

being issued by the Election Commission?

SHRI SHIV SHANKAR: I know it. I have said. My friend, perhaps, is not understanding his own question. This seems to be the difficulty. I said, the question of postponement arises only after a notification has been issued. Firstly, there should be a notification.

SHRI GHANSHYAMBHAI OZA: In reply to the first question, the hon. Minister has said that elections can be held only when normalcy is established in Assam. In view of the fact that a representative Government has been constituted in Assam, what, according to him, will be the time taken for establishing normalcy in Assam?

SHRI SHIV SHANKAR: I appreciate this question. Firstly, this is a matter for an autonomous body like the Election Commission to go into and find out. They ask, so far as the State is concerned, whether the conditions are normal, whether the Government servants would co-operate with the Election Commission and so on. This is primarily a matter for the Election Commission to decide. I am confident that normalcy is being restored and it will be restored shortly. Perhaps, the Election Commission will discharge its functions, both Constitutional and statutory, at the earliest opportunity after normalcy is established.

*282. [The questioners (Shri S. K. Maran and Shri Bhupesh Gupta) were absent. For answer vide col. 32-33 infra]

*283. [The questioner (Shrimati Maimona Sultan) was absent. For answer vide cols. 33, 38 infra]

*284. [The questioners (Shri Dharamchand Jain and Shri Jagdish Prasad Mathur) were absent. For answer vide col. 37 infra]

MR. CHAIRMAN: Question No. 285. Shri Kalyan Roy. He is very much here.

Silewara Colliery disaster

†*285. **SHRI KALYAN ROY:**

SHRI BHOLA PRASAD:

Will the Minister of ENERGY be pleased to refer to the reply to Unstarred Question 1122 given in the Rajya Sabha on the 8th August, 1980, and state:

(a) the progress made in the departmental proceedings against different senior officers who were held responsible for the Silewara Colliery disaster on the 18th November, 1975 by a Court of Enquiry and details thereof;

(b) when the departmental proceedings were initiated and whether any of these Officers has been charge-sheeted;

(c) what specific action, if any, has been taken by the DGMS against them and if no action has been taken, the reasons therefor;

(d) whether it is a fact that Shri A. B. Shah one of these personnel who has since been transferred to the ECL has been promoted last year; and

(e) what are the reasons for such inordinate delay in taking action against the guilty officers and how long it will take by the Western Coalfields Ltd, authorities to come to a decision?

THE MINISTER OF STATE IN THE MINISTRY OF ENERGY (SHRI VIKRAM MAHAJAN): (a) to (e) A statement is laid on the Table of the House.

Statement

(a) and (b) Department Proceedings were initiated on receipt of the report of the Court of Enquiry which was published on 22nd December, 1979. The Court of Enquiry held 7 officers of

†Previously Starred Question 245 transferred from the 4th December, 1980.

†The question was actually asked on the floor of the House by Shri Kalyan Roy.

the colliery responsible for this disaster. Two of them have already been punished and proceedings in respect of one are expected to be completed shortly. Action in respect of three of the others is in progress and no action is considered necessary against one officer who has since retired on superannuation.

(c) DGMS was satisfied that the punishment imposed or proposed to be imposed was adequate considering the circumstances of the case and therefore no action has been taken separately by him.

(d) Shri A. B. Shah, General Manager, who was transferred to Eastern Coalfields Ltd. was not considered for promotion in 1979. He was, however, selected and appointed as Director (Technical) in October, 1980.

(e) There is no such delay as the report of the Court of Enquiry was published on 22nd December, 1979 and further action had to be decided after observing necessary procedures of disciplinary proceedings.

SHRI KALYAN ROY: Sir, there are different standards which the Coal India and the four subsidiaries including Western Coalfields follow in relation to the reports of the investigation officers into accidents as well as into the reports of the courts of enquiry presided over by Supreme Court judges. There are two sets of punishment—one kind for the officers and another kind for the workers. According to the Labour Minister's reply on 4th December, there have been four courts of enquiry. This disaster in Silewara colliery took place on 18th November, 1975. This was followed by another major disaster, namely, Chasnala, about which you are aware, Sir, on 27th December, 1975. The third accident took place on 9th August, 1976, at Kessurgarh. In this particular colliery of Silewara ten workers lost their lives because the senior officers calculatedly neglected to follow the safety rules, elementary rules and regulations and the Mines Act. According to the reports of the Court of Inquiry held into the accident of

Silewara Colliery on 18th November, 1975—I am quoting the Energy Minister—the main persons who were held responsible were the Managing Director and the General Manager. Also held responsible were the Sub-Area Manager, Agent, Manager, Assistant Manager and the colliery Surveyor for this accident. According to the Court of Inquiry all of them were responsible for this accident. In Kessurgarh, Sir, not only the officers, the Sub-Area Manager, Agent and Manager were held responsible, but criminal proceedings were also drawn against them which are continuing under the jurisdiction of the Director-General, Mines Safety, and promotion in respect of some of them has been stopped for three years. In Chasnala Colliery which belongs to the Ministry of Steel and Mines, under ISSCO the Chief Executive Officer, Agent, Group Safety Officer, Manager and Area Manager were dismissed by Shri Biju Patnaik on the demand of the Congress (I), CPI and the CPI(M) in this House and the other House. Not only were they dismissed criminal proceedings are continuing against them. Sir, what is happening in Silewara? Shri C. Balram, Managing Director, Shri S. Radhakrishnan, Sub-Area Manager, Shri C. P. Bansal, Agent, Shri S. K. Grover, Manager, Shri R. K. Dubey, Asstt. Manager—in respect of these Officers the management proposed to stop their promotion for six months and no criminal proceeding have been instituted against them. On the other hand, this Mr. A. B. Shah, General Manager, today has been promoted to be the Director in charge of Eastern Coalfields though they were responsible for the death of ten persons. Why is there this lenient attitude towards these officers held guilty by this Court of Inquiry? This is my question number one.

SHRI VIKRAM MAHAJAN: Sir, so far as the officers are concerned, the Court of Inquiry was instituted and they made certain observations. Then we proceeded against them and various punishments were imposed depending upon their culpability. So far as Mr.

Grover, Colliery Manager, is concerned, his promotion was withheld for three years. The promotion of Mr. Dubey, Assistant Manager, was withheld for two years more and against Mr. Bansal departmental proceedings are likely to continue. So far as Mr. Shah is concerned, the Court of Inquiry found him remotely, vicariously responsible. Therefore, for six months his promotion was stopped. After that period had expired, we must promote him. There was no direct responsibility fixed on him. It was a remote vicarious responsibility.

SHRI KALYAN ROY: I quoted only three Courts of Inquiry. In none of the reports of the Courts of Inquiry were the top people held directly responsible—neither in Chasnala, nor in Kessurgarh. Why had they been dismissed? And if that is so, why has this man been promoted? Shri A. B. Shah today is the Director. Do You think the punishment is adequate according to the Court of Inquiry which took place in November 1975? No action has been initiated till December, 1980. Why this delay and why this discrepancy—In Kessur Garh, whenever the workers have been found guilty, they are dismissed on the basis of the court of inquiry. Here till today, it happened in Maharashtra from where Mr. Mahajan comes, there is this sorry state of affairs.

MR. CHAIRMAN: He does not come from Maharashtra.

SHRI KALYAN ROY: I am sorry. He looks like a Maharashtrian. Here why and how the promotion has been given and why no action has been taken? Again Mr. Bansal has been promoted. What reply have you got for this? After all on the one hand you want peace and tranquillity of the miners; on the other hand because some workers gave evidence in the Silewara court of inquiry, 8 workers have been dismissed. For giving evidence in the court of inquiry, which upheld the contention of the workers that there was negligence in the observance of safety rules which led to

the death of miners, 8 people have been dismissed.

SHRI VIKRAM MAHAJAN: So far as Mr. Bansal is concerned, he was transferred out of this particular company and Coal India, which is the holding company, had been asked to take action. And his responsibility also has been remote, but the action recommended against him is that for one year he should not be promoted. It has been withheld. . .

SHRI KALYAN ROY: But why this discrepancy?

MR. CHAIRMAN: Mr. Kalyan Roy, hear the Minister fully.

SHRI VIKRAM MAHAJAN: You are aware, Sir, that no two accidents are exactly parallel. So far this question is concerned, it only relates to Silewara mine. So far as Chasnala and others are concerned, the question is not regarding them, so I cannot answer what happened to the officers there. I can only answer so far as the accident which took place in the instant case is concerned. In the instant case, the court of inquiry, which is a very high level enquiry, has fixed responsibility. Whatever action was considered fit according to the enquiry, we have taken and the Director General of Mines Safety has also agreed with the action taken.

SHRI NARSINGH NARAIN PANDEY: Sir, the Minister knows it that the coal mines always take action against those officers against whom the departmental enquiry takes place and the proceedings come to the Government. But it is most surprising that in spite of the fact that the court of inquiry has held certain persons responsible and said that action should be taken by the Government, a lenient view has been taken by the Government. The result is that so many coal-mine disasters take place somewhere or the other every year. I want an assurance from the Government that strict action will be taken against those officers who are found guilty by the

court of inquiry. Will the Minister assure the House that he will take suitable action, as recommended in the court of inquiry and the departmental report, against such officers and no lenient view will be taken against them?

SHRI VIKRAM MAHAJAN: Answering the first question first, so far as the number of disasters is concerned, I would like to inform the House that the number has gone down since the present Government came to power. For example, in 1980, the total number was hardly 92, whereas last year 143 persons died. Similarly, last year about 972 were injured. This year, it has come down to 620. So progressively the disasters have been coming down and it is because the Department is enforcing the safety measures strictly. Secondly, so far as the action is concerned, we never take lenient action. Whatever the court of inquiry holds, we take action strictly. Nobody will be spared, I can assure the House.

MR. CHAIRMAN: He wants only an assurance. You give him. Question No. 286. Mr. Banerjee, you want to ask a question? I did not see your hand. You came just now.

SHRI B. N. BANERJEE: I was here since the time you came, Sir.

MR. CHAIRMAN: You ask the question. Let us not waste time.

SHRI B. N. BANERJEE: Will the hon. Minister state what was the finding of the court of inquiry against Mr. Shah and Mr. Bansal? What were the positions held by them at that time? What are the positions they are holding now? And what was the punishment given by the Government as a result of the findings of the court of inquiry and whether the Minister considers that the punishment was adequate?

SHRI VIKRAM MAHAJAN: Sir, Mr. Shah was at that time a General Manager, and the Court of Inquiry held him responsible in the sense that....

SHRI KALYAN ROY: Don't say "In the sense". That is your interpretation.

SHRI VIKRAM MAHAJAN: This I am reading out. It is not my word. It held him responsible in the sense that adequate survey staff was not provided at the mines and the Safety Officer was used for production purposes. Two: Responsibility was not exercised in the sense that there was not adequate control and supervision over the work of the Manager, the Assistant Manager and the Surveyor in regard to the maintenance of diaries in regard to prompt and accurate survey of the underground. This was the thing to which Mr. Shah was held responsible. Our department went into the recommendation. They said it was too remote and that for six months his promotion should be withheld, which we did. As the department took a very strict view, we struck to it and there is no leniency shown to Mr. Shah. Mr. Chairman has been the Chief Justice of the Supreme Court and he is aware how punishments are given in different cases.

Coming to Mr. Bansal, he was Agent of the Silewara group. He was held responsible in the sense that adequate survey staff was not provided at the mines and the Safety Officer was used for production purposes. Secondly, he had not exercised adequate control and supervision over the Manager, Assistant Manager and Surveyor in regard to maintenance of diaries and in regard to prompt and accurate survey of the underground. The punishment recommended for him was withholding of promotion for one year. (*Interruptions*) This is a normal system. You are aware how in Government service promotion is not given.

SHRI KALYAN ROY: Point of order Sir. He says, on the basis of the report. The report was published on 22nd December, 1979 and afterwards action has taken place. That means within six months Mr. A. B. Shah was promoted. He says not within six months. How is it possible? He got the report in December, 1979 and

Mr. A. B. Shah was promoted in the middle part of 1980. Six months are not complete.

SHRI VIKRAM MAHAJAN: During the pendency of the inquiry also we do not promote officers normally.

MR. CHAIRMAN: Time was taken out. As regards the assessment of punishment, it was Bernard Shaw who said that the punishing officer should first be sent to jail so that he can see what the punishment is like.

SHRI SHIV SHANKAR: Does it equally apply to Judges also?

MR. CHAIRMAN: He said about Judges, not about Members of Parliament.

SHRI VIKRAM MAHAJAN: So far as his case is concerned, he was promoted in October 1980, not within six months.

*286. [The questioners (Shri Shrikant Verma and Dr. Lokesh Chandra) were absent. For answer vide col. 37—39 *infra*.]

Liberalization of divorce law

*287. SHRI SHIVA CHANDRA JHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Central Government are considering to enact a law for the liberalization of divorce;

(b) if so, what are the details thereof; and

(c) what is the total number of divorces which took place under the present Marriage Act within the last two years in the country and in the big cities of Delhi, Bombay, Calcutta and Madras?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHIV SHANKAR): (a) Yes, Sir.

(b) The Law Commission of India has forwarded to the Government in April, 1978, its 71st Report on the question whether irretrievable breakdown should be introduced as a ground of divorce into the Hindu Marriage Act, 1955. The Report was laid on the Table of the Rajya Sabha on 11th May, 1978.

The Commission has recommended insertion of a new Section 13(c) in the Hindu Marriage Act, under which a petition for a dissolution of a marriage by a decree of divorce may be presented to the Court by either party to a marriage on the ground that the marriage has broken down irretrievably. However, the Court will not hold the marriage to have broken down, irretrievably unless it is satisfied that the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the presentation of the Petition.

SHRI S. W. DHABE: The hon. Minister should have laid it on the Table of House—a long statement.

SHRI VASANT SATHE: He is ending it.

SHRI SHIV SHANKAR: It is not a very long statement.

SHRI S. W. DHABE: It is a very long statement.

SHRI SHIV SHANKAR: You do not have the patience to hear. As I said, the 1971 Report was laid on the Table of the Rajya Sabha way back in 1978. My friend is saying that it should be laid now.

The Commission has also recommended that if the wife is the respondent, a decree for divorce on the ground of irretrievable breakdown of marriage shall be refused or the proceedings stayed, if the court, on a consideration of all the circumstances, comes to the conclusion that the dissolution of marriage would result in grave financial hardship to the wife. Certain provisions may have also been made to safeguard the interests of