

Siddhantalankar, Prof. Satyavrata

Siddhu, Dr. M. M. S.

Singh, Dr. Anup

Singh, Shri Dalpat

Singh, Dr. Gopal

Singh, Shri J. K. P. N.

Singh, Shri Jogendra

Singh, Shri Santokh

Singh, Shri T. N.

Sinha, Shri Awadheshwar Prasad

Sinha, Shri B. K. P.

Sinha, Shri Rajendra Pratap

Sundaram, Shri K.

Supakar, Shri S.

Sur, Shri M. M.

Swamy, Shri N. R. M.

Tankha, Pandit S. S. N.

Tapase, Shri G. D.

Tara Ramchandra Sathe, Shrimati

Thanglura, Shri A.

Tiwary, Pt. Bhawaniprasad

Tripathi, Shri H. V.

Usha Barthakur., Shrimati

Vaishampayan, Shri S. K.

Varma, Shri B. B.

Varma, Shri C. L.

Vasan, Shri S. S.

Venkateswara Rao, Shri N.

Vidyawati Chaturvedi, Shrimati

Vyas, Shri Ramesh Chandra

Yajee, Shri Sheel Bhadra

Zaidi, Col. B. H.

NOES—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

ACCIDENT IN THE BIRLA TECHNICAL INSTITUTE OF TEXTILES AT BHIWANI

SHRI ARJUN ARORA (Uttar Pradesh) : Madam, I rise to call the attention of the Minister of Labour, Employment and Rehabilitation to the recent accident in the Birla Technical Institute of Textiles at Bhiwani resulting in the death of some persons.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI SHAH NAWAZ KHAN) : I regret to state that at about 3.30 P.M. on the 9th August, 1966 while 128 persons were working in a spinning shed of the Birla Technical Institute of Textiles at Bhiwani, a portion of the reinforced concrete roof gave way during rains as a result of which 12 persons were killed and 20 were injured. The Punjab Government officials, namely, District Magistrate; Joint Commissioner of Labour who is also an Inspector of Factories and the Factory Inspector, Faridabad went to Bhiwani and inspected the spot. An enquiry under section 174 of the Criminal Procedure Code was also started and it was decided by the District Magistrate, Hissar to associate Superintending Engineer of the Roads and Buildings Department with the Enquiry. The shed was constructed in 1964.

Workers in question were covered by the Employees State Insurance Act, 1948 which provides for sickness benefit, disablement benefit, dependents' benefit and medical benefit. As an interim relief, the management of the Institute have already paid a sum of Rs. 500 to the family of each deceased and Rs. 50 to each injured person. Compensation in accordance with the provisions of the Employees State Insurance Act will be paid to the families of the deceased as well as to the injured persons in due course.

The Punjab Governor has formed a Judicial Enquiry Committee presided over by the District and Sessions Judge Hissar, and assisted by 4 members—3 being technical experts. This Committee has already started its investigation and has been requested to submit its report as early as possible.

SHRI ARJUN ARORA : Madam, I welcome the appointment of a judicial enquiry. It would have been better if the Governor of Punjab had appointed a sitting Judge of the Punjab High Court to enquire into this accident because it is a very serious thing. There are certain questions which are agitating the minds of the people and I want the Minister to throw light on them.

First, I want to know whether a stability certificate was given to that building before work inside that shed started because a stability certificate of the premises is necessary. And if it was given when was it given and who was the fool who gave stability certificate to a building which collapsed so easily ?

The second question is whether the removal of the debris began four hours after the collapse of the roof, whether the management prevented the removal of the debris as it was waiting for the arrival of the surveyors and the insurers, and whether it is a fact that the number of the dead increased because of the delay in the removal of the debris and some people who have died could have been saved if the management was not callous and if the General Manager had permitted the removal of the debris without waiting for the surveyors and the insurers.

I also want to know whether the compensation due under the Workmen's Compensation Act is being paid. Mere statement that it will be paid in due course is unsatisfactory. It should be paid with extraordinary speed because it is an extraordinary case. I am sorry that the Minister has merely said that it will be paid in due course. Nobody knows what 'due course' is. It must be paid immediately.

I also want to know what action the Government is taking to ensure that the E.S.I. pays the compensation due to the dependents of the dead and the insured speedily.

THE DEPUTY CHAIRMAN: Yes, Mr, Dharia.

SHRI ARJUN ARORA : Let me finish.

THE DEPUTY CHAIRMAN: Asking questions you have taken nearly five minutes.

SHRI ARJUN ARORA : I also want to know . . .

(Interruptions)

THE DEPUTY CHAIRMAN : Put your questions. There are so many to put questions.

SHRI ARJUN ARORA: If you do not want me to put questions, I will not put them.

THE DEPUTY CHAIRMAN: I thought you had finished.

SHRI ARJUN ARORA : You are speaking; how can I put the questions ?

THE DEPUTY CHAIRMAN; I was not speaking. Don't allege such things. I called Mr. Dharia because I thought you had finished speaking.

SHRI ARJUN ARORA: I have not sat down; I am still standing. I cannot understand this attitude on the part of the Chair.

I want to know whether the persons responsible for the faulty building, the General Manager, e:c, will be hauled up for causing the death of 12 persons and injury to two dozen persons and for preventing the removal of debris which led to an increase in the number of deaths.

SHRI M. M. DHARIA (Maharashtra) : With your permission I would like to know from the hon. Minister whether it is a fact that no qualified engineer or architect was engaged when

[Shri M. M. Dharia.] the plans of the building were prepared and when the building was constructed. Secondly, I would like to know whether it is a fact that several employees who are working in the factory left the factory for the building was in an unsound condition, that they had also launched protests and complaints that this is a very unsafe building to work in and that was why they were leaving the service. I should also like to know whether the material that was used for the construction of the building was not according to the norm and whether it was not a well known fact throughout the locality that one day this building will come down. In spite of this, this being an Institute belonging to the Birlas, because of their high pressure it was allowed, and may I know from the hon. Minister whether any enquiries have been made if the General Manager who is in charge of this Institute has been prosecuted by the Government? A simple investigation by the police is not enough. It is high time that such persons should be immediately prosecuted because twelve employees are dead and but for the fact that the employees ran away casualties from electric shock would have gone into hundreds.

KUMARI SHANTA VASISHT (Delhi) : I would request the Minister to give us some idea as to when the accident took place and when the last body was recovered and also about the qualification of the engineer who had certified that the building was safe and that it was properly constructed. There is a lot of feeling that there was grave negligence on the part of the General Manager and other people connected with it. It was a very dangerous building and though very heavy structures, heavy machinery, were hanging from the roof, it was made of very inferior material and it was a very ordinary sort of construction. The labourers there had warned again and again and had complained about it. There were vibrations in the building but the General Manager and other office-s had not paid any heed to it. I would also like to know why when the cranes were brought to remove the debris and other tilings.

when the entire citizens had oiled to remove the debris and recover the bodies, the General Manager and others did not allow that to be done.

I would also like to point out that the police being so influential as they are—and some of the high-ups in the Punjab * * * are very close to that—there may be pressures willingly pressures, and therefore we want that a High Court Judge should enquire into this and make independent enquiries, preferably from a State outside Punjab because very strong pressures would be put on the Judges of the Punjab High Court and the Report etc. would be made up to suit them and to overlook the grave negligence that has been involved in this very serious accident where so many people died.

THE DEPUTY CHAIRMAN : That part, where you refer to the Head of a State, will be expunged.

SHRI M. V. BHADRAM (Andhra Pradesh) : Madam, I have visited the factory after the accident took place, and I have seen the entire collapsed factory. First of all, I would like to ask the hon. Minister whether the factory before it commenced work was certified by the Factory Inspector because the building had been constructed only two years ago. I have seen it and the General Manager also testified that there were thirty reinforced concrete pillars which supported lintels to a length of 230 feet and these lintels had collapsed. The entire building did not collapse. There is a provision in the Factories Act that before commencing the work the premises should be inspected and certified by the Inspector of Factories; that is a statutory obligation on the part of the Inspector of Factories and we want to know whether this was done.

Secondly when the accident took place on the 9th August recovery of the dead bodies went on till the evening of the next day. It appears this General Manager did not allow to break a wall and let the crane pass in to remove the

◆◆◆Expunged as ordered by the Chair.

debris so that the injured persons could be removed from the debris. That was also not allowed by the General Manager. Why did he not allow it? That was the reason for it?

SHRI NAND KISHORE BHATT (Madhya Pradesh) : As reported, it has been clearly established that it was a case of criminal negligence. May I know if the Manager of the Institute has been prosecuted for this crime? May I also know why, in spite of reports lodged by the workers' representatives there, the local police and other authorities were so ineffective in taking action against the management?

SHRI D. THENGARI (Uttar Pradesh) : Is the Government aware that even when the building was complete, the workers through their union had repeatedly lodged protests saying that it was not in a proper condition? Secondly, why was there such inordinate delay in clearing the debris, because according to our information there was wilful obstruction on the part of the management? May I know whether this has been ascertained by the Government?

श्री राजनारायण (उत्तर प्रदेश) : माननीया, क्या सरकार इस बात की जानकारी करेगी कि जो छत गिरी है उसको बने केवल डेढ़ माल दूधे थे, यानी कहा जायेगा कि वह नयी थी और उसके बनते समय भी वहाँ लोगों ने शिकायत की थी कि उसमें उचित मात्रा में जो मैटेरियल लगने चाहिये, वे नहीं लगाये जा रहे हैं? तो पहले भी, बिल्डिंग कमजोर है इसके बारे में वहाँ के प्रबन्धकों की जानकारी थी और एक न एक तरह से मजदूरों ने उसकी जानकारी करा दी थी।

दूसरा प्रश्न हमारा यह है कि क्या सरकार इस बात की जानकारी करेगी कि जो मलबा गिरा और उसके अन्दर जो 12 मजदूर मरे उनके मरने का कारण जो प्रधान है वह यह है कि वे बहुत देर तक मलबे के नीचे दबे रह गये और इसीलिए मरे? अगर वे छत गिरते ही फौरन निकाल लिये गये होते तो उनकी जान बचाई भी जा सकती थी।

तीसरा प्रश्न यह है कि क्या सरकार को इस बात की जानकारी हो पाई है कि मलबे के नीचे दबे हुये जो मजदूर थे उनको निकालने के लिये जब उनके कोवर्कर, उनके साथी, वहाँ जा रहे थे तो उनको भी प्रबन्धकों ने जाने से रोका और इसलिये रोका कि शायद वह बिल्डिंग इंश्योर्ड थी और प्रबन्धकों की ओर से यह कोशिश हो रही थी कि जिसने उनको इंश्योर्ड किया है, वह आ जाय, वह देख ले, तब जा कर किसी तरह से वहाँ का मलबा हटाया जाय और तब जा करके जो लोग दबे हैं वे निकाले जायें? तो इसमें जो देरी लगाई गई, उसका एक बहुत बड़ा कारण यही है, क्या सरकार इसकी जानकारी करेगी?

चौथा सवाल मेरा यह है कि क्या उनका पोस्टमार्टम हुआ? यह कहा जा सकता है कि मरने वाले ऐक्सीडेंट से मरे हैं। प्रत्यक्ष यह देखा जा रहा है कि वे ऐक्सीडेंट से मरे हैं, मगर हमारा प्वाइन्ट दूसरा है। ऐसे कई प्वाइन्ट हम इस मजदूर आन्दोलन में देख चुके हैं। एक जगह एक कुआँ खोदा जा रहा था और उसमें मिट्टी गिर पड़ी। जो लोग उसमें दब गये थे, छः दिन के बाद जब उनकी लाशें निकाली गईं तो वह एकदम स्वस्थ थीं। लोगों का कहना था कि दो दिन तक, 48 घंटे तक, 72 घंटे तक अगर वे निकल गये होते तो ज़िंदा रह जाते। तो हमारा कहना है कि उनका पोस्टमार्टम हुआ या नहीं हुआ, अगर नहीं हुआ तो क्यों नहीं हुआ? हो सकता है कि पोस्टमार्टम की रिपोर्ट यह होती कि केवल बिल्डिंग गिरने से उनको इतनी चोट नहीं लगी थी जिससे वे मरते, वे मरे इसलिये कि वे मलबे के नीचे दबे रह गये, उनकी सांस बिलकुल समाप्त हो गई, उनके प्राण बिलकुल समाप्त हो गये? अगर ऐसा नहीं होता है तो इसके जो प्रमुख मालिक हैं श्री बिड़ला, उस बिड़ला के ऊपर क्या यह सरकार हत्या का मुकदमा चलायेगी क्योंकि उस दशा में उनकी जान लेने की जिम्मेदारी उस बिड़ला परिवार पर जानी चाहिये।

[श्री राजनारायण]

इसके साथ साथ जैसा कि मैंने मंत्री जी के उत्तर में सुना है कि जो मरे हैं उनके परिवार वालों को शायद पांच-पांच सौ रुपये दिये गये हैं और जिनको चोटें आई हैं उनको शायद 50, 50 रु० दिये गये हैं। क्या यह काफी है? जान की हेमियत रुपये में नहीं आंकी जानी चाहिये। जिन्होंने जान ली है, जान के बदले में जान भी होती है। अभी तक इस सरकार का कानून यही है, तो क्या इस ओर भी सरकार बढ़ेगी, यह हमारा सवाल है?

SHRI D. L. SEN GUPTA (West Bengal) : My question needs a little explanation. In deaths of this nature what we find is that the poor workers had to die and there was nothing else in the accident.

THE DEPUTY CHAIRMAN : Do not explain. Please come to the points that need clarification.

SHRI D. L. SEN GUPTA : I shall not take more than two minutes. You have shown indulgence.

THE DEPUTY CHAIRMAN : Yes.

SHRI D. L. SEN GUPTA : Two parties have *prima facie* come in here. One is the governmental authority, possibly here the Factory Inspectorate and the other the employers. In a case of this nature—I shall not say culpable homicide—there is an element of murder present. The Government may take steps to prosecute immediately the management and the officer of the Government concerned, who contributed to the happening of this accident. That is one question, whether the Government is going to do anything of that nature. If the Government waits for the judicial committee to enquire, then give a report like that in a colliery accident, nothing will happen. In a case of criminal negligence, steps should be taken immediately. That is my question. The second point is the hon. Deputy Minister has said that everybody will be paid or is being paid according to the Employees' State Insurance Act. The Employees' State Insurance Act envisages

accidents of a *bona fide* nature, of a normal nature, not accidents of this nature. For accidents of this nature something more than that should be provided. The value of a life cannot be measured in terms of money. Here if we just confine ourselves to the provisions of the Employees' State Insurance Act, we do not make any distinction between accidents which can be averted, accidents which take place because of carelessness and *bona fide* accidents. My third point is their payment should not be delayed. They should be paid immediately for the reason that under the Employees' State Insurance Scheme two questions remain for determination. Whether it is an accident arising in the course of employment or not. Here that is not the case. Why should payment, therefore, be delayed? Payment delayed is payment denied and it aggravates the misery of the people. So, payment should not be delayed and it should be made as early as possible and, if possible, within a week.

SHRI SHAH NAWAZ KHAN : Madam, this Institute falls within the State sphere. When the factory was constructed, it was inspected by the Factory Inspector and other officers concerned in the Punjab Government and I am given to understand that all the provisions of the Factories Act were complied with when the work was started in this factory.

THE DEPUTY CHAIRMAN : How long ago?

SHRI SHAH NAWAZ KHAN : The factory was set up only in 1964 and it was regularly inspected by the Factory Inspector. It was inspected in October, 1965. It was again inspected in July this year.

SHRI ARJUN ARORA : So, the Inspector should be sacked.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Absolutely.

KUMARI SHANTA VASISHT : Suspended.

SHRI SHAH NAWAZ KHAN : As I have said, the judicial enquiry is going on. They will look into all these aspects, whether there has been any negligence, whether any essential provisions of the Factories Act have not been complied with, etc. These are all matters which will be looked into by the judicial enquiry committee that has been set up. No hon. Member of this House need have any fear regarding the influence of any person so as to affect the proceedings of this committee. It does not matter how influential a person may be. I can assure the hon. House that the committee will function without any undue or any extraneous influences being exerted upon it. That we shall make sure. Regarding the compensation, the compensation will be paid as early as possible. All I can do here is to assure this hon. House that there would be no undue delay in making the payments under the E.S.I. Act.

एक माननीय सदस्य : कब तक मिल जायेंगे ?

श्री शाह नवाज खां : बहुत जल्दी मिल जायेंगे।

श्री प्रहलद प्ररोड़ा : कुछ हफ्तों में कहिए।

श्री शाह नवाज खां : कोशिश करूंगा, बहुत जल्दी मिल जायेंगे।

श्री अर्जुन प्ररोड़ा : कुछ हफ्तों में कहिए।

श्री राजनारायण : 1967 में चुनाव के पहले।

SHRI SHAH NAWAZ KHAN : It has been stated that there was undue delay in starting the rescue operations. This aspect is also being looked into by this judicial enquiry. From the enquiry that we have made we have been informed that very heavy structures, reinforced concrete structures, 400 sq. ft. almost, collapsed and it was not an easy task to start rescue operations immediately. The P.W.D. crane was obtained. There was some delay in the arrival of the crane. Very heavy rain was falling, and the crane too could not be of much

use because one arm was too short and it could not function effectively. There was slush all round and the people had to be pulled out by manual operation.

THE DEPUTY CHAIRMAN : The question was whether post-mortem was done.

SHRI SHAH NAWAZ KHAN : Post-mortem is normally done in all such cases, but the information has not been specifically given in this note which I have received. This is another aspect which will of course be gone into by the judicial enquiry. I am sure if there has been any lapse on the part of any General Manager or any other officer, necessary action will be taken against such people.

SHRI AKBAR ALI KHAN : The labourers were complaining about that. Is it true that no action was taken ?

SHRI NIREN GHOSH (Vest Bengal.) : The question is whether the Inspectorate staff who were responsible had been sacked. You must answer that straightway.

SHRI SHAH NAWAZ KHAN : If the inspectors deserve to be sacked and the judicial enquiry holds them responsible, I can assure the hon. Member that they will be sacked.

SHRI M. V. BHADRAM : The inspector has inspected the factory in July last and the building collapsed in August.

SHRI ARJUN ARORA : In fairness, Madam, the inspectors should be suspended immediately.

SHRI SHAH NAWAZ KHAN : AU sorts of explanations are being put forward. I do not place any reliance on these explanations. One argument has been advanced that the building was struck by lightning which caused the accident. But as I said, I do not want to prejudge the issue. It is up to the judicial enquiry to find out the real cause.

THE DEPUTY CHAIRMAN : The question has been put that some workers left because of danger to the building. That information you have not given. If you have that, you may give.

SHRI SHAH NAWAZ KHAN : I do not have that information.

SHRI M. M. DHARIA : Apart from the judicial enquiry even the police can start their work under the Criminal procedure Code. If they find that somebody is responsible, he can be prosecuted in a court of law. May I know if such sort of investigation is being made by the police ?

SHRI SHAH NAWAZ KHAN : Enquiry under section 174 of the Criminal Procedure Code was started but it has been superseded by the judicial enquiry for which there was a universal demand.

(Interruption)

THE DEPUTY CHAIRMAN: Let him finish.

SHRI SHAH NAWAZ KHAN : The judicial enquiry has replaced it. The judicial enquiry will look into all these aspects and fix the responsibility.

SHRI NIREN GHOSH : We must have a full discussion on it . . .

SHRI D. L. SEN GUPTA: My question has not been answered. May I know whether there is any legal bar to criminal cases being started in spite of the judicial commission being there ? Because the judicial commission will not prosecute, it will give a report. A judicial commission does not preclude criminal cases being started ? Why are you stopping it ?

THE DEPUTY CHAIRMAN : They say that criminal negligence is one thing and judicial enquiry is another.

SHRI M. V. BHADRAM : The accident took place on the 9th August. When was the last body recovered from the debris?

THE DEPUTY CHAIRMAN: When did you recover the last body ? ■

SHRI SHAH NAWAZ KHAN : Bodies were being pulled out . . .

THE DEPUTY CHAIRMAN : Are they still recovering ?

SHRI SHAH NAWAZ KHAN : I think the last body was pulled out on the 12th.

SHRI NIREN GHOSH : It is unsatisfactory. We should have some one hour discussion on it. All replies are incomplete, half-hearted, evasive and totally unsatisfactory.

THE DEPUTY CHAIRMAN : He still wants to explain.

SHRI SHAH NAWAZ KHAN : The judicial enquiry will look into many of these aspects and I do not wish to say anything at this stage which might anticipate their finding.

KUMARI SHANTA VASISHT: This calling attention notice was given on the 11th and we have got the reply today, the 24th. Thirteen days have passed. Normally even starred questions would have been answered in fifteen days. As it is, most of the questions have not been answered because the Minister did not have the information. I feel that in Punjab even Ministers were interfering with the judicial work. When the President's representative is there, I do not think very much justice can be expected from a very small court. Therefore, I still plead that a High Court Judge from some other State should be appointed if there is no bar to such an appointment.

THE DEPUTY CHAIRMAN : I think you will take note of that.

SHRI D. THENGARI : Obviously the judicial enquiry cannot be entrusted with the work of proceeding against the culprits. What is the provision for it ?

THE DEPUTY CHAIRMAN : He has no information on it.

SHRI M. M. DHARIA: In view of the fact that the hon. Minister is not in a position to state several things today because he is not having information, in view of this, will the hon. Minister make a detailed statement in the House?

SHRI BHUPESH GUPTA: It is a very fit case for a one hour discussion because, as you will have noted, there are different versions altogether. Also there is a judicial enquiry. I think this matter, in view of its importance, should be made the subject-matter of a one hour discussion. The Government can come with facts and also we can put forth what we can in a better way, and the decision can be taken by the Government.

THE DEPUTY CHAIRMAN: I think there is no further information coming from the Minister. We will not ask any more questions.

SHRI SHAH NAWAZ KHAN: In the light of the discussion held today and in the light of the information which has been asked for, on which I do not have precise information just now, I shall obtain all the necessary information and lay a fuller statement on the Table of the House.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at thirtynine minutes past five of the clock till eleven of the clock on Thursday, the 25th August, 1966.