Prospecting for coal*).—The Collector thinks that rules should be framed in the case of every mine, however small it may be, providing for the protection of machinery and the reporting of accidents.

Nellore (*Mica mines*).—The Mica mines fall under the head "open workings" and the Collector states that they require to be fenced, that the use of the explosives should be regulated and that all serious accidents should be reported. He thinks that provision should also be made for empowering the Collector to exempt by written order in each case any wholly open workings from the operation of the rules. Mr. Sargent, one of the gentlemen engaged in mica mining, suggests that in the event of any accident being of a grave nature, the patient must be compelled to seek relief at the nearest civil hospital (whether he wishes to go or not) at the expense of his employé who should pay all expenses incurred on his behalf in transit, attendance, maintenance of the family, &c. He also suggests that, before a quarry is abandoned, it should be secured by mounds of earth or stones put round it since wooden fencing is perishable.

Ana tapur (*Diamond mine*).—The Engineer in charge of the mine makes the following suggestions:—

(1) Metal instead of wood for the fencing of shafts should be used.
(2) The erection of suitable platforms in connection with midway tunnels with railings round them may secure the safety of the persons working.
(3) All exposed gearings are to be tin-capped and the engineer is to be required to examine the working portions of the machinery daily and to keep a diary showing the results of his examination.
(4) The use of safety lamps as in coal mines need not be insisted upon in the case of diamond mines.
(5) The examination of working places and all projecting surfaces if any should be done every morning by the miners in charge.
(6) Sufficient ventilation should be provided for coolies working underground in tunnels.
(7) To prevent danger from the use of explosives, the magazine should be kept at a sufficient distance and steaning rods used instead of metal.
(8) Accidents should invariably be reported on to the Inspector-General of Mines as soon as they occur.

Paragraph 5 *of the Resolution—Employment of women and children.*

Vizagapatam.—Some 200 children find employment from 8 to 12 years of age earning from 6 to 9 pies per day. After the age of 12, a child earns one anna a day. The parents of the children prefer to have the children with them for fear that they might acquire mischievous habits in villages. As the children with the coolies return to their several villages each night no provision is made for housing, feeding or education.

Nellore.—The Collector states that the prohibition of the employment of women and children does not seem to be necessary. The employment which the mica mines afford to whole families including women and children is beneficial and the part taken by children does not appear to be injurious since their duties are confined to the removal of earth on the quarries or the examination and trimming of mica plates in the sheds. These sheds are ventilated as well if not better than their own houses and the conditions under which they work are healthy.

Anantapur.—No women under 20 and no boy under 14 years of age should be employed to work underground. The woman so working should be brought out of the tunnels when blasting takes place. The boys may, however, be allowed to remain there as it will train them up for future work. The employment of growing children for underground work is not considered objectionable in diamond mines. Women should not be allowed to go underground with their young children.

North Arcot (*Kangundi gold mines*).—No women and children are employed underground in the mines. According to the rules of the Mining Company, males must be 17 or 18 years' old to be so employed. The Local Mining officers hold strongly to the view that no women or boys under 14 should, under any circumstances, be employed underground in any metalliferous mines as the work is too hard and the conditions of labour too trying for them. There is in fact no underground light work. Women and children, principally the latter, are, however, employed in light surface work. This helps them to earn their livelihood and keeps them out of mischief. There are at present 40 children (19 girls and 21 boys of ages ranging between 9 and 12 years) employed on this work which is well adapted to their capabilities. Those between 12 and 17 years of age do heavier surface work. There are about 1,500 children in and around the mine. No educational facilities exist for them. It is reported that the Superintendent of the mine erected a school-house at the request of the labourers. It is now closed as the workmen were unwilling to pay for a teacher. The Superintendent is anxious that the local authorities should open a school.

Paragraph 6 (1) *of the Resolution—Wages, hours of works, &c.*

Vizagapatam.—The Manager and Engineer in charge of the Manganese Mines is of opinion that there is little need of interference for the protection of the coolies. The manager is dependent on the labour obtainable and is anxious to keep it. He must not be debarred from levying fines if he thinks fit. Summary punishment is infinitely more efficacious than postponed legal proceedings These fines should be placed to some definite fund for the assistance of coolies in time of accident, fire, &c. The company employs about 4,000 coolies (men, women and children) not including some 800 carts with their bullocks and men.

The workings extend for some miles, a series of pits and quarries, the coolies are drawn from the neighbouring villages, some men walking a distance of 4 miles to work. The number varies a great deal at certain times of the year on account of agricultural operations, but a gang arranges that all its coolies are not away at the same time. 95 per cent. of the coolies work under contracts; sometimes employed by a contractor who brings them and advances them money. Latterly several of the villages and gangs prefer to work without a contractor. They elect one of their number as spokesman and generally employ a clerk on a few rupees a month to keep their time. They receive the money direct from the company and divide it amongst themselves into shares, one share to one man, two women or three children. The coolies are paid monthly generally within ten days of the close of the month. A contract cooly earns from 2 to 3 annas a day, a woman from 1 to 1½ annas. A few coolies are kept at daily wages and are paid monthly, a man earns 2 to 2½ annas, a woman 1 to 1¼ annas, children from 6 to 9 pies. Coolies under contract work what hours of the day they please, many of them coming before daybreak and working till sunset with a few hours for rest in the middle of the day during the summer months. During the cooler months, they generally work throughout the day (6–30 A.M. to 4 P.M.) with just an interval for a meal.

The daily coolies are expected to work 8 hours a day—7 A.M. to 4 P.M. in winter and 6 A.M. to 11–30 A.M. and 3 to 6 P.M. in summer.

Godávari.—The coolies employed work 8 hours and are paid 4 to 5 annas a day. They do not appear to feel any discontent and no complaints have been preferred by them to the local officers against their masters.

Nellore.—The hours of work are similar to those of other operations of like nature, such as roads and other engineering works and the question of wages can well be left untouched by Government.

Anantapur.—Weekly payments are made to coolies and wages are at 2 annas per woman and 3 annas per man working outside and 4 annas per man working underground. Men and women employed on ordinary duty outside work 9½ hours per day, *i.e.* from 6 A.M. to 8 A.M. from 8–30 A.M. to 12 noon and from 2 P.M. to 6 P.M.; whereas men employed in underground duties work in 3 shifts, each shift working 8 consecutive hours a day. The coolies are satisfied with the wages they get, but complain of ill ventilation.

North Arcot.—Underground men work in shift of 8 hours each and no one is required to do more except under very exceptional circumstances when men are paid overtime fees. Surface work lasts for 9 hours a day—7 A.M. to 12 noon and 1 to 5 P.M.

Payments are made in person by the Superintendent on the second Saturday of each month.

No complaints are made by workmen, but they are frequently given advances on special occasions or when they first start work.

Paragraph 6 (2) *of the Resolution—Latrines.*

Vizagapatam.—Latrines are not provided, but sweepers are employed at the several works. An apothecary is employed to render any assistance in case of accidents or sickness and the sanitary state of the works is under his charge.

Nellore.—The proposal for the compulsory provision of latrines when directed by the District Magistrate on the report of the Civil Surgeon need not now be given effect to. It may be enforced at any future period if found necessary.

North Arcot.—In the Kangundi gold mine, one maistry and five sweepers are employed above-ground. There are fifteen latrines on the field, of which five are for women. Underground workers are allowed to come to the surface when necessary and an underground latrine daily covered with ashes and lime is likewise provided. No cases of cholera or small-pox have occurred here from the time the mine was started. Captain Scantlebury agrees with the general rule proposed by the Government of India that in the absence of any special rule on the subject, the Manager shall make such provision in the shape of latrines or sweepers or both as may be directed by the District Magistrate on the report of the Civil Surgeon, subject to an appeal to the Commissioner.

Paragraph 8 *of the Resolution—Responsibility of owners and agents.*

Vizagapatam.—If a manager is appointed by the owner and agent, they naturally hold him responsible for the due carrying out of any act or rules in force for the workings of the mine. It seems hardly fair that an absent owner should be held in the same degree responsible as a manager.

Gódávari.—The manager should be held primarily responsible for the commission of any offence.

North Arcot.—Captain Scantlebury states that the manager should be made generally responsible.

Paragraph 9 *of the Resolution—Employment of certificated managers.*

Vizagapatam.—The manager and engineer is of opinion that the rule will, without doubt, prove very irksome to small mines and quarries unless wide distinction is made as to the qualifications of a manager, say of a colliery, a deep metalliferous mine or of a quarry for iron, slate, manganese or mica. The list of general subjects of examination for all classes of certificates as laid down in Rule 19 is much too comprehensive for small mines and quarries. The knowledge of some of the subjects such as ventilation, noxious gasses, &c., is never required.

Gódávari.—The manager in charge of the coal prospecting operations states that when the Mines Act of 1870 (1872) came into force in England, managers were given certificates of service upon much easier terms on the recommendation of their employers only and the proposed rules under which 1st-class certificates can be obtained are rather more exacting as they stand now than they should be to begin with. The rules about the qualifications of managers should not be enforced until instruction in mining has been properly provided for.

Nellore.—Mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. For the present, the qualification of managers to be employed may be left to the firms engaged in the business.

North Arcot.—Captain Scantlebury thinks that certificated managers are necessary for coal mines as there they require a special training in connection with the currents of foul air of different kinds which cannot be fully acquired by practical experience. This is unnecessary in the case of gold mines as the same gasses are not found.

Paragraph 10 *of the Resolution—Contractors.*

Vizagapatam.—If competent, there appears no reason why a contractor should not hold a manager's certificate. In outlying works, too far distant to be under the direct daily supervision of the manager, it is almost necessary that the contractor be allowed to hold a manager's certificate. The owner, agent or manager of the parent works will see that the contractor whose interests, however, may not be permanent carries out the work with due consideration to its future.

North Arcot.—Captain Scantlebury's opinion is quoted below :—

"We let most of our works on small contracts, in fact all underground work is so let."

"In driving levels each is let on contract to 3 men—3 men are given to him as assistants to work a rock drill; we guarantee to pay these men a certain rate per day. The contractor is responsible for working the drill and attending to all blasting and has to report to the underground foreman the conditions of his place of work at the end of every shift whether any holes had missed fire and also to warn his successor. Large contractors who often employ large gangs of men know nothing about the work themselves and employ any one and every one they can get. This should be discouraged."

Order—No. 81, Revenue, dated 11th February 1898.

Miscellaneous.

The following letter will be despatched to the Government of India.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

70 Copies.

1898.

DEPARTMENT OF REVENUE AND AGRICULTURE.

From

The Government of Fort St. George.

Recd. } 1898. *Enclosures*

Regd } *Spare copies*

Letter, No. 82, 11th February 1898.

FEBRUARY.

Submitting the views of the Madras Government on the general questions of principle involved in the proposed legislation for the inspection and regulation of mines.

REVENUE DEPARTMENT.

From

The Hon'ble Mr. G. S. FORBES, I.C.S.,
Acting Secretary to the Government of Madras,

To

The SECRETARY to the GOVERNMENT OF INDIA,
Department of Revenue and Agriculture,

Dated Fort St. George, the 11th February 1898.

Sir,

In continuation of my letter, No. 6475, dated 17th December 1897, I am directed to submit the views of His Excellency the Governor in Council, on the general questions of principle involved in the proposed legislation for the inspection and regulation of mines to which the Government of India invite attention in their resolution No. 10—7–10, dated the 9th October 1896. A copy of the Proceedings of the Board of Revenue embodying their views as well as of certain authorities consulted is enclosed as also a copy of a letter from the Madras Chamber of Commerce approving generally of the legislation proposed.

Miscellaneous.

2. *Paragraph 4 of the Resolution.*—General legislation to regulate the mining industry in India being deemed expedient, His Excellency in Council agrees with the Government of India in considering that the objections that have been raised to legislative restriction would be largely met (1) by defining in the Act "open quarries" as a class distinct from coal mines and mineral mines, (2) by taking power to make rules for *each* of these classes of mines and (3) by empowering, as proposed, the Governor-General in Council and the Local Government to exempt particular mines and quarries or classes of mines and quarries from the rules, and also by empowering the District Magistrate to exempt from the operation of the Act open workings such as *kankar* pits.

3. To the proposed application to all mines of the rules classed as A, B and C in the margin of paragraph 4 of the resolution, His Excellency in Council sees no objection, nor does he anticipate that rules of the B and C classes will be oppressive in the case of the mines to which they are applicable. At the same time, I am to point out that if Rule 27 (*a*) included in class C is applied to all mines, Rules 28 and 29 which embody the cases of exemption from Rule 27, should also be included among the rules to be so applied. With regard to Rule 108 of the general rules which is included in class B, applicable to all mines, His Excellency in Council agrees with the Government of India that the "necessary articles and medicines" to be kept ready at every mine under this rule for immediate use should be specified in a schedule. His Excellency in Council is also of opinion that there should be a medical officer, of not lower standing than a hospital assistant, for mines, whether under or above ground, employing 200 persons and more, and that there should be a medical officer of like standing as

well as a dispensary for mines, whether under or above ground, employing 400 persons and more, unless the Local Government declares in any case that a dispensary is not required by reason of the vicinity of some public medical institution capable of providing the requisite accommodation. His Excellency in Council would also add a proviso to the effect that, when a mine is required to maintain a dispensary of its own, it shall be open to the inspection of the District Medical and Sanitary officers as well as the magistracy.

4. *Paragraph 5 of the Resolution.*—As regards the question of the underground employment of women and children, His Excellency in Council considers that the system of family-gang labour has much to recommend it; the man undertaking the hard work and the women and children the lighter tasks. While all labour and live together in this way, there can be little or no opportunity for complaints as to immorality or cruelty to children such as used to be rife in England before such employment was brought under regulation. It may be that in the future such complaints will arise in India also, but until they do arise and the necessity for interference is clearly established, the system of family labour should not, in the opinion of this Government, be interfered with. As regards the danger to the health of children employed in mines, it is observed that there might no doubt be some such danger, if such employment were continuous; but no evidence has been adduced of any such evil and the reason probably is that such employment is not usually continuous. As regards the advisability of allowing mothers to take their young children into the mines, His Excellency the Governor in Council considers that if women are to be allowed to work underground, they must also be permitted to take down their young children with them.

5. In the concluding sentence of paragraph 5 of the resolution, the Government of India desire to be furnished with information regarding the number and ages of children now employed above and below ground, and the educational facilities available at the several mines in this Presidency. I am to invite attention to the precis appended to the Board's Proceedings enclosed, and to express the regret of His Excellency in Council that the information which the local authorities can furnish is so incomplete. To this same précis, I am to refer the Government of India for the information asked for in paragraph 6 of the resolution, regarding the local systems of payment, hours of work, &c., and to add that His Excellency in Council concurs with the Board of Revenue and the committee appointed by the Government of India, in considering that no special regulation is at present required in these matters.

As to the provision of latrine accommodation at the mines, His Excellency in Council accepts the proposal of the Government of India to add a general rule "that in the absence of any special rule on the subject, the manager shall make such provision in the shape of latrines or sweepers or both, as may be directed by the District Magistrate on the report of the Civil Surgeon," subject to an appeal to the Local Government.

6. *Paragraph 8 of the Resolution—Responsibility of owners and Agents.*—His Excellency in Council agrees with the Government of India in considering that the proviso to section 30 should be struck out.

7. *Paragraph 9 of the Resolution—Certificated Managers.*—As to the employment of certificated managers in mines having more than 50 persons working underground, His Excellency the Governor in Council agrees with the Board of Revenue in considering that the application of Rules 1—6 and 12—25, with the modifications suggested by the Government of India in the remarks column opposite the draft rules, is not open to objection and that no change is required in those rules. The power which by the proviso to Rule 14 and by Rule 25 it is proposed to confer on the Governor-General in Council to grant a provisional certificate in consideration of a period of actual service as manager or assistant manager seems sufficient to prevent the rules bearing hardly in particular cases.

8. *Paragraph 10 of the Resolution—Contractors.*—It would appear that the Government of India accept with hesitation the provision of draft Rule No. 9 which

lays down that, where the contractor "holds a certificate, he may be appointed manager, on the application of the owner, and with the special sanction of the Local Government." As the proviso leaves a complete control in the hands of Government, there seems to be no reason to object to it, but His Excellency in Council is of opinion that power should be explicitly reserved to revoke the appointment if the Government is satisfied that the arrangement has become objectionable. His Excellency in Council agrees with the Government of India in considering that the definition of "contractor" may be altered as proposed in paragraph 10 of the resolution.

9. *Paragraph* 11 *of the Resolution—Courts of Arbitration.*—His Excellency in Council does not question the utility of the Courts of Arbitration proposed to be constituted; but fears some difficulty may arise at first in forming a court composed of members having the qualifications designated. In the present state of the mining industry in this Presidency, however, courts are not likely to be required for some time, and it is probable that qualified members will be available before the necessity for them arises. At the same time it is observed that Rules 122 and 123 assume that there will, from the first, be eligible members in every district where mining operations are conducted, and that the President of the Court will always be able to select a member not interested in the mine concerned. I am to suggest that so far as this Presidency is concerned, the rules as to the constitution of the court may be relaxed in respect of the qualification of the persons constituting it. In this Presidency also it would not always be convenient for a Secretary to Government to sit as President of the Court, and as there are no Commissioners of Division, His Excellency in Council would suggest that Rule 121 should also be amended by the insertion of the words "or, in the Madras Presidency a Member of the Board of Revenue" after the words "Commissioner of a division in which the mines are situated." His Excellency in Council agrees to the proposal to empower Local Governments to revise the decisions of Courts of Arbitration upon the application of the President or any two members of the Court or of the Inspector of mines.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. S. FORBES,
Ag. Secretary to Government.

Exd. Shaik Karim.

50 Copies.

Revenue Department.

NOTES CONNECTED WITH G.O., NO. 81, REVENUE, DATED 11TH FEBRUARY 1898.

[Subject.—*Mining Legislation.*]

Proceedings of the Board of Revenue (Land Revenue), No. 273, *dated 9th August* 1897.

FOR ORDERS.

To Secretary—

In 1884, the Government of India enquired whether a Mining Act applicable to the whole of India was required with reference either to the then state of the mining industry or to its possible development in the immediate future. The Board of Revenue and this Government were then of opinion that so far as this Presidency was concerned no Mining Act was necessary as there were no coal mining operations in this Presidency and the gold mining industry had so far resulted in failure.

G.O., No. 717, dated 7th June 1884.
I have noted at the end.
G. S. Forbes.

2. In 1891, the question of mining legislation was again opened by the Government of India at the instance of the Secretary of State. The Government of India indicated the lines on which they proposed to legislate for the protection of the labourers in mines, and asked for the opinions of the local Governments on several points connected with the subject. Thereupon, this Government finding that mining operations in this Presidency had not progressed since 1884 to such an extent as to call for legislation to regulate them, informed the Government of India that the proposed mining legislation need not be made applicable to this Presidency at the outset, and that it would be sufficient if power were taken to extend the contemplated enactment to this Presidency whenever it might be deemed necessary to do so. After considering the views of the various local Governments and Administrations, the Government of India then decided that neither for the regulation of labour nor for the general management and inspection of mines was the necessity for early legislation made out. They, however, thought that the working of the Indian mines should be closely watched and that a fuller knowledge of the conditions of labour therein should be obtained, and with this object in view, they appointed, in consultation with the Secretary of State, Mr. Grundy as Inspector of Mines in India. This officer inspected the most important mines in India and submitted three annual reports for the years 1894, 1895 and 1896.

G.O., No. 4082, dated 17th July 1891.

G.O., No. 55, dated 16th January 1892.

G.O., No. 1268, dated 5th April 1893.

From the first two of these, the Government of India was satisfied that some regulation of the working and sanitation of mines was necessary and they accordingly appointed a Committee consisting of a President and four members to draft a Mining Act and rules thereunder.

Government of India Resolution No. 10—7-10, dated 9th October 1896.

3. The Committee accordingly drew up a short draft Act in which power was reserved to the Governor-General in Council to make general rules applicable to all mines of every description throughout British India and also special rules to meet the requirements of individual mines or groups of mines. The Committee also drafted the general rules to be framed under the Act, but as regards the special rules they said that it was impossible for them to frame them, and that it would best be done in consultation with the different mining officials and when the requirements of the several mines were known, but that they had laid down in the draft Act the principles which the special rules should follow.

Page (2) of the Committee's report.

The Committee's draft Act and general rules will be found printed in the blue book with thin cover in the file. The Government of India in their Resolution No. 10—7-10, dated the 9th October 1896, reviewed the Committee's report, draft Act and Rules, and while of opinion that the Act and the rules would require to be entirely recast in form, discussed those alterations in substance which appeared to them necessary or desirable and forwarded copies of their resolution and connected papers to all local Governments and Administrations, with the "request that after consulting such officials and non-officials as they may think fit, and specially owners of metalliferous mines (if any) and of small mines, they will furnish the Government of India with a full expression of their opinion."

4. On receipt of these papers from the Government of India, the Board of Revenue was requested in G.O., No. 4812, dated 26th November 1896, to furnish the information asked for by the Government of India in their resolution above quoted and to submit its opinion on the chief points mentioned therein, after consulting the principal firms and individuals engaged in mining operations in this Presidency. Copies of the papers forwarded by the Government of India were also supplied to the Chamber of Commerce and to the Madras Trades' Association.

5. The Chamber of Commerce has replied to the effect that they generally approve of the proposed legislation and has offered its remark on one of the minor points—which will be noticed below.

G.O., No. 762, dated 10th February 1897.

6. The Board of Revenue also has, after consulting all the Collectors, submitted a report together with a précis of the replies received from those officers.

7. It now remains to discuss the several points in the draft Act and rules to which the Government of India have invited attention and to furnish the latter with "a full expression" of this Government's "opinion."

8. Before entering into details, it may perhaps be desirable to indicate briefly the contents of the draft Act and the general rules. After defining the terms, *mines*, *shafts*, *owner*, *contractor*, *agent*, *manager*, *coal-mines*, *mineral mines*, *Court of Arbitration* and some other expressions used in connection with the mining legislation, the Act deals with the appointment of Inspectors of Mines, their powers and responsibilities, the institution of criminal cases against owners, agents, managers, assistant managers and other persons, and references to be made to a Court of Arbitration by the Inspector of Mines, and it empowers the Governor-General in Council to make general rules which shall be applicable to all mines of every description throughout India, and special rules to meet the special requirements of individual mines or groups of mines. The general rules drafted by the Committee relate to the appointment of managers and assistant managers, their status and qualifications, the grant of certificates of service and competency, the number of shafts and outlets to be provided in each mine, the fencing of all dangerous and moving machinery in the mines, the safety of roads and working places, the ventilation, lighting and inspection, the use of explosives, the maintenance of accurate plans of underground workings, the report of accidents, the procedure to be adopted by a Court of Arbitration and some other miscellaneous matters.

9. The remarks of the Government of India on points of detail connected with the draft Act and rules are printed on the margin of the sections in the blue-book. The larger matters of principle on which opinions are invited are discussed in the resolution. The first question * is whether the time has arrived to legislate for the regulation of mining operations. One of the four members of the Committee appointed by the Government of India, namely, Kumar Dakshineshwar Malia, has recorded a minute of dissent in which after instituting a comparison between the progress of mining operations in England and that in India, he has given it as his opinion that no mining regulation is yet needed. The Government of India, however, observe that the reports for 1894 and 1895 submitted by Mr. Grundy afford abundant evidence to the contrary, and they regard the fact that definite proposals for such regulation have been framed by a Committee on which the Bengal mining industry at any rate was strongly represented with no protest or dissent save by a single member, as an indication that the necessity for some such action is now generally accepted by those who are most closely concerned in the matter.

* No, this question is concluded. The Government of India has decided that *legislation* is necessary — paragraphs 2 and 13 of the Resolution, dated 9th October 1896.
G.S.F.

Yes, we need say nothing about this.
J.G[ROSE].

Herein India is probably right. All that we have to see is that mining legislation is not extended to this Presidency without cause.
H.W.B[LISS].

Yes.
A. E. H[avelock].

Paragraph 2 of Resolution of the Government of India, No. 10—7-10 dated 9th October 1896.

10. As already stated, so far as this Presidency was concerned, this Government in 1891 was of opinion that mining operations had not then advanced to such an extent as to call for legislation to regulate them, and that the mining legislation then proposed by the Government of India need not be made applicable to this Presidency at the outset, and that it would suffice if power were taken to extend the Act to this Presidency whenever it might be considered necessary to do so. Now that the draft Act which is styled "the Indian Mines Act, 189 ," and the general rules framed under section 9 thereof are to be made applicable to all India, the question is whether any special exemption so far as this Presidency is concerned should be applied for.

11. It would appear that the only districts in this Presidency in which prospecting or mining operations are carried on are the following:—

Paragraph 2 of the Board's Proceedings No. 273, dated 9th August 1897.

Anantapur.—Diamond mines, at Wajrakarur on enfranchised inam.
North Arcot.—Gold mines in the zamindari of Kangundi.
Gódávari.—Prospecting for coal in Bhadráchallam.
Nellore.—Mica mines.
Trichinopoly.—Mining for phosphatic nodules.
Vizagapatam.—Manganese mines in the zamindari of Vizianagram.
Coimbatore.—Some prospecting for gold in the Kollegal taluk.
Cuddapah.—A few blue slab stone quarries in respect of which no legislation is called for in the Collector's opinion.

12. The mining industry in this Presidency is apparently still in its infancy and the mines that exist are evidently not so large as those of Bengal and Northern India and with reference to which legislation has been deemed necessary by the Government of India. As feared by the Government of India, the introduction of the Act and the rules in their entirety will no doubt press hard on the owners of small mines, but the objection on this account will lose much of its force, if, as proposed by the Government of India,

They are mostly not mines at all, but mere open quarries.
H.W.B.

Noted.
A.E.H.

Paragraph 3 of the resolution.

Paragraphs 3 and 4 of the resolution.

In other words the operation of legislative restriction will be determined by the character of the mine, and the law should therefore apply in this Presidency as in any other part of India.

G.S.F.

On this condition, no harm will be done.

H.W.B.

Open pits and quarries should certainly be defined separately in the Act.

G.S.F.

Yes.

J.G.
H.W.B.

(1) open pits and quarries are defined in the Act as distinct from (*a*) coal mines and (*b*) mineral mines, (2) (*a*) all mines in which not more than fifty persons are employed below ground during any 24 consecutive hours, and (*b*) in which not more than 100 persons in all are employed at any one time, or (*c*) in which, being wholly open workings, not more than 200 persons are employed at any one time, are exempted from the operations of the greater number of the general rules, (3) if the local Government and the Governor-General in Council are empowered to exclude individual mines and classes of mines respectively from the operation of any or all of the general rules, and (4) the District Officer is empowered, by a written order in each case, to exempt entirely any wholly open workings from the operation of the Act.

*A—Sections 32 to 44, 48, 53, 59, 65½ 67, 84 to 89, 91, 92, 95, 96, 103, 104, 106 and 107.
B—Sections 31, 40, 60 to 63, 64½, 66 to 69, 72 to 75, 108, 110, 111, 129 and 136.
C—Sections 27 (*a*), 27 (*b*), 45, 46 and 56 to 57.

The Government of India would apply the A rules to all the mines in question but ask our opinion as to the extension of B and C.

G.S.F.

13. The Government of India propose that some of the * general rules noted as classes A, B and C may be applied to all underground mines however small and all quarries that are anything more than casual pits, and that the small mines specified in item (2) above may be excluded from the operation of the remainder of the general rules, power, however, being reserved to the local Government to exempt any particular mine and to the Government of India to exclude any particular classes of mines at any time from the benefits of this exemption.

14. Such of the general rules as are in the opinion of the Government of India to be made applicable to all mines and quarries, relate to (1) the number and condition of shafts and outlets in each mine, (2) the fencing of shafts, (3) the security of means for lifting and lowering workmen, (4) the protection and examination of machinery when used, (5) the safety of passages and means of access, (6) the use of safety-lamps in the presence of inflammable gas, (7) the examination of working places, (8) the ventilation of underground workings, (9) the use of explosives, (10) the reporting of serious accidents, (11) the fencing of cracks and holes on surface, and (12) the disposal of fines imposed on workmen.

(1) C. 27 (*a*) 2 shafts in underground mine, proviso (?) = 30 ft. apart, and communication 4 ft. square; and 27 (*b*) proper apparatus for raising and lowering persons, &c.
(2) A. 32.
(3) A. 33—42.
(4) A. 43, 44; C. 45, 46 information as to pressure, and cleaning of boiler.
(5) A. 48; B. 49 fencing of entrances; C. 56, 57, security of haulage planes.
(6) A. 53, 67; B. 68, 69, 72, 73.
(7) A. 59; B. 60–64½.
(8) A. 65; B. 66, 74, 75.
(9) A. 84—89, 91, 92, 95, 96.
(10) A. 103, 104, 106, 107; B. 108, 110, 111.
(11) A—; B. 129.
(12) A—; B. 136.

15. The Board of Revenue while stating that it has no knowledge of the technical matters dealt with in many of the rules observes that so far as it can judge it sees no objection to the rules noted as classes A, B and C being made applicable to all mines without exception save such petty open pits as the District officers declare to be exempt entirely from the operation of the Act. The Board adds that many of these rules will be inapplicable to such mines as at present exist in this Presidency, but their retention will do no harm now and they may become useful as mining industries develop.

First point for orders.

16. It is submitted that the wide powers of exemption allowed by the Government of India would be sufficient to avoid all undue hardship to the owners of small mines. that there is therefore no need to ask the Government of India to exempt this Presidency from the operation of the Act for some time to come, and that the Board's view as regards the contemplated application of the rules noted as class A, B and C to all mines however *small* may be approved.

There is no such idea.

G.S.F.

Yes.

J.G.
H.W.B.
A.E.H.

17. In order to bring in the Act gradually and with the least amount of hardship the Committee * recommended that no punishment should be awarded for one year after its introduction. The Government of India have accepted this proposal and propose to make an addition to the Act suspending the operation of the penal sections accordingly. This concession is, it is submitted, well considered and would be much valued by all the owners, agents and other persons connected with the mines, who will become familiar with the provisions of the Act and the rules in the course of a year.

Second point for orders.

* Paragraph 52 in page 8 of the Committee's report.

Our opinion is not asked on this point. The Government of India have decided to introduce it.

G.S.F.

G.S.F.
J.G.
H.W.B.
A.E.H.

18. The next point on which the Government of India desire to have opinions is the desirability or otherwise of prohibiting the employment of women and children underground in *mines*.

19. When in 1891, the Government of India asked for the opinion of this Government on this subject, the Board of Revenue, as then constituted, observed that neither females nor boys should be allowed to be employed in mines underground and the Government while accepting the Board's view as regards the prohibition of the employment of women, added that as regards the underground employment of children, none should be so employed who are under 12 years of age and that in the case of children between 12 and 16, a certificate of fitness to work underground should be required.

Paragraph 4 of Board's Proceedings in G.O., N. 55, dated 16th January 1892.

G.O., No. 55, dated 16th January 1892, para. 3 (1).

20. The Committee appointed by the Government of India to draft the Act and the rules were, however, unanimously of opinion that for the present, at any rate, there is no necessity for interfering with the labour of women below ground and that the causes which led to their prohibition in England hardly exist in India at all, and that any interference would have the most serious effect on the mining industry. As regards the question of the underground employment of children, the Committee though not quite so unanimous as in the first case, observed that "the general opinion is that the work does not hurt the children and that the parents as well as mine-owners would object if their labour were interfered with, and that the Committee are therefore of opinion that there is no need for any interference with this class of labour" and that "any interference would mean increased cost to the owners and the consumers and a loss of comforts to the parents and children themselves." The Government of India, while stating that the question of the employment underground of female labour is still under their consideration, however, made the following observations as regards child-labour:—

Paragraph 135 in page 23 of Committee's report.

"The Government of India recognise that many of the arguments by which its prohibition in Europe is supported do not apply to India. On the other hand, they find that it is already prohibited in some of the larger mines. The Committee point out that such prohibition may injure the small mines upon which the regulations

Paragraph 5 of Resolution No. 10—7-10, dated 9th October 1896.

which it is necessary to impose may, it is feared, weigh heavily in some cases especially at the first, and they state as the general opinion that the underground work does not injure children. It is true that children form an integral part of the family gang system of labour; but it appears to the Government of India that their labour is valuable rather as accustoming them at an early age to the work by which they will have to earn their living, than on account of the actual work done by them. It would seem that the employment underground of growing children must tend to produce stunted bodies and impaired health, while its prohibition would not appreciably hamper the mining industry. But the actual employment of children is not the only question to be considered. It must also be decided whether they are to be prevented from going below ground, even if not employed. This question is closely connected with the employment of women, as it is possible that to forbid the mothers to take their young children below with them might in some cases at least practically amount to preventing them from going down themselves." After making these remarks, the Government of India desire to have the opinion of the Local Governments, on the advisability of allowing or prohibiting the employment underground of young children or their being taken thereto by their mothers even if they are not to be employed, as also on the limits of age to be adopted if prohibition is to be enforced in either case. The Government of India have further asked the Local Governments to procure for them as full information as can be readily obtained regarding the number and ages of children now employed above and below ground and the educational facilities available at the mines.

21. The information furnished by the Collectors of Vizagapatam and North Arcot has been precised in the appendix to the Board's Proceedings. As regards the underground employment of women and children, the Collectors of Nellore and Vizagapatam state that the prohibition does not seem necessary in the case of mica and manganese mines.

Third point for orders.

I think that in regard to this question of the underground employment of women and children, it would be unsafe to argue from what is stated about gold mines to what is required in the case of coal mines. In gold mines the substance to be mined is extremely hard and difficult to deal with. It is therefore not suited for women's and children's work. At the same time, it is got in very small quantities, and the aid of cheap labour to tram it to the foot of the shaft is not therefore so requisite as in the case of coal, which is got in very large quantities and often has to be trammed for considerable distances, so that cheap labour for its conveyance is most desirable. The question does not affect us in this Presidency as yet, and may never do so; but the impression I have formed from reading about coal-mining in Bengal is that the loss of women's and children's labour would there be a very serious matter. Mining labour seems to be very difficult to get in Bengal. The people don't take to it readily and are difficult to keep except on their own terms. The idea of a proper system (and it is not a bad one) is to work in families. The man does the hard work and the woman and the children the light work. They all work and live together and there are thus no openings for the complaints as to immorality and cruelty to children which used to be made years ago in England with reference to the underground employment of women and children. It may be that in future such complaints will arise in India. When they do, it will be time enough to deal with them. But until they do I should not interfere. India speaks of the danger to the health of children by underground employment. No doubt there might be some such danger, if such employment were continuous. But no proof has been adduced of anything of the kind, probably because such employment is not usually continuous. My impression from what I have read is that the coal miner seldom sticks to his work as coal miner for more than a few months at a time. After a while he gets tired of it and goes back to his village and his fields taking his wife and children with him. If this system is upset, it will certainly spell ruin to many of the Bengal coal mines. I should refuse to make any regulations whatever as to the employment of women and children in mines until the necessity for them is proved, which is not, in my opinion, the case at present.

H.W.B.
A.E.H.

The Engineer in charge of the diamond mines at Wajrakarur in Anantapur suggests that no women under 20 and no boys under 14 should be allowed to work underground. In the Kangundi gold mines in the North Arcot district, it is reported that no women or children are employed underground in the mines and the local mining officers strongly hold that no women or boys under 14 should be employed underground in any metalliferous mine as the work is too hard, and the conditions of labour too trying, for them. The Board does not consider that any special provision is necessary as regards the employment of children in mines which are mere open quarries. It would, however, prohibit the employment underground of women under 20 and boys under 14. It believes that a rule to this effect will involve no hardship as it is already observed in practice in this Presidency. The Board has not, however, expressed its opinion on the advisability or otherwise of children being allowed to be taken into the mines by their mothers even if they are not to be employed. The Collector of Anantapur says that women should not be allowed to go underground with their young children. It is for consideration whether this view of the Anantapur Collector and the Board's opinion, viz., that women under 20 and boys under 14 should be prohibited from working underground may be endorsed by Government.

The quartz is brought up in bulk.?
G.S.F.

If the women are to be allowed to work they must also be allowed to take their young children with them.
Yes.
A.E.H.

(see page 13.)

H.W.B.

22. The Board does not give very definite information as to the number and ages of the children at present employed above and below ground in the mines of this Presidency. Apparently none (?) are employed underground. Apparently also there are no educational facilities at any of the mining localities.

(?) They are apparently employed in the Anantapur mines.
G.S.F.

23. The next question is about the wages and hours of work. In the original draft of the general rules prepared by Mr. Grundy, the Inspector of Mines, who served as one of the members of the Committee, there were rules regulating the payment of wages to the labourers and prohibiting any deduction from the workmen's wages except as provided for and regulated by the special rules. The Committee, however, deleted those rules, on the ground that the demand for labour is so great at present in the case of Indian mines that no such protection as is afforded by law in England in the important matters of wages and hours of work is needed. The Government of India, however, before expressing any opinion on the subject have desired Local Governments to collect information regarding the local systems of payments, the hours of work, the existence of discontent and so forth. The *précis* in page 6 of the Board's Proceedings contains the information furnished by the Collectors. The Board observes that the rates of wages paid in this Presidency for underground work do not compare unfavourably with those ordinarily prevailing in the localities that the hours of work are not excessive and that no special regulation for the protection of labourers in the matter of wages and hours of work is called for at present. Another point raised in the Government of India Resolution is about the provision of latrines at the mines. The Committee were of opinion that no general rules could be made for the compulsory provision of latrines at the mines and pointed out that the difficulties were of two kinds in Bengal, one in the opposition of the miners who are a very ignorant and suspicious class, and the other in getting sweepers. The Government of India while concurring with the Committee that no general rules can be framed are, however, inclined to add a general rule that in the absence of any special rule on the subject, the Manager shall make such provision in the shape of latrines or sweepers or both as may be directed by the District

Fourth point for orders.

G.S.F.
J.G.
H.W.B.
A.E.H.

Magistrate on the report of the Civil Surgeon subject to an appeal to the Commissioner. The Collector of Nellore says that the proposal of the Government of India need not be given effect to now and that it may be enforced at any future period, if found necessary. The Manager in charge of the Kangundi gold mines in North Arcot, as well as the Board of Revenue, however approve of the rule proposed by the Government of India. The cleanliness of the mines being of the utmost importance to the workmen, it is submitted that the Government also may express concurrence in the Government of India's view.

Fifth point for orders.

Yes: latrine accommodation must be provided at factories under the Factory Act and why not at mines?

G.S.F.

Yes.

H.W.B.
A.E.H.

24. The next point is about the responsibility of owners, agents and managers. In the Act (as originally drafted by Mr. Grundy), the owner, the agent and the manager were each and all made responsible for enforcing the provisions of the Act and the Rules in the mines and in the event of any contravention or non-compliance with any of them by any person whomsoever the owner, agent and manager were each to be declared guilty of an offence against the Act unless he could prove that he had taken all reasonable means by publishing and to the best of his power enforcing the Act and the Rules for the working of the mine.

The Committee, however, considered that when owners and agents had appointed managers and given them full powers of management, the manager must be held primarily responsible for the Commission of any offence and accordingly they added the following proviso to section 30 of the Act:—

"Provided that a manager who has been invested by the owner or agent with full powers of managing a mine shall be held responsible for every offence committed under this Act and proceedings shall be instituted against him, unless he has shown to the satisfaction of the Inspector on an enquiry that such an offence has been committed without his consent or connivance, in which case the Inspector shall institute proceedings against such of those persons whom he believes to be the actual offenders."

Mr. Grundy, who was on the Committee, however, objected to the addition of this proviso, on the ground that "managers are very rarely indeed invested with full powers, and it may often be difficult to ascertain whether a manager has been so "invested" and that "when the owner or agent says that the manager has been "invested with full powers he may claim that he has not, but is always being con-"trolled in his orders and actions as in fact almost all managers are."

The Government of India also think that the proviso is wrong in principle and should be struck out. They observe that, following the law in England, no owner, agent or contractor should be allowed by the mere appointment of a manager to relieve himself of personal responsibility for seeing as far as in him lies that the manager does his duty and that it is for the authorities of the mine and not for the Inspector to enforce the observance of the rules upon the workmen, by prosecution, if necessary.

The Madras Chamber of Commerce shares the views of the committee as regards the fixing of the responsibility on the managers, and the Collectors of Vizagapatam, Gódávari and North Arcot are also of opinion that the manager should be made primarily responsible for the commission of any offence.

The Board of Revenue, however, agree with the Government of India in thinking that it is most important that the full responsibility of the owner should be maintained and that the proviso added by the Committee should be struck out. The Board observes: "No doubt, as remarked by the Committee, when a manager has "been invested with full powers and directed to enforce the rules, he should be held "primarily responsible, but this is amply provided for in the section and the proviso "might lead to difficulties, as powers given to managers are sometimes more ostensible "than real." The section declares the owner, agent and manager severally responsible, but any one of these can, I submit, escape the penalty by proving that he had taken all reasonable means by publishing and, to the best of his power, enforcing the Act and the Rules for the working of the mine. Persumably the owner would be held

not liable if he could prove that he appointed a competent manager, gave him full authority, and saw that he had drawn up proper rules to ensure compliance with the Act. On the other hand the manager would presumably be held not liable if he could prove that he had done what lay in his power but had his hands tied by the owner.

Sixth point for orders.
See note at end.

G.S.F.

The proviso proposed by the committee seems therefore unnecessary, and it is submitted that the Board's view may be accepted.

25. Another point on which the Government of India invite opinion is the question of the compulsory supervision of mines above a certain size, by certificated managers. Rules 1 to 6 of the General Rules drafted by the Committee lay down (see page 11 of the draft Act and rules in Blue book).

(1) that each mine should be under *a* manager;
(2) that mines employing over 50 persons below ground (*i.e.*, underground) in any 24 hours should be under a certificated manager (1st or 2nd class);
(3) that mines employing over 150 persons below ground (*i.e.*, underground) in any 24 hours should be under a manager holding a first-class certificate. A mine in which less than 50 persons are employed underground in any 24 hours is not required (rule 5) to have a certificated manager unless the Inspector specially, owing to danger or other special cause, requires that it be under the control of a certificated manager. A manager who has *not* obtained a certificate under the Act should not manage more than one mine and a manager having a second-class certificate is empowered to manage one or more mines, provided the aggregate number of persons employed underground within any 24 hours does not exceed 150.

26. Rules 12 to 25 of the General Rules (page 12 *ibid*) provide for the issue of certificates under the Act. There are to be eight certificates—four for coal and four for mineral mines—namely, certificates of service, first-class and second-class, and certificates of competency, first-class and second-class. A first-class certificate of service is to be granted by the Governor-General in Council on the recommendation of the Inspector and the Court of Arbitration to every person who has acted for a period of not less than five years* as the manager of a mine employing more than 150 persons in any 24 hours. A second-class† certificate of service is to be similarly granted to every person who had at any time previous to the Act coming into force been the manager of any mine for a period of not less than *two* years, or the assistant manager for not less than *three* years. As cases may, however, arise, at the time when the Act comes into force, in which managers may not have acted in their posts for a *sufficient* period to enable them to obtain the required certificate, though they may be otherwise specially qualified, the Governor-General in Council is empowered to reduce the qualifying service and to grant provisional certificates in all cases in which such a course may be deemed necessary, and to make the provisional certificates permanent on the expiry of two‡ years from the date of the former. As regards certificates§ of competency, these are to be granted on the results of an examination to be arranged for by the Inspector of Mines. Such being the provisions in the draft general rules, as regards managers and their certificates, the Government of India invite opinions on the question whether the limits adopted in the rules, for the classification of mines for purposes of compulsory supervision by certificated managers should be maintained or whether they will press hard on the owners of

* Within the previous *ten* years—*vide* remark opposite section 13 of the draft Act, page 12.

G.S.F.

† Rule 14.

By rule 25 this is also extended to qualifying service *subsequent* to the passing of the Act to meet exceptional cases.

G.S.F.

‡ The Government of India would make this period three years—*vide* remark opposite *proviso* to rule 14, page 13.

G.S.F.

§ Rule 16.

small mines. The Government of India are of opinion that the argument that skilled persons are far less common in India than in England tells almost as much for as against the necessity for their employment. The manager and engineer of the manganese mines in Vizagapatam says that the rules will without doubt prove very irksome to small mines and quarries, unless wide distinction is made as to the qualifications of a manager of a colliery, of a deep metalliferous mine, or of a quarry for iron slate, manganese or mica. The manager in charge of the coal prospecting operations in Gódávari states that when the Mines Act came into force in England in 1872, managers were given certificate of service on much easier terms than those now proposed by the Committee, and he suggests that the operation of the rules about the qualification of managers should be suspended until instruction in mining is properly provided for. The Collector of Nellore says that mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. The officer in charge of the gold mines of the Kangundi zamindari in the North Arcot district is of opinion that a certificated manager is unnecessary in gold mines. The Board, however, gives it as its opinion, that inasmuch as certificated managers are not required except for mines in which more than 50 persons are employed underground, no change is required in the rules drafted by the Committee as regards the supervision by certificated managers and the grant of certificates. It is for consideration whether this view may be endorsed by Government or whether any alteration in the classification of mines requiring certificated managers should be suggested to the Government of India.

They will apply only to *underground* mines employing more than 50 persons below ground.

G.S.F.

This is a strong point. The terms might be made easier to begin with.

H.W.B.

But the mica mines are apparently "*open workings.*"

G.S.F.

Yes, they are *now*, but there are several places where underground work may be undertaken in the future.

J.G.

Seventh point for orders.

27. Another point is whether a separate manager * is required for a mine let out on contract. Rule 9 of the General Rules drafted by the committee is to the effect that a person working a mine on a contract with the owner shall not be eligible for the post of manager at that mine, provided that on application from the owner the Local Government may allow a duly qualified person, though a contractor, to be a manager or assistant manager if it is satisfied that the provisions of this Act will be carried out by this arrangement. The Government of India say that they accept with hesitation this proviso enabling contractors to fill the post of managers and observe as follows:—

"The interest of the owner in his mine is at least permanent, and he is always at hand to answer for himself. The interest of the contractor is confined to making as much money as possible out of the mine within a given time, after which he may disappear entirely, and is diametrically opposed to those interests which it is the object of the measures now under discussion to protect." The Board, however, says that "it sees no objection to the Committee's proposal as embodied in rule 9, "which contains abundant safeguards "against abuses in regard to the employment of qualified contractors as "managers."

* *i.e.*, a manager distinct from the contractor.

G.S.F.

Eighth point for orders.

28. One other point on which the Government of India invite opinions is this:—

Rule 108 of the General Rules, which is proposed by the Government of India to be applied to all mines, says that there must be kept ready at hand in a convenient place at every mine all such necessary articles and medicines as a medical officer shall

advise, in order to render immediate assistance to persons who may sustain injury in the mine. The Government of India, however, think that it seems advisable that a medical officer and a dispensary should be maintained when the number of workmen exceeds a certain number, and they invite opinions on the question. Neither the Board nor the Collectors have noticed this point.

Ninth point for orders.

It is submitted that the decision of the question should depend on the locality of the mine and the number of persons employed. It seems clear that if the mine is within easy reach of a Government or Local Fund dispensary there can be no need for the owner to maintain one. Perhaps the best course would be to make a rule empowering the Local Government to order dispensaries with the requisite staff and equipment to be opened and maintained where and when considered necessary.

This would be somewhat indefinite. A mine owner should know, as far as practicable, his liabilities; and the local Governments or authorities may also as well have some rule to guide them—see note at end.

G.S.F.

29. The Government of India's Resolution deals with some matters on which neither the Collectors nor the Board have expressed any opinion, *i.e.*, (1) the definition of the term "Contractor" in the Act, (2) empowering Local Governments to revise the decisions of the Court of Arbitrators, and (3) measures necessary for the protection of railways.

Tenth point for orders.

It is submitted that the Government may express concurrence with the Government of India on all these matters.

N. E. MARJORIBANKS.
3-12-97.

To Honourable Member and circulate—

It is not necessary to offer any suggestion as to the wording of the Bill or Rules thereunder. It is enough to give an opinion on the general questions of principle to which the Government of India direct our attention. It may be left to them and the Select Committee, to whom the Bill will be referred, to attend to the appropriate expression of the conclusions finally arrived at.

Vide paragraph 7 of the Resolution.

The note above with the marginal remarks explains in detail the points for consideration.

The opinions which we may intimate to the Government of India seem to be the following.

General legislation to regulate mining being deemed expedient, this Government may agree that the objections to legislative restriction will be avoided by introducing into the enactment *open quarries* as a class distinct from (*a*) coal mines, section 2 (20), and (*b*) mineral mines, section 2 (21); by taking power to make rules for *each* of these classes of mines; and by giving in respect of mines and quarries the power to apply the *rules* or to exempt therefrom which it is proposed in paragraph 4 of the Resolution to confer upon the Governor-General in Council and the Local Government and also the power which it is there proposed to confer upon the District Magistrate of exempting from the operation of the Act open workings such as kankar pits.

Yes.

J.G.
H.W.B.
A.E.H.

As to the application of all the rules classed as A, B and C in margin of paragraph 4 of the resolution, no objection need be raised in, I think, any case. Where there is a mine to which any of these rules can be applied, its application seems necessary. As the Board points out, to the great majority of the existing

I see no objection. Rules B and C will not be oppressive in the case of the mines to which they are applicable.

J.G.
H.W.B.
A.E.H.

* It is *generally* desirable to have two shafts even in small mines. Means of getting out should always be available to workers underground, and an accident may make any shaft unavailable for a time. If exemption is required in any particular case the Governor-General in Council can exempt under section 29 (*e*).

J.G.
H.W.B.

† Yes.

J.G.
H.W.B. †
A.E.H.

mines in this Presidency, but few of the rules will be applicable. With regard to rule 27 (*a*), it may be doubted whether two shafts * are essential in every underground mine; it would seem to depend on the distance to which the working is driven and apparently from the proviso it may be inferred that, unless this distance is at least 30 feet, no second shaft is required. If so, 27 (*a*) may be accepted. But 28 and 29 which embody the exemptions should be included among the rules to be applied.

Opinion is specially invited upon rule 108 (classed among the B rules)—*vide* page 27 of the Appendix continued—in Bill and Rules. We may agree that the "necessary articles and medicines" to be kept ready at every mine should be *specified* in a schedule to the rules. With regard to the provision of a dispensary and Medical officer, the Government of India suggest that such provision be maintained when the number of work people exceeds a certain number. The rule might perhaps be that such provision shall be made in the case of all underground mines employing 200 (?) people or open mines employing 400 (?) people, unless the Local Government is satisfied that there is within a reasonable distance some local or public medical institution which supplies all necessary accommodation and medical aid: in such case the Local Government may fix a monthly contribution to be paid by the mine to the institution in consideration of such medical provision. Where a mine is required to provide a dispensary of its own, itshould be open to the inspection of the District Medical and Sanitary Officer and his Assistant and the Magistracy.

I think a "scheduled" lot of articles and medicines for the immediate treatment of patients should be kept at every mine, that there should be a Medical officer, say a Hospital Assistant, for mines which employ 200 persons, and a Medical officer and dispensary (unless the Local Government thinks a dispensary is not wanted, because there are already dispensaries near) for mines which employ 400 persons. In this connection it does not matter whether the workmen work underground or not.

J.G.
H.W.B.
A.E.H.

Yes.

J.G.
H.W.B.
A.E.H.

As to the employment of women and children we may agree with the Board of Revenue that the employment underground of women under 20 and boys under 14 should be prohibited. This will leave unrestricted their employment in open mines and quarries. As to the numbers actually employed and the educational facilities afforded them (see end of paragraph 5 of the Resolution) the information is not very complete, but the Government of India may be referred to the précis appended to the Board's Resolution. To this they may also be referred for information as to wages and hours of work, and we may agree that no special regulation is required in the matter.

[See above, pages 6–7.]
H.W.B.

Yes.

J.G.
A.E.H.

Apparently we have to give our opinion as to whether women should be allowed to take children under ground when they are not of an age to work. I think not.

J.G.

See pages 6–7.

A.E.H.

As to provision of latrine accommodation, the Government of India's proposal may be accepted. The hardship or difficulty in the matter is not, however, understood. It does not appear why there should be any more hesitation in

H.W.B.
A.E.H.

Yes: the Government of India's proposal should be accepted. In paragraphs 128 and 129 the Committee give good reasons for thinking the subject is beset by difficulties in some provinces (though it would not be here). The matter can best be

dealt with by special rules. It is much more necessary to provide for latrines in the case of factories, which are generally in closely inhabited places, whilst mines are generally in open country.

J.G.

Yes. But underground latrines must be a necessity in mines if they are not to be most unhealthy.
H.W.B.
A.E.H.

There is force in the Government of India's contention that "the owner should not be able, by the mere appointment of a manager, to relieve himself of personal responsibility for seeing, as far as in him lies, that the manager does his duty." On the other hand, it is hard to let a case be instituted against a distant and innocent owner—say a partner of Messrs. Binny & Co. about offences committed at the coal workings in Bhadráchalam — and make him prove his innocence in the course of criminal proceedings. I think both considerations would be satisfied by wording the proviso thus: "Provided that when an owner has placed a manager in full charge of the mine, proceedings shall not be instituted against him, if the Inspector finds on inquiry that he has taken all reasonable means to get the Act enforced."

J.G.

I think it would be best to omit the proviso altogether. As the note shows, an absentee owner who had put a proper manager in and given him full power would be quite safe.

H.W.B.

I agree with the Hon'ble Sir Henry Bliss.

A.E.H.

* Under section 113, the District officer has some discretion.

J.G.

† *Vide* remark opposite section 19 of the Draft Bill, page 6 of the appendix containing the Draft Act.

It will not be necessary for the Local Government to interfere. It will be enough to make the Inspector inquire.

J.G.

As to the responsibility of owners, agents and managers, and section 30 of the draft Act, we may agree that the proviso to the section should be abandoned. The substantive part of the remainder of the section will then make the owner, agent and manager each guilty of an infringement of the Act "unless he proves" the matters which under the section are held to exonerate him. As the section stands, this proof can apparently be tendered only in the course of the criminal proceedings *i.e.*, after process issued and appearance before the Magistrate in answer to such process. I think it should be made clear that a prosecution need not be instituted against (say) the owner if it is clear that the whole responsibility for the contravention rests on (say) the manager, *i.e.*, the Government should have a discretion, exercised through the Inspector of Mines or the District officer, * and, after such enquiry as may be deemed fit, as to the party to be actually prosecuted, the criminal liability of the other parties not, however, to be thereby affected if it should subsequently appear that they are also responsible under the section. From the remark opposite section 19 of the draft Act (see marginal note above), it appears that the Government of India contemplate that no prosecution shall be instituted except by the Inspector of Mines or the District officer with the concurrence of the Inspector.

As to the employment of certificated managers in mines having over 50 persons working underground, I think we may agree with the Board of Revenue in accepting the application of rules 1—6 and 12—25 (summarised in the Under Secretary's note) with the modifications suggested by the Government of India in the remark column opposite the draft of the rules. The powers to grant a provisional certificate in consideration of a period of actual service as manager, &c., which are conferred on the Governor-General in Council by the proviso to rule 14 and by rule 25 seem sufficient to prevent the rules bearing hardly in particular cases.

Yes. The rule does not affect open workings.
J.G.
H.W.B.
A.E.H.

Another question is whether where a mine is worked by a contractor a separate manager is required, and whether as proposed in rule 9 a contractor who holds a certificate may be appointed manager on the application of the owner with the special sanction of the Local Government. The Government of India accept this provision of

rule 9 with hesitation. But apparently they do accept it. The Board of Revenue sees no objection. As the proviso leaves a complete control in the hands of Government, there seems no reason to object to it. There should, however, I think, be an explicit power to revoke the appointment if the Government is satisfied that the arrangement has become objectionable.

Yes.
J.G.
H.W.B.
A.E.H.

Yes.
J.G.
H.W.B.
A.E.H.

The definition of contractor may be altered as proposed in paragraph 10 of the Resolution.

The revision of the orders of the Court of Arbitration.—The Government of India has decided that there shall be such a court to deal with technical questions which may become the subject of dispute. It is defined in section 2 (22) of the draft Act and its constitution and the nature of its powers are set out in rules 116 *et seq.* (page 29 of appendix of draft Act and rules in Blue Book) and also in sections 16, 17, 24, 25, 29 (marginal remark of Government of India) of the draft Act. The President will be a Secretary to Government or Commissioner of division (in this Presidency Member of the Board of Revenue or Collector should be substituted), the members being mine-owners, agents or managers selected from a list kept by the Local Government. (Here we should have to depend mainly on the officials of the Mysore mines). In fact the Court will be somewhat analogous to the court of inquiry under the Shid Accidents Act. Service on the Court is to be made compulsory.

Of the utility of the Court, there can, I think, be no question: but it seems doubtful whether in this Presidency it will be always possible to find members for such a court. Outside Mysore there are few mines and still fewer qualified mine managers (one member if a manager must hold a first-class certificate), and we should not be able, I take it, unless the Act shall make service compulsory on a mine manager, &c., as a British subject to require managers employed in the Native States of Mysore, &c., to serve on Madras Courts. The Government of India must devise, I think, a substitute for this court in Provinces where the Government may not be able to constitute it.

The difficulty is not so great as it appears, because such courts are not wanted now, and qualified men will be available before they are. However, it appears from rule 122 that there must from the first be eligible members in every district where there are mines, and from rule 123 that the President should always be able to select a member not interested in the mine concerned. In Vizagapatam the only qualified members would be interested in the manganese mines, and they are the only mines that could be concerned. Rule 121 must be relaxed as regards this Presidency.

J.G.
H.W.B.
A.E.H.

It will be observed that the provisions as to the Court of Arbitration are to be removed from the rules and introduced into the Act itself.

With regard to the special question on which opinion is sought, relative to the empowering the Local Government to revise the proceedings of the Court of Arbitration (*vide* bottom of page 5 of the Resolution and the marginal remark opposite rule 127, page 30 of the appendix), we may agree in the proposals made.

Yes.
J.G.
8-1-98.
H.W.B.
11-1-98.
A.E.H.
17-1-98.

G. S. FORBES.
24-12-97.

To Secretary—

Please see draft.

N.E.M.
1-2-98.

Please fair type the draft as revised by me.

G.S.F.
2-2-98.

To Honourable Member and Circulate.

G S.F.
2-2-98.

J.G.
7-2-98.

H.W.B.
7-2-98.

A.E H.
9-2-98.

Despatch *urgent.*

G.S.F.
11-2-98.

Revenue (189 7) Department.

CURRENT No. 6137

From The Board of Revenue Land Revenue

Order

No. 273

Dated 9-8-97

Received 12-8-97

Registered

Enclosures

Spare copies.

SUBJECT.

Submg: report on certain points connected with the proposed mining legislation

BACK PAPERS.

G.O.	No.	Department.	Date.

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Stamps
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15.2.97.

8

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Land Revenue),

MADRAS.

Printed August th.

Proceedings, No. 273, 9th August 1897.

AUGUST.

Submitting to Government the report called for in Government Order, Mis. No. 4812, dated 26th November 1896, on certain points specified by the Government of India in connection with the proposed mining legislation.

PROCEEDINGS OF THE BOARD OF REVENUE

(LAND REVENUE).

(FULL BOARD).

READ—again Proceedings of the Board of Revenue (Land Revenue), No. 472, dated 19th December 1896.

ABSTRACT.—Communicating to all Collectors, with Board's remarks, Government Order, Revenue Department, requesting the Board to furnish the information called for by the Government of India in their circular regarding *mining legislation* and to submit its opinion on the chief points mentioned therein after consulting the principal firms and individuals engaged in mining operations in the Presidency.

READ—also replies from Collectors to the above Board's Proceedings.

RESOLUTION.—No. 273, dated 9th August 1897.

The Board resolves to submit to Government the report called for in Government Order, Mis. No. 4812, dated 26th November 1896, on certain points specified by the Government of India in connection with the proposed mining legislation.

2. The only districts in which prospecting or mining operations are carried on are those mentioned below :—

Anantapur.—Diamond mine at Wajrakarur on enfranchised inam land.
North Arcot.—Gold mine in the zemindari of Kangundi.
Gódávari.— Prospecting for coal in Bhadráchalam.
Nellore.—Mica mines.
Trichinopoly.—Mining for phosphatic nodules.
Vizagapatam.—Manganese mines in the zemindari of Vizianagram.

Messrs. Arbuthnot & Co., who carry on mining operations in respect of phosphatic nodules in Trichinopoly, state that their experience and interest in mining is not sufficient to enable them to go fully into the subject and that they would prefer their views being represented by the Chamber of Commerce and the Mining Superintendent in Mysore. The information furnished by the Collectors of the other districts named above has been summarized and arranged under the several heads specified in the resolution of the Government of India and the same is printed as an appendix to these Proceedings.

3. The Collector of Coimbatore states that some prospecting for gold is going on in Kollegal taluk, that one of the shafts is about 100 feet in depth and that the number of persons employed does not amount to 50 *per diem*. He presumes that it is not intended to extend the provisions of the Mining Act to works under prospecting licenses. The Collector's attention is drawn to paragraphs 28 (*c*) and 29 (*a*) of the rules. In Cuddapah there are a few blue slab stone quarries in respect of which the Collector thinks that legislation is not called for. In the remaining districts there are no mines falling within the scope of the Government of India Resolution and the Collectors concerned have no suggestions to offer.

4. The main points on which information is required by the Government of India are the following, and they will be dealt with in the order of the paragraphs given in the resolution of the Government of India.

5. *Paragraph 4 of the Resolution—Application of General Rules.*—The Government of India proposes to apply certain specified paragraphs of the draft general rules (noted as Class A, B and C) to all mines without exception and to exempt from the remainder of the general rules the small mines falling under any of the classes specified in the margin, power being reserved to the Local Government to exclude any particular mine, and to the Governor-General in Council to exclude any particular class of mines, at any time from the benefits of the above exemption. In addition to the general exemption, the Local Government and the Governor-General in Council would have power to exclude mines as above from the operation of any or all of the general rules. Finally, it is suggested that in order to meet the case of gravel pits and the like, the District officer should have power by written order in each case to exempt entirely any wholly open workings from the operation of the Act.

(*a*) Mines in which not more than 50 persons are employed below ground during any 24 consecutive hours;
(*b*) mines in which not more than 100 persons in all are employed at any one time; and
(*c*) mines in which, being wholly open workings, not more than 200 persons are employed at any one time.

The Collector of Nellore and the Engineer in charge of the Diamond Company in Anantapur offer certain suggestions under this head. They are detailed in the appendix, but all of them have been sufficiently provided for in the draft general rules framed by the Committee. The Manager and Engineer in charge of the manganese mines in Vizagapatam is of opinion that in India more distinction should be made in the Act between quarries and actual mines if it is proposed to include pits and quarries under one and the same Act. The Board has no knowledge of the technical matters dealt with in many of the rules, but so far as it can judge it sees no objection to the rules noted as Class A, B and C being made applicable to all mines without exception save such petty open pits as District officers declare by written order to be exempt entirely from the operation of the Act. Many of these rules will be inapplicable to such mines as at present exist in the Presidency, but their retention will do no harm now, and they may become useful as mining industries develop.

6. *Paragraph 5 of the Resolution—Employment of Women and Children.*—The Government of India desires an expression of opinion on the advisability of allowing or prohibiting the employment underground of young children or their being taken thereto by their mothers even if they are not to be employed; as also on the limits of age to be adopted if prohibition is to be enforced in either case.

The Collectors of Nellore and Vizagapatam state that the prohibition of the employment of women and children does not seem to be necessary in the case of the mica and manganese mines. The Engineer in charge of the Diamond Company in Anantapur suggests that no women under 20 and no boys under 14 years of age should be allowed to work underground. In the gold mines at Kangundi, it is reported that no women or children are employed underground. The mining officers are of opinion that no women or boys under 14 should, under any circumstances, be employed underground in any metalliferous mines as the work is too hard and the conditions of labour too trying for them.

The Board does not consider that any special provisions are necessary in regard to the employment of children in mines which are mere open quarries. It would, however, prohibit the employment underground of women under 20 and boys under 14. A rule to this effect will, the Board believes, involve no hardship as it is already observed in practice in the mines in this Presidency.

7. *Paragraph 6 of the Resolution—Wages, hours of work, &c.*—The information supplied by Collectors under this head which is detailed in the appendix shows that the rates of wages paid do not compare unfavourably with those ordinarily prevailing in the localities, and that the hours of work are not excessive. The Board is therefore of opinion that no special regulations for the protection of labourers in the matter of wages and hours of work are called for at present. Fining of work people by managers has been adequately dealt with in paragraph 136 of the General Rules.

As regards the compulsory provision of latrines at mines, the proposal of the Government of India that, in the absence of any special rule on the subject, managers shall be bound to make such provision for latrines or sweepers or both as may be directed by the District Magistrate on the report of the Civil Surgeon seems to the Board a satisfactory solution of the difficulty.

8. *Paragraph* 8 *of the Resolution—Responsibility of Owners and Agents.*—The Board agrees with the Government of India that it is most important that the full responsibility of the owner should be maintained and that the proviso to section 30 in the draft Act should be struck out. No doubt, as remarked by the Committee, when a manager has been invested with full powers and directed to enforce the rules, he should be held primarily responsible, but this is amply provided for in the section and the proviso might lead to difficulties as powers given to managers are sometimes more ostensible than real.

9. *Paragraph* 9 *of the Resolution—Employment of Certificated Managers.*—The manager in charge of the coal prospecting operations in Gódávari points out that when the Mines Act of 1872 came into force in England, managers were given certificates of service upon much easier terms than those now proposed by the Committee. He suggests that the operation of the rules about the qualification of managers should be suspended until instruction in mining has been properly provided for. The Collector of Nellore states that mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. Captain Scantlebury (officer in charge of Kangundi Gold mines) is of opinion that a certificated manager is unnecessary in gold mines. The manager of manganese mines in Vizagapatam considers that uniform rules regarding the qualification of managers would prove very irksome and that the list of general subjects of examination prescribed for all classes of certificates is much too comprehensive for small mines and quarries. As under rule No. (1), certificated managers are not required except for mines in which more than 50 persons are employed underground, the Board does not consider that any change is required in the rules 1 to 6 and 12 to 25.

10. *Paragraph* 10 *of the Resolution—Contractors.*—The Board sees no objection to the Committee's proposal as embodied in their draft rule No. 9 which contains abundant safeguards against abuses in regard to the employment of qualified contractors as managers.

(True Copy and Extract.)

Secretary.

To the Secretary to Government, Revenue Department.

Copy to all Collectors.
" to the Settlement Department.

APPENDIX.

PRÉCIS OF THE COLLECTORS' REPLIES ARRANGED UNDER THE SEVERAL HEADS SPECIFIED BY THE GOVERNMENT OF INDIA.

Paragraph 4 *of the Government of India Resolution—Application of the general rules.*

Vizagapatam (*Manganese mines*).—The Manager and Engineer states that the workings are really quarries and as such would not fall under the term "mines according to the English Coal Mines Regulation Act 1887 or under the Metalliferous Mines Regulation Acts 1872 and 1875." He thinks that in India more distinction should be made in the Act between quarries and actual mines if it is proposed to include pits and quarries under one and the same Act.

Gódávari (*Prospecting for coal*).—The Collector thinks that rules should be framed in the case of every mine, however small it may be, providing for the protection of machinery and the reporting of accidents.

Nellore (*Mica mines*).—The Mica mines fall under the head "open workings" and the Collector states that they require to be fenced, that the use of the explosives should be regulated and that all serious accidents should be reported. He thinks that provision should also be made for empowering the Collector to exempt by written order in each case any wholly open workings from the operation of the rules. Mr. Sargent, one of the gentlemen engaged in mica mining, suggests that in the event of any accident being of a grave nature, the patient must be compelled to seek relief at the nearest civil hospital (whether he wishes to go or not) at the expense of his employé who should pay all expenses incurred on his behalf in transit, attendance, maintenance of the family, &c. He also suggests that, before a quarry is abandoned, it should be secured by mounds of earth or stones put round it since wooden fencing is perishable.

Anantapur (*Diamond mine*).—The Engineer in charge of the mine makes the following suggestions:—

(1) Metal instead of wood for the fencing of shafts should be used.

(2) The erection of suitable platforms in connection with midway tunnels with railings round them may secure the safety of the persons working.

(3) All exposed gearings are to be tin-capped and the engineer is to be required to examine the working portions of the machinery daily and to keep a diary showing the results of his examination.

(4) The use of safety lamps as in coal mines need not be insisted upon in the case of diamond mines.

(5) The examination of working places and all projecting surfaces if any should be done every morning by the miners in charge.

(6) Sufficient ventilation should be provided for coolies working underground in tunnels.

(7) To prevent danger from the use of explosives, the magazine should be kept at a sufficient distance and steaning rods used instead of metal.

(8) Accidents should invariably be reported on to the Inspector-General of Mines as soon as they occur.

Paragraph 5 *of the Resolution—Employment of women and children.*

Vizagapatam.—Some 200 children find employment from 8 to 12 years of age earning from 6 to 9 pies per day. After the age of 12, a child earns one anna a day. The parents of the children prefer to have the children with them for fear that they might acquire mischievous habits in villages. As the children with the coolies return to their several villages each night, no provision is made for housing, feeding or education.

Nellore.—The Collector states that the prohibition of the employment of women and children does not seem to be necessary. The employment which the mica mines afford to whole families including women and children is beneficial and the part taken by children does not appear to be injurious since their duties are confined to the removal of earth on the quarries or the examination and trimming of mica plates in the sheds. These sheds are ventilated as well if not better than their own houses and the conditions under which they work are healthy.

Anantapur.—No women under 20 and no boy under 14 years of age should be employed to work underground. The woman so working should be brought out of the tunnels when blasting takes place. The boys may, however, be allowed to remain there as it will train them up for future work. The employment of growing children for underground work is not considered objectionable in diamond mines. Women should not be allowed to go underground with their young children.

North Arcot (*Kangundi gold mines*).—No women and children are employed underground in the mines. According to the rules of the Mining Company, males must be 17 or 18 years' old to be so employed. The Local Mining officers hold strongly to the view that no women or boys under 14 should, under any circumstances, be employed underground in any metalliferous mines as the work is too hard and the conditions of labour too trying for them. There is in fact no underground light work. Women and children, principally the latter, are, however, employed in light surface work. This helps them to earn their livelihood and keeps them out of mischief. There are at present 40 children (19 girls and 21 boys of ages ranging between 9 and 12 years) employed on this work which is well adapted to their capabilities. Those between 12 and 17 years of age do heavier surface work. There are about 1,500 children in and around the mine. No educational facilities exist for them. It is reported that the Superintendent of the mine erected a school-house at the request of the labourers. It is now closed as the workmen were unwilling to pay for a teacher. The Superintendent is anxious that the local authorities should open a school.

Paragraph 6 (1) *of the Resolution—Wages, hours of works, &c.*

Vizagapatam.—The Manager and Engineer in charge of the Manganese Mines is of opinion that there is little need of interference for the protection of the coolies. The manager is dependent on the labour obtainable and is anxious to keep it. He must not be debarred from levying

fines if he thinks fit. Summary punishment is infinitely more efficacious than postponed legal proceedings These fines should be placed to some definite fund for the assistance of coolies in time of accident, fire, &c. The company employs about 4,000 coolies (men, women and children) not including some 800 carts with their bullocks and men.

The workings extend for some miles, a series of pits and quarries, the coolies are drawn from the neighbouring villages, some men walking a distance of 4 miles to work. The number varies a great deal at certain times of the year on account of agricultural operations, but a gang arranges that all its coolies are not away at the same time. 95 per cent. of the coolies work under contracts; sometimes employed by a contractor who brings them and advances them money. Latterly several of the villages and gangs prefer to work without a contractor. They elect one of their number as spokesman and generally employ a clerk on a few rupees a month to keep their time. They receive the money direct from the company and divide it amongst themselves into shares, one share to one man, two women or three children. The coolies are paid monthly generally within ten days of the close of the month. A contract cooly earns from 2 to 3 annas a day, a woman from 1 to 1½ annas. A few coolies are kept at daily wages and are paid monthly, a man earns 2 to 2½ annas, a woman 1 to 1¼ annas, children from 6 to 9 pies. Coolies under contract work what hours of the day they please, many of them coming before daybreak and working till sunset with a few hours for rest in the middle of the day during the summer months. During the cooler months, they generally work throughout the day (6-30 A.M. to 4 P.M.) with just an interval for a meal.

The daily coolies are expected to work 8 hours a day—7 A.M. to 4 P.M. in winter and 6 A.M. to 11-30 A.M. and 3 to 6 P.M. in summer.

Godávari.—The coolies employed work 8 hours and are paid 4 to 5 annas a day. They do not appear to feel any discontent and no complaints have been preferred by them to the local officers against their masters.

Nellore.—The hours of work are similar to those of other operations of like nature, such as roads and other engineering works and the question of wages can well be left untouched by Government.

Anantapur.—Weekly payments are made to coolies and wages are at 2 annas per woman and 3 annas per man working outside and 4 annas per man working underground. Men and women employed on ordinary duty outside work 9½ hours per day, *i.e.* from 6 A.M. to 8 A.M. from 8-30 A.M. to 12 noon and from 2 P.M. to 6 P.M.; whereas men employed in underground duties work in 3 shifts, each shift working 8 consecutive hours a day. The coolies are satisfied with the wages they get, but complain of ill ventilation.

North Arcot.—Underground men work in shift of 8 hours each and no one is required to do more except under very exceptional circumstances when men are paid overtime fees. Surface work lasts for 9 hours a day—7 A.M. to 12 noon and 1 to 5 P.M.

Payments are made in person by the Superintendent on the second Saturday of each month.

No complaints are made by workmen, but they are frequently given advances on special occasions or when they first start work.

Paragraph 6 (2) *of the Resolution—Latrines.*

Vizagapatam.—Latrines are not provided, but sweepers are employed at the several works. An apothecary is employed to render any assistance in case of accidents or sickness and the sanitary state of the works is under his charge.

Nellore.—The proposal for the compulsory provision of latrines when directed by the District Magistrate on the report of the Civil Surgeon need not now be given effect to. It may be enforced at any future period if found necessary.

North Arcot.—In the Kangundi gold mine, one maistry and five sweepers are employed above-ground. There are fifteen latrines on the field, of which five are for women. Underground workers are allowed to come to the surface when necessary and an underground latrine daily covered with ashes and lime is likewise provided. No cases of cholera or small-pox have occurred here from the time the mine was started. Captain Scantlebury agrees with the general rule proposed by the Government of India that in the absence of any special rule on the subject, the Manager shall make such provision in the shape of latrines or sweepers or both as may be directed by the District Magistrate on the report of the Civil Surgeon, subject to an appeal to the Commissioner.

Paragraph 8 *of the Resolution—Responsibility of owners and agents.*

Vizagapatam.—If a manager is appointed by the owner and agent, they naturally hold him responsible for the due carrying out of any act or rules in force for the workings of the mine. It seems hardly fair that an absent owner should be held in the same degree responsible as a manager.

Gódávari.—The manager should be held primarily responsible for the commission of any offence.

North Arcot.—Captain Scantlebury states that the manager should be made generally responsible.

Paragraph 9 *of the Resolution—Employment of certificated managers.*

Vizagapatam.—The manager and engineer is of opinion that the rule will, without doubt, prove very irksome to small mines and quarries unless wide distinction is made as to the qualifications of a manager say of a colliery, a deep metalliferous mine or of a quarry for iron, slate, manganese or mica. The list of general subjects of examination for all classes of certificates as laid down in rule 19 is much too comprehensive for small mines and quarries. The knowledge of some of the subjects such as ventilation, noxious gasses, &c., is never required.

Gódávari.—The manager in charge of the coal prospecting operations states that when the Mines Act of 1870 (1872) came into force in England, managers were given certificates of service upon much easier terms on the recommendation of their employers only and the proposed rules under which 1st-class certificates can be obtained are rather more exacting as they stand now than they should be to begin with. The rules about the qualifications of managers should not be enforced until instruction in mining has been properly provided for.

Nellore.—Mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. For the present, the qualification of managers to be employed may be left to the firms engaged in the business.

North Arcot.—Captain Scantlebury thinks that certificated managers are necessary for coal mines as there they require a special training in connection with the currents of foul air of different kinds which cannot be fully acquired by practical experience. This is unnecessary in the case of gold mines as the same gasses are not found.

Paragraph 10 *of the Resolution—Contractors.*

Vizagapatam.—If competent, there appears no reason why a contractor should not hold a manager's certificate. In outlying works, too far distant to be under the direct daily supervision of the manager, it is almost necessary that the contractor be allowed to hold a manager's certificate. The owner, agent or manager of the parent works will see that the contractor whose interests, however, may not be permanent carries out the work with due consideration to its future.

North Arcot.—Captain Scantlebury's opinion is quoted below:—

"We let most of our works on small contracts, in fact all underground work is so let."

"In driving levels each is let on contract to 3 men—3 men are given to him as assistants to work a rock drill; we guarantee to pay these men a certain rate per day. The contractor is responsible for working the drill and attending to all blasting and has to report to the underground foreman the conditions of his place of work at the end of every shift whether any holes had missed fire and also to warn his successor. Large contractors who often employ large gangs of men know nothing about the work themselves and employ any one and every one they can get. This should be discouraged."

Exd. P. Seetharam.

Note re "Mining" 12th 1896

Mining

Offi

Enter the references - not merely flags which may drop out - (Saint-Maque has this office has fallen into the habit of omitting references - the most elementary duty of an office) SB 8/12/97

Resubmitted with references entered in full. Sh 8/12.

I have noted at the end. SB

= No 7178 7.6.84.

G.O. 4082 & 17.7.91.

G.O. No 81 dated 10 Jan 1898

Legislation

Re: MINING LEGISLATION.

Read again G. O. 4812, 1/26-11-96.

Read also Current No. 6957 of 1897.

FOR ORDERS.

In 1884, the Government of India enquired whether a Mining Act applicable to the whole of India was required with reference either to the then state of the mining industry or to its possible development in the immediate future. The Board of Revenue and this Government were then of opinion that so far as this Presidency was concerned no Mining Act was necessary as there were no coal mining operations in this Presidency and the gold mining industry ~~which then con-~~ ~~templated was~~ so far had resulted in failure.

2. In 1891, the question of mining legislation was again opened by the Government of India at the instance of

of the Secretary of State. The Government of India indicated ~~thereafter~~ the lines on which they proposed to legislate for the protection of the labourers in mines, and asked for the opinions of the Local Governments on several points connected with the subject. Thereupon, this Govt. finding that mining operations in this Presidency had not progressed since 1884 to such an extent as to call for legislation to regulate them, informed the Govt. of India that the proposed mining legislation need not be made applicable to this Presidency at the outset, and that it would be sufficient if power were taken to extend the contemplated enactment to this Presidency whenever it might be deemed necessary to do so. After considering the views of the various Local Governments and Administrations, the Government of India then decided that neither for the regulation of labour nor for the general management and inspection of mines was the necessity

Flag C2 = G.O. 55 d. 16.1.92.

Flag D = G.O. No 1268 d 5.4.98 (pub. 10)

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necessity for early legislation made out. They, however, thought that the working of the Indian mines should be closely watched and that a fuller knowledge of the conditions of labour therein should be obtained, and with this object in view, they appointed in consultation with the Secretary of State, Mr. Grundy as Inspector of Mines in India. This officer inspected the most important mines in India and submitted three annual reports for the years 1894, 1895 and 1896.

From the first two of these, the Government of India was satisfied that some regulation of the working and sanitation of mines was necessary and they accordingly appointed a Committee consisting of a President and four members to draft a Mining Act and rules thereunder.

3. The Committee accordingly drew up a short draft Act in which power was reserved to the Governor-General in Council to make general rules applicable to all mines of every description

G. of I. Notification No 10 dated 9.10.96 Flag E

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description throughout British India and also special rules to meet the requirements of individual mines or groups of mines. The Committee also drafted the general rules to be framed under the Act, but as regards the special rules they said that it was impossible for them to frame them, and that it could best be done in consultation with the different mining Officials and when the requirements of the several mines were known, but that they had laid down in the draft Act, the principles which the special rules should follow.

The Committee's draft Act and general Rules will be found printed in the 32 pages commencing with that(flagged A) in the blue book with thin cover in the file. The Government of India in their Resolution No. 10/7 - 10 dated the 9th October 1896, reviewed the Committee's report, draft Act and Rules, and while of opinion, that the Act and the Rules would require to be entirely recast in form, discussed those alterations in

substance

flag G.: page(2) of the Committee's report in the book with blue thin cover.

× flagged E. in above book.

substance which appeared to them necessary or desirable and forwarded copies of their Resolution and connected papers to all Local Governments and Administrations, with the request that after consulting such officials and non-officials as they may think fit, and specially owners of metalliferous mines (if any) and of small mines, they will furnish the Govt. of India with a full expression of their opinion".

4. On receipt of these papers from the Govt. of India the Board of Revenue was requested in G. O. No. 4812, dated 26th November 1896 to furnish the information asked for by the Govt. of India in their Resolution above quoted and to submit its opinion on the chief points mentioned therein, after consulting the principal firms and individuals engaged in mining operations in this Presidency. Copies of the papers forwarded by the Govt. of India were also supplied to the Chamber of Commerce and to the Madras

Trades

Trades Association..

5. The Chamber of Commerce has replied to the effect that they generally approve of the proposed legislation and has offered its remark on one of the minor points - which will be noticed below.

6. The Board of Revenue also, has after consulting all the Collectors, submitted a report together with a precis of the replies received from those officers.

7. It now remains to discuss the several points in the Draft Act and Rules to which the Govt. of India have invited attention and to furnish the latter with "a full expression" of this Government's opinion.

Before entering into details, it may perhaps be desirable to indicate briefly the contents of the draft Act and the General Rules. After defining the terms, mines, shafts, owner, contractor, agent, manager, coal-mines, mineral mines, Court of Arbitration and some other expressions used in connection with the mining legislation, the Act deals

flag J: Qo. 762/1052.97.

4

deals with the appointment of Inspectors of mines, their powers and responsibilities, the institution of Criminal cases against owners, agents, managers, assistant managers and other persons, and references to be made to a Court of Arbitration by the Inspector of Mines, and it empowers the Governor General in Council to make general rules which shall be applicable to all mines of every description throughout India, and special rules to meet the special requirements of individual mines or groups of mines. The general rules drafted by the Committee relate to the appointment of managers and assistant managers, their status and qualifications, the grant of certificates of service and competency, the number of shafts and outlets to be provided in each mine, the fencing of all dangerous and moving machinery in the mines, the safety of roads and working places, the ventilation, lighting and inspection, the

use of explosives, the maintenance of accurate plans of underground workings, the report of accidents, the procedure to be adopted by a Court of Arbitration and some other miscellaneous matters.

The remarks of the Govt. of India on points of detail connected with the draft Act and Rules are printed on the margin of the sections in the pages commencing with that flagged A I. The larger matters of principle on which opinions are invited are discussed in the Resolution. The first question is whether the time has arrived to legislate for the regulation of mining operations. One of the four members of the Committee appointed by the Govt. of India, namely Kumar Dakshineshwar Malia, has recorded a minute of dissent in which after instituting a comparison between the progress of mining Operations in England and that in India, he has given it as his opinion that no mining regulation is yet needed. The Govt. of India, however, observe that the reports for 1894 and 1895 submitted by Mr. Grundy, afford abundant

evidence

evidence to the contrary, and they regard the fact that definite proposals for such regulation have been framed by a Committee on which the Bengal Mining industry at any rate was strongly represented with no protest or dissent save by a single member, as an indication that the necessity for some such action is now generally accepted by those who are most closely concerned in the matter.

As already stated, so far as this Presidency was concerned in 1891 this Govt was of opinion that mining operations had not then advanced to such an extent as to call for legislation to regulate them, and that the mining legislation then proposed by the Govt. of India need not be made applicable to this Presidency at the outset and that it would suffice if power were taken to extend the Act to this Presidency whenever it might be considered necessary to do so. Now that the draft Act which is styled "the Indian Mines Act 189." and the General Rules framed under Section 9 thereof are to

be

be made applicable to all India, the question is whether any special exemption so far as this Presidency is concerned should be applied for.

It would appear that the only Districts in this Presidency in which prospecting or mining operations are carried on are the following :-

Anantapur	----------	Diamond mines, at Wajrakarur, on enfranchised inam.
North Arcot	----------	Gold mines in the Zamindari of Kangundi.
Godavari	----------	Prospecting for coal in Bhadrachellam.
Nellore	----------	Mica mines.
Trichinopoly	----------	Mining for phosphatic nodules.
Vizagapatam	----------	Manganese mines in the Zamindari of Vizianagaram.
Coimbatore	----------	Some prospecting for gold in the Kollegal Taluk.
Cuddapah	----------	A few blue slate stone quarries in respect of which no legislation is called for in the Collector's opinion.

The

Power 2 of the B.P. Act Amended No 6937 of 1897.

Power 3 of the Rules I & D in the book with blue cover.

In other words the question of legislative restriction will be determined by the character of the mine, & the laws shall therefore apply in this Pres. as in any other part of India - S.R.

Open pits & quarries shd. certainly be defined separately in the Act. Yes S.R.

The mining industry in this Presidency is apparently still in its infancy and the mines that exist are evidently not so large as those of Bengal and Northern India and with reference to which legislation has been deemed necessary by the Government of India. As feared by the Govt. of India, the introduction of the Act and the rules in their entirety will no doubt press hard on the owners of small mines, but the objection on this account will lose much of its force, if as proposed by the Govt. of India, (1) open pits and quarries are defined in the Act as distinct from (a) coal mines and (b) mineral mines, (2) (a) all mines in which not more than fifty persons are employed below ground during any 24 consecutive hours, and (b) in which not more than 100 persons in all are employed at any one time, or (c) in which, being wholly open workings, not more than 200 persons are employed at any one time, are exempted from the operations of the greater number of the general rules, (3) if the Local Government and the

Governor

Governor General in Council are empowered to exclude individual mines and classes of mines respectively from the operation of any or all of the General Rules, and(4) the District Officer is empowered, by a written order in each case, to exempt entirely any wholly open workings from the operation of the Act.

The Govt. of India propose that some of the General rules noted as classes A, B, and C may be applied to all underground mines however small and all quarries that are anything more than casual pits, and that the small mines specified in item (2) above may be excluded from the operation of the remainderof the General Rules, power, however, being reserved to the Local Government to exempt any particular mine and to the Govt. of India to exclude any particular class of mines at any time from the benefits of this exemption.

Such of the General rules as are

A: Sections. 32 & 44, 48, 53, 59, 63½, 67, 84 & 89, 91, 92, 95, 96, 103, 104, 106 & 107.

B. Sections 31, 40, 60 & 63, 64½, 66, 69, 72 & 75, 108, 110, 111 129 and 136.

C. Sections 27(a) 27(b) 45, 46, 56 & 57.

The Govt. of India will apply the A rules to all the mines in Q's but ask our opinion as to the admission of B & C.

SR

? pravaso = 30/t. apart, & communicate 41 to 9.

(1) C. 27(a) 2 shafts in underground mine, &
27(b) proper apparatus for raising & lowering persons &c

(2) 31/32

(3) A. 33 – 42

(4) A. 43, 44
C. 45, 46 – rules as to pressure, & cleaning of boilers

(5) A. 48
B. 49 – fencing of entrances
C. 56, 57 – security of haulage plants &c

(6) A. 53, 67
B. 68, 69, 72, 73

(7) A. 59, 67
B. 60 – 64½

(8) A. 65
B. 66, 74, 75

(9) A. 84 – 89, 91, 92, 95, 96

(10) A. 103, 104, 106, 107
B. 108, 110, 111

(11) A.
B. 129

(12) A.
B. 136.

are in the opinion of the Govt. of India to be made applicable to all mines and quarries, relate to the (1) number and condition of shafts and outlets in each mine, (2) the fencing of shafts, the (3) security of means for lifting and lowering workmen, the (4) protection and examination of machinery when used, (5) the safety of passages and means of access, the (6) use of safety-lamps in the presence of inflammable gas, (7) the examination of working places, (8) the ventilation of underground workings, (9) the use of explosives, (10) the reporting of serious accidents, (11) the fencing of cracks and holes on surface and (12) the disposal by fines imposed on workmen.

The Board of Revenue while stating that it has no knowledge of the technical matters dealt with in many of the rules observes that so far as it can judge it sees no objection to the rules noted as classes A, B and C being made applicable to all mines without exception save such petty open pits

as

as the District Officers declare to be exempt entirely from the operation of the Act. The Board adds that many of these rules will be inapplicable to such mines as at present exist in this Presidency, but their retention will do no harm now and they may become useful as mining industries develop.

It is submitted that the wide powers of exemption allowed by the Govt. of India would be sufficient to avoid all undue hardship to the owners of small mines, that there is therefore no need to ask the Govt. of India to exempt this Presidency from the operation of the Act for some time to come, and that the Board's view as regards the contemplated application of the rules noted as class A, B, and C to all mines however small may be approved.

In order to bring in the Act gradually, and with the least amount of hardship the Committee recommended that no punishment should be awarded for one year after its introduction. The Govt. of India have accepted this proposal and propose

1st point for orders

There is no such idea

para 52 in page (2) of the Committee's report of 1892

Our question is not asked on this point. Hon'ble J. have decided to introduce it 2nd point for orders.

para 13 C in G.O. flagged C. No 558/16.1.92.

G.O. flagged C. No 558/16.1.92 para 3 (1)

propose to make an addition to the Act suspending the operation of the penal sections accordingly. This concession, is, it is submitted, well considered and would be much valued by all the owners, agents and other persons connected with the mines, who will become familiar with the provisions of the Act and the Rules in the course of a year.

The next point on which the Govt. of India desire to have opinions is the desirability or otherwise of prohibiting the employment of women and children underground in mines.

When in 1891, the Govt. of India asked for the opinion of this Govt. on this subject, the Board of Revenue as then constituted, observed that neither females nor boys should be allowed to be employed in mines underground and the Govt., while accepting the Board's view as regards the prohibition of the employment of women, added that as regards the underground employment of children, none should

should be so employed who are under 12 years of age, and that in the case of children between 12 and 16, a certificate of fitness to work underground should be required.

The Committee appointed by the Govt. of India to draft the Act and the Rules, were however, unanimously of opinion that for the present at any rate, there is no necessity for interfering with the labour of women below ground and that the causes which led to their prohibition in England, hardly exist in India at all, and that any interference would have the most serious effect on the mining industry. As regards the question of the underground employment of children, the Committee though not quite so unanimous as in the first case, observed that "the general opinion is that the work does not hurt the children and that the parents as well as mine-owners would object if their labour were interfered with, and that the

Committee

Committee are therefore of opinion that "there is no need for any interference "with this class of labour" and that "any "interference would mean increased cost "to the owners and the consumers and a "loss of comforts to the parents and "children themselves". The Govt. of India, while stating that the question of the employment underground of female labour is still under their consideration, however made the following observations as regards child-labour :-

"The Govt. of India recognise that any of the arguments by which its prohibition in Europe is supported do not apply to India. On the other hand, they find that it is already prohibited in some of the larger mines. The Committee point out that such prohibition may injure the small mines upon which the regulations which it is necessary to impose may, it is feared, weigh heavily in some cases especially at the first, and they state as the general opinion that the underground work does not injure children. It is true that children form

form an integral part of the family gang system of labour; but it appears to the Govt. of India that their labour is valuable rather as accustoming them at an early age to the work by which they will have to earn their living, than on account of the actual work done by them. It would seem that the employment underground of growing children must tend to produce stunted bodies, and impaired health, while its prohibition would not appreciably hamper the mining industry. But the actual employment of children is not the only question to be considered. It must also be decided whether they are to be prevented from going below-ground, even if not employed. This question is closely connected with the employment of women, as it is possible that to forbid the mothers to take their young children below with them might in some cases at least practically amount to preventing them from going down themselves". After making these remarks, the Govt. of India desire to have the opinion of the Local Governments, on the advisability

page 5 of the Cuttack (No 6937 of 1857)

advisability of allowing or prohibiting the employment underground of young children or their being taken thereto by their mothers even if they are not to be employed, as also on the limits of age to be adopted if prohibition is to be enforced in either case. The Govt. of India have further asked the Local Governments to procure for them as full information as can be readily obtained regarding the number and ages of children now employed above and below ground and the educational facilities available at the mines.

The information furnished by the Collectors of Vizagapatam and North Arcot has been precised in the appendix to the Board's Proceedings. As regards the underground employment of women and children, the Collectors of Nellore and Vizagapatam state that the prohibition does not seem necessary in the case of mica and manganese mines.

The Engineer in charge of the

Diamond Mines at Wajrakarur in Anantapur, suggests that no women under 20 and no boys under 14 should be allowed to work underground. In the Kangundi Gold mines in the North Arcot District, it is reported that no women or children are employed underground in the mines and the local mining officers strongly hold that no women or boys under 14 should be employed underground in any metalliferous mine as the work is too hard, and the conditions of labour too trying, for them. The Board does not consider that any special provision is necessary as regards the employment of children in mines which are mere open quarries. It would, however, prohibit the employment underground of

I think that in regard to this question of the underground employment of women & children it would be unsafe to argue from what is stated about Gold mines & what is required in the case of coal mines. In Gold mines the substance examined is extremely hard & difficult to deal with. It therefore entails for women & children's work. At the same time, it is got in very small quantities, and the aid of cheap labour to transport it to the foot of the shaft is not so requisite as in the case of coal, which is got in very large quantities and often has to be transported for considerable distances, so that cheap labour for its conveyance is most desirable. The question does not affect us in this Presy as yet, and may never do so; but the impression I have formed from reading about coal mining in Bengal is that the employment of women & children's labour would there be a very serious matter. Mining labour seems to be very difficult to get in Bengal - the people don't take to it readily and are difficult to keep & obtain labour from. Their idea of a profession is their own trades - their idea of work in general (and it is not to be blamed) is to work in families - the man does the hard work & the woman & the children the light work. They all work & live together and there are thus no openings for the employment as miners of women & children. Should the necessity for the employment of women & children arise in India, such complaints will arise in India - then they do, if will be time enough to deal with them. But until they do I should not interfere - India speaks of the danger to the health of children & underground employment - but no doubt there might be some real danger if such employment were continuous. But no proof has been adduced of anything of the kind, probably because such employment is not usually

Continuous - My impression from what I have read is that the coal miner seldom sticks to his work as coal miner for more than a few months at a time. After a while he gets tired of it & goes back to his village & his field, taking his wife & children with him. If this system is upset, it will certainly spell ruin to many of the Bengal Coal mines. I should refuse to make any regulations whatever as to the employment of women & children in mines until the necessity for them is proved, which is not, in my opinion, the case at present.

KS 4.9.11

If the women are to be allowed to work, they must also, 3rd point for orders. be allowed to take their young children with them.

KS 4.9.11 (see page 39)

? They are apparently employed in the Anantapur mines

8/7
Sempres 39 & 40
29

Note, this paragraph is in pencil on page 43 of Govt Order No. in the book with the blue cover

of women under 20 and boys under 14. It believes that a rule to this effect will involve no hardship as it is already observed in practice in this Presidency. The Board has not, however, expressed its opinion on the advisability or otherwise of children being allowed to be taken into the mines by their mothers even if they are not to be employed. The Collector of Anantapur says that women should not be allowed to go underground with their young children. It is for consideration whether this view of the Anantapur Collector and the Board's opinion, viz:, that women under 20 and boys under 14 should be prohibited from working underground may be endorsed by Govt:

The Board does not give very definite information as to the number and ages of the children at present employed above and below ground in the mines of this Presidency. Apparently none are employed underground. Apparently also there are no educational facilities at any of the mining localities.

The next question is about the wages & hours of work. In the original draft of the general rules prepared by Mr: Grundy the Inspector of Mines who served as one of the members of the Committee, there were rules regulating the payment of wages to the labourers & prohibiting any deduction from the workmen's wages except as provided for and regulated by the special rules. The Committee, however, deleted those rules, on the ground that

that the demand for labour is so great at present in the case of Indian mines that no such protection as is afforded by law in England, ~~in the~~, the important matters of wages and hours of work is needed. The Govt: of India, however, before expressing any opinion on the subject have desired Local Govts: to collect information regarding the local systems of payments, the hours of work, the existence of discontent and so forth. The precis in page 3 of the B.P. contains the information furnished by the Collectors. The Board observes that the rates of wages paid in this Presidency for underground work do not compare unfavourably with those ordinarily prevailing in the localities that the hours of work are not excessive & that no special regulation for the protection of labourers in the matter of wages & hours of work is called for at present. Another point raised in the Govt: of India Resolution is about the provision of latrines at the mines. The Committee were of opinion that no general rules could be made for the compulsory provision of latrines at the

Paras 131–134 in page (23) of the Committee's Report (Copy) G.

Q Para 127 in page 24 of B

Con. 6737/37.

4th point for orders.

Paras 128 & 1 in page (23) of Report (page 24) G.

~~it~~ the mines & pointed out that the difficulties were of 2 kinds in Bengal, one in the opposition of the miners who are a very ignorant & suspicious class, & the other in getting sweepers. The Govt: of India while concurring with the Committee that no general rules can be framed are however inclined to add a general rule that in the absence of any special rule on the subject, the manager shall make such provision in the shape of latrines or sweepers or both as may be directed by the Dt: Magistrate on the report of the Civil Surgeon subject to an appeal to the Commissioner. The Collector of Nellore says that the proposal of the Govt: of India need not be given effect to now and that it may be enforced at any future period, if found necessary. The Manager in charge of the Kangundi gold mines, in N. Arcot, as well as the Board of Rev:, however approve of the rule proposed by the Govt: of India. The cleanliness of the mines being of the utmost importance to the workmen, it is submitted

5th point for orders.

ted that the Govt: also may express concurrence in the Govt: of India's view.

The next point is about the responsibility of owners, agents and managers. In the Act (as originally drafted by Mr: Grundy,) the owner, the agent and the manager were each and all made responsible for enforcing the provisions of the Act and the Rules in the mines and, in the event of any contravention or non-compliance with any of them by any person whomsoever the owner, agent and manager were each to be declared guilty of an offence against the Act unless he could prove that he had taken all reasonable means by publishing and to the best of his power enforcing the Act and the rules for the working of the mine.

The Committee, however, considered that when owners and agents had appointed managers and given them full powers of management, the manager must be held primarily responsible for the commission of any offence and accordingly they added the following proviso to Sec: 30 of the Act:-

"Provided

5th point for orders
Yes: Latrine accommodation must be provided at factories under the Act. But why not at mines?
S/Z
47 See page 40
Page flagged S. in the book with the blue cover.

Para 50 in Page (7) of the Committee's Report flagged A.

in page 8 of slip flagged A. in the book with the blue cover.

"Provided that a manager who has been invested by the Owner or Agent with full powers of managing a mine shall be held responsible for every offence committed under this Act and proceedings shall be instituted against him, unless he has shown to the satisfaction of the Inspector on an enquiry that such an offence has been committed without his consent or connivance, in which case the Inspector shall institute proceedings against such of those persons whom he believes to be the actual offenders."

Mr: Grundy who was on the committee however, objected to the addition of this proviso, on the ground that "managers are very rarely indeed invested with full powers, & it may often be difficult to ascertain whether a manager has been so invested', and that "when the owner or agent says that the manager has been invested with full powers he may claim that he has not, but is always being controlled in his orders and actions as

Page flagged S. in the book with the blue cover.

as in fact almost all managers are."

The Govt: of India also think that the proviso is wrong in principle and should be struck out. They observe that, following the law in England, no owner, agent or contractor should be allowed by the mere appointment of a manager to relieve himself of personal responsibility for seeing as far as in him lies that the manager does his duty and that it is for the authorities of the mine and not for the Inspector to enforce ~~of~~ the observance of the rules upon the workmen, by prosecution, if necessary.

The Madras Chamber of Commerce shares the views of the Committee as regards the fixing of the responsibility on the managers, and the Collectors of Vizagapatam, Godavari and N.Arcot are also of opinion that the manager should be made primarily responsible for the commission of any offence.

The Board of Rev:, however, agree with the Govt: of India in thinking that it is most important that the full responsibility

bility of the owner should be maintained and that the proviso added by the Committee should be struck out. The Board observes:- " No doubt as remarked by the Committee, when a manager has been invested with full powers and directed to enforce the rules, he should be held primarily responsible, but this is amply provided for in the section and the proviso might lead to difficulties as powers given to managers are sometimes more ostensible than real." The section declares the agent and manager severally responsible, but any one of these can escape the penalty by proving that he had taken all reasonable means by publishing and to the best of his power enforcing the Act and the rules for the working of the mine. Presumably the owner would be held not liable if he could prove that he appointed a competent manager, gave him full authority, and saw that he had drawn up proper rules to ensure compliance with the Act. On the other hand the manager would presumably be held not

not liable if he could prove that he had done what lay in his power but had his hands tied by the owner.

The proviso proposed by the Committee seems therefore unnecessary and it is submitted that the Board's view may be accepted.

Another point on which the Govt: of India invite opinion is the question of the compulsory supervision of mines above a certain size, by certificated managers.

Rules 1 to 6 of the General Rules drafted by the Committee lay down (vide p. 11 of the Draft Act + Rules in Bluebook)

(1) that each mine should be under a manager.

(2) that mines employing over 50 persons below ground (ie. underground) in any 24 hours should be under a certificated manager (1st or 2nd Class).

(3) that mines employing over 150 persons below ground (ie. underground) in any 24 hours should be under a manager holding a 1st Class Certificate. A mine in which less than 50 persons are employed underground in any 24 hours is not required (Rule 5) to have a certificated manager unless the Inspector

especially

See p. 44 + 44 (29)

6th point for orders.

See note at end (24)

especially owing to danger or other special cause, requires that it be under the control of a certificated manager. A manager who has not obtained a certificate under the Act should not manage more than 1 mine and a manager having a 2nd class certificate is empowered to manage 1 or more mines provided the aggregate number of persons employed under ground within any 24 hours does not exceed 150.

Rules 12 to 35 of the General rules (page 12 ibid) provide for the issue of certificates under the Act. There are to be 8 certificates-4 for coal & 4 for mineral mines, namely- certificates of service-1st class, and 2nd class, and certificates of competency, 1st class and 2nd class. A 1st class certificate of service is to be granted by the Govr:-Genl: in Council on the recommendation of the Inspector and the Court of Arbitration to every person who has acted for a period not less than 5 years* as the manager of a mine employing more than 150 persons in any

* within the previous ten years - vide remark opp. sec. 13 of the draft Act p. 12

17.

24 hours. A 2nd class certificated of ser- * rule 14
vice is to be similarly granted to every
person who had at any time previous to the
Act coming into force been the manager of
any mine for a period of not less than 2
years, or the Asstt: Manager for not less
than 3 years. As cases may, however, arise,
at the time when the Act comes into force,
in which managers may not have acted in their
posts for a sufficient period to enable
them to obtain the required certificate,
though they may be otherwise specially
qualified, the Govr:-Genl: in Council is
empowered to reduce the qualifying ser-
vice and to grant provisional certificates
in all cases in which such a course may be
deemed necessary, and to make the provi-
sional certificates permanent on the ex-
piry of 2 years from the date of the former. ‡
As regards certificates of competency, these
are to be granted on the results of an ex-
amination to be arranged for by the Inspec-
tor of Mines. Such being the provisions
in the draft general rules, as regards
managers and their certificates, the Govt:
of

By rule 25 this is also extended to qualifying service subsequent to the passing of the Act to meet exceptional cases
G.F.

or the Govt

‡ the Govt of India will make this period 3 years vide remark appended to rule 14 p. 13

‡ rule 16

of India invite opinions on the ques-
tion whether the limits adopted in the
rules for the classification of mines
for purposes of compulsory supervision
by certificated managers should be main-
tained or whether they will press hard
on the owners of small mines. The Govt:
of India are of opinion that the argu-
ment that skilled persons are far less
common in India than in England tells
almost as much for as against the neces-
sity for their employment. The Manager
and Engineer of the Manganese mines in
Vizagapatam says that the rules will ‡
without doubt prove very irksome to small
mines and quarries, unless wide distinct-
tion is made as to the qualifications
of a manager of a colliery of a deep
metalliferous mine, or of a quarry for
iron slate, manganese or mica. The mana-
ger in charge of the coal prospecting
operations in Godavari states that when
the Mines Act came into force in England
in 1872, managers were given certificate
of service on much easier terms than
those now proposed by the Committee &

They will apply only to underground mines employing more than 50 persons below ground.
G.F.

This is a strong point. The terms might be made easier, to begin with-
RS

& he suggests that the operation of the Rules about the qualification of Managers should be suspended until instruction in mining is properly provided for. The Collector of Nellore says that mica mines are not of such a dangerous nature as to require the employment of a certificated manager at each mine. The Officer in charge of the gold mines of the Kangundi Zemindari in the N.Arcot Dt: is of opinion that a certificated manager is unnecessary in gold mines. The Board, however, gives it as its opinion, that inasmuch as certificated managers are not required except for mines in which more than 50 persons are employed underground no change is required in the rules drafted by the Committee as regards the supervision by certificated managers and the grant of certificates. It is for consideration whether this view may be endorsed by Govt: or whether any alteration in the classification of mines requiring certificated managers should be suggested to the Govt: of India.

Another point is whether a separate manager

But the mica mines are apparently "open workings"

Yes, they are now; but there are several places where underground work may be undertaken in the future.
JG

by the 8th point for orders.

See Page 42
JG

ie a manager distinct from the contractor

ger is required for a mine let out on contract. Rule 9 of the general rules drafted by the Committee is to the effect that a person working a mine on a contract with the owner shall not be eligible for the post of manager at that mine, provided that on application from the owner the local Govt: may allow a duly qualified person, though a contractor, to be a manager or assistant Manager if it is satisfied that the provisions of this Act will be carried out by this arrangement. The Govt: of India say that they accept with hesitation this proviso enabling contractors to fill the post of managers and observe as follows:-

" The interest of the owner in his mine is at least permanent, & he is always at hand to answer for himself. The interest of the contractor is confined to making as much money as possible out of the mine within a given time, after which he may disappear entirely, and is diametrically opposed to those interests which it is the object

ject of the Measures now under discussion to protect." The Board, however, says that it sees no objection to the Committee's proposal as embodied in rule 9, which contains abundant safeguards against abuses in regard to the employment of qualified contractors as managers."

8th point for orders.

See page 40 29

One other point on which the Govt: of India invite opinions is this:-

Rule 108 of the General Rules, which is proposed by the Govt: Of India to be applied to all mines, says that there must be kept ready at hand in a convenient place at every mine all such necessary articles and medicines as a medical officer shall advise, in order to render immediate assistance to persons who may sustain injury in the mine. The Govt: of India, however, think that it seems advisable that a medical Officer and a dispensary should be maintained when the number of workmen exceeds a certain number, and they invite opinions on the question. Neither the Board nor the Collectors have noticed this point.

Page 26 (cont'd) X in the book with blue cover.

It is submitted that the decision of the

9th point for orders.

the question should depend on the locality of the mine and the number of persons employed. It seems clear that if the mine is within easy reach of a Govt: or Local Fund Dispensary there can be no need for the owner to maintain one. Perhaps the best course would be to make a rule empowering the Local Govt: to order dispensaries with the requisite staff & equipment to be opened and maintained where and when considered necessary. The Govt: of India's Resolution deals with some matters on which neither the Collectors nor the Board have expressed any opinion, i.e., (1) the definition of the term "Contractor" in the Act. (2) empowering Local Govts: to revise the decisions of the Court of Arbitrators, and (3) measures necessary for the protection of Railways.

It is submitted that the Govt: may express concurrence with the Govt: of India on all these matters.

This will be somewhat inadequate. A numerous ch? know as far as practicable, his liabilities; & the local govt? or authorities may also as well have some rule to guide them - see note at end.

10th point for orders.

See page 42

3/12

Hon'ble

It is not necessary to offer any suggestion as to the wording of the Bill or rules thereunder. It is enough to give an opinion on the general questions of principle to which the Govt of India direct our attention. It may be left to them & the Sel. Comtee to whom the Bill will be referred, to attend to the appropriate expression of the conclusions finally arrived at.

The note above with the marginal remarks explains in detail the points for consideration.

The opinions which we may intimate to the Govt of India seem to be the following.

General legislation to regulate mining being deemed expedient, the Govt may agree that the objections to legislative restriction will be avoided by introducing into the enactment Open quarries as a class distinct from coal mines - sec. 2(20), & mineral mines - sec 2(21); by taking power to make rules for each of these classes of mines; & by giving in respect of

Vide para 7 & the Resol.

mines or quarries the power to apply the rules or to exempt therefrom which it is proposed in para. 4 of the Resolⁿ to confer upon the G.S. & the Loc. Govt. Bd, & also the power which it is also there proposed to confer upon the Govt. Dept. of the exemptions from the operation of the Act open workings such as Kaukar pits.

As to the application of all the rules named as A. B. & C. in marge of para. 4 of the Resolⁿ, no objection need be raised in I think any case. Where there is a mine to which any of these rules can be applied, its application seems necessary. As the Board points out, to the great majority of the existing mines in this Dist., the last few of the rules will be applicable. With regard to rule 27 (a), it may be doubted whether two shafts are ~~invariably~~ ~~[illegible]~~ essential in every underground mine: it would seem to depend on the distance to which the working is driven, & apparently

Yes
29 Feb 1914

I see no objection Rules B & C will not be of operation in the case of the mines to which they are applicable

Feb 29
1914

It is generally desirable that [illegible] small mines. Means of getting out NB always be available to workers underground, & an accident may make any shaft unavailable for a time. If exemption is required in any particular case the G. G. in C can exempt under Sec 2 s (e)

Feb 29

I think a "scheduled" list of articles & medicines for the immediate treatment of injuries at and be kept at every mine, have been and be a medical officer, or a Hospital assistant, for mines which employ 200 persons, & a medical officer & Dispensary (unless the Local Govt thinks a Dispensary is not needed, because there are already dispensaries near) for mines which employ 400 persons. In this connection it does not matter whether the workmen work underground or not

Feb 29
1914

from the proviso it may be inferred that unless this distance is at least 30 feet no second shaft is required. If so 27 (a) may be accepted. But 28 & 29 which embody the exemptions should be included among the Rules to be applied.

Opinion is specially invited upon rule 108 (classed among the B rules) – vide p 27 of the Appx. to Draft Bill & Rules. We may agree that the "necessary articles & medicines" to be kept ready at every mine, shd be specified in a schedule to the rules. With regard to the provision of a dispensary & medical officer the Govt. of India suggest that such provision be maintained when the no. of work people exceed a certain number. The rule might perhaps be that such provision shall be made in the case of all underground mines employing 200 (?) people or open mines employing 400 (?) people & unless the Local Govt is satisfied

that there is within a ~~reasonable~~ reasonable distance some local or public medical institution which supplies all necessary accommodation & medical aid: in such case the Lor Lieut may fix a monthly contribution to be paid by the Mine to the institution in consideration of such medical provision. Where a Mine ✗ is required to provide a dispensary of its own, it shd be open to the inspection of the DMSO & his Asst & the magistracy.

Yes
JG HA 9.4.14

As to the employment of women & children we may agree with the Bd of Rev. that the employment underground of women under 20 & boys under 14 shd be prohibited. This will leave unrestricted their employment in open mines & quarries. As to the nos actually employed & the educational facilities afforded them (see end of para 5 of the Report) the insp is not by any complete but the info may be refused to the press & friends to the Bd's Report. To this they

See above, f.c. 20
HA
Yes
JG 9.4.14

may also be referred for info as to wages & hours of work, & we may agree that no special regulation is required in the matter.

As to provision of latrine accommod: the G. of India's proposal may be accepted. The hardship or difficulty in the matter is not however understood. It does not appear why there shd be any more hesitation in making compulsory & stringent regulations in the subject than in the case of factories under the Factory Act.

As to the responsibility of Owners, agents & managers, & section 30 of the draft Act. We may agree that the proviso to the section shd be abandoned. The substantive part of the remainder of the section will then make the owner agent or manager each liable guilty of an infringement of the Act "unless he proves" the

HA

Yes - But underground
Cabinets must be a necessity in mines if
they are not to be most unhealthy & filthy
HA 9.4.14

[illegible] is proved to the Sat of
S's conviction that the Owner
could not by exercise of
appointment of a Manager
to relieve himself of personal
responsibility for doing as far as
in him lies that the Manager
does his duty" [illegible]

matters which under the section are held to exonerate him. As the section stands, this proof must can apparently be tendered only in the course of the criminal proceedings i.e. after process issued & appearance before the Magte. in answer to such process. I think it should be made clear that a prosecution need not be instituted against (say) the owner if it is clear that the whole responsibility for the contravention rests on the (say) the Manager i.e. the Govt. shd have a discretion exercised thro' the Inspector of Mines or the District Officer & after such enquiry as may be deemed fit, as to the party to be actually prosecuted, the criminal liability of the other parties not however to be thereby affected if it shd subsequently appear that ~~either~~ ~~or both~~ they are also responsible under the section. From the remarks opposite sec. 19 of the Draft Act (See marginal note above) it appears that the Govt of India contemplate that no prosecution shall be instd. except by the Insp.r of Mines or the Dist. Officer with

41

his consent as the course of criminal proceedings. I think the considerations urged by Mr Mayhew in favour of the proviso should be satisfied by wording the proviso thus: "Provided that where an Owner has placed a Manager in full charge of the mine, proceedings shall not be instituted against him, if the Inspector finds on inquiry that he has taken all reasonable measures to get the Act complied with."

I think it would be best to omit from the proviso altogether the words, as doubtless owners should find a proper manager in whom they have confidence & to whom they delegate safe.

BS

I agree with the Hon. Sir H. Stokes. J.S.H

(Vide Sec 113 of the Mines Act as to discretion in such cases) JG

*: vide remark opposite Sec. 19 of the Draft Bill p. 6 of the Appx. cont.g the Draft Act in the Blue Book.

It will not be necessary for the Local Govt. to interfere. It will be enough if we make the Inspector inquire. JG

Yes. But we does not appear from working JG

BS

5

the concurrence of the Insp.r

As to the employment of certificated Managers in mines having over 50 persons working underground, I think we may agree with the Govt. of Bo. in accepting the application of rules 1-6 & 12-25 (summarised in the Under Secy's note) with the modifications suggested by the Govt. of India in the remarks column opposite the draft of the rules. The powers to grant a provisional certificate in consideration of ~~exemption in favour~~ of a period of actual service as Manager &c, which are conferred on the Govt. by the proviso to rule 6 & by rule 25 seem sufficient to prevent the rules bearing hardly in particular cases.

Another question is whether where a mine is worked by a contractor a separate manager is required, & whether as proposed in rule 9 a contractor who holds a certificate may be appointed Manager on the application of the Owner with the special sanction of the Govt. Local Govt. The Govt of India accept

this provision of rule 9 with hesitation. But apparently they do accept it. The Bd. of Rev. see no objection. As the proviso leaves a complete control in the hands of Govt. there seems no reason to object to it. There sd. however I think be an explicit power to revoke the appointment if the Govt. is satisfied that the arrangement has become objectionable.

The Govt of Coorg may be allowed as proposed in para. 10 of the Resolution.

Yes JG 9/4/14

Yes JG 9.4.14

The revision of the Orders of the Court of Arbitration.

The Govt of India has decided that there shall be such a Court to deal with technical questions which may become the subject of dispute. It is defined in s. 2(22) of the draft Act. & ~~the~~ constituted its constitution & the nature of its powers are set out in rules 116 et seq. (p. 29 of App^x of Draft Act (Rules in Blue Book). The Bd will be a Sect. to Govt. or Court of Division (on the 2nd Member of the Bd of Rev or Dist. Jud. be substituted)

and also in sec^s 16, 17, 24, 25, 29 (Marginal remark of Govt. of India) of the draft Act.

the members being mine owners agents or managers selected from a list kept by the Local Govt. (these we sd. have to depend mainly on the officials of the Mysore mines). In fact the Court will be somewhat analogous to the Court of Inquiry under the Ships Act. Service on the Court is to be made compulsory.

Of the utility of the Court there can I think be no question: but it seems doubtful whether in this Dist. it will be always possible to find members for such a Court. We sd. not be able, I take it, unless the Act shall make service compulsory on a Mine Manager or as a British subject, to require managers employed in the Native States of Mysore &c to serve on Madras Courts. ~~See also proposed Rule~~ ~~Para. 10~~. The Govt of India must devise, I think, a substitute for this Court in Provinces where the Govt may not be able to constitute it.

It will be observed that the provisions as to the Court of

Outside Mysore there are very few mines & still fewer qualified Mine Managers (one member of a Court must hold a 1st class certificate); and

The difficulty is not so great as it appears because such Courts are not wanted now & qualified men will be available before they are. However it appears from Rule 122 that there must from time to time first be elected members in every district where there are mines, & from Rule 123 that the President shd always be able to select a member not interested in the mine concerned. The Govt of India [illegible]

Arbitration are to be removed from the Rules, & introduced into the Act itself.

With regard to the special question on which opinion is sought, relative to the empowering the Govt. to receive the prop. of the Ct. of Arbitr (vide bottom of p. 5 of the Resolution & the marginal remark opposite rule 127, p 30 of the Rules) we may agree in the proposals made

S.R. 24/12/97.

be concurred. Rules 121 must be relaxed as regards this Presidency

29
MS A.H

Yes
29
8/1/98
11/1/98 A.H 17.1.98

Please fair type the draft as revised & me

27-1-98

Mr. V.S.

Re. Mining legislation

To the Board (L.R.)

Copy.

Read again G.O.s 4812 26.11.96
762 10.2.97
Cir. 6937 of 97

Order.

The following letter will be despatched to the Govt of India.

Mr 1-2-98

Letter.

To

the Secretary to the Govt of Ind.
Rev: and Agri: Deptt.

Sir,

Continuing my letter No 66 dated
I am directed to submit the views of His Excellency the Governor in Council, on the general questions of principle involved in ~~connected with~~ the proposed legislation for the inspection and

and regulation of mines ~~in India~~ to which the Govt of India ~~have~~ invited attention in their Resolution no 10/7-10 dated the 9th October 1896. A copy of the Proceedings of the Board of Revenue embodying their views as well as of certain Authorities consulted ~~of that authority as well as those of the Collectors of a few Districts and some of the individuals engaged in mining operations in this Presidency~~, is enclosed as also a copy of a letter from the Madras Chamber of Commerce approving generally of the legislation proposed.

CNO 6937/97

CWSO 762 10-7-97

2. Para 4 of the ~~Govt of India's~~ Resolution Resolution.

General legislation to regulate the mining industry in India being deemed expedient, ~~the Govt~~ H.E. in C. agrees with the Govt of India ~~&~~ is considering that ~~the~~ the objections that have been raised to legislative restriction would be largely met ~~avoided~~ (1) by defining ~~it~~ in the Act 'open quarries' as a class distinct from Coal-mines and

(2) by empowering, as proposed, the Govt of India & the Local Govt to exempt certain mines & quarries or classes of mines & quarries from the rules, & also by empowering, as proposed, the Govt of India & the Local Govt to exempt certain mines & quarries or classes of mines & quarries from the rules, & also by empowering the District Magistrate to exempt from the operation of the Act open workings such as Kankar pits.

nor does he anticipate ~~and considers~~ that if the rules B & C classes will ~~not~~ be oppressive in the Case of the mines to which they are applicable.

3 As regards the proposed application to all mines of the rules classed as A, B and C in the margin of para 4 of the Resolution of the ~~Govt of India~~ Resolution, ~~to all mines~~, His Excellency in Council sees no objection. At the same time I am to point out that if rule 27(a) is included in class C is applies to all mines, rules 28 and 29 which embody the cases of exemption from rule 27, should also be included among the rules to be so applied.

It

It is observed that opinions are specially invited on with regard to rule 108 of the general rules which is included in class B, which would be applicable to all mines, The Govt of H.E. in C. agrees with the Govt of India that the necessary articles and medicines to be kept ready at every mine under this rule for the immediate use treatment of patients should be specified in a Schedule to the rules; and with regard to the provision of a medical officer and a dispensary, suggested by the Govt of India, His Excellency in Council is also of opinion that there should be a medical officer, not lower than a Standing of Assistant Surgeon, to have hospital whether under or above ground, assistant, for mines employing 200 persons and more, both under and above ground, and that there should be a medical officer of like Standing as well as a dispensary for mines, whether under or above ground, employing 400 persons and more, both under and above ground, unless the Local

Vide pp 2002 of Notes where H.E. the Member concur, M. spoke contra excepting Board's proposals

Local Government declares that in any case a dispensary is not required by reason of the vicinity of some public medical institution capable of providing the requisite accommodation. H.E. in C. also add a proviso to the effect that when a mine is required to maintain a dispensary of its own, it shall be open to the inspection of the District Medical & Sanitary Officers as well as the Magistracy.

4. As Para. 5 of the Resolution as regards the question of the underground employment of women & children & the conclusion that the system of family gang labour has much to recommend it; the man undertaking the hard work of the women & children the lighter tasks. While all labouring & living

live together in the way, the
Little or Opportunity
Can be, no room, for Complaint
as to immorality or Cruelty
to children, which used to
Such as
be made years ago, in Eng-
& Wife torment
land, with reference to the
underground employment of
women and children. It
may be that in future such Complaints
will arise in India also, but
until they do arise, the sys-
tem of family labour should
not, in the opinion of this
Govt, be interfered with.
As regards the ~~possibility~~ danger to
danger to
the health of the children,
employed in mines, ~~to which~~
Referred to by the Govt of
India, it is observed
the Govt that there might no doubt
be some such danger, if
such employment were Con-
tinuous; but no evidence has
been adduced of any such evil
of anything of
the kind and the reason
probably is that such em-
ployment is not usually
Continuous. The coal
mines, apparently, seldom
Employ
Elicks a boy for more
than a few months at a
time

before such employment was brought under regulation.

& the necessity for interference is clearly established

Note. Omit the last two sentences.
Authentic facts.
Sir

time.

~~After a while, he has got tired of it and goes back to his village and his fields taking his wife and children with him. In these circumstances, His Excellency in Council is of opinion that if the present system is upset, & prohibition of the employment of women & children would seriously affect the interests of the many of the Bengal Coal miners, and that no regulation whatever as to the employment of women and children in mines should be made until the necessity for them is proved, and that this is not the case at present.~~

Note
H.E.C. does not mean this about Bengal but in the draft B/7

As regards the question of the advisability of allowing mothers to take their young children to be taken into the mines by their mothers, I am to say that if to the H.E. the Govt considers that, Govt considers that if women are to be allowed to work underground, they must also be permitted to take down their young children with them.

28

5. In the concluding sentence of para 5 of their resolution, the Govt of India desire to be furnished with as full information as can be readily obtained regarding the number and ages of children now employed above and below ground, and the educational facilities available at the several mines in this Presidency. I am and to express the regret of His Excellency in Council that the information which can furnish to Govt is not very complete, and to invite attention to the precis appended to the Board's Proceedings herewith enclosed. To this same precis I am to refer the Govt of India also for the information asked for in para 6 of their Resolution regarding the local systems of payment, hours of work &c. and to add that H.E. in Council the Govt concurs with the Board of Revenue and the Committee appointed by the

the Govt of India, in considering that no special regulation is required in these matters.

As to the provision of Latrine accomodation at the Mines, the Govt H.E. in C. accepts the proposal of the Govt of India to add a general rule that in the absence of any special rule on the subject, the Manager shall make such provision in the shape of latrines or sweepers or both, as may be directed by the District Magistrate on the report of the Civil Surgeon," [Subject / subject to an appeal to the Local Govt] to an appeal to the Commissioner. The Govt observed that underground latrines must be a necessity in mines if they are not to be most unhealthy.

6. Para 8 of the Govt of India's Resolution. Responsibility of owners and agents.

His Excellency in Council agrees with the Board of Revenue and the Govt of India in considering that

(There is no Court here & the appeal must go to Govt)

for order as to whether any thing should be added to Secy's note on p. 41.

It is necessary to assume that we state that we agree in abandoning the proviso

that the proviso to section 30 could should be struck out. [+] Observes that the section without the proviso would amount to an absentee owner who had appointed a proper manager and given him full powers. [+]

7. Para 9 of the Govt of India's Resolution. Certificated managers. As to the employment of certificated managers in mines having more than 50 persons working underground, the Govt H.E. in C agrees with the Board of Revenue in considering that the applications of rules 1–6 and 12–25 with the modifications suggested by the Govt of India in the remarks column opposite the draft rules, is unobjectionable and that no change is required in those rules.

by the proviso to rule 14 & by rule 25

the Govt observes that the which it is proposed to confer on the Govt power to grant a provisional certificate in consideration of a period of actual service as manager or asst manager to which are conferred on the Governor in Council

in Council ~~by the 3rd proviso to rule 14 and by rule 25~~ seems sufficient to prevent the ~~bar~~ rules bearing hardship in particular cases.

8. Para 10 of the ~~Govt of India's~~ Resolution. Contractors. It would appear that the Govt of India accept with hesitation the provision of draft rule 109. which lays down that where the Contractor holds a certificate, he may be appointed manager, on the application of the owner, and with the special sanction of the Local Govt. ~~The Board of Revenue can withdraw~~ ~~tion to this rule~~, and as the proviso leaves a complete control in the hands of Govt, there seems to be no reason to object to it, but I am to point out that His Excellency in Council is of opinion that explicit powers should be reserved to revoke the appointment ~~should be granted~~ if the Govt is satisfied that the arrangement has become objectionable.

but fears some difficulty may arise at first in forming a Court composed of members having the qualifications designated.

- quired for some time and it is probable that qualified members will be available before that necessity arises

30 H. of C.

objectionable. ~~The Govt~~ agrees with the Govt of India in considering that the definition of 'contractor' may be altered as proposed in para 10 of the Resolution.

9. Para 11 of the ~~Govt of India's~~ Resolution. Courts of Arbitration.

~~The~~ His Excellency in Council ~~is of opinion that~~ does not question the utility of the Courts of Arbitration proposed to be constituted if ~~although~~ In the present state of the mining industry in this Presidency. ~~however much the necessity for~~ such Courts ~~are~~ not likely to be required, ~~although~~ ~~and it will be difficult to find persons eligible to serve as members thereof~~ ~~yet the Govt hopes that~~ as the mining industry ~~develops in this~~ Presidency, the Courts of Arbitration will be required and members qualified to sit in such Courts will be available. ~~Govt~~ At the same time

~~Now~~ ~~the Govt~~ it is observed, however, ~~by perusing~~ that from Rules 122 and 123, assume there will from the first, be eligible members in every District - where ~~there are~~ mines and questions are conducted that the President ~~should~~ will always be able to select a member not interested in the mine concerned.

~~These Rules however, could in the near future if the necessity should arise not~~ ~~be given effect to in certain Districts, for instance, Hisaga.~~ ~~Putlam, where the only mines that could be concerned are the manganese mines and the only members qualified to sit in a Court of Arbitration are would be those interested in those mines.~~ I am ~~desirous~~ to suggest that so far as this Presidency is Concerned, Rule no 121 which ~~provides~~ ~~says~~ that Each Court shall Consist of not less than ~~three~~ ~~members~~, may be relaxed so as to permit of a Court being held by the President ~~himself~~ alone, when there are no other members eligible under this rules to sit thereon.

the rules as to the constitution of the Court may be relaxed in respect of the qualifications of the persons constituting it

For orders
12
1.2.98.

Mr

Recd 2nd Dept.

H.E. in C. agrees to the proposal to empower local Govts to appoint the Chairman of Courts of arbitration in any dispute on application of the President or of the majority members of the Court or of the respective parties.

Para 8. For orders
this relates to the
Presidency of Bay
& has been sent
for such orders as
the point
Mr

31

In the Presidency also it would be always convenient ~~for Govt to~~ that ~~a~~ the President of the Court should sit as there are no Courts of Division. H.E. in C would therefore suggest that Rule 121 should also be amended by the insertion of the words "or, in the Madras Presidency a member of the Bd of Rev" after the words "Commissioner of a Division in which the mines are situated."

I understand from Govt that H.E. has no objections with the views expressed in para 12 of the Resolution

Mr
1.2.98

8/7
2/2/98

Mr
~~After~~
after the draft letter is finally amended & passed & the Secy I submit it ought to be written before Civic

Mr
1.2.98

/

Inward letter & enclosure
11/2/98

Mr. Lewis
Mr. Grant
Mr. Grant

No. 810 11th February 1898

E.E.

Des. 3-3-98

No. 82 10

Reception acknowledged 12/2/98

Note by the Despr.

Mr. Lewis
Pleased send copy of B.P. 273 (R.R.) 9.8.97
also copy of letter in Bo. 762 10.2.97

of revenue supervision upon views as well as of certain authorities consulted is enclosed as also a copy of a letter from the Under Secretary of the Bengal Government generally of the legislation proposed.

2. Heads of the Resolution.

General legislation to regulate the mining industry in India which is at present, His Excellency in Council agrees with the Government of India in considering that the objections that have been raised to legislative restriction would be largely met (1) by omitting from the new 'mine owners' as a class distinct from coal mines and mineral mines, (2) by taking power to make rules for each of these classes of mines and (3) by empowering, as proposed, the Governor General in Council and the Local Governments to exempt particular mines or classes of mines and quarries from the rules, and also by empowering the District Magistrate to exempt from the operation of the Act deep working upon an owner mine.

3. As the proposed application to all mines of the rules classed as A, B, & C in the margin of para 4 of the Resolution, His Excellency in Council sees no objection, nor does he anticipate that rules of the A & C classes will be objective in the case of the mines to which they are applicable. At the same time he would point out that a rule by (a) including in class C is applied to all mines, rules as are in force among the owners of the

at present

First copy sent to Press.

Returned for signature.

13P

it is proposed

for item

that

of the Court

that

the point as to the constitution of the Court may arise, it seems to me that the qualification of the present constitution is, to say the least, very doubtful, & it would be desirable that a Secretary to Government should sit on the Bench of the Court as it does not appear to me consistent with the dignity of a Judge that he should be subject to the control of the Court of which he is a member.

I am, &c, (Sd) G. S. F.

2.2.98

'Copy of the Court of Appeals' given to the 'Commissioner of a Division in which the Cases are situated', with reference to Council orders to the contrary to whatever Court orders are to provide for decisions of Courts of Arbitration upon the application of the President or any two members of the Court or of the Inspector of Mines.

(Sd) G. S. F 2.2.98

50/2

First copy sent to Press.

Returned for signature.

Despatched in print.

Letter only.

Order complete with Letter

Letter No.

Enclosure to G. No.

RETURN OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH BILLS.

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