

# THE MINES ACT, 1952

(Act No. 35 of 1952 )  
(15 March, 1952)  
(As modified upto 1983)

An Act to amend and consolidate the law relating to the Regulation of labour and safety in mines

Be it enacted by Parliament as follows :-

## CHAPTER I PRELIMINARY

1. Short title, extent and commencement –
  - (1) This Act may be called the Mines Act, 1952.
  - (2) It extends to whole of India
  - (3) It shall come into force on such date or dates as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different states but not later than 31<sup>st</sup> December, 1953.
2. Definitions : - (1) In this Act, unless the context otherwise requires :
  - (a) omitted
  - (b) “adult” means a person who has completed his eighteenth year.
  - (c) “agent”, when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of the mine or of any part thereof;
  - (d) “Chief Inspector” means the Chief Inspector of Mines appointed under this Act;
  - (e) “Committee” means a committee constituted under section 12;
  - (f) “day” means a period of twenty-four hours beginning at mid-night;
  - (g) “district magistrate” means, in a presidency-town, the person appointed by the Central Government to perform the duties of a district magistrate under this Act in that town;
  - (h) a person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with knowledge of the manager, whether for wages or not.
  - (i) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine)
  - (ii) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;
  - (iii) in operating, servicing, maintaining or repairing any part or any machinery used in or about the mine;
  - (iv) in operations, within the premises of the mine of loading for despatch of minerals;
  - (v) in any office of the mine;
  - (vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or
  - (vii) in any kind of work whatsoever which is preparatory or incidental to, or connected with mining operations;
  - (i) “Inspector” means an Inspector of Mines appointed under this Act, and includes a district magistrate when exercising any power or performing any duty of an Inspector which is empowered by this Act to exercise or perform;
  - (i) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes -
    - (i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;
    - (ii) all shafts, in or adjacent to and belonging to a mine, where in the course of being sunk or not;
    - (iii) all levels and inclined planes in the course of being driven;
    - (iv) all opencast workings;

- (v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all adits, levels, planes, machinery works, railways, tramways and sidings in or adjacent to and belonging to a mine;
- (vii) all protective works being carried out in or adjacent to a mine;
- (viii) all workshop and store situated within the precincts of a mine and the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
- (ix) all power stations, transformer sub-stations converter stations : rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
- (x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such and refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine:
- (xi) any premises in or adjacent to and belonging to a mine or which any process ancillary to the getting, dressing or operation for sale of minerals or of coke is being carried on;
- (jj) "minerals" means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicing, quarrying, or by any other operation and includes mineral oils (which in turn include natural gas and petroleum):
- (jjj)
- (k) "office of the mine" means any office at the surface of the mine concerned;
- (kk) "Open cast working" means a quarry, that is to say an excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground.
- (i) "owner" when used, in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by liquidator or receiver, such liquidator or receiver but does not include a person who merely receives a royalty rent or fine from the mine, subject to any lease grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but (any contractor or sub-lessee for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;
- (m) "Prescribed" means prescribed by rules, regulation or byelaws, as the case may ;
- (n) "qualified medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1959 and who is enrolled on a state medical register as defined in clause (k) of that section:)
- (o) "regulations" "rules" and "bye-laws" means respectively regulations, rules and bye-laws made under this Act;
- (p) where work of the same kind is carried out by two or more sets of persons working during different periods of the day each of such sets is called a "relay" (and each of such periods is called a "shift".)
- (pp)"reportable injury" means any injury other than a serious bodily injury which involves, or in all probability will involve, the enforced absence of the injured persons from work for a period of seventy-two hours or more.
- (q) "serious bodily injury" means any injury which involves; or in probability will involve the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot.
- (r) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector or an Inspector.
- (2) A person working or employed or employed in or in connection with a mine is said to be working or employed –
- (a) "below ground" if he is working or employed –
  - (i) in a shaft which has been or is in the course of being sunk; or
  - (ii) in any excavation which extends below superjacent ground; and

(b) “above ground” if he is working in open cast working or any other manner not specified in clause (a)

3. (1) Act not apply in certain cases – The provisions of this Act, except those contained in

sections 7,8,9, 40,45 and 46 shall not apply to –

(b) any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale :

Provided that –

(i) not more than twenty persons are employed on any one day in connection with any such excavation.

(ii) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six, metres or, in the case of an excavation for coal fifteen metres: and

(iii) no part of such excavation extends below superjacent ground; or

(b) any mine engaged in the extraction of kankar, murrum laterite, boulder, gravel, shingle, ordinary sand (excluding moulding sand, glass sand and other mineral sands), ordinary clay (excluding kaolin, china clay, white clay or fire clay), building stone, slate, road metal, earthy fullers earth, marl chalk and lime stone.

Provided that –

(i) the working do not extend below superjacent ground: or

(ii) where it is an open cast working –

(a) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six metres;

(b) the number of persons employed on any one day does not exceed fifty; and

(c) explosives are not used in connection with the excavation.

(2) Notwithstanding anything contained in sub-section (1) the Central Government may, if it is satisfied that, having regard to the circumstances obtaining in relation to mine or part thereof or ground or class of mines, it is necessary or desirable so to do by notification in the official Gazette, declare that any of the provisions of this Act, not set out in sub-section (10), shall apply to any such mine or part thereof or group of class of mines or any class of persons employed therein.

(3) Without prejudice to the provisions contained in sub-section (2), if at any time any of the conditions specified in the provision to clause (a) or clause (b) of sub-section (1) is not fulfilled in relation to any mine referred to in that sub-section the provisions of this Act not set out in sub-section (1), shall become immediately applicable, and it shall be the duty of the owner, agent or manager of the mine to inform the prescribed authority in the prescribed manner and within the prescribed time about the non-fulfilment.

(4) Reference to time of day – In this Act, reference to time of day are reference to Indian standard time, being five and a half hours ahead of Greenwich mean time:

Provided that, for any area in Indian standard time is not ordinarily observed, the Central Government may make rules –

(a) specifying the area;

(b) defining the local mean time ordinarily observed therein; and

(c) permitting such time to be observed in all or any of the mines situated in the area.

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## CHAPTER - II

### INSPECTORS AND CERTIFYING SURGEONS

5. (1) Chief Inspector and Inspector - The Central Government may, by notification in the official Gazette, appoint such a person as possesses the prescribed qualifications to be Chief Inspector of mines for all the territories to which this Act extends and such persons as possess the prescribed qualifications to be Inspectors of Mines subordinate to the Chief Inspector.  
(2) No person shall be appointed to be Chief Inspector or an Inspector, or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.  
(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the Central Government:  
Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the Powers conferred by section 22 or section 22A or section 61,  
(4) The Chief Inspector and all Inspectors shall be deemed to be public servant within the meaning of the Indian Penal Code.
6. (a) Functions of inspectors - The Chief Inspector may, with the approval of the Central Government and subject to such restrictions or conditions as he may think fit to impose, by order in writing: authorise any Inspector named or any class of Inspectors specified in the order to exercise such of the powers of the Chief Inspector under this Act (other than those relating to appeals) as he may specify.  
(2) The Chief Inspector may by order in writing, prohibit or restrict the exercise by any Inspector named or any class of Inspectors specified in the order of any power conferred on Inspectors under this Act.  
(3) Subject to the other provisions contained in this section, the Chief Inspector shall declare the local area or areas within which or the group or class of mines with respect to which Inspector shall exercise their respective powers.
7. (1) Powers of Inspectors of Mines – The Chief Inspector and any Inspector may –  
(a) make such examination and inquiry as he thinks fit, in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made there under are observed in the case of any mine;  
(b) with such assistants, if any, as he thinks fit, inspect and examine any mine or any part thereof at any time by day or night:  
Provided that the power conferred by this clause shall not be exercise in such a manner as unreasonably to impede or obstruct the working of mine.  
(c) examine into, and make inquiry respecting, the state and condition of any mine, or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine and all matters and things connected with or relating to the health, safety and welfare of the persons employed in the mine, and take whether on the precincts of the mine or elsewhere statements of any person which he may consider necessary for carrying out the purpose of this Act;  
(d) exercise such other powers as may be prescribed by regulation made by the Central Government in this behalf.  
Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself,  
(2) The Chief Inspector and any Inspector may, if he has reason to believe as a result of any inspection examination or inquiry under this section, that an offence under this Act has been or is being committed, search any place and take possession of any material or any plane section register other records appertaining to the mine and the provisions of the Code of Criminal Procedure 1973 shall, so far as may be applicable, applied to any search or seizure made under this Act as to apply to any search or seizure made under the authority of a warrant issued under section 94 of the code.
8. Powers of special officers to enter, measure, etc. –

Any person in the service of Government duly authorised in this behalf by a special order in writing of the Chief Inspector or of an Inspector may, for the purpose of surveying leveling or measuring any mine; or any output therefrom after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure, the mine or any part thereof or any output therefrom after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure, the mine or any part thereof or any output therefrom at any time by day or night:

Provided that, where in the opinion of the Chief Inspector or of an Inspector an emergency exists, he may by order in writing, authorise any such person to enter the mine for any of the aforesaid purpose without giving any such notice.

9. Facilities to be afforded to inspectors – Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 8 all reasonable facilities for making any entry, inspection; survey, measurement, examination or inquiry under this Act.

“6A. Facilities to be provided for occupational health survey-

(i) The Chief Inspector or an Inspector or other officer authorised by him in writing in this behalf, may at any time during the normal working hours of the mine or at any time by day or night as may be necessary undertake safety and occupational health survey in a mine after giving notice in writing to the manager of the mines and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery for the collection of samples and other data pertaining to the survey and for the transport and examination of any persons employed in the mine chosen for the survey) to such Inspector or officer.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such examination and at such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey.

(3) The time spent by any person employed in a mine who is chosen for examination in the safety and occupational health survey, shall be counted towards his working time, so however that any overtime shall be paid at the ordinary rate of wages.

Explanation: For the purpose of this sub-section, “ordinary rate of wages” means the basic wages plus any dearness allowance and underground allowance and compensation in case including such compensation, if any accruing through the free issue of foodgrains and edible oils as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus (other than a bonus given as incentive for production) or any compensation accruing through the provision of amenities such as free housing, free supply of coal, medical and educational facilities, sickness allowance, supply of kerosene oil baskets, tools and uniforms.

(4) Any person who, on examination under sub-section (2) is found medically unfit to discharge the duty which he was discharging in a mine immediately before such presentation shall be entitled to undergo medical treatment at the cost of the owner, agent and manager with full wages during the period of such treatment.

(5) If, after the medical treatment, the person referred to in sub-section (4) is declared medically unfit to discharge the duty which he was discharging in a mine immediately before absenting himself from the said examination and such unfitness is directly describable to his employment in the mine before such presentation, the owner, agent and manager shall provide such person with an alternative employment in the mine for which he is medically fit :

Provided that where no such alternative employment is immediately available, such person shall be paid by the owner, agent and manager disability allowance determined in accordance with the rates prescribed in this behalf;

Provided further that where such person decides to leave his employment in the mine, he shall be paid by the owner, agent and manager a lump sum amount by way of disability compensation determined in accordance with the rates prescribed in this behalf.

(6) The rates under the provision sub-section (5) shall be determined having regard to the monthly wages of the employees, the nature of disabilities and other related factors.”

10. Secrecy information obtained :--

(1) All copies of, and extracts from registers or other record appertaining to any mine and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection or survey of any mine under this Act or acquired by any person authorised under section 8 or section 9A in the exercise of his duties thereunder, shall be regarded as confidential and shall not be disclosed to any person or authority unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the health, safety or welfare of any person employed in the mine or any other mine adjacent thereof.

(2) Nothing in sub-section (1) shall apply to the disclosure of any such information (if so required) to –

“(a) any court;

(b) a Committee or court of inquiry constituted or appointed under section 12 or section 24, as the case may be;

(c) an official supervisor or the owner, agent or manager of the concerned mine;

(d) a Commissioner for workmen’s compensation appointed under the Workmen’s Compensation Act, 1923;

(e) the Controller Indian Bureau of Mines.

(f) any registered or recognised trade union;

(g) such other officer, authority and organisation as may be specified in this behalf by the Central Government.”

(3) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses contrary to the provisions of this section, any such information as aforesaid without the consent of the Central Government, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) No court shall proceed to the trial of any offence under this section except with the previous sanction of the General Government.

11. Certifying Surgeons :--

(1) The Central Government may appoint qualified medical practitioners to be certifying surgeons for the purpose of this Act within such local limits or for such mine or class or description of mines as it may assign to them respectively.

(2) Subject to such conditions as the Central Government may think fit to impose, a certifying surgeon may, with the approval of the Central Government, authorise any qualified medical practitioner to exercise all or any of his powers under this Act for such period as the certifying surgeon may specify, and references to a certifying surgeon shall be deemed to include references to any qualified medical practitioner when so authorised.

(3) No person shall be appointed to be or authorised to exercise the powers of certifying surgeon, or, having been so appointed or authorised, continue to exercise such powers, who is or becomes the owner, agent or manager of a mine, or is or becomes directly or indirectly interested therein, or in any process or business carried on therein or in any patent or machinery connected therewith, or is otherwise in the employment of the mine.

(4) The certifying surgeon shall carry out such duties as may be prescribed in connection with --

(a) \*\*\*

(b) the examination of persons engaged in a mine in such dangerous occupations or processes as may be prescribed:

(c) the exercise of such medical supervision as may be prescribed for any mine or class or description of mines where-

(i) cases of illness have occurred which it is reasonable to believe are due to the nature of any process carried on or other conditions of work prevailing in the mine.

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## CHAPTER – III

### ‘COMMITTEES’

12. Committees :-  
(1) The Central Government shall, with effect from such date as that Government may by notification in the official Gazette, specify in this behalf constitute for the purposes of this Act, a Committee consisting of -  
(a) a person in the service of the Government, not being the Chief Inspector or an Inspector, appointed by the Central Government to as Chairman;  
(b) the Chief Inspector of mines;  
(c) two persons to represent the interests of miners appointed by the Central Government;  
(d) two persons to represent the interests of owners of mines appointed by the Central Government;  
(e) two qualified mining engineers not directly employed in the mining industry, appointed by Central Government :  
Provided that one at least of the persons appointed under clause (c) shall be for representing the interests of workers in coal mines and one at least of the persons appointed under clause (d) shall be for representing the interests of owners of coal mines.  
(2) Without prejudice to generality of sub-section(1), the Central Government may constitute one or more Committees to deal with specific matters relating to any part of the territories to which this Act extends or to a mine or a group of mines and may appoint members thereof and the provisions of sub-section(1) (except the provision thereto) shall apply for the constitution of any Committee under this sub-section as they apply for the constitution of a Committee under that sub-section.  
(3) No act or proceeding of a Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.
13. Functions of the committee –  
(1) The Committee constituted under sub-section (1) of section 12 shall –  
(a) consider proposal for making rules and regulations under this Act and make appropriate recommendations to the Central Government;  
(b) enquiry into such accidents or other matters as may be referred to it by the Central Government from time to time and make reports thereon; and  
(c) subject to the provisions of such-section(2), hear and decide any appeals or objections against notices or orders under this Act or the regulations, rules or bye-laws thereunder as are required to be referred to it by this Act or as may be prescribed.  
(2) The Chief Inspector shall not take part in the proceedings of the Committee with respect to any appeal or objection against an order on notice made or issued by him or act in relation to any matter pertaining to such appeal or objection as a member of the Committee.
14. Powers, etc. of the Committees –  
(1) A Committee constituted under section 12 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purposes of discharging its functions under this Act.  
(2) A committee constituted under section 12 shall, for the purposes of discharge its functions have the same powers as are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely :--  
(a) discovery and inspections;  
(b) enforcing the attendance of any person and examining him on oath;  
(c) compelling the production of documents; and  
(d) such other matters as may be prescribed.”
15. Recovery of expenses –



The Central Government may direct that the expenses of any inquiry conducted by a committee constituted under section 12 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector or to a magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any movable property within the limits of the magistrates jurisdiction belonging to such owner or agent.

Provided that the owner or his agent has not paid the amount within six weeks from the date of receiving the notice from the Central Government or the Chief Inspector of Mines.

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## **CHAPTER - IV**

### **MINING OPERATIONS AND MANAGEMENT OF MINES**

16. Notice to be given of mining operations –
- (1) The owner, agent or manager of a mine shall, before the commencement of any mining operation, give to the Chief Inspector, the Controller, Indian Bureau of Mines and the District Magistrate of the district in which the mine is situated, notice in writing in such form and containing such particulars relating to the mine, as may be prescribed.
  - (2) Any notice given under sub-section (1) shall be so given as to reach the persons concerned at least one month before the commencement of any mining operation.

17. (1) Managers- Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications.

(2) Subject to any instruction given to him by or on behalf of the owner or agent of the mine, the manager shall be responsible for the overall management, control, supervision and direction of the mine and all such instructions when given by the owner or agent shall be confirmed in writing forthwith.

(3) Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give otherwise than through the manager, instructions affecting the fulfilment of his statutory duties, to a persons, employed in a mine, who is responsible to the manager.

18. Duties and responsibilities of owners, agents and managers :-
- (1) the owner and agent of every mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made thereunder.
  - (2) The responsibility in respect of matters provided for in the rules made under clauses (d), (e) and (p) of section 58 shall be exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions.
  - (3) If the carrying out of any instructions given under sub-section (2) or given otherwise than through the manager under sub-section(3) of section 17 results in the contravention of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provision concerned.
  - (4) Subject to the provisions of sub-sections(1), (2) and (3) the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules, bye-laws and orders made thereunder.

- (5) In the event of any contravention by any person whosoever of any of the provisions of this Act or of the regulations; rules, bye-laws or orders made thereunder except those which specifically require any person to do any act or thing, or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the provisions and had taken reasonable means to prevent such contravention:
- (i) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;
  - (ii) the manager of the mine;
  - (iii) the owner and agent of the mine;
  - (iv) the person appointed, if any, to carry out the responsibility under sub-section (2).
- Provided that any of the persons aforesaid may not be proceeded against if it appears on enquiry and investigation that he is not prima facie liable.
- (6) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other official have been appointed in accordance with the provisions of this Act or that a person to carry the responsibility under sub-section (2) has been appointed."

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## **CHAPTER – V**

### **PROVISION AS TO HEALTH AND SAFETY**

19. Drinking water ---
- (1) In every mine effective arrangement shall be made to provide and maintain at suitable points conveniently situated a sufficient supply of coal and wholesome drinking water for all persons employed therein:
- Provided that in case of persons employed below ground the Chief Inspector may, in lieu of drinking water being provided and maintained at suitable points, permit any other effective arrangements to be made for such supply.
- (2) All such points shall be legibly marked 'DRINKING WATER' in a language understood by a majority of the persons employed in the mine and no such point shall be situated within six metres of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.
- (3) In respect of all mines or any class or description of mines, the Central Government may make rules for securing compliance with the provisions of sub-sections (1) and (2) and for the examination by prescribed authorities of the supply and distribution of drinking water.
20. Conservancy –
- (1) There shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to persons employed in the mine at all times.
- (2) All latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition.
- (3) The Central Government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations in this regard of persons employed in the mine) as it may consider necessary in the interests of the health of the persons employed,
21. Medical appliance :
- (1) In every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed.
- (2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room.

- (3) Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first-aid treatment as may be prescribed and who shall always be readily available during the working hours of the mine.
- (4) In every mine there shall be made to as to be readily available such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine suffer bodily injury or become ill.
- (5) In every mine wherein more than one hundred and fifty persons are employed there shall be provided and maintained a first-aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed.

22. Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous:-

(1) If, in respect of any matter for which no express provision is made by or under this Act, it appears to the Chief Inspector or an Inspector that any mine or part thereof or any matter, thing or practice in or connected with the mine, or with the control, supervision, management or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice, in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in respect of which he considers the mine or part thereof or the matter, thing or practice to be dangerous or defective and require the same to be remedied within such time and in such manner as he may specify in the notice.

(1A) Where the owner, agent or manager of a mine fails to comply with the terms of a notice given under sub-section (1) within the period specified therein, the Chief Inspector or the Inspector, as the case may be, may by order in writing, prohibit the employment in or about the mine or any part thereof any person whose employment is not in his opinion reasonably necessary for securing compliance with the terms of the notice.

(1) Without prejudice to the provisions contained in sub-section (10) the Chief Inspector or the Inspector as the case may be, by order in writing addressed to the owner, agent or manager of a mine prohibit the extraction or reduction of pillars or blocks of minerals in any mine or part thereof, if, in his opinion such operation is likely to cause the crushing of pillars or blocks of minerals or the premature collapse of any part of the working or otherwise endanger the mine or the life or safety of persons employed therein or if, in his opinion, adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by fire or flooding.

(3) If the Chief Inspector, or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector, is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by order in writing containing a statement of the grounds of his opinion, prohibit, until he is satisfied that the danger is removed the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3A) Every person whose employment is prohibited under sub-section (1A) of sub-section (3) shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition in employment and the owner agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may instead of paying such full wages provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited."

(4) Where notice has been given under sub-section (1) or an order made under sub-section (1A), sub-section (2) or sub-section (3) by an Inspector, the owner, agent or manager of the mine may within ten days after the receipt of the notice or order, as the case may be appeal against the same to the Chief Inspector who may confirm, modify or cancel the notice or order.

(5) The Chief Inspector or the Inspector sending a notice under sub-section (1) or making an order under sub-section (1A), sub-section (2) or sub-section (3) and the Chief Inspector making an order (other than an order of cancellation in appeal) under sub-section (4) shall forthwith report the same to the Central Government.

(6) If the owner, agent or manager of the mine objects to a notice sent under sub-section (1) by the Chief Inspector or to an order made by the Chief Inspector under sub-

section (1A) or sub-section(2) or sub-section (3) or sub-section (4), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision on appeal, as the case may be, send his objection in writing stating the grounds thereof to the Central Government which shall, ordinarily within a period of two months from the date of receipt of the objection, refer the same to a Committee.

(7) Every notice under sub-section(1) or order under sub-section (1A), sub-section(2) or sub-section(3) or sub-section (4) to which objection is made under sub-section(6) shall be complied with, pending the receipt at the mine of the decision of the Committee.

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a notice under sub-section (1) pending its decision on the objection.

(8) Nothing in this section shall affect the powers of a magistrate under section 144 of the Code of Criminal procedure 1896. Act V of 1898).

22A Power to prohibit employment in certain cases:

(1)Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of mine fails to comply with such provisions, the Chief Inspector may give notice in writing requiring some to be complied with within such time as he, may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter.

(2)Where the owner, agent or manager fails to comply with the terms of a notice given under sub-section(1) within the period specified in such notice or, as the case may be, within the extended period of time specified under that sub-section, the Chief Inspector may, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion reasonably necessary for securing compliance with the terms of the notice.

(3)Every person whose employment is prohibited under sub-section(2), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager shall be liable for payment of such full wages of that person.

Provided that the owner, agent or manager may, instead of paying such full wages, provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited under sub-section(2).

(4) The provisions of sub-section (5), (6) and (7) of section 22 shall apply in relation to a notice issued under sub-section (1) or an order made under sub-section(2) of this section as they apply in relation to a notice under sub-section (1) or an order under sub-section (1A) of that section."

23. Notice to be given of accidents :-

(1) Whenever there occurs in or about a mine:-

- (a) an accident causing loss of life or serious bodily injury, or
- (b) an explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or
- (c) an influx of inflammable or noxious gases, or
- (d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or
- (e) an overwinding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or
- (f) a premature collapse of any part of the workings, or
- (g) any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.

(1A) Whenever there occurs in or about a mine an accident causing reportable injury to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once in quarter."

(2) Where a notice given under sub-section(1) relates to an accident causing loss of life, the authority shall make an inquiry into the occurrence within two months of the receipt of the notice and, if the authority is not the Inspector, he shall cause the Inspector to make an inquiry within the said period.

(3) The Central Government may, by notification in the Official Gazette, direct that accidents other than those specified in sub-sections(1) and (1A) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding twenty-four hours shall be entered in a register in the prescribed form or shall be subject to the provision of sub-section(1) or sub-section (1A), as the case may be."

(4) A copy of the entries in the register referred to in sub section (3) shall be sent by the owner, agent or manager of the mine, on or before the 20<sup>th</sup> day of January in the year following that to which the entries relate to the Chief Inspector.

(5) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section(1) of section 23, unless such disturbances or alteration is necessary to prevent any further accident to remove bodies of the deceased; or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine;

Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident, within seventy-two hours of the time of the accident, work may be resumed at the place of the accident."

24. Power of Government to appoint court of enquiry in cases of accidents:-

(1) When any accident of the nature referred to in any of the clauses of sub-section(1) of section 23 occurs in or about a mine, the Central Government may if it is of opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and may also appoint one or more persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person appointed to hold such an inquiry shall have all the powers of a civil court under the Code of Civil Procedure 1908 (Act V of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

25. Notice of certain diseases :-

(1) Where any person employed in a mine contracts any disease notified by the Central Government in the official Gazette as a disease connected with mining operations the owner, agent or manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities in such form and within such time as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section(1) the medical practitioner shall without delay send a report in writing to the Chief Inspector stating --

(a) the name and address of the patient.

(b) The disease from which the patient is or is believed to be suffering, and

(c) The name and address of the mine in which the patient is or was last employed.

- (3) Where the report under sub-section(2) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.
- (4) If any medical practitioner fails to comply with the provisions of sub-section(2), he shall be punishable with fine which may extend to fifty rupees.
26. Power to direct investigation of causes of diseases :--
- (1) The Central Government may, if it considers it expedient to do so, appoint a competent person to inquire into and report it on any case where a disease notified under sub-section(1) of section 25 has been or suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.
- (2) The provisions of sub-section (2) and (3) of section 24 shall apply to an inquiry under this section in the same manner as they apply to any inquiry under that section.
27. Publication of reports :-
- The Central Government may cause any report submitted by a Committee under section 12 or any report or extracts from report submitted to it under section 26, and shall cause every report submitted by a Court of Inquiry under section 14 to be published at such time and in such manner as it may think fit.

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## **CHAPTER – VI**

### **HOURS AND LIMITATION OF EMPLOYMENT**

28. Weekly day of rest :-
- No person shall be allowed to work in a mine for more than six days in any one week.
29. Compensatory days of rest :-
- (1) Where in pursuance of action under section 38 or as a result of exempting any mine or the persons employed therein is from the provisions of section 28, any person employed therein deprived of any of the weekly days of rest for which provision is made in section 28, he shall be allowed, within the month in which such days of rest was due to him or within the two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived.
- (2) The Central Government may prescribe the manner in which the days of rest for which provision is made in sub-section (1) shall be allowed.
30. (1) No adult employed above ground in a mine shall be required or allowed to work for more than forty-eight hours in any week or for more than nine hours in any day:
- Provided that, subject to the previous approval of the Chief Inspector, the daily maximum hours specified to this sub-section may exceed in order to facilitate the change of shifts.
- (2) The periods of work of any such adult shall be so arranged that along with his interval for rest, they shall not in any day spread over more than twelve hours, and that he shall

not work for more than five hours continuously before he has had an interval for rest of at least half an hour:

Provided that the Chief Inspector may, for reasons to be recorded in writing and subject to such conditions as he may deem fit to impose, permit the spread over to extend over a period not exceeding fourteen hours in any day.

(3) Persons belonging to two or more shifts shall not be allowed to do work of the same kind above ground as the same time:

Provided that, for the purpose of this sub-section persons shall not be deemed to belong to separate shifts by reason only of the fact that they receive their intervals for rest at different times,

31. Hours of work below grounds:-

(1) No person employed below ground in a mine shall be allowed to work for more than forty-eight hours in any week or for more than eight hours in any day;

Provided that, subject to the previous approval of the Chief Inspector, the daily maximum hours specified in this sub-section may be exceeded in order to facilitate the change of shifts.

(2) No work shall be carried on below ground in any mine except by a system of Shifts so arranged that the period of work for each shifts is not spread-over more than the daily maximum hours stipulated in sub-section (1)

(3) No person employed in a mine shall be allowed to be present in any part of a mine below ground except during the periods of work shown in respect of him in the register maintained under sub-section (4) of section 48.

32. Night shifts :-

Where a person employed in a mine works on a shift which extends beyond midnight –

(a) for the purposes of sections 28 and 29, a weekly day of rest shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends.

(b) the following day for him shall be deemed to be the period of twenty four hours beginning when such shifts ends, and the hours he khas worked after midnight shall be counted in the previous day.

33. Extra wages for overtime:-

(1) Where in a mine a person works above ground for more than nine hours in any day or works below ground for more than eight hours in any day or works for more than forty-eight hours in any week. Whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages the period of overtime work being calculated on a daily basis or weekly basis whichever is more favourable to him.

(2) Where any person employed in a mine is paid on piece rate basis, the time-rate shall be taken as equivalent to the daily average of his full-time earning for the days on which he actually worked during the week immediately preceeding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person;

Provided that if such person has not worked in the preceeding week on the same or identical job, the time rate shall be based on the average for the day he had worked in the same week excluding the overtime or on the daily average of his earnings in any preceding week whichever is higher.

Explanation - For the purpose of this section. "ordinary rate of wages" shall have the same meaning as in the Explanation to sub-section (3) of section 8A."

(3)

- (4) The Central Government may prescribe the register to be maintained in a mine for the purpose of securing compliance with provisions of this section.

34. Prohibition of employment of certain persons :

No person shall be required or allowed to work in a mine if he has already been working in any other mine within the preceding twelve hours.

35. Limitation of daily hours of work including over-time work:

Save in respect of cases falling within clause (a) and clause (e) of section 39 no person employed in a mine shall be required or allowed to work in the mine for more than ten hours in any day inclusive of overtime

36. Notices regarding hours of work:

- (1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of relays, the time of the commencement and of the end of work for each relay.
- (2) In the case of a mine at which mining operations commence after the commencement of this Act, the notice referred to in sub-section(1) shall be posted not less than seven days before the commencement of work.
- (3) The notice referred to in sub-section(1) shall also state the time of the commencement and of the intervals for rest for persons employed above ground and a copy thereof shall be sent to the Chief Inspector, if he so requires.
- (4) Where it is proposed to make any alteration in the time fixed for the commencement or for the end of work in the mine generally or for any relay or in the rest intervals fixed for persons employed above ground, an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change is made, and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change.
- (5) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1).

37. Supervising staff :-

Nothing in section 28, section 30, section 31, section 34 or sub-section (5) of section 6 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

38. Exemption from provisions regarding employment:-

- (1) In case of an emergency involving serious risk to the safety of the mine or of persons employed therein or in case of an accident, where actual or apprehended, or in case of any act of God or in case of any urgent work to be done to machinery, plant or equipment of the mine as the result of break-down of such machinery, plant or equipment, the manager may, subject to the provisions of section 22 and section 22A and in accordance with the rules under section 39, permit persons to be employed in contravention of section 28, section 30, section 31, section 34 or sub-section(5) of section 36, work as may be necessary to protect the safety of the mine or of the persons employed therein:

Provided that in case of any urgent work to be done to machinery, plant or equipment under this section, the manager may take the action permitted by this section, although the production of mineral would thereby be incidentally affected, but any action



so taken shall not exceed the limits necessary for the purpose of avoiding serious interference with the ordinary working of the mine.

(2) Every case in which action has been taken by the manager under sub-section(1), shall be recorded together with the circumstances relating thereto and a report thereof shall also be made to the Chief Inspector or the Inspector.

39. Power to make exempting rules:-

The Central Government may make rules providing for the exemption to such extent, in such circumstances and subject to such conditions as may be specified from (5) the provisions of sections 28, 30, 31, 34 or sub-section 50 of section 36 -

- (a) of all or any of the persons employed in a mine, where an emergency involving serious risk to the safety of the mine or of the persons employed therein is apprehended;
- (b) of all or any of the persons so employed in case of an accident, actual or apprehended.
- (c) Of all or any of the persons engaged in work of a preparatory or complementary nature, which must necessarily be carried on for the purpose of avoiding serious interference with the ordinary working of the mine.
- (d) Of all or any of the persons engaged in urgent repairs and
- (e) Of all or any of the persons employed in any work, which for technical reasons must be carried on continuously.

40. Employment of persons below eighteen years of age :-

- (1) After the commencement of the Mine (Amendment) Act, 1983, no person below eighteen years of age shall be allowed to work in any mine or part thereof.
- (2) Notwithstanding anything contained in sub-section (1), apprentices and other trainees, not below sixteen years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager:

Provided that, in the case of trainees, other than apprentices prior approval of the Chief Inspector or an Inspector shall be obtained before they are allowed to work.

Explanation - In this section and in section 43, "apprentice" means an apprentice as defined in clause (a) of section 2 of the Apprentices Act, 1961.

41. \*\*\*

42. \*\*\*

43. Power to require medical examination :-

- (1) Where an Inspector is of opinion that any person employed in a mine otherwise than as apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below sixteen years of age or is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a certifying surgeon and such person shall be examined by a certifying surgeon and such person shall not, if the Inspector so directs, be employed or permitted to work in any mine until this has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee that he is not below sixteen years of age and is fit to work.
- (2) Every certificate granted by a certifying surgeon on a reference under sub-section(1), shall, for the purpose of this Act, be conclusive evidence of the matters referred therein.

44.

45. Prohibition of the presence of persons below eighteen years of age in a mine :-

Subject to the provisions of sub-section(2) of section 40, after such date as the Central Government may by notification in the official Gazette, appoint in this behalf, no person below eighteen years of age shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on”

46. Employment of women :-

- (1) No woman shall, notwithstanding anything contained in any other law, be employed-
  - (a) in any part of a mine which is below-ground.
  - (b) In any mine above ground except between the hours 6 am and 7 am.
- (2) Every woman employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of the next period of employment.
- (3) Notwithstanding anything contained in sub-section(1) the Central Government may, by notification in the official Gazette, vary the hours of employment above ground of women in respect of any mine or class or description of mine, so however that no employment of any woman between the hours 10 am and 5 am is permitted thereby.

47. Disputes as to age Rep. By the Mine (Amendment) Act 1959 (62 of 1959), S.28.

48. Register of persons employed:-

- (1) For every mine there shall be kept in the prescribed form and place Register of all persons employed in the mine showing in respect of each such person –
    - (a) the name of the employee with the name of his father or, of her husband, as the case may be, and such other particulars may be necessary for purpose of identification,
    - (b) the age and sex of the employee;
    - (c) the nature of employment (whether above ground or below ground, and if above ground, whether in opencast working or otherwise) and date of commencement thereof;
    - (d)
    - (e) Such other particulars as may be prescribed, and the relevant entries shall be authenticated by the signature or the thumb impression of the person concerned,
  - (2) The entries in the register prescribed by sub-section(1) shall be such that workers working in accordance there with would not be working in contravention of any of the provisions of this Chapter.
  - (3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the period of work shown in respect of him in register.
  - (4) For every mine other than a mine which for any special reason to be recorded, is exempted by the Central Government by general or special order, there shall be kept in the prescribed form and place separate registers showing in respect of each person employed in the mine:-
    - (a) below ground
    - (b) above ground in opencast workings, and
    - (c) above ground in other cases :-
      - (i)the name of the employees;
      - (ii)the class or kind of his employment
      - (iii)where work is carried on by a system of relays, the shift to which he belongs and the hours of the shift.
  - (5) The register of persons employed below ground referred to in-sub section (4) shall show at any moment the name of every person who is then present below ground in the mine.
  - (6) No person shall enter any opencast working or any working below ground unless he has been permitted by the manager or is authorised under this Act or any other law to do so.
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## **CHAPTER – VII**

### **LEAVE WITH WAGES**

49. Application of Chapter –

The provisions of this Chapter shall not operate to the prejudice of any right to which a person employed in a mine may be entitled under any other law or under the terms of any award, agreement or contract of service.

Provided that if such award, agreement or contract of service, provides for a longer annual leave with wages than that provided in this Chapter, the quantum of leave, which the person employed shall be entitled to, shall be in accordance with such award, agreement or contract of service but leave shall be regulated in accordance with the provisions of section 50 to 56 (both inclusive) with respect of matters not provided for in such award, agreement or contract of service.”

50. Leave defined :

For the purposes of this Chapter leave shall not include weekly days of rest or holidays or festivals or other similar occasions whether occurring during or at either end of the period.

51. Calendar year defined :

For the purpose of this Chapter a calendar year shall mean the period of twelve months beginning with the first day of January in any year.

52. Annual leave wages :-

- (1) Every person employed in a mine who has completed a calendar year's service therein shall be allowed, during the subsequent calendar year leave with wages, calculated –
  - (a) in the case of a person employed below ground, at the rate of one day for every fifteen days of work performed by him, and
  - (b) in any other case, at the rate of one day for every twenty days of work performed by him.
- (2) A calendar year's service referred to in sub-section(1) shall be deemed to have completed:-
  - (a) in the case of a person employed below ground in a mine, if he has during the calendar year put in not less than one hundred and ninety attendances at the mine; and
  - (b) in the case of any other person, if he has during the calendar year put in not less than two hundred and forty attendances at the mine.

Explanation – For the purpose of this sub-section :-

- (a) any days of lay-off by agreement or contract or as permissible under the standing order;
- (b) in the case of a female employee, maternity leave for any number of days not exceeding twelve weeks; and
- (c) the leave earned in the year prior to that in which the leave is enjoyed: shall be deemed to be the days on which the employee has worked in mine for the purpose of computation of the attendances but he shall not earn leave for these days.

- (3) A person whose service commences otherwise than on the first day of January shall be entitled to leave with wages in the subsequent calendar year at the rates specified in sub-section(1), if –
- (a) in the case of a person employed below ground in a mine, he has put in attendances for not less than one half of the total number of days during the remainder of the calendar year: and
  - (b) in any other case, he has put in attendances for not less than two-thirds of the total number of days during the remainder of the calendar year.
- (4) Any leave not taken by a person to which he is entitled in any one calendar year under sub-section(1) or sub-section(3) shall be added to the leave to be allowed to him under sub-section(1) during the succeeding calendar year.

Provided that the total number of days of leave which may be accumulated by any such person shall not at any one time exceed thirty days in all.

Provided further than any such person who has applied for leave with wages but has not been given such leave in accordance with sub-section(6) shall be entitled to carry forward the unavailed leave without any limit.

- (5) Any such person may apply in writing to the manager of the mine not less than fifteen days before the day on which he wishes his leave to begin, for all leave or any portion thereof then allowable to him under sub-section (1), (3) and (4).

Provided that the number of times in which leave may be taken during any one calendar year shall not exceed three.

- (6) An application for such leave made in accordance with sub-section (5) shall not be refused unless the authority empowered to grant the leave is of opinion that owing to the exigencies of the situation the leave should be refused.
- (7) If a person employed in a mine wants to avail himself of the leave with wages due to him to cover a period of illness he shall be granted such leave even if the application for leave is not made within the time specified in sub-section(5).
- (8) If the employment of a person employed in a mine is terminated by the owner, agent or manager of the mine before he has taken the entire leave to which he is entitled up to the day of termination of his employment, or if such person having applied for and having not been granted such leave, quits his employment before he has taken the leave, the owner, agent or manager of the mine shall pay him the amount payable under section 53 in respect of the leave not taken and such payment shall be made where the employment of the person is terminated by the owner, agent or manager, before the expiry of the second working day after such termination, and where a person himself quits his employment, on or before the next pay day.
- (9) The unavailed leave of a person employed in mine shall not be taken into consideration in computing the period of any notice required to be given before the termination of his employment.
- (10) Where the person employed in a mine is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or wages in lieu of leave due to him calculated at the rate specified in sub-section (1), if-
- (a) in the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death, and
  - (b) in any other case, he has put in attendance for not less than two thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death, and payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in section 53, where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge dismissal, quitting of employment or superannuation, as the case may be and where the person employed dies while in service within a period of two months of his death."

Explanation – For the purpose of sub-section (1), and (10), any fraction of leave of half day or more, half a day shall be omitted.

53. Wages during leave period :-  
For the leave allowed to a person employed in a mine under section 52, he shall be paid at a rate equal to the daily average of his total full-time earnings for the days on which he was employed during the month immediately preceding his leave, exclusive of any overtime wages and bonus but inclusive of any dearness allowance and compensation in cash including such compensation, if any accruing through the free issue of foodgrains and other articles as persons employed in the mine may, for the time being, be entitled to:
- Provided that if no such average earning are available, then the average shall be computed on the basis of the daily average of the total full time earnings of all persons similarly employed for the same months.
54. Payment in advance in certain cases:-  
Any person employed in a mine who has been allowed leave for not less than four days shall before his leave begins be paid the wages due for the period of the leave allowed.
55. Mode of recovery of unpaid wages –  
Any sum required to be paid by the owner, agent or manager of a mine under this Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the payment of Wages Act. 1936.
56. Power to exempt mines:-  
Where the Central Government is satisfied that the leave rules applicable to persons employed in any mine provide benefits which in its opinion are not less favourable than those provided for in this Chapter it may, by order in writing and subject to such conditions as may be specified therein exempt the mine from all or any of the provisions of the Chapter.

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## CHAPTER – VIII

### REGULATIONS, RULES AND BYE-LAWS

57. Power of Central Government to make regulations:-  
The Central Government may, by notification in the official Gazette make regulations consistent with this Act for all or any of the following purposes, namely:
- (a) for prescribing the qualifications required for appointment as Chief Inspector or Inspector;
  - (b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act;
  - (c) for prescribing the duties of owners, agents and managers of mines and persons acting under them and for prescribing the qualifications (including age) of agents and managers of mines and of persons acting under them.
  - (d) for requiring facilities to be provided for enabling managers of mines and other persons acting under them to efficiently discharge their duties.
  - (e) for regulating the manner of ascertaining, by examination or otherwise, the qualification of managers of mines and persons acting under them and the granting and renewal of certificates of competency.
  - (f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates.
  - (g) For determining the circumstances in which and the conditions in respect to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications.

- (h) For providing for inquiries to be made under this including any inquiry relating to misconduct or incompetence on the part of any person holding a certificate under this Act and for the suspension or cancellation of any such certificate and for providing where ever necessary, that the person appointed to hold an inquiry shall have all the powers of a civil court under the Code of Civil Procedure 1908, (V of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects.
- (i) For regulating, subject to the provisions of the Indian Explosives Act, 1884, (IV of 1884) and of any rules made thereunder, the strong, conveyance and use of explosive,
- (j) For prohibiting, restricting or regulating the employment of women in mines or in any class of mines of on particular kind of labour which are attended by danger to the life, safety, or health of such persons and for limiting the weight of any single load that may be carried by any such person;
- (k) For providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom the number of shafts or outlets to be furnished; and the fencing of shafts, pits, outlets, pathway and subsidences;
- (l) For prohibiting the employment in a mine either as manager or in any other specified capacity of any person except persons paid by the owner of the mine and directly answerable to the owner or manager of the mine;
- (m) For providing for the safety of the roads and working places in mines, including the sitting; maintenance and extraction or reduction of pillars or blocks of minerals and the maintenance of sufficient barriers between mine and mine;
- (n) For the inspection of workings and sealed off fire-areas in a mine, and for the restriction of workings in the vicinity of the sea or any lake or river or any other body of surface water, whether natural or artificial, or of any public road or building and for requiring due precaution to be taken against the irruption or inrush of water or other matter into, outbreak of fire in or premature collapse of any workings;
- (o) For providing for the ventilation of mines and the action to be taken in respect of dust fire, and inflammable and noxious gases, including precautions against spontaneous combustion, under ground fire and coal dust;
- (p) For regulating subject to the provisions of the Indian Electricity Act, 1910(X of 1910) and of any rules made thereunder, the generation, storage, transformation transmission and use of electricity in mines and for providing for the care and the regulation of the use of all electrical apparatus and electrical cables in mines and of all other machinery and plant therein.
- (q) For regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage roads and for restricting the use of certain classes of locomotives underground;
- (r) For providing for proper lighting of mines and regulating the use of safety lamps therein and for the search of persons entering a mine in which safety lamps are in use;
- (s) For providing against explosions or ignitions of inflammable gas or dust or irruption or accumulations of water in mines and against danger arising therefrom and for prohibiting restricting or regulating the extraction of minerals in circumstances likely to result in the premature collapse of workings or to result in or to aggravate collapse of workings or irruption of water or ignitions in mines;
- (t) For prescribing under clause(g) of sub-section(1) of section 2, the types of accidents and for prescribing the notices of accidents and dangerous occurrences and the notices reports and returns of mineral output; persons employed and other matters provided for by regulations to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished the particulars to be contained in them and the time within which they are to be submitted;

- (u) For requiring owners, agents and managers of mines to have fixed boundaries for the mine, for prescribing the plans and sections and field notes connected therewith to be kept by them and the manager and places in which such plans, section and field notes are to be kept for purposes of record for the submission of copies thereof to the Chief Inspector; and for requiring making of fresh surveys and plans by them and in the event of non-compliance, for having the survey made and plans prepared through and other agency and for the recovery of expenses thereof in the same manner as an arrear of land revenue;
- (v) For regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines for dealing effectively with the situation.
- (w) For prescribing the form of, and the particulars to be contained in the notice to be given by the owner, agent or manager of a mine under section 16;
- (x) For prescribing the notice to be given by the owner, agent or manager of mining before mining operations are commenced at or extended to any point within forty-five metres of any railway subject to the provisions of the Indian Railways Act, 1890, (IX of 1890) of any public roads or other works, as the case may be which are maintained by the Government or any local authority.
- (y) For the protection from injury, in respect of any mine when the workings are discontinued, property vested in the Government or any local authority or railway company as defined in the Indian Railways Act, 1890.
- (yy) for requiring protective works to be constructed by the owner, agent or manager or a mine before the mine is closed, and in the event of non-compliance, for getting such works executed by any other agency, and for recovering the expenses, thereof from such owner in the same manner as an arrear of land revenue;
- (z) for providing for the appointment of Courts of Inquiry under quarry, incline, shaft pit or outlet, whether the same is being worked or not or any dangerous or prohibited area, subsidence haulage, tramline or pathway, where such fencing is necessary for the protection of the public; and
- (zz) any other matter which has to be or may be prescribed

58. Power of Central Government to make rules –

The Central Government may, by notification in the official Gazette, make rule consistent with this Act for all or any of the following purposes, namely -

- (a) for providing the term of office and other conditions of service of and the manner of filling vacancies among, the members of a Committee and for regulating the procedure to be followed by a Committee for transacting its business.”
- (b) For prescribing the form of the register referred to in sub-section (3) of section 23;
- (c) For providing for the appointment of Courts of Inquiry under section 24, for regulating the procedure and powers of such Courts for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts including any other expenses connected with the inquiry in the same manner as an area of land revenue from the manager, owner or agent of the mine concerned;
- (cc) for providing the inspection of mines to be carried out on behalf of the persons employed therein by a technical expert (not less than an overman in status) the facilities therefore, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made.
- (d) for requiring the maintenance of the mines wherein any women employed or were employed on any day of the preceding twelve months of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women employed in the mine, the number of standards of such rooms, and the nature and extent of the amenities to be provided and the supervision to be exercised therein;

- (e) for requiring the maintenance at or near pitheads of bathing places equipped with shower baths and of locker rooms for the use of men employed in mines and of similar and separate places and rooms for the use of women in mines where women are employed and for prescribing either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms.
- (f) For prescribing the standard of sanitation to be maintained and the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking water.
- (ff) for providing for the supply and maintenance of medical appliances and comforts and for prescribing the contents and number of first-aid boxes and cupboards, the training in first-aid work, the size and equipment of first-aid rooms and staff in charge thereof and the arrangements for conveyance of injured persons to hospitals or dispensaries;

(fff)for requiring the imparting of practical instruction to, or the training of, persons employed or to be employed in mines otherwise than in a position of such instruction and training;

- (g) for prohibiting the possession or consumption of intoxicating drinks or drugs in a mine and the entry or presence therein of any person in a drunken state;
- (h) for prescribing the form of notices required under section 36, and for requiring such notices to be posted also in specified languages;
- (i) for defining the person who shall, for the purpose of section 37, be deemed to be persons holding positions of supervision of management employed in a confidential capacity;
- (j) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;
- (k)
- (kk) for requiring persons employed or seeking employment at mines to submit themselves for medical examination and for prohibiting on medical grounds the employment of any person at a mine either absolutely or in a particular capacity or in particular work;
- (l) for prescribing the form of registers required by section 48 and the maintenance and form of registers for the purposes of Chapter VII;
- (m) for prescribing abstracts of this Act and of the regulations and rules and the language in which the abstracts and bye-laws shall be posted as required by section 61 and 62;
- (n) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners; agents and managers of mines and for prescribing the forms of such notices returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times within which they are to be submitted;
- (o) for requiring the provision and maintenance in mines; wherein more than fifty persons are ordinarily employed, of adequate and suitable shelters for taking food with provisions for drinking water.
- (p) For requiring the provision and maintenance in any mine specified in this behalf by the Chief Inspector or Inspector wherein more than two hundred and fifty persons are ordinarily employed of a canteen or canteen for the use of such persons;
- (q) For requiring the employment in every mine wherein five hundred or more persons are ordinarily employed of such number of welfare officers as may be specified and for prescribing the qualifications and the terms and conditions of, and the duties to be performed by, such welfare officers;
- (r) For requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;
- (s) For providing for the management of rescue stations



- (sa)for providing for the standards of physical fitness and other qualifications of the persons constituting rescue brigades;
- (sb)prescribing the places of residence of the persons constituting rescue brigades;
- (t) for prescribing the position, equipment, control, maintenance and functions of rescue stations;
- (u) for providing for the levy and collection of a duty of excise(at) a rate not exceeding twenty five paise per tonne) on coke and coal produced in and despatched from mines specified under clause(r), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund shall be utilised and the administration of such fund;
- (v) for providing for the formation, training composition and duties of rescue brigades and generally for the conduct of rescue work in mines;
- (vv) for providing for the constitution of safety Committees for specified mine or groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety Committees and, “
- (w) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

59. Prior publication of regulations and rules –

- (1) The power to make regulations and rules conferred by section 57 and 58 is subject to the condition of the regulations and rules being made after previous publication.
- (2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, (IX of 1897) as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules published for general information.
- (3)
- (4) no regulation or rule shall be made unless the draft thereof has been referred to the Committee constituted under-sub-section(1) of section 12 and unless that Committee has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions;
- (5) Regulation and rules shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act.
- (6) The provisions of sub-section (1), (2) and (4) shall not apply to the first occasion on which rules referred to in clause (d) or clause (e) section 58 are made.
- (7)

60. Power to make regulations without previous Publications –

Notwithstanding anything contained in sub-section (1), (2) and (4) of section 59, regulations under section 57 may be made without previous publication and without reference to the Committee, constituted under sub-section (1) of section 12, of the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference:

Provided that any regulation so made shall be send to the said committee for information and shall not remain in force for more than one year from the making thereof.

- (1) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, governing the use of any particular machinery or the such adoption of a particular method of working the mine as owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

- (2) If any such owner, agent or manager –
  - (a) falls to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or
  - (b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient, the Chief Inspector or Inspector may –
    - (i) propose a draft of such bye-laws as appear to him to be sufficient, or
    - (ii) propose such amendment in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient, and shall send such draft or bye-laws or draft amendment to the owner agent or manager as the case may be, for consideration.
- (3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section(2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section(1) the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Committee constituted under sub-section(1) of section 12,
- (4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector or, which they are unable to agree, have been settled by the Committee constituted under sub-section (1) of section 12, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the Central Government for approval.  
 (b) The Central Government may make such modification of the draft bye-laws as it thinks fit.  
 (c) Before the Central Government approves the draft bye-laws, whether with or without modifications there shall be published in such manner as the Central Government may think best adopted for informing the persons affected, notice to the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected should be sent in writing and shall state –  
 (d) Every objection shall be in writing and shall state –
  - (i) the specific grounds of objections and
  - (ii) the omissions, additions or modifications asked for  
 (e) The Central Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected and may approve the bye-laws either in the form in which they were published or after making amendments thereto as it thinks fit.
- (5) The bye-laws, when so approved by the Central Government shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such other language or languages as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye laws may be conveniently read or seen by the persons employed; as often as the same become defaced obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.
- (6) The Central Government may, order in writing rescind the whole or in part, any bye-laws so made, and thereupon such bye-laws shall cease to have effect accordingly.

61 A. Laying of regulations, rules and bye-laws before parliament.  
 Every regulation made under section 57, every rule made under section 58 and every bye-law made under section 61d shall be laid as soon as may be after it is made before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session aforesaid, both houses agree in making any modification in the regulation, rule or bye-law should not be made, the regulation, rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or amendment shall be without prejudice to the

- validity of anything previously done under that regulation, rule or bye-law, as the case may be.”
62. Posting of abstracts from Act, regulations etc.  
There shall be kept posted up at or near every mine in English and in such other language or languages as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

## **CHAPTER – IX PENALTIES AND KPROCEDURE**

63. Obstruction –
- (1) Whoever obstructs the Chief Inspector and inspector or any person authorised under section 8 in the discharge of his duties under this Act. refuses or wilfully neglects to afford the Chief Inspector, Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine shall be punishable with imprisonment of a term which may extend to three months, or with fine which may extend to five hundred rupees, or both.
  - (2) Whoever refuses to produce on the demand of the Chief Inspector or any registers or other documents kept in pursuance of this Act. or prevents or attempts to prevent or does any thing which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.
64. Falsification of records –  
Whoever –
- (a) counterfoils, or knowingly makes a false statement in any certificate, or any official copy of a certificate, granted under this Act, or
  - (b) knowingly uses as true any such counterfeit or false certificate, or
  - (c) makes or produces or uses any false declaration, statement or evidence knowing the same to be false for the purpose of obtaining for himself or for any other person a certificate or the renewal of a certificate under this Act, or any employment in a mine, or
  - (d) falsifies any plan, section, register or record, the maintenance of which is required by or under this Act or produces before any authority such false plan, section, register or record, knowing the same to be false or;
  - (e) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.
65. Use of false certificates of fitness -  
Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 43 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself under that section, knowingly allows it to be used, or allows an attempt to use it to be made by another person shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.
66. Omission to furnish plans etc.  
Any person who, without reasonable excuse the burden of providing which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, section return, notice, register; record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to one thousand rupees.
67. Contravention of provisions regarding employment of labour -  
Whoever, save as permitted by section 38, contravenes any provision of this Act or of any regulation rule, bye-law or of any order made thereunder prohibiting restricting or regulating the employment or presence of persons in or about a mine shall be punishable with imprisonment

for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

68. Penalty for employment of persons below eighteen years of age-  
If a person below eighteen years of age is employed in a mine in contravention of section 40, the owner, agent or manager of such mine shall be punishable with fine which may extend to five hundred rupees.
69. Failure to appoint manager -  
Whoever, in contravention of the provisions of section 17, fails to appoint a manager shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to two thousand and five hundred rupees, or both.
70. Notice of accidents :  
(1) Whoever in contravention of the provision of sub-section (1) of section 23 fails to give notice of any accidental occurrence or to post a copy of the notice on the special notice board referred to in that sub-section and to keep in there for the period specified shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupee or with both.  
(2) Whoever in contravention of a direction made by the Central Government under sub-section (3) falls to record in the prescribed register to give notice of any accidental occurrence shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to three months or with fine which may extend to five hundred rupees, or with both.
71. Owner etc. to report to Chief Inspector in certain cases-  
Where the owner, agent or manager of a mine, as the case may be, has taken proceeding under this Act against any person employed in or about a mine in respect of an offence under this Act, he shall within twenty-one days from the date of the judgement or order of the court report the result thereof to the Chief Inspector.
72. Obligations of persons employed in a mine –  
No person employed in a mine shall --  
(a) willfully interfere with or misuse any appliance convenience of other thing provided in a mine for the purpose of securing the health, safety or welfare of the person employed therein.  
(b) willfully and without reasonable cause do any thing likely to endanger himself or others;  
(c) willfully neglect to make use of any appliance or other thing provided in the mine for the purpose of securing the health or safety of the persons employed therein.
- 72A. Special provision for contravention of certain regulations -  
Whoever contravenes any provision of any regulations or of any bye-law or any order made thereunder, relating to matters specified in clauses (d),(l),(m),(n),(o),(p),(r), (s) and (u) of section 7 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.
- 72B. Special provision of contravention of order under section 22.  
Whoever continues to work a mine in contravention of any order issued under sub-section (1A), sub-section (2) or sub-section(3) of section 22 or under sub-section (2) of section 22 shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine which may extend to two years and shall also be liable to fine which may extend to five thousand rupees.  
Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgement of the court, such fine shall not be less than two thousand rupees.
- 72C. Special provision for contravention of law with dangerous results-

(1) Whoever contravenes any provision of the Act or of regulation, rule or bye-law or of any order made under (1A) or sub-section (2) of section (3) of section 22 for under sub-section (2) of section 22A shall be punishable -

- (a) If such contravention results in loss of life, with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or
- (b) If such contravention results in serious bodily injury with imprisonment which may extend to one years, or with fine which may extend to three thousand rupees, or with both; or
- (c) If such contravention otherwise causes injury or danger to persons employed in the mine or other persons in or about the mine, with imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.

Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgement of the court, such fine, in the case of a contravention referred to in clause (a), shall not be less than three thousand rupees.

(2) Where a person having been convicted under this section is again convicted thereunder, shall be punishable with double the punishment provided by sub-section (1).

(3) Any court imposing or confirming in appeal, revision or otherwise a sentence of fine passed under this section may, when passing judgement, order the whole or any part of the fine recovered to be paid as compensation to the person injured or, in the case of his death, to his legal representative;

Provided that if the fine is imposed in a case which is subject to appeal no such payment shall be made before the period allowed for presenting the appeal has elapsed of, if an appeal has been presented, before the decision of the appeal.

73. General provision of disobedience of others.

Whoever contravenes any provision of this Act or of any regulation, rule or bye-laws or of any order made thereunder for the contravention of which no penalty is herein before provided shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

74. Enhanced penalty after previous conviction -

If any person who has been convicted for an offence punishable under any of the foregoing provisions (other than section 72B and 72C) is again convicted for an offence committed within two years of the previous conviction and involving a contravention of the same provision, he shall be punishable for each subsequent conviction with double the punishment to which he would have been liable for the first contravention of such provision.

75. Prosecution of owner, agent or manager -

No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector.

Provided that the Chief Inspector or the District Magistrate or the Inspector as so authorised shall, before instituting such prosecution, satisfy himself that the owner, agent or manager had failed to exercise all due diligence to prevent the commission of such offence.

Provided further that in respect of an offence committed in the course of the technical direction and management of a mine, the District Magistrate shall not institute any prosecution against an owner, agent or manager without the approval of the Chief Inspector.

76. Determination of owner in certain cases -

Where the owner of a mine is firm or other association of individuals, all, or any of the partners or members thereof or where the owner of a mine is a company; all or any of the directors thereof where the owner of a mine is a Government or any local authority, as the case may be, to manage the affair of the mine, may be prosecuted and punished under this Act for any offence for which the owner of a mine is punishable:

Provided that where a firm, association or company has given notice in writing to the Chief Inspector that it has nominated -

- (a) in the case of a firm, any of its partners or managers;
- (b) in the case of an association, any of its members or managers;
- (c) in the case of a company any of its directors or managers.

Who is resident in each case in any place to which this act extends and who is in each case either in fact in charge of the management or holds the largest number of shares in such firm, association or company, to assume the responsibility of the owner or the mine for the purposes of this Act, such partner, member, director or manager, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the owner of the purposes of this Act unless a notice in writing canceling his nomination or stating that he has ceased to be a partner, member, director or manager as the case may be, is received by the Chief Inspector.

Explanation :- Where firm, association or company has different establishment or branches or different units in any establishment or branch, different persons may be nominated under this proviso in relation to different establishment or branches or units and the person so nominated shall, with respect only to the establishment, branch or unit in relation to which he has been nominated, deemed to be the owner of the mine.

77. Exemption of owner, agent or manager in certain cases -

Where the owner, agent or manager of a mine, accused of an offence under this Act, alleges that another person is the actual offender, he shall be entitled, upon complaint made by him in this behalf and on his furnishing the known address of the actual offender and on giving to the prosecutor not less than three clear days notice in writing of his intention to do so, to have that other persons brought before the court on the date appointed for the hearing of the case; and if after the commission of the offence has been proved, the owner, agent or manager of the mine, as the case may be proves to the satisfaction of the court -

- (a) that he has used due diligence to enforce the execution of the relevant provisions of this act, and
- (b) that the owner person committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, agent or manager of the mine and the owner, agent or manager, as the case may be, shall be acquitted,

Provided that -

- (a) the owner, agent or manager of the mine as the case may be, may be examined on oath and his evidence and that of any witness who he calls in support shall be subject to cross examination by or on behalf of the person he alleges as the actual offender and by the prosecutor.
- (b) If inspite of due diligence the person alleged as the, actual offender cannot be brought before the court on the date appointed for the hearing of the case, the court shall adjourn from the hearing thereof from time to time so however that the total period of such adjournments does not exceed three months, and if by the end of the said period the person alleged as the actual offender cannot be brought before the court, the court shall proceed to hear the case against the owner, agent or manager as the case may be.

78. Power of court to make orders -

- (1) Where the owner, agent or manager of mine is convicted of an offence punishable under this act, the court may in addition to awarding him any punishment by order in writing require him within a period specified in the order which may be extended by the court from time to time on application made in this behalf to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.
- (2) Where an order is made under sub-section(1), the owner, agent or manager of the mine, as the case may be, shall not be liable under this Act in respect of the continuance of the offence during the period or extended period, if any but if on the expiry of such period or extended period the order of the court has not been fully complied with the owner, agent or manager, as the case may be, shall be deemed to have committed a further offence and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or with both.

79. Limitation of prosecutions -

No court shall take cognizance of any offence under this Act, unless complaint thereof has been made –

- (i) within six months of the date on which the offence is alleged to have been committed, or
- (ii) within six months of the date on which the alleged commission of the offence came to the knowledge of the Inspector, or
- (iia) In any case in which the accused is or was a public servant and previous sanction of the Central Government or of the State Government or of any other authority is necessary for taking cognizance of the offence under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector; or
- (iii) in any case where a Court of inquiry has been appointed by the Central Government under section 24, within one year after the date of the publication of the report referred to in sub-section(4) of that section, whichever is later.

Explanation - For the purposes of this section –

- (a) In the case of continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues,
- (b) Where for the performance of any act time has been extended under this Act, the period of limitation shall be computed from the expiry of the extended period.

80. Cognizance of offences –

No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

80A.

81. Reference to Committee in lieu of prosecution in certain cases -

- (1) If the court trying any case instituted at the instance of the Chief Inspector or the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Committee it may stay the criminal proceedings and report the matter to the Central Government with a view to such reference being made.
- (2) On receipt of a report under sub-section(1) the Central Government may refer the case to a Committee or may direct the court to proceed with the trial.

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## CHAPTER - X MISCELLANEOUS

82. Decision of question whether a mine is under this Act –  
If any question arises as to whether any excavation or working or premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for sale or minerals or of coke is being carried on in a mine within the meaning of this Act, the Central Government may decide the question, and a certificate signed by a Secretary to the Central Government shall be conclusive on the point.
83. Power to exempt from operation of Act.  
(1) The Central Government may by notification in the official Gazette, exempt either absolutely or subject to any specified conditions any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any of the provisions of this Act or the regulations, rules or bye-laws;  
Provided that no local area or mine or group or class of mines shall be exempted from the provisions of section 40 and 45 unless it is also exempted from the operation of all the other provisions of this Act.  
(2) The Central Government may, by general or special order and subject to such restrictions as it may think fit to impose authorise the Chief Inspector or any other authority to exempt, subject to any specified conditions, any mine or part thereof from the operation of any of the provisions of the regulations, rules or bye-laws if the Chief Inspector or such authority is of opinion that the conditions in any mine or part thereof are such as to render compliance with such provision unnecessary or impracticable.
84. Power to alter or rescind any orders -  
(1) The Central Government may reverse or modify any order passed under this Act.  
(2) The Chief Inspector may for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule or bye-law.  
(3) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representation.
85. Application of Act to mines belonging to Government -  
This Act shall also apply to mines belonging to the Government.
- 85A. Persons required to give notice etc. legally bound to do so.  
Every person required to give any notice or to furnish any information to any authority under this Act shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code. (Act 45 of 1860)
- 85B. Signing of returns, notices etc. –  
All returns and notices required to be furnished or given or communications sent by or on behalf of the owner of a mine in connection with the provisions of this Act or any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine or by any person to whom power in this behalf has been delegated by the owner by a power of attorney.
- 85C. No fee or charge to be realised for facilities and conveniences -  
No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act.
86. Application of certain provision of Act 63 of 1948 to mines -  
The Central Government may by notification in the official Gazette, direct that the provisions of Chapter III and IV of the Factories Act, 1948 (63 of 1948) shall specified in the notification apply to all mines and the precincts thereof.
87. Protection of action taken in good faith -  
No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.



88. Repeal of Act 4 of 1923 Rep by the Repealing and Amending Act. 1959 (36 of 1957) S.2 and Sch.1.

Transitory provision –

- (1) As from the date of constitution of the Committee under sub-section(1) of section 12 of the principal Act as amended by this Act –
  - (i) any Mining Board constituted under section 12 of the principal Act and functioning as such on the aforesaid date shall stand dissolved;
  - (ii) the Chairman and members of any such Board, who on the aforesaid date are members of that Mining Board shall cease to hold office as such;
  - (iii) all proceedings pending on the aforesaid date in any Mining Board shall stand transferred to the said Committee which shall deal with them as if they had been pending therein,
- (2) Anything done or any action taken before the aforesaid date by any Mining Board shall, so far as it is not inconsistent with any of the provisions of the Principal Act as amended by this Act be as valid and effective as if it had been done or taken by the Committee.

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# THE COAL MINES (CONSERVATION AND DEVELOPMENT) ACT, 1974

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## ARRANGEMENT OF SECTIONS

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### CHAPTER I

#### PRELIMINARY

##### SECTIONS

1. Short title, extent and commencement.
2. Declaration as to expediency of control by Central Government.
3. Definitions.

### CHAPTER II

#### PROVISIONS RELATING TO CONSERVATION OF COAL AND DEVELOPMENT OF COAL MINES

4. Power of Central Government in respect of conservation of coal and development of coal mines.
5. Duty of owner to take steps for the conservation and development of coal mine.
6. Imposition of excise duties.
7. Imposition of customs duty.
8. Collection of excise duties.
9. Utilisation of proceeds of duties levied and collected under sections 6 and 7.
10. Duty of owner to open Coal Mine Conservation and Development Account.
11. Power of Inspectors.

### CHAPTER III

#### DISSOLUTION OF THE COAL BOARD AND TRANSFER OF EMPLOYEES THEREOF

12. Dissolution of the Coal Board.
13. Power of Central Government to direct vesting of rights in a Government company.
14. Continuation of suits, etc., against the Central Government.
15. Transfer of service of existing employees of Coal Board.
16. No compensation to be paid for the transfer of services of any officer or other employee.

### CHAPTER IV

#### MISCELLANEOUS

17. Protection of action taken in good faith.
18. Power to make rules.
19. *[Repealed.]*

# THE COAL MINES (CONSERVATION AND DEVELOPMENT) ACT, 1974

ACT NO. 28 OF 1974

[26th August, 1974.]

An Act to provide for the conservation of coal and development of coal mines and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Coal Mines (Conservation and Development) Act, 1974.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification, appoint in this behalf.

**2. Declaration as to expediency of control by Central Government.**—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of coal mines to the extent hereinafter provided.

**3. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the day on which this Act comes into force;

(b) “blending” means the process of intimately mixing different varieties of coal so as to provide a mixture which on carbonisation results in coke;

(c) “coal” includes coke in all its forms but does not include lignite;

(d) “Chief Inspector” and “Inspector” mean the persons respectively appointed as the Chief Inspector of Mines and Inspector of Mines under the Mines Act, 1952 (35 of 1952), and the provisions of that Act shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Act or the rules made thereunder;

(e) “notification” means a notification published in the Official Gazette;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “scheduled bank” means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934);

(h) “railway” shall have the meaning assigned to it in the Indian Railways Act, 1890 (9 of 1890);

(i) “safety in coal mines” includes the safety of any railway situated on the surface above a coal mine;

(j) “stowing” means the operation of filling, with sand or any other material, or with both, spaces left underground in a coal mine by the extraction of coal;

(k) “washing” means such process or combination of processes as may be approved in this behalf by the Central Government by which the whole or any part of the shaley and mineral matter found in the coal is removed therefrom;

(l) “agent”, “mine” and “owner” have the meanings respectively assigned to them in the Mines Act, 1952 (35 of 1952).

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1. 1st April, 1975, vide notification No. G.S.R. 164(E), dated 26th March, 1975, see Gazette of India, Extraordinary, Part II, sec. 3(i).

## CHAPTER II

### PROVISIONS RELATING TO CONSERVATION OF COAL AND DEVELOPMENT OF COAL MINES

**4. Power of Central Government in respect of conservation of coal and development of coal mines.**—(1) The Central Government may, for the purpose of conservation of coal and for the development of coal mines, exercise such powers and take, or cause to be taken, such measures as it may deem necessary or proper or as may be prescribed.

(2) Without prejudice to the generality of the foregoing power, the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of conservation of coal or for development of coal mines, including—

- (a) in any coal mine, stowing for safety, or
- (b) the prevention of any factor which may adversely affect the conservation of coal or development of coal mine, or
- (c) washing of coal with a view to beneficiating and reducing the ash-contents of coal.

<sup>1</sup>[(3) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-section (1) or sub-section (2) in relation to a coal mine is justified, recover such cost from the owner, agent or manager of the coal mine, either wholly or partly, in the same manner as an arrear of land revenue.]

**5. Duty of owner to take steps for the conservation and development of coal mine.**—(1) The owner of a coal mine shall take, in relation to each coal mine owned by him, such steps as may be necessary to ensure the conservation of coal and development of the coal mine.

(2) Without prejudice to the generality of the provisions of sub-section (1), the owner of a coal mine shall—

- (a) execute such stowing and other operations as may be necessary to be taken in furtherance of the objects of this Act in so far as such objects relate to the conservation of coal or development of the coal mine or the utilisation of coal obtained from the coal mine;
- (b) acquire such stowing and other materials as may be necessary for ensuring the conservation of coal, and safety in, the coal mine;
- (c) undertake research in relation to conservation of coal, development of coal mines and utilisation of coal;
- (d) plan and undertake development of the coal mines in a scientific manner;
- (e) undertake such other activity as the Central Government may, for the furtherance of the objects of this Act, direct.

**6. Imposition of excise duties.**—(1) With effect from the appointed day, there shall be levied and collected on all coal raised and dispatched, and on all coke manufactured and dispatched, from the collieries in India, such duty of excise, not exceeding rupees ten per tonne, as may be fixed from time to time by the Central Government by notification, and different rates of duty may be levied on different grades or description of coal or coke:

Provided that the Central Government may, by general or special order, exempt any special grade or grades or description of coal or coke from the levy of such duty of excise.

(2) For the purposes of sub-section (1), coal shall be graded by the Central Government in accordance with such specifications as may be laid down by that Government from time to time.

(3) All notifications issued under this section shall be laid, as soon as may be, before both Houses of Parliament.

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1. Ins. by Act 55 of 1985, s. 2 (w.e.f. 1-1-1986).

**7. Imposition of customs duty.**—During the period in which any duty of excise is being levied under section 6, the Central Government may, by notification, impose on all coal (including soft and hard coke), imported or brought into India from any place outside India, a duty of customs (which shall be in addition to any duty of customs for the time being leviable under any other law), at the rates equivalent to the rates of duty of excise levied under section 6.

**8. Collection of excise duties.**—<sup>1</sup>[(1)] The duties of excise levied under section 6 shall be collected by such agencies and in such manner as may be prescribed.

<sup>2</sup>[(2) Where any duty of excise referred to in sub-section (1) cannot be collected in the manner prescribed under that sub-section, it shall be recovered from the owner of the coal mine in the same manner as an arrear of land revenue.]

**9. Utilisation of proceeds of duties levied and collected under sections 6 and 7.**—In each financial year, a sum not exceeding the net proceeds (determined in such manner as may be prescribed) of the duties of excise and customs levied and collected under sections 6 and 7, respectively, during the preceding financial year or years shall be disbursed by the Central Government in accordance with such procedure as may be prescribed, to the owners, agents or managers of coal mines or to any other person for one or more of the following purposes, namely:—

- (a) conservation of coal and development of coal mines;
- (b) grant of stowing materials and other assistance for stowing operations;
- (c) execution of stowing and other operations for the safety in coal mines or conservation of coal;
- (d) prosecution of research work connected with conservation and utilisation of coal; and
- (e) any other purpose connected with the conservation of coal or development of coal mines, or transportation, distribution or utilisation of coal:

Provided that the Central Government may disburse to the owners, agents or managers of coal mines or to any other person, a sum not exceeding the aggregate of the net proceeds of the duties of excise collected under section 8 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952), and remaining undisbursed before the commencement of this Act, for all or any of the purposes specified in this section.

**10. Duty of owner to open Coal Mine Conservation and Development Account.**—(1) The owner of every coal mine, to whom any money is disbursed under section 9, shall open a separate account in a scheduled bank, to be known as the “Coal Mine Conservation and Development Account” and shall credit to the said Account all sums so disbursed to him:

Provided that where it is necessary so to do in relation to the different groups of coal mines owned by an owner, separate accounts may be opened in relation to each such group of coal mines.

(2) The money standing to the credit of the Coal Mine Conservation and Development Account and accretions thereto shall be applied by the owner of the coal mine to—

- (a) the furtherance of the objects of this Act;
- (b) the acquisition of stowing or other materials needed for stowing operations in coal mines;
- (c) the execution of stowing and other operations in furtherance of the objects of this Act;
- (d) the prosecution of research work connected with the conservation, development and utilisation of coal and safety in coal mines;
- (e) the planning and development of coal mines in a scientific manner; and
- (f) any other expenditure which the Central Government may direct to be defrayed out of the money standing to the credit of the Account.

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1. Section 8 re-numbered as sub-section (1) thereof by Act 55 of 1985, s. 3 (w.e.f. 1-1-1986).

2. Ins. by s. 3, *ibid.* (w.e.f. 1-1-1986).

(3) The Account, referred to in sub-section (1), shall be kept in such manner and in such form as may be prescribed, and every such account shall be audited by the same person by whom the accounts of the owner of the coal mine are audited.

**11. Power of Inspectors.**—(1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Act or of any rules and orders made thereunder are being complied with.

(2) The Chief Inspector or any Inspector may, with such assistance, if any, as he thinks fit, enter, inspect and examine at any time by day or night any coal mine in order to ensure that stowing or any other operation has been, or is being, done effectively:

Provided that the power conferred by this sub-section shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine.

(3) Without prejudice to the provisions of the Mines Act, 1952 (35 of 1952), the Chief Inspector or any Inspector may, by order in writing, addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

(a) the extraction or reduction of pillars in any part of the coal mine is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the coal mine or a railway, or

(b) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the coal mine or for restricting the area that might be affected by fire or flooding as the case may be.

(4) The powers conferred on the Inspector under sub-sections (1), (2) and (3) may also be exercised by such officer of the Central Government as that Government may, by notification, specify in this behalf.

### CHAPTER III

#### DISSOLUTION OF THE COAL BOARD AND TRANSFER OF EMPLOYEES THEREOF

**12. Dissolution of the Coal Board.**—(1) On the appointed day, the Coal Board, established under section 4 of the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952), shall stand dissolved.

(2) On the dissolution of the Coal Board,—

(a) all rights and privileges of the Coal Board shall become the rights and privileges, respectively, of the Central Government;

(b) the Central Government shall be deemed to be the lessee of all properties held by the Coal Board, immediately before the appointed day, under any lease and that Government shall hold the lease under the same terms and conditions under which the lease was held by the Coal Board;

(c) all other properties, movable and immovable, including cash balances, reserve funds, investments and moneys lying to the credit of the Coal Mines Safety and Conservation Fund and the Coal Development Fund, and all other rights and interests in, or arising out of, such properties as were, immediately before the appointed day, in the ownership, possession power or control of the Coal Board, and all books of account, registers, records and all other documents of whatever nature relating thereto, shall vest in the Central Government;

(d) all borrowings, liabilities and obligations of the Coal Board, of whatever kind and subsisting immediately before the appointed day, shall be deemed, on and from the appointed day to be the borrowings, liabilities or obligations, as the case may be, of the Central Government;

(e) all contracts entered into, and all matters and things engaged to be done by, with or for, the Coal Board and subsisting immediately before the appointed day, shall be deemed, on and from the appointed day, to have been entered into or engaged to be done by, with or for, the Central Government;

(f) all licences and permits granted to the Coal Board and in force immediately before the appointed day shall be deemed, on and from the appointed day, to have been granted to the Central Government and shall have effect accordingly.

**13. Power of Central Government to direct vesting of rights in a Government company.**—Notwithstanding anything contained in section 12, the Central Government may, if it is satisfied that a Central Government company is willing to comply, or has complied with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the right, title and interest of the Coal Board in relation to any property shall, instead of continuing to vest in it, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the direction, and on such vesting the liability or obligation, as the case may be, of the Coal Board in relation to such property shall, instead of continuing to be the liability or obligation of the Central Government, become the liability or obligation, as the case may be, of the Government company.

**14. Continuation of suits, etc., against the Central Government.**—(1) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to the Coal Board is pending by or against such Board, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the dissolution of the Coal Board; but the suit appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company in which the property of the Coal Board has become vested, as the case may be.

(2) Where, before the appointed day, any cause of action for any suit or proceeding or any right to appeal arose in favour of, or against, the Coal Board, and the institution of any suit or proceeding on such cause of action or the filing of such appeal was not barred before the appointed day, such suit or proceeding may be instituted or appeal may be filed by or against the Central Government or the Government company referred to in sub-section (1), as the case may be.

**15. Transfer of service of existing employees of Coal Board.**—(1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, every officer or other employee of the Coal Board shall, on and from the appointed day, become an officer or other employee, as the case may be, of such Government company or organisation as the Central Government may, in writing, specify and shall hold his office or service in such Government company or organisation, as the case may be, on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the Coal Board had not been abolished, and shall continue to do so unless and until his employment in the Government company or organisation is terminated or until his remuneration or terms and conditions of service are duly altered by the Government company or organisation, as the case may be:

Provided that the tenure, remuneration and other terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage except with the previous approval of the Central Government or without such approval, except as a measure of punishment, under the rules of the Government company or the organisation concerned.

(2) Where any officer or other employee of the Coal Board becomes, under sub-section (1), an officer or other employee of any Government company or organisation, the period of service rendered, or deemed to have been rendered, by him under the Coal Board before the appointed day shall be deemed, for the purposes of fixation of pay and other emoluments, pension and other retirement benefits, to be the period of service rendered by him under the said Government company or organisation, as the case may be, as if the Government company or the organisation were in existence during the said period.

**16. No compensation to be paid for the transfer of services of any officer or other employee.**—Notwithstanding anything contained in any other law for the time being in force, the transfer of the services of any officer or other employee from the Coal Board to any Government company or organisation shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.



CHAPTER IV  
MISCELLANEOUS

**17. Protection of action taken in good faith.**—No suit, prosecution or other legal proceedings shall lie against the Central Government or against the Chairman or any other member of the Coal Board or any officer thereof or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder, or in pursuance of the Coal Mines (Conservation, Safety and Development) Act, 1952 (12 of 1952) or any rule made thereunder.

**18. Power to make rules.**—(1) The Central Government may, by notification and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the forgoing power such rules may provide for all or any of the following matters, namely:—

(a) the measures to be taken for the purpose of conservation of coal and maintenance of safety in coal mines;

(b) the measures to be taken for the development of coal mines;

(c) the manner in which, and the conditions subject to which, sums at the credit of the Coal Mine Conservation and Development Account may be applied;

(d) the form in which the Coal Mine Conservation and Development Account shall be kept;

(e) any other matter which is required to be, or may be, prescribed.

(3) Any rule made under the provisions of this Act may provide that the contravention thereof shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**19.[Repeal.]** *Rep. by Repealing and Amending Act, 1978 (38 of 1978), s. 2 and the First Schedule (w.e.f. 26-11-1978).*



**MINISTRY OF LABOUR AND EMPLOYMENT****NOTIFICATION**

New Delhi, the 27th November, 2017.

**G.S.R. 1449(E).**—Whereas the draft of certain regulations which the Central Government proposes to make, in exercise of the powers conferred by section 57 of the Mines Act, 1952 (35 of 1952) and on the recommendations of the Committee constituted under section 12 of the said Act, were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), vide number G.S.R. 773 (E), dated the 20<sup>th</sup> October, 2011, as required by sub-section (1) of section 59 of the said Act, inviting objections and suggestions from all persons likely to be affected thereby on or before the expiry of a period of three months from the date of publication of the said notification in the Official Gazette;

And whereas the objections and suggestions received on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 57 of the said Act and in supersession of the Coal Mines Regulations, 1957, the Central Government hereby makes the following regulations, namely:-

**CHAPTER I****PRELIMINARY**

**1. Short title, commencement, application and extent.**—(1) These regulations may be called the Coal Mines Regulations, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to every coal mine.

(4) They shall extend to the whole of India.

**2. Definitions.**—(1) In these regulations, unless the context otherwise requires, -

- (a) “abandoned working” means such working as have been abandoned with no intention of working in future;
- (b) “Abandoned Mine Methane (AMM)” means a natural gas recovered from abandoned coal mines or part thereof;
- (c) “Act” means the Mines Act, 1952 (35 of 1952);
- (d) “approved safety lamp” and “approved electric torch” mean respectively, a safety lamp or an electric torch, manufactured by such firm and of such type as the Chief Inspector may, from time to time, specify by a general or special order;
- (e) “assistant manager” means a person possessing a Manager’s Certificate appointed in writing by the owner, agent or manager to assist the manager in the management, control, supervision and direction of the mine or part thereof, and who holds the rank immediately below the manager and superior to an overman and a sirdar;
- (f) “auxiliary fan” means a forcing fan or an exhausting fan used belowground wholly or mainly for ventilating one or more faces forming part of a ventilating district;
- (g) “average output” of any mine, means the average output per month during the preceding financial year of the total output from all workings within the specified mine boundaries;
- (h) “banksman” means a person appointed to superintend the lowering and raising of persons, tools and materials and to transmit signals at the top of a shaft or incline;
- (i) “booster fan” means a mechanical ventilator used belowground for boosting the whole current of air passing along the intake or return airway of a mine or ventilating district;
- (j) “coal” includes anthracite, bituminous coal, lignite, peat and any other form of carbonaceous matter sold or marketed as coal;
- (k) “Coal Mine Methane (CMM)” means a natural gas recovered from a coal mine or part thereof;

- (l) “Committee” means a committee appointed under section 12 of the Act;
- (m) “competent person” in relation to any work or any machinery, plant or equipment means a person who has attained the age of twenty years and who has been duly appointed in writing by the manager as a person competent to supervise or perform that work, or to supervise the operation of that machinery, plant or equipment, and who is responsible for the duties assigned to him, and includes a shot firer;
- (n) “contractor” means an individual, association of individuals, company, firm, local authority or local body who provides for the services or operations in a mine on contract basis, and includes a sub-contractor;
- (o) “deep-hole drilling and blasting” means drill holes more than three meters in depth and used for blasting in an opencast mining operation;
- (p) “designer” means an individual, association of individuals, company or institution who designs a coal mining system, method of coal mining, machinery, plant, equipment, appliance or substances for use in coal mines;
- (q) “discontinued working” means such working in a mine as have been discontinued for any reason and are inaccessible or rendered inaccessible but are likely to be worked again;
- (r) “District Magistrate” in relation to any mine, means the District Magistrate or the Deputy Commissioner, as the case may be, who is vested with the executive powers of maintaining law and order in the revenue district in which the mine is situated:
- Provided that in the case of a mine, which is situated partly in one district and partly in another, the District Magistrate for the purpose of these regulations shall be the District Magistrate authorised in this behalf by the Central Government;
- (s) “disused working” means such working in a mine where work has been temporarily stopped, but which are accessible and include unused working;
- (t) “explosive” shall have the same meaning as is assigned to it in the Explosives Act, 1884 (4 of 1884);
- (u) “face” means the moving front of any working place or the inbye end of any gallery, roadway or drift;
- (v) “fiery seam” means a seam in which a fire or spontaneous heating exists in the working belowground or in open cast workings lying within the precincts of a mine;
- (w) “financial year” means a period of twelve months from the first day of April to the last day of March of the successive year;
- (x) “flame proof enclosure” shall have the same meaning as defined under the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010;
- (y) “Form” means a form as may be specified by an order or instruction by the Chief Inspector under these regulations;
- (z) “gas” includes fume or vapour;
- (za) “gassy seam of the first degree” means a coal seam or part thereof lying within the precincts of a mine not being an open cast working whether or not inflammable gas is actually detected in the general body of the air at any place in its workings below ground, or when the percentage of the inflammable gas, if and when detected, in such general body of air does not exceed 0.1 and the rate of emission of such gas does not exceed one cubic meter per tonne of coal produced;
- (zb) “gassy seam of the second degree” means a coal seam or part thereof lying within the precincts of a mine not being an open cast working in which the percentage of inflammable gas in the general body of air at any place in the workings of the seam is more than 0.1 or the rate of emission of inflammable gas per tonne of coal produced exceeds one cubic meter but does not exceed ten cubic meters;

- (zc) “gassy seam of the third degree” means a coal seam or part thereof lying within the precincts of a mine not being an open cast working in which the rate of emission of inflammable gas per tonne of coal produced exceeds ten cubic meters;
- (zd) “general body of air” means the general atmosphere in a coal seam and includes the atmosphere in the roof cavities, but does not include general atmosphere in the sealed off area or in any borehole drilled in coal or in the adjacent strata;
- (ze) “goaf” means any part of workings below ground wherefrom a pillar or part thereof, or in the case of longwall workings, coal has been extracted but which is not a working place;
- (zf) “haul road” means any passage or road, which is maintained and used in connection with the working of opencast mines for plying of machinery within the precincts of a mine;
- (zg) “Heavy Earth Moving Machinery (HEMM)” means machinery used in opencast mines for digging, drilling (excluding hand held drills and drill machines capable of drilling hole of a diameter up to 50 mm), dredging, hydraulicking, ripping, dozing, grading, excavating, loading or transporting minerals or overburden;
- (zh) “incline” means an inclined passage or road either on the surface or belowground;
- (zi) “intrinsically safe” shall have the same meaning as defined under the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010;
- (zj) “inset” means a landing or platform in a shaft, and includes an excavation therefrom between the top and the bottom of the shaft;
- (zk) “machinery” means –
- (i) any locomotive or any stationary or portable engine, air compressor, boiler or steam apparatus which is, or
  - (ii) any such equipment used for cutting, drilling, loading and transport of material which is, or
  - (iii) any such apparatus, appliance or combination of appliances intended for developing, storing, transmitting, converting or utilizing energy which is, or
  - (iv) any such apparatus, appliance or combination of appliances if any power is developed, stored, transmitted, converted or utilised thereby is,
- used or intended for use in connection with mining operations;
- (zl) “manager” means a manager appointed under regulation 27;
- (zm) “manufacturer” means an individual, association of individuals, company or institution who manufactures machinery, plant, equipment, appliance or substances for use in coal mines;
- (zn) “material” includes coal, stone, debris, or any other material;
- (zo) “mine”, for the purpose of chapter IV under these regulations, means all excavations within the mine boundary and all premises, plants, machinery and works as specified in clause (j) of sub section (1) of Section 2 of the Act and the same shall collectively constitute a mine;
- (zp) “misfire” means the failure to explode of an entire charge of explosives in a shot hole or blast hole;
- (zq) “month” means a calendar month;
- (zr) “official” means a person appointed in writing by the owner, agent or manager to perform duties of supervision in a mine or part thereof and includes an assistant manager, a ventilation officer, a safety officer, a sampling incharge, a dust in- charge, an overman, a sirdar, an engineer and a surveyor;
- (zs) “onsetter” means a person appointed to superintend the raising and lowering of persons, tools and materials and to transmit signals at any inset or shaft bottom;
- (zt) “overman” means a person possessing a Manager’s or Overman’s Certificate, appointed by the manager in writing, under any designation whatsoever, to perform the duties of supervision or control in a mine or part thereof, and is as such superior to a sirdar;

- (zu) “permitted explosive” means an explosive manufactured by such firm and of such types as the Chief Inspector may, from time to time specify by a general or special order;
- (zv) “pipeline” means a pipeline laid or being used in a mine for the purpose of pumping or supply of water, sand stowing or filling of material other than sand stowing, nitrogen flushing or for any other purpose including extraction of Coal Mine Methane (CMM), Abandoned Mine Methane (AMM) and other associated pipelines;
- (zw) “principal official” means the senior-most mine official in mining discipline on duty in the mine;
- (zx) “public road” means a road maintained for public use and under the jurisdiction of any Government or local authority;
- (zy) “quarter” means a period of three months ending on the 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December;
- (zz) “railway” means a railway as defined in the Railways Act, 1989 (24 of 1989);
- (zza) “Regional Inspector” means an Inspector of Mines having jurisdiction over a geographical area in which the mine is situated and over which he exercises his powers under the Act;
- (zzb) “river” means any stream or current of water, whether seasonal or perennial, and includes its banks extending up to the highest known flood level;
- (zzc) “risk” means combination of likelihood of a specific unwanted event and its potential consequences;
- (zzd) “roadway” means any part of a passage or gallery below ground which is maintained in connection with the working of a mine;
- (zze) “Schedule” means a Schedule appended to these regulations;
- (zzf) “shaft” means a way or opening leading from the surface to workings below ground or from one part of the workings belowground to another, in which a cage or other means of conveyance can travel freely suspended, with or without the use of guides;
- (zzg) “shot-firer” means a person so appointed under regulation 190;
- (zzh) “socket” means a shot hole or blast hole or part thereof remaining after being charged with explosive and blasted, and which is not known to be a misfired hole;
- (zzi) “supplier” means an individual, association of individuals, company or institution who supplies a technology, machinery, plant, equipment, appliance or substance for use in coal mines;
- (zzj) “tub” includes a wagon, car, truck or any other vehicle moving on rail(s) for conveying materials;
- (zzk) “ventilation district” means such part of a mine belowground as has an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway, and, in the case of a mine or part thereof which is ventilated by natural means, the whole mine or part;
- (zzl) “working” means any excavation made or being made in a mine for search of or obtaining coal;
- (zzm) “working place” means any place in a mine to which any person has lawful access.

(2) Words and expressions used in these regulations and not defined herein but defined in the Act shall have the meanings respectively assigned to them under the Act.

## CHAPTER II

### RETURNS, NOTICES AND RECORDS

**3. Notice of opening.-** (1) The notice for commencement of any mining operation under section 16 of the Act shall be submitted in the Form and method as may be specified by the Chief Inspector for the purpose, accompanied by a plan showing the boundaries of the mine and the shafts or openings of the mine, tri-junction or revenue pillars and other prominent and permanent surface features to the Chief Inspector and a copy thereof to the Regional Inspector:

Provided that in case of change in the boundary of a mine under regulations 121 and 122, a plan showing the new boundary shall be submitted within seven days of the said change.

(2) The notice referred to in sub-regulation (1) shall be accompanied by,-

- (a) a copy of the surface plan prepared under clause (a) of sub-regulation (1) of regulation 65;
- (b) a copy of Safety Management Plan prepared under regulation 104:

Provided that in respect of a mine which has already been opened, the plan referred to in clauses (a) and (b) shall be submitted within sixty days and one year respectively of coming into force of these regulations.

(3) When a mine has been opened, the owner, agent or manager shall forthwith communicate the actual date of opening to the Chief Inspector, the Regional Inspector and to the District Magistrate.

**4. Annual returns.-** (1) On or before 1<sup>st</sup> day of February in every year, the owner, agent or manager shall submit to the Chief Inspector, the Regional Inspector and to the District Magistrate annual returns in respect of the preceding year in the Form and method as may be specified by the Chief Inspector for the purpose.

(2) If a mine is abandoned or closed or workings thereof is discontinued over a period exceeding sixty days or if a change occurs in the ownership of a mine, the returns required under sub-regulation (1) shall be submitted within thirty days of such abandonment or closure or change of ownership or within ninety days of discontinuance, as the case may be.

**5. Notice of abandonment, closure or discontinuance.-** (1) When it is intended to abandon or close a mine or seam or to discontinue workings thereof for a period exceeding sixty days, the owner, agent or manager shall give a notice in the Form and method as may be specified by the Chief Inspector for the purpose, to the Chief Inspector, the Regional Inspector and to the District Magistrate stating the reasons for such abandonment, closure or discontinuance and the number of persons likely to be affected thereby, not less than thirty days before such abandonment or discontinuance:

Provided that when on account of unforeseen circumstances a mine is abandoned, closed or discontinued before the said notice has been given or without previous intention the discontinuance extends beyond a period of sixty days, the notice shall be given forthwith.

(2) Notwithstanding anything contained in sub-regulation (1), when it is intended to abandon, close or discontinue for more than sixty days any working belowground over which is situated any property vested in the Government or any local authority or any railway or any building or permanent structure not belonging to the owner, the owner, agent or manager shall, not less than thirty days before the date of such abandonment, closure or discontinuance give notice of his intention to the Chief Inspector and the Regional Inspector.

(3) When a mine or seam has been abandoned, closed or the workings thereof has been discontinued over a period exceeding sixty days, the owner, agent or manager shall, within seven days of the abandonment, closure or expiry of the said period of discontinuance, give to the Chief Inspector, the Regional Inspector and to the District Magistrate, notice in the Form and method as may be specified by the Chief Inspector for the purpose.

**6. Notice of reopening.-** (1) When it is intended to reopen a mine or seam after abandonment, closure or discontinuance for a period exceeding sixty days, the owner, agent or manager shall, not less than thirty days before resumption of mining operations, give to the Chief Inspector, the Regional Inspector and to the District Magistrate notice in the Form and method as may be specified by the Chief Inspector for the purpose.

(2) When a mine has been reopened, the owner, agent or manager of the mine shall forthwith communicate the actual date of the reopening to the Chief Inspector, the Regional Inspector and to the District Magistrate.

**7. Notice of change in ownership and appointment of agent, manager, etc.-** (1) When a change occurs in the name or ownership of a mine or in the address of the owner, the owner, agent or manager shall, within seven days from the date of the change, give to the Chief Inspector and the Regional Inspector a notice in the Form and method as may be specified by the Chief Inspector for the purpose:

Provided that where the owner of a mine is a firm or other association of individuals, a change –

- (i) of any partner in the case of a firm;
- (ii) of any member in the case of an association;
- (iii) of any director in the case of a public company; or
- (iv) of any shareholder in the case of a private company,

shall also be intimated to the Chief Inspector and the Regional Inspector, within seven days from the date of the change.

(2) When the ownership of a mine is transferred, the previous owner or his agent shall make over to the new owner or his agent, within a period of seven days of the transfer of ownership, all plans, sections, reports, registers and other records maintained in pursuance of the Act and of the regulations, or orders made thereunder, and all correspondence relating to the working of the mine relevant thereto; and when the requirements of this clause have been duly complied with, both the previous and the new owners or their respective agents shall forthwith inform the Chief Inspector and the Regional Inspector in writing.

(3) When any appointment is made of an agent, manager, engineer, surveyor, ventilation officer, safety officer, or assistant manager or when the employment of any such person is terminated or any such person leaves the said employment, or when any change occurs in the address of any agent or manager, the owner, agent or manager shall, within seven days from the date of such appointment, termination or change, give to the Chief Inspector and the Regional Inspector a notice in the Form and method as may be specified by the Chief Inspector for the purpose.

(4) The owner of a mine shall submit in writing to the Chief Inspector and the Regional Inspector, a statement showing the name and designation of every person authorised to act on behalf of the owner in respect of management, control, supervision or direction of the mine.

(5) The statement referred to in sub-regulation (4) shall state the responsibilities of every such person and the matters in respect of which he is authorised to act on behalf of the owner.

(6) Every person referred to in sub-regulation (4) shall be an agent for the mine or group of mines, as the case may be, in respect of the responsibilities as specified in the statement referred therein.

(7) Any change, addition or alteration in the names or other particulars of the statement referred to in sub-regulation (4) shall be reported in writing to the Chief Inspector and Regional Inspector within seven days from the date of change, addition or alteration.

**8. Notice of dangerous occurrence or accident.-** (1) When there occurs in or about a mine,

- (a) an accident causing loss of life or serious bodily injury in connection with any mining operation; or
- (b) a readily identifiable event with potential to cause an injury to persons at work, hereinafter referred to as “dangerous occurrence”, such as –
  - (i) an explosion or ignition;
  - (ii) a spontaneous heating or outbreak of fire, or appearance of smoke, or other indication of heating or outbreak of fire;
  - (iii) fire in any part of workings or in any machinery;
  - (iv) fall from height of any excavation, loading or transport machinery;
  - (v) bursting of equipment under pressure;
  - (vi) an influx of inflammable or noxious gases;
  - (vii) an irruption or inrush of water or other liquid matter;
  - (viii) an instantaneous failure of a pillar, part of a pillar or several pillars of coal (i.e., a ‘bump’) in working below ground;
  - (ix) a premature collapse of any part of the working;
  - (x) any accident due to explosives;
  - (xi) a breakage or fracture of rope, chain, headgear, pulley or axle or bearing thereof, or other gear by which persons or materials are lowered or raised;

- (xii) an over winding of cages or other means of conveyance while men or materials are being lowered or raised;
- (xiii) a breakage or fracture of an essential part of winding engine, crankshaft, coupling, bearing, gearing, clutch, drum or drum shaft, or failure of emergency brake;
- (xiv) a bursting of any equipment containing steam, compressed air or other substance at high pressure;
- (xv) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
- (xvi) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
- (xvii) failure of dump or side in opencast working;
- (xviii) a failure of any structure or installation whereby the safety of persons may be endangered; or
- (xix) spark generated due to electrical flash-over causing burn injury to any person,

the owner, agent or manager shall forthwith inform the Regional Inspector about the occurrence by telephone, fax, e-mail or by special messenger; and shall also, within twenty-four hours of every such occurrence, give notice thereof in the Form and method as may be specified by the Chief Inspector for the purpose, to the District Magistrate, the Chief Inspector and the Regional Inspector and in the case of an accident mentioned in clause (a), also to the Competent Authority for payment of compensation:

Provided that in case such notice is sent by e-mail, it shall be immediately followed by fax or letter.

(2) The owner, agent or manager shall simultaneously exhibit a copy of the notice referred to in sub-regulation (1) on a special notice board at the office of the mine for a period of not less than fourteen days from the date of such exhibition.

(3) When an accident causing loss of life, serious bodily injury or burn injury occurs in or about a mine in connection with the generation, storage, transformation, transmission, supply or use of electrical energy, the owner, agent or manager shall also forthwith inform the Inspector of Mines (Electrical) by telephone, fax, e-mail or by special messenger:

Provided that in case such notice is sent by e-mail, it shall be immediately followed by fax or letter.

(4) If death results from any injury already reported as serious under sub-regulation (1) or if an injury other than the serious injury becomes serious, the owner, agent or manager shall within twenty-four hours of his being informed of the same, give notice thereof to the District Magistrate, the Chief Inspector, the Regional Inspector and to the Competent Authority for payment of compensation and, if such death or injury is connected with any reason as specified under sub-regulation (3), also to the Inspector of Mines (Electrical).

(5) In respect of every persons killed or injured as above, the owner, agent or manager shall send particulars in the Form and method as may be specified by the Chief Inspector for the purpose, within seven days of the occurrence, and also within fifteen days of the injured person returning to duty.

**9. Notice of disease.-** Where any person employed in a mine contracts any disease notified by the Central Government in the Official Gazette under section 25 of the Act, the owner, agent or manager shall within three days of his being informed of the disease, give notice thereof in the Form and method as may be specified by the Chief Inspector for the purpose, to the Chief Inspector, the Regional Inspector, the Inspector of Mines (Medical), the District Magistrate, and to the Competent Authority for payment of compensation.

### CHAPTER III

#### EXAMINATION AND CERTIFICATES OF COMPETENCY AND OF FITNESS

**10. Board of Mining Examination.-** (1) For the purpose of these regulations, there shall be constituted a Board of Mining Examination (hereinafter referred to as 'the Board').

(2) The Board shall consist of the Chief Inspector, who shall be its Chairman (*ex officio*), and five members possessing degree in mining engineering; with

- (a) first class Manager's Certificate granted under regulation 11; or
  - (b) practical experience of not less than two years in management, control, supervision and direction of a coal mine or part thereof; or
  - (c) service in an institution imparting education in mining engineering at the degree or equivalent level; or
  - (d) engagement in mining research or planning,
- to be appointed by the Central Government:

Provided that the Board shall be so constituted that it shall include at least three members possessing qualifications laid down in clauses (a) and (b) and at least one member possessing qualifications laid down either in clause (c) or in clause (d).

(3) Every member of the Board other than its Chairman shall hold office for a period of three years from the date of appointment, or until his successor is appointed, whichever is later:

Provided that,—

- (i) a member may at any time resign his office by a notice in writing addressed to the Chairman;
- (ii) a member appointed under clause (c) of sub-regulation (2) shall cease to hold office upon his ceasing to serve in any such institution, as is referred to in that clause;
- (iii) a person appointed to fill a vacancy caused by reason of the death, resignation, or by reason of cessation of office under sub-clause (ii) or otherwise, shall hold office for the remaining period for which such member would have, but for such reason, continued as member.

(4) A person who holds, or who has held, office as member of the Board shall, subject to the other provisions of this regulation, be eligible for re-appointment to that office.

(5) A member of the Board other than the Chairman shall receive such remuneration as the Central Government may fix.

(6) An Inspector nominated in this behalf by the Chief Inspector shall act as the Secretary to the Board (hereinafter referred to in these regulations as the Secretary).

(7) Notwithstanding anything contained in this regulation, the Central Government may, if satisfied that it is necessary to do so in the public interest, re-constitute the Board even though the term of office of all or any of the members thereof has not come to an end.

(8) Meetings of the Board shall be held as and when the Chairman considers them necessary, and unless otherwise decided by the Chairman, all meetings of the Board shall be held at Dhanbad.

- (9) (a) For every meeting of the Board, not less than ten clear days prior notice intimating the time and place of the proposed meeting and signed by the Chairman or the Secretary shall be given to each member who is not absent from India.
- (b) Such notice shall be delivered at, or posted to the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed off at that meeting.
- (c) Notwithstanding anything contained in clauses (a) and (b), in cases of urgency, an emergent meeting may be called for by the Chairman at any time by intimating the members, only two days in advance, of the time and date of such meeting and the subject matter for discussion at such meeting.
- (10) (a) The Chairman shall preside at every meeting of the Board.
- (b) If the Chairman is absent for any reason, members present shall elect one from among themselves to preside over the meeting; and the member so elected shall, for the purposes of that meeting, have all powers of the Chairman.

(11) No business shall be transacted at a meeting of the Board unless at least three members, including the Chairman, are present:

Provided that if at any meeting there is no quorum as aforesaid, the meeting shall automatically stand adjourned to a date which is seven days later or if that day is a public holiday to the next working day



and the time, place and agenda for the adjourned meeting shall remain unchanged, and it shall thereupon be lawful to dispose off the business at such meeting, irrespective of the number of members attending.

- (12) (a) All matters which the Board is required to consider shall be considered at its meeting, or if the Chairman so decides, by circulation of the papers, to every member who is not absent from India.
- (b) When any matter is referred to by circulation of paper under clause (a), any member may request that it should be considered at a meeting of the Board, and the Chairman may direct that it shall be so considered but when two or more members so request, the Chairman shall direct that the matter shall be so considered at a meeting to be held.
- (13) (a) The Secretary shall place before the Board a list of business to be transacted at the meeting.
- (b) No business which is not included in such list shall be considered unless the Chairman permits.
- (14) (a) Every matter at a meeting shall be decided by the majority of votes of the members present at such meeting.
- (b) Every matter referred to the members by circulation under sub-regulation (12) shall be decided by the majority opinion of the members to whom the papers were circulated, unless the Chairman reserves it for consideration at a regular meeting to be held later.
- (c) In case of equal division of votes or opinions of the members, the Chairman shall have a casting vote or opinion.
- (15) (a) The Secretary shall record the minutes of each meeting in a bound-paged book kept for the purpose and copies of such minutes of meeting shall be circulated to all members present in India.
- (b) The minutes so recorded shall be confirmed at the next meeting of the Board and signed by the Chairman in token thereof.
- (16) (a) The Chairman, in addition to any other power and duties conferred upon him under these regulations, shall-
  - (i) present all important papers and matters to the Board as early as possible;
  - (ii) issue orders for carrying out the decisions of the Board;
  - (iii) have power to refer, in his discretion, any matter to the Central Government for their orders; and
  - (iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the Board.
- (b) The Chairman may, during his temporary absence by reason of leave or otherwise, authorise any member of the Board to perform all or any of duties of the Chairman during such absence.
- (c) Unless the Chairman otherwise directs, all proceedings of the Board shall be conducted in-camera and be regarded as confidential.

**11. Certificate granted by Board.-** (1) The certificates specified in sub-regulation (2) shall be granted by the Board.

(2) Certificate granted by the Board shall be valid throughout the territories to which these regulations extend, and shall be of the following kinds, namely: –

- a) Manager's first class certificate of competency to manage a coal mine (hereinafter referred to as a First Class Manager's Certificate);
- b) Manager's second class certificate of competency to manage a coal mine (hereinafter referred to as a Second Class Manager's Certificate);
- c) Surveyor's certificate of competency to survey the working of a mine (hereinafter referred to as a Surveyor's Certificate);
- d) Overman's certificate of competency to carry out inspections and duties as required under these regulations (hereinafter referred to as an Overman's Certificate);

- e) Sirdar's Certificate of competency to carry out inspections and duties as required under these regulations (hereinafter referred to as a Sirdar's Certificate);
- f) Winding engineman's certificate (hereinafter referred to as a Engine Driver's Certificate) to drive a winding engine of any type or class; and
- g) Certificate of competency to test for the presence of inflammable gas (hereinafter referred to as a Gas Testing Certificate):

Provided that any of the certificates aforesaid, other than an Engine Driver's Certificate and a Gas Testing Certificate, may be restricted to mines having opencast working only, and this fact shall be endorsed on the certificate.

**12. Examinations and examiners.-** (1) Certificate shall be granted to candidates after such examinations and in such form as the Board may specify:

Provided that the Board may, subject to the conditions specified in bye-laws, exempt any person from appearing at the examination or part thereof for the grant of a certificate referred to in regulation 11.

(2) The examination shall be held at such times and at such centres as may be fixed by the Board, and shall be conducted by examiners appointed by the Board.

(3) The examiners referred to in sub-regulation (2) shall be subject to the orders of the Board in respect of all matters relating to the conduct of the examinations, and shall receive such remuneration as the Board, with the sanction of the Central Government, may fix.

(4) The Board may make bye-laws as to the procedure for, and the conduct of the examinations and as to the granting of certificate of competency and of fitness as required under these regulations, and shall so far as may be practicable, provide that the standard of knowledge required for the grant of certificates of any particular class and the standard of medical fitness shall be uniform throughout the territories to which these regulations extend:

Provided that the Board may take decision on any matter, not specified under the bye-laws, which may be brought to it for disposal.

**13. Submission of application.-** (1) Application for an examination conducted by the Board shall be made to the Board not less than sixty days prior to the date fixed for the examination in a manner and on a form specified for the purpose.

(2) Notice regarding the date and place of the examination for the Manager's Certificate, Surveyor's Certificate and Overman's Certificates shall be published under the order of the Board in such periodicals or by any other means as the Board may direct, not less than sixty days prior to the date fixed by the Board for receiving applications.

**14. Age limit and general qualifications of candidates.-** (1) No person shall be admitted as a candidate at any examination held by the Board unless he is twenty years of age.

(2) No person shall be admitted as a candidate at any examination for a Manager's Certificate, Surveyor's Certificate, Overman's Certificate or Sirdar's Certificate unless he holds a valid first-aid certificate of the St. John Ambulance Association (India) or any other equivalent standard as may be specified by the Chief Inspector.

(3) Every application for any examination as aforesaid shall be accompanied by,-

- (i) a certificate of age verified by a Gazetted Officer of the Government or by the headmaster of a recognised school of a higher secondary or equivalent standard:

Provided that in the case of a person holding a matriculation or equivalent certificate, such certificate shall be submitted as evidence of age;

- (ii) a medical certificate obtained not more than one year prior to the date of his application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon or from a Certifying Surgeon or from a medical practitioner holding at least a degree in Bachelor of Medicines and Bachelor of Surgery (M.B.B.S.) and registered with Medical Council of India, certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficiency of his work; and

- (iii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate.
- (4) No person shall be admitted as a candidate to any examination for Manager's Certificate, Surveyor's Certificate, Overman's Certificate or Sirdar's Certificate, unless he has passed the senior secondary school examination or intermediate examination or its equivalent from a recognised Board or University or passed a Diploma or Degree in Engineering or other equivalent qualifications approved in that behalf by the Central Government, and for an Engine Driver's Certificate unless he satisfies the Board that he is literate.
- (5) (a) No person shall be admitted as a candidate at any examination for a Manager's or an Overman's Certificate, which is not restricted to mines having opencast working only, unless he has obtained at least a Sirdar's Certificate, which is not restricted to mines having opencast working only and a Gas Testing Certificate; and
- (b) no person shall be admitted as a candidate at an examination for Manager's Certificate or Overman's Certificate restricted to mines having opencast working only, unless he has obtained at least a Sirdar's Certificate:

Provided that the Board may, subject to the conditions specified in bye-laws, exempt any person from the stipulations of the above sub-regulation.

**15. Practical experience of candidates for Manager's Certificate examination.-** (1) No person shall be admitted as a candidate at any examination for a First or Second Class Manager's Certificate other than an exchange Certificate to which the provisions of regulation 21 apply, unless the Board is satisfied that he has had practical experience in coal mine as prescribed under sub-regulation (2) for a period of not less than six and five years respectively:

Provided that a candidate-

- (a) who has received a diploma in mining or mining engineering or other equivalent qualification approved in that behalf by the Central Government, such period of experience shall be reduced to five and four years respectively; and
- (b) who has passed a degree in mining engineering or other equivalent qualification approved in that behalf by the Central Government, such period shall be reduced to two years for First Class Manager's Certificate;

Provided further that the experience referred to in this sub-regulation shall be the experience obtained after acquiring the relevant academic qualification.

(2) The Board may specify, subject to the conditions laid down in bye-laws, the nature and other details of the practical experience required for Manager's Certificate.

**16. Practical experience of candidates for Surveyor's Certificate examination.-** No person shall be admitted as a candidate at any examination for a Surveyor's Certificate unless he has satisfied the Board that he has had not less than two years' practical experience of surveying of a type the Board may specify, subject to the conditions laid down in bye-laws.

Provided that such period shall be reduced to six months in the case of a candidate who has attended classes in theoretical and practical surveying at any educational institution approved by the Board subject to the conditions laid down in bye-laws.

**17. Practical experience of candidate for Sirdar's Certificate examination.-** (1) No person shall be admitted as a candidate at any examination for a Sirdar's Certificate unless the Board is satisfied that he has had practical experience and training in a coal mine for a period of not less than three years:

Provided that such period shall be reduced to a period of one year in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of at least two years at an educational institution, or who has taken a degree in scientific and mining subject at a university, approved in that behalf by the Board subject to the conditions laid down in bye-laws.

(2) The Board may specify, subject to the conditions laid down in bye-laws, the nature and other details of the practical experience required for Sirdar's Certificate.

**18. Practical experience of candidate for Engine Driver's Certificate.-** No person shall be admitted as a candidate at any examination for an Engine Driver's Certificate unless the Board is satisfied that he has had practical experience of driving a winding engine or as an assistant to a qualified winding engine driver for a period of at least one year.

**19. Number of attempts at examination.-** No person shall be admitted for examination for a particular certificate beyond seven attempts from the date of coming into force of these regulations.

**20. Fees for grant of Certificates.-** (1) Fees to be paid in respect of every application for the grant of a certificate shall be prescribed by the Board, subject to the conditions laid down in bye-laws.

(2) The fee once paid shall not be refundable except where the candidate has died before the examination for grant of a certificate or where fee has been erroneously paid.

**21. Exchange Certificate.-** (1) The Board may grant to any person, holding a Manager's Certificate, Surveyor's Certificate, Engine Driver's Certificate, Foreman's Certificate or Mate's Certificate granted under any law for the regulation of mines in force in any other country or under the Metalliferous Mines Regulations, 1961 or its amended version made under the Act, a corresponding certificate of a similar class under these regulations, if he possesses such qualification and experience and passes such examination as the Board may stipulate, subject to the conditions specified in bye-laws.

Provided that the Board may, subject to the conditions laid down in bye-laws, exempt any person from appearing at the examination or part thereof for the grant of an Exchange Certificate.

(2) Every application for the grant of an Exchange Certificate under sub-regulation (1) shall be accompanied by,-

- (i) a medical certificate obtained not more than one year prior to the date of his application, from a qualified medical practitioner not below the rank of a Civil Assistant Surgeon or from a Certifying Surgeon or from a medical practitioner holding at least a degree in Bachelor of Medicines and Bachelor of Surgery (M.B.B.S.) and registered with Medical Council of India, certifying the candidate to be free from deafness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficiency of his work; and
- (ii) a certificate from some person of good repute as to the general good conduct and sobriety of the candidate:

Provided that in the case of a Manager's Certificate, the candidate shall possess practical training in India in the mines, for a period of not less than six months in such manner as may be specified by the Board subject to the conditions laid down in bye-laws.

(3) Fees on the scale laid down in regulation 20 shall be paid in respect of every examination under this regulation.

**22. Duplicate Certificate.-** If any person proves to the satisfaction of the Board that he has, without any fault on his part, lost or been deprived of a certificate granted to him under these regulations, the Board may upon realisation of the fee prescribed under sub-regulation (1) of regulation 20 and subject to the conditions laid down in bye-laws, cause a copy of the certificate to be delivered to him and the word "DUPLICATE" shall be stamped across every such copy.

**23. Certificate to be delivered to the manager.-** (1) When the holder of an Overman's Certificate, Sirdar's Certificate, Engine Driver's Certificate and Gas Testing Certificate is employed in a mine in a capacity which requires the possession of the said certificate, he shall deliver such certificate to the manager of the mine in which he is for the time being employed.

(2) The manager shall deliver to such person a receipt for the same, and shall retain the certificate in the office at the mine so long as the holder thereof is so employed, and shall return it to the holder on his ceasing to be so employed.

**24. Suspension or cancellation of Manager's Certificate, Surveyor's Certificate, Overman's Certificate, Sirdar's Certificate, Engine Driver's Certificate or Gas Testing Certificate.-** (1) If on the basis of a report of the Inspector, the Regional Inspector is of the opinion that the holder of a Manager's Certificate, Surveyor's Certificate, Overman's Certificate, Sirdar's Certificate, Engine Driver's Certificate or Gas Testing Certificate is incompetent or is guilty of negligence or misconduct in the performance of his duties under the Act or under these regulations, he shall bring the matter to the notice of the Board.

(2) The Board may, on the report of the Regional Inspector under sub-regulation (1), authorise an Inspector, not below the rank of the Inspector whose report formed the basis of the said opinion, to hold an enquiry in accordance with the procedure laid down in bye-laws, to determine whether or not such a person (hereinafter referred to as the delinquent) is fit to continue to hold such certificate.

Provided that the Board shall, before the enquiry, furnish to the delinquent a statement of the case on which the enquiry is instituted.

(3) The Inspector who conducted the enquiry shall, within fifteen days from the date of conclusion of his enquiry, send a report to the Board together with his findings, the notes of evidence recorded during the enquiry and other relevant records.

(4) Copies of the notes of evidence and the findings of the Inspector who conducted the enquiry shall also be sent to the delinquent who may submit his written representation to the Board within thirty days from the date of dispatch of such copies.

(5) The Board may, after considering the evidence and other records and the written representation, if any, submitted by the delinquent, either cause further enquiry to be made in the case and thereupon or otherwise, either exonerate the delinquent of the charges against him or suspend or cancel the certificate, as it deems fit.

(6) An appeal shall lie against any order of the Board under this regulation before the Central Government within thirty days of such order.

(7) Where a certificate is suspended or cancelled under this regulation suitable endorsement may be made on such certificate or a duplicate thereof issued under regulation 22.

**25. Validity of certificate for managers and officials, etc.-** (1) No person shall act as a manager or an official or a winding engineman in a mine after attaining the age of sixty years unless he has obtained, within the preceding one year, a medical certificate of fitness certifying him fit to carry out the duties prescribed for him in the Act and in these regulations and orders made thereunder:

Provided that if the Chief Inspector or the Regional Inspector is of the opinion that a person as aforesaid, though less than sixty years of age, is medically unfit to carry on the duties assigned to him in the Act and in these regulations and orders made thereunder, the Chief Inspector or the Regional Inspector may, by an order in writing, require such person to obtain a medical certificate of fitness within such period, not exceeding three months, as he may specify therein; and no such person shall continue to act in any capacity as aforesaid after the period so specified unless he has obtained a medical certificate of fitness.

(2) The medical certificate of fitness as aforesaid shall be obtained from such authority and in such form and manner as the Board may specify subject to the conditions laid down in bye-laws.

(3) Notwithstanding anything contained in sub-regulation (1), no person shall act as manager or an official or a winding engineman in a mine after attaining the age of seventy years.

## CHAPTER IV

### INSPECTORS AND MINE OFFICIALS

**26. Qualifications of Inspectors.-** (1) No person shall be appointed as Chief Inspector unless he holds a degree in mining engineering of an educational institution approved by the Central Government and also a First Class Manager's Certificate granted under regulation 11.

(2) No person shall be appointed as an Inspector unless he holds a degree in mining engineering of an educational institution approved by the Central Government and also a First Class Manager's Certificate granted under regulation 11:

Provided that –

- (i) in relation to electrical machinery installed in mines, a person holding a degree in electrical engineering of an educational institution approved by the Central Government may be so appointed;

- (ii) in relation to other machinery or mechanical appliances installed in mines, a person holding a degree in mechanical engineering of an educational institution approved by the Central Government may be so appointed, and
- (iii) in relation to the provisions of the Act and of the rules and regulations which relate to matters concerning the health and welfare of persons, a person holding a degree in Bachelor of Medicines and Bachelor of Surgery (M.B.B.S.) or such other qualification as may be prescribed, of an educational institution approved by the Central Government or a person holding such other qualifications as the Central Government may approve in this behalf, may be so appointed.

**27. Qualification and appointment of manager.**— (1) No mine shall be opened, worked or re-opened unless there is a manager of the mine, being a person duly appointed and having such qualifications as required under this regulation.

(2) No person shall act or be employed as a manager unless he has attained 23 years of age and is paid by, and is directly answerable to the owner or agent of the mine.

(3) Subject to the provisions of sub-regulation (4), no person shall act or continue to act, or be appointed, as manager of a mine or mines the average output of which corresponds to the figures given in column (i) of the table below unless he holds the corresponding qualifications given in column (ii) thereof:

(i)	(ii)
For belowground mines:	
(a) In excess of 2,500 tonnes per month	A First Class Manager's Certificate not restricted to opencast mines only.
(b) Not exceeding 2,500 tonnes per month.	A First Class Manager's Certificate or Second Class Manager's Certificate not restricted to opencast mines only.
For opencast mines:	
(c) In excess of 20,000 cubic metre per months of material handled	A First Class Manager's Certificate.
(d) Not exceeding 20,000 cubic metre material handled per month	A First Class Manager's Certificate or Second Class Manager's Certificate:

Provided that in respect of a mine having both opencast and underground workings, a person holding First Class Manager's Certificate not restricted to opencast mines shall only be appointed as the manager of the mine irrespective of production:

Provided further that where special conditions exist, the Chief Inspector may, by an order in writing, permit appointment of manager in a mine in variance with the above.

(4) Where under the provisions of sub-regulation (3) a person holding a First Class Manager's Certificate or Second Class Manager's Certificate has been appointed as manager, a person holding lower qualifications shall not, except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein, be so appointed during the succeeding twelve months, notwithstanding any reduction in the average output of the mine.

(5) No person shall act, or be appointed, as manager of more than one mine except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein:

Provided that no such permission shall have effect for a period exceeding twelve months, unless renewed:

Provided further that the Chief Inspector may at any time, by an order in writing, vary or revoke any such permission if the circumstances under which the permission was granted, have altered or the Chief Inspector finds that the manager has not been able to exercise effective supervision in the mines under his charge.

(6) Where by reason of absence or for any other reason, the manager is unable to exercise daily personal supervision or is unable to perform his duties under the Act or these regulations, or orders made thereunder, the owner, agent or manager shall authorise in writing a person whom he considers competent, to act as manager of the mine:

Provided that –

- (i) such person holds a Manager's Certificate;
- (ii) no such authorisation shall have effect for a period in excess of thirty days, except with the previous consent in writing of the Chief Inspector and subject to such conditions as he may specify therein;
- (iii) the owner, agent or manager, as the case may be, shall forthwith send by registered post, speed post or fax to the Regional Inspector a written notice intimating that such an authorisation has been made, and stating the reason for the authorisation, the qualifications and experience of the person authorised, and the date of the commencement and ending of the authorisation; and
- (iv) the Chief Inspector or the Regional Inspector may, except in the case of a person possessing the qualifications specified in sub-regulation (3), by an order in writing, revoke any authority so granted.

(7) The persons so authorised to act as manager under sub-regulation (6) shall, during the period of such authorisation, have the same responsibilities, discharge the same duties, and be subject to the same liabilities as the manager.

(8) No manager shall vacate his office without giving due notice in writing to the owner or agent at least thirty days before the day on which he wishes to vacate his office:

Provided that the owner or agent may permit the manager to vacate his office after giving a shorter notice.

(9) No owner or agent shall transfer, discharge or dismiss a manager unless the manager has been relieved by a duly qualified person as specified under sub-regulation (3).

(10) Nothing in sub-regulation (6) shall confer on the owner, agent or manager the right to authorise any person not duly qualified to manage the mine under sub-regulation (3) to act as the manager except in case of illness or other cause over which the manager has no control, or except with the previous written permission of the Chief Inspector and subject to such conditions as he may specify therein:

Provided that the Chief Inspector shall not permit any such authorisation for a period exceeding sixty days from the date on which the mine is worked without a manager duly qualified under sub-regulation (3).

(11) The owner or agent shall provide suitable residential accommodation for the manager and the assistant manager within a distance of five kilometers from all mine openings, and every manager, and assistant manager shall reside in the accommodation so provided:

Provided that where special difficulties exist which render compliance with these provisions not reasonably practicable, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the same.

(12) No manager shall be entrusted by the owner or agent with any work, nor shall he himself perform any work, which may necessitate his frequent or prolonged absence from the mine.

(13) If any doubt arises as to any matter under sub-regulation (11) or sub-regulation (12), it shall be referred to the Chief Inspector for decision.

(14) Except as hereinafter provided in sub-regulation (5), no manager shall act as manager or in any other capacity in another mine.

**28. Charge report of managers.-** When there is a change of manager of any mine, the outgoing manager shall hand over to the incoming manager, a charge report in a format as may be specified by the Chief Inspector, by a general or special order and the charge report shall be signed by both the outgoing and incoming managers and a copy of the charge report shall be sent to the Regional Inspector.

**29. Qualification and appointment of safety officer.-** In every belowground mine the average monthly output of which exceeds 5,000 tonnes or in every opencast mine the average monthly material handled of which exceeds 20,000 cubic metre, the manager shall be assisted in the work of promoting safe practices in the mine by a safety officer who shall be a person holding the following qualifications, namely:-

- (a) in the case of a belowground mine having an average monthly output in excess of 15,000 tonnes, a First Class Manager's Certificate not restricted to opencast mines only;
- (b) in case of a mine having opencast workings with an average monthly material handled in excess of 50,000 cubic metre, a First Class Manager's Certificate;
- (c) in case of a belowground mine having an average monthly output in excess of 10,000 tonnes, but not exceeding 15,000 tonnes, a First Class Manager's Certificate or Second Class Manager's Certificate not restricted to opencast mines only;
- (d) in case of a mine with opencast workings having an average monthly material handled in excess of 20,000 cubic metre but not exceeding 50,000 cubic metre, a First Class Manager's Certificate or Second Class Manager's Certificate;
- (e) in the case of a belowground mine having an average monthly output in excess of 5,000 tonnes but not exceeding 10,000 tonnes, holder of a First Class Manager's Certificate or Second Class Manager's Certificate not restricted to opencast mines only, or a degree or diploma in Mining or Mining Engineering approved by the Central Government:

Provided that where special conditions exist, the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, permit or require the appointment of a safety officer in variation of these provisions:

Provided further that where the Chief Inspector is of the opinion that, due to the large size of a mine, or due to other conditions existing at a mine, it is not possible for the safety officer to attend to his duties by himself, he may, by an order in writing and for reasons to be recorded therein, require the appointment of such number of persons holding such qualifications as he may specify in the order, to assist the safety officer.

**30. Appointment of assistant manager.-** In every mine, the manager shall be assisted by assistant managers on the scale as may be specified by the Board.

Provided that in specific cases, the Chief Inspector may relax the requirement of the appointment of assistant managers.

**31. Qualification and appointment of ventilation officer.-** In every belowground mine consisting of gassy seams of first degree, the average output of which exceeds 5,000 tonnes or of second or third degree the average output of which exceeds 2,500 tonnes, the manager shall be assisted in the work of supervising the maintenance of ventilation system of the mine in accordance with the provisions of these regulations by a ventilation officer who shall be a person holding the following qualifications, namely:-

- (a) in the case of a mine consisting of gassy seams of first degree and having an average output in excess of 15,000 tonnes or a mine consisting of gassy seams of second or third degree and having an average output in excess of 10,000 tonnes, a Manager's Certificate not restricted to open cast mines only; and
- (b) in every other case, a Manager's Certificate not restricted to opencast mines only or a Degree or Diploma in Mining or Mining Engineering recognised by the Central Government:

Provided that where special conditions exist, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require the appointment of a ventilation officer in variance of these provisions or require the appointment of such number of persons to assist the ventilation officer, as may be specified in the order:

Provided further that in the case of a mine consisting of gassy seams of first degree and having an average output less than 15,000 tonnes, the Chief Inspector may, considering the nature and extent of workings therein, permit, by an order in writing and subject to such conditions as he may specify therein, combine the post of ventilation officer with that of safety officer appointed under regulation 29.



**Explanation.-** For the purposes of this regulation the expression “average output” means the average per month of the total output during the preceding financial year from the belowground working of all seams:

Provided that where the mine consists of gassy seams of different degrees, the aforementioned average output shall be deemed to be from the seam or seams of the highest degree of gassiness.

**32. Appointment of engineers.**— (1) At every mine where machinery is used, an engineer holding a degree or diploma in mechanical engineering, electrical engineering, mining machinery or equivalent qualification as may be recognised by the Central Government, shall be appointed to hold general charge of such machinery, and to be responsible for its installation, maintenance and safe working, who shall be subordinate to manager:

Provided that where electrical energy exceeding 650 volts is used and the installed capacity of all electrical equipment is 1.5 MVA and above, an engineer holding a degree or diploma in electrical engineering or equivalent qualification as may be recognised by the Central Government, shall be appointed to hold charge of all the electrical equipment installed at the mine in addition to that specified above:

Provided further that in case of opencast mines worked by heavy earth moving machinery or in any mechanised mine having belowground workings, in which the aggregate horse power of all the machinery used exceeds 1500, a person holding a degree or diploma in mechanical engineering, mining machinery or equivalent qualification as may be recognised by the Central Government, shall also be appointed to hold charge of all the mechanical equipment installed at the mine in addition to that specified above:

Provided also that nothing in this sub-regulation shall be deemed to prohibit the employment of two or more engineers at one mine so long as the jurisdiction and sphere of responsibility of every such engineer is defined by the manager in writing.

(2) Notwithstanding anything contained in sub-regulation (1), the Chief Inspector may, by an order in writing, specify any qualification in addition to those referred to in that sub-regulation in respect of a mine or class of mines, if having regard to the conditions existing in such mine or class of mines, he is satisfied that it is necessary to do so in the interests of safety.

(3) No person shall act, or be appointed, as engineer of more than one mine except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein:

Provided that no such permission shall have effect for a period exceeding twelve months, unless renewed:

Provided further that the Chief Inspector may at any time, by an order in writing, vary or revoke any such permission, if the circumstances under which the permission was granted, have altered or the Chief Inspector finds that the engineer has not been able to exercise effective supervision in the mines under his charge.

(4) Where by reason of temporary absence by any cause, the engineer, appointed under sub-regulation (1) is unable to perform his duties, the manager shall authorise in writing a person whom he considers competent to act in his place:

Provided that —

- (a) notice of every such authorisation shall be sent to the Regional Inspector forthwith;
- (b) no such authorisation shall have effect for a period in excess of thirty days except with the previous written consent of the Regional Inspector and subject to such conditions as he may specify therein; and
- (c) the Regional Inspector may by an order in writing, revoke any authority so granted.

**33. Appointment and qualifications of senior officials.**— (1) At every mine, one or more overman shall be appointed to hold charge of the different districts of the mine on each working shift unless otherwise specified by the Regional Inspector.

(2) The district assigned to an overman under sub-regulation (1) shall not be of such a size, nor shall any additional duties other than his duties under these regulations be such, as are likely to prevent him from carrying out in a thorough manner, the duties assigned to him under these regulations.

(3) For the purposes of this regulation, every person employed as an official subordinate to the manager and superior to the Sirdar shall hold either a Manager's Certificate or an Overman's Certificate.

**34. Appointment of surveyors.**— (1) At every mine, one or more persons holding a Surveyor's Certificate shall be appointed to be the surveyor for carrying out the surveys and levellings and for preparing the plans and sections required under the Act or the regulations, or orders made thereunder.

Provided that in case of mines having opencast workings only, nothing in this sub-regulation shall prohibit the appoint of one or more persons holding a Surveyor's Certificate restricted to opencast mines only for carrying out the surveys and levellings and for preparing the plans and sections required under the Act or the regulations, or orders made thereunder.

(2) No person shall be appointed as a surveyor of more than one mine or in any other capacity in the same mine, without the previous permission in writing of the Chief Inspector and subject to such conditions as may be specified therein.

(3) The number of surveyors required to be appointed shall be on the scale as may be specified by the Board:

Provided that in specific cases, the Chief Inspector may relax the requirement of the appointment of surveyors.

(4) If a mine has more than one surveyor, each shall carry the duties and the responsibilities of the surveyor for the part or section of the mine to be assigned in writing by the owner, agent or manager:

Provided that the owner, agent or manager shall appoint one of the surveyors to be responsible for the preparation and maintenance of the plans required to be prepared and maintained under these regulations who shall also be responsible for co-ordination and overall supervision of survey work in the mine.

**35. Appointment of officials and competent persons.**— (1) The owner, agent or manager shall appoint such number of competent persons, including officials and technicians as is sufficient to secure, during each of the working shifts –

- (i) adequate inspection of the mine and equipment thereof;
- (ii) a thorough supervision of all operations in the mine;
- (iii) the installation, running and maintenance, in safe working order, of all machinery in the mine; and
- (iv) the enforcement of the requirements of the Act and rules and regulations framed thereunder.

(2) Without prejudice to the requirement of sub-regulation (1), where the mine is worked on more than one shift, the owner, agent or the manager shall arrange that during the afternoon shift and the night shift, the mine is under the general supervision of at least an assistant manager, and of an experienced overman in other cases.

(3) It shall be the responsibility of the manager to see that the persons so appointed are competent to perform the duties assigned to them:

Provided that no person shall be so appointed unless he is paid by the owner or agent and is answerable to the manager:

Provided further that the Chief Inspector under special circumstances may vary the requirements of this sub-regulation by an order in writing.

(4) Copies of all appointments made under sub-regulation (1) shall be entered in a bound-paged book kept for the purpose where a list of all such competent persons shall be maintained.

(5) Without prejudice to the requirements of sub-regulation (3), every manager on taking over charge of a mine, shall satisfy himself that all persons already appointed under sub-regulation (1) are competent to perform the duties assigned to them; and if he finds them competent, he shall either countersign their authorisations or issue fresh ones.

**36. General management.**— (1) The owner, agent and manager shall provide for the safety and proper discipline of persons employed in the mine.

(2) Except in a case of emergency, no person who is not an official or competent persons shall give, otherwise than through the manager, instructions to a person employed in a mine, who is responsible to the manager.

**CHAPTER V****DUTIES AND RESPONSIBILITIES OF MINE MANAGEMENT, CONTRACTORS, MANUFACTURERS, OFFICIALS, COMPETENT PERSONS AND WORKMEN**

**37. Duties and responsibilities of owner.**— (1) In taking preventive and protective measures, the owner shall arrange for regular assessment of the risk and dealing with it in the following order of priority:-

- (a) eliminate the risk;
- (b) control the risk at source;
- (c) minimize the risk that include the design of safe work systems; and
- (d) in so far as the risk remains, provide for the use of personal protective equipment, having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

(2) Owners shall take all necessary measures to eliminate or minimize the risks to safety and health of persons employed in mines under their control and shall-

- (a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to provide conditions for safe operation and a healthy working environment;
- (b) ensure that the machine is commissioned, operated, maintained and de-commissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;
- (c) take steps to maintain the stability of the ground in which persons have access in the context of their work;
- (d) where practicable, provide from every underground workplace, two exits each of which is connected to separate means of egress to the surface;
- (e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;
- (f) ensure adequate ventilation for all underground working to which access is permitted;
- (g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;
- (h) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires, explosions and inundations;
- (i) ensure that, when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location;
- (j) ensure that corrective actions are taken immediately, when manager or other officials report non-compliance with safety and health regulations or code of practice by any person.

(3) The owner shall ensure preparation of an emergency response plan specific to each mine for reasonably foreseeable industrial and natural disasters.

(4) Where workers are exposed to physical, chemical or biological hazards, the owner shall-

- (a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- (b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;
- (c) where adequate protection against risks of accident or injury to health including exposure to adverse conditions is not possible to be ensured by other means, provide and maintain at no cost to the worker, suitable protective equipment, clothing as necessary and other facilities as defined by these regulations;
- (d) provide workers who have suffered from an injury or illness at the workplace with first aid, appropriate transportation from the workplace and access to appropriate medical facilities.

(5) The owner shall ensure that-

- (a) adequate training and re-training programs and comprehensible instructions are provided for workers, at no cost to them, on safety and health matters as well as on the work assigned;
- (b) adequate supervision and control are provided in each shift to secure the safe operation of the mine;
- (c) a system is established so that the names of all persons who are employed belowground can be accurately known at any time, as well as their probable location;
- (d) all accidents and dangerous occurrences are investigated and appropriate remedial actions are taken;
- (e) the reporting of information and notices specified under regulation 8 is made to the Regional Inspector and to the Chief Inspector on accidents and dangerous occurrences.

(6) The owner shall ensure regular health surveillance of workers exposed to occupational health hazards specific to mining operations.

**38. General responsibilities of supplier, manufacturer and designer.-** A person who designs, manufactures, imports, provides or transfers machinery, equipment or substances for use in coal mines, shall -

- (a) ensure that the machinery, equipment or substances do not entail dangers for the safety and health of those using them correctly;
- (b) make available-
  - (i) information concerning their requirement for the correct installation, maintenance and use of machinery and equipment and the correct storage and use of substances;
  - (ii) information concerning the hazards of machinery and equipment, the dangerous properties of hazardous substances and physical agents or products; and
  - (iii) information on how to eliminate or control risks arising from the identified hazards associated with the products.

**39. Responsibilities of contractor.-** (1) A contractor deployed in a mine for any work shall-

- (a) establish effective ongoing communication and co-ordination between appropriate levels of supervisors, officials and senior officials of the mine prior to commencing work, which shall include provisions for identifying hazards and the measures to eliminate and control risks ;
- (b) ensure arrangements for reporting work related injuries and diseases, ill health and incidents among his workers while performing work in the mine;
- (c) provide relevant workplace safety and health hazards awareness and training to their workers prior to commencing and as work progresses as necessary; and
- (d) ensure compliance of the provisions of the Act, and the rules and regulations framed thereunder.

(2) When deploying contractors, the owner, agent and manager shall ensure that:

- (a) the same safety and training requirements apply to the contractors and their workers as to the workers of the establishment;
- (b) where required, only such contractors are deployed that have been duly registered or hold licenses; and
- (c) the contract specify safety and health requirements as well as sanctions and penalties in case of non-compliance and such contract shall include the right for mine officials to stop the work whenever a risk of serious injury is apparent and to suspend operations until the necessary remedies have been put in place.

**40. Duties of person employed in mines.-** (1) Every person shall strictly adhere to the provisions of the Act and of the rules and regulations made thereunder and to any order or direction issued by the manager or an official with a view to the safety or convenience of persons not being inconsistent with the Act, rules and these regulations; nor shall he neglect or refuse to obey such orders or directions.

(2) No person shall interfere with, impede or obstruct any person in the discharge of his duties, nor shall he offer or render any service, or use any threat, to any other person with a view to preventing him from complying with the provisions of the Act and of the rules and regulations made thereunder or from performing his duties faithfully.

(3) Every person shall, immediately before proceeding to work and immediately after terminating work at the end of his shift, have his name recorded in the register maintained under sub-section (4) of section 48 of the Act:

Provided that in case of workings belowground, the person shall get his name recorded every time he proceeds belowground or returns to the surface:

Provided further that electronic punching or registry system as approved by the Chief Inspector may also be provided and used for the purpose of identification, marking attendance and recording the name of the person and a hard (printed) copy of such record shall be kept forthwith for the purpose of record in the aforesaid register or in any other format specified by the Chief Inspector.

(4) Every person employed in a mine shall-

- (a) take reasonable care for their own safety and health and that of other persons who may be affected by their acts and omissions at work including the proper care and use of protective clothing, facilities and equipment placed at their disposal;
- (b) report forthwith to an official, any situation which he believes may pose a risk to his safety or health or that of other persons, and which he may not be able to properly deal with himself; and
- (c) co-operate with the employer to permit compliance with the duties and responsibilities placed on the employer.

(5) No person shall, except with the authority of an official, remove or pass through any fence, barrier or gate, or remove or pass any danger signal.

(6) Subject to any directions that may be given by an official, no person shall, except for some justifiable purpose, go into any part of the mine other than that part in which he works, or travels to or from his working place by any roadway other than the proper traveling roadway.

(7) No person shall sleep while on duty.

(8) Subject to the provisions of the Act and of these regulations and orders made thereunder, no person shall remain in a mine beyond the period over which his shift extends.

**41. Duties of competent person.-** Every competent person shall be subject to orders of superior officials, and shall not –

- (a) depute another person to perform his work without the sanction of his superior official;
- (b) absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by a duly competent person; and
- (c) without permission from such official, perform during his shift any duties other than those for which he has been appointed.

**42. Duties of officials.-** (1) Every official shall carry out the duties assigned to him by the manager or assistant manager in accordance with the provisions of the Act and of these regulations and orders made thereunder.

(2) Every official shall, to the best of his power, see that persons under his charge understand and carry out their respective duties properly.

**43. Duties and responsibilities of manager.-** (1) In every mine, daily personal supervision shall be exercised by the manager:

Provided that in case of working belowground, he shall visit and examine the working on at least four days in every week to ensure safety in every respect:

Provided further that at least one visit in every fortnight shall be made during the night shift:

Provided also that where owing to any unavoidable cause he is unable to carry out the aforesaid duties or inspections, he shall record the reasons for the same in the book kept under sub-regulation (2).

(2) The manager shall maintain, in a bound paged book kept for the purpose, a diary; and shall record therein the result of each of his inspections and also the action taken by him to rectify the defects noticed, if any.

(3) The manager shall make arrangements for all overmen and other officials to meet him or the assistant manager once in every working day for the purpose of conferring on them matters connected with their duties.

(4) The manager shall ensure sufficient supply of proper materials and appliances for the safety of the mine and the persons employed therein; and if he be not the owner or agent of the mine, shall report in writing to the owner or agent, when anything is required for the aforesaid purpose that is not within the scope of his authority to order, and a copy of every such report shall be recorded in a bound-paged book kept for the purpose.

(5) On receipt of a requisition under sub-regulation (4), the owner or agent shall promptly arrange to supply the said materials and appliances, and shall within three days of receipt of the requisition, intimate to the manager in writing the action taken to meet the requisition.

(6) The manager shall assign to every competent person his particular duties and take all possible steps to ensure that every such person understands and carries out the provisions contained in the Act and the rules or regulations made thereunder in a proper manner.

(7) The manager shall provide every overman with a tracing, upto the date of the last survey, showing the workings of the district belowground assigned to him and such tracing shall, where any work of reduction or extraction of pillars is being carried out, show clearly the reference of the permission and the manner in which such reduction or extraction is to be carried out:

Provided that in case of opencast mines, such tracing shall also show the sections of the working under his charge.

(8) The manager shall examine all reports, registers and other records required to be made or kept in pursuance of the provisions of the Act or of the regulations or orders made thereunder, and shall countersign the same with date:

Provided that the manager may, by an order in writing, delegate this duty to an assistant manager except in cases where a specific provision is made requiring the manager to countersign a report or register.

(9) The manager shall give attention to, and cause to be carefully investigated any specific representation or complaint that may be made to him in writing by an employee of the mine as to any matter affecting the safety or health of persons in or about the mine.

(10) When there occurs in a mine any accident resulting in serious bodily injury or loss of life to any person or any dangerous occurrence, as specified under clause (b) of sub-regulation (1) of regulation 8, the manager shall, as soon as possible, inspect the site of the accident or the dangerous occurrence, as the case may be, and shall also, either himself or through an assistant manager, have an inquiry made into the cause and circumstances attending the same and the result of every such enquiry along with a plan and sections and, wherever practicable, a photograph or photographs of the site of the accident or dangerous occurrence showing details, shall be recorded in a bound paged book kept for the purpose and a copy thereof shall be furnished to the Chief Inspector and Regional Inspector within fifteen days of the accident.

(11) The manager shall perform such other duties as have been prescribed in that behalf under the provisions of the Act, the regulations or orders made thereunder.

(12) The manager may suspend or take such disciplinary action against any employee for contravention of any of the provisions of the Act or the regulations and orders made thereunder.

**44. Duties of safety officer.**— (1) The duties of the safety officer shall be—

- (a) to visit surface and underground parts of the mine with a view to meet the workers on the spot, to talk to them on matters of safety and invite suggestions thereon;
- (b) to take charge of the newly recruited staff and show them around the mine pointing out the safe and unsafe acts during the course of their work in the mine;

- (c) to investigate all types of accidents and incidents in the mine including minor accidents and analyse the same with a view to pinpoint the nature and common causes of accidents in the mine;
  - (d) to maintain detailed statistics about mine accidents and to analyse the same with a view to pinpoint the nature and common causes of the accidents in the mine;
  - (e) to study and apprise the manager of all possible sources of danger such as inundation, fire, coal dust and others;
  - (f) to hold safety classes and give safety talks and lectures to the members of the supervisory staff;
  - (g) to organise safety weeks and other safety education and propaganda programmes in mine;
  - (h) to see that all concerned mine employees are fully conversant with various standing orders (such as those relating to stoppage of mine mechanical ventilators and to the occurrence of a fire or other emergency in the mine), codes of practices and support plan;
  - (i) to provide assistance in the formulation of programme for training at the mine level, including vocational training, training in gas testing, and training in first aid, etc;
  - (j) to report to the manager as a result of his visits to the various parts of mine, as to whether the provisions of the Act, and the rules and regulations made thereunder are being complied with in the mine;
  - (k) to promote safe practices generally and to lend active support to all measures intended for furthering the cause of safety in the mine and follow up measures for compliance to the recommendations of the Safety Committee and Workman's Inspectors;
  - (l) to assist the manager in any other matter relating to safety in the mine.
- (2) The safety officer shall ensure that an appropriate emergency plan as required under these regulations is put in place and the requirements of the same are implemented.
- (3) Except in an emergency, no duties other than those specified above shall be assigned to the safety officer.
- (4) The safety officer shall maintain in a bound paged book a detailed record of the work performed by him every day.

**45. Duties and responsibilities of assistant manager.-** (1) The assistant manager shall carry out the duties assigned to him by the manager, and shall see that in the part of the mine assigned to him by the manager, all work is carried out in accordance with the provisions of the Act and of the regulations and orders made thereunder.

- (2) The assistant manager shall, subject to the orders of the manager, visit and examine the workings under his charge, or part thereof, on every working day.
- (3) The assistant manager shall, from time to time, carefully examine every travelable part of the mine or part thereof placed under his charge, whether frequented by work persons or not.
- (4) In the absence of the manager, the assistant manager shall have the same responsibility, discharge the same duties and be subject to the same liabilities as the manager, but not so as to exempt the manager therefrom.
- (5) The assistant manager shall, in a bound paged book kept for the purpose, record the result of each of his inspections and also the action taken by him to rectify the defects noticed, if any.

**46. Duties of ventilation officer.-** (1) The ventilation officer shall-

- (a) ensure the observance of all regulations and orders concerning ventilation, spontaneous heating, fire, gas and coal dust including dust suppression and shall advise the manager, if any alteration is required in the ventilation system to ensure adequacy of ventilation in compliance with these regulations or orders;
- (b) advise the manager on day to day problems of ventilation, gas, coal dust, spontaneous heating and fire;

- (c) maintain close liaison with the assistant managers and other officials, and assist them in their day-to-day ventilation problems;
- (d) carry out ventilation surveys of the mine and undertake any other special work relating thereto as may be directed by the manager from time to time;
- (e) take such steps as are necessary to ensure compliance with the ventilation standards required in terms of these regulations or otherwise;
- (f) check the speed of main mechanical ventilator, amperage drawn by its electric motor, and fan drift water gauge at least once in a day and he shall investigate any unusual change in the water gauge and report to the manager;
- (g) determine the efficiency of the main mechanical ventilator once at least in every three months and get the fan blades and the fan drift cleaned when necessary;
- (h) ensure that copies of standing orders in the event of stoppage of the main mechanical ventilator are posted at conspicuous places at the mine, and also ensure that the persons concerned understand the instructions contained therein;
- (i) ensure the correct siting and installation of auxiliary and booster fans belowground;
- (j) examine at frequent intervals all ventilation appliances like doors, brattices, air crossings, regulators, stoppings, booster and auxiliary fans, ventilation ductings and other devices of ventilation control in the mine and report any defect in the same to the manager;
- (k) take necessary steps to stop any leakage through any of the devices and ensure that the ventilation appliances are maintained in good order;
- (l) ensure that sufficient quantity of good air is coursed into all working places and reaches all workings belowground, and for this purpose, shall -
  - (i) see that the ventilation stoppings, brattices, etc., are constructed as per specifications and are kept extended sufficiently;
  - (ii) see that measurements of air quantity, temperature and humidity are regularly taken as specified and bring up-to-date the entries on the check boards provided at each air measurement station;
  - (iii) determine the Ventilation Efficiency Quotient (VEQ);
  - (iv) see that mine air samples are properly collected at the appointed time and place, and analysed within forty-eight hours of taking thereof; and
  - (v) make observations for inflammable and any other harmful gases;
- (m) maintain separate tracing of the ventilation, rescue, stone dusting and the dust sampling plans and bring them up-to-date;
- (n) bring to the notice of surveyor any changes in the ventilation system or ventilation appliances and shall ensure that all old markings on the ventilation and rescue plans are corrected and new ventilation circuits are shown forthwith;
- (o) regularly check the barometer provided at the mine and report any unusual change in barometric pressure to the manager for appropriate actions;
- (p) take care of the instruments and apparatus used in the mines for environmental monitoring and ensure that all such instruments are maintained in good order and calibrated at specified intervals;
- (q) regularly visit returns of working districts and old workings including fire stoppings, if necessary, for symptoms of spontaneous heating and fire and report to the manager forthwith any such symptoms observed by him and shall himself take such steps as may be immediately necessary for the safety of the workers;
- (r) check the fire fighting measures and take necessary steps by regular rehearsals to ensure that all fire fighting equipments are maintained in working order and the concerned staff are fit and conversant with their duties in the event of a fire in the mine;



- (s) take necessary steps for proper cleaning, treatment and suppression of coal dust in the mine and see that the arrangements for wet-cutting at the faces and water spraying at and within ninety meters of the working places are properly installed and function satisfactorily;
- (t) ensure that the stone dust barriers are correctly sited, properly constructed and maintained in accordance with the statutory requirements or otherwise; and bring the entries on the check boards up-to-date from time to time;
- (u) ensure that samples of mine roadway dust and of airborne dust (if required by the manager) are regularly taken in the specified manner;
- (v) collect air samples from sealed off areas, exhaust gases from diesel vehicles and from such other places as may be required by the manager;
- (w) ensure that all records and reports relating to ventilation, spontaneous heating, fire, gas and coal dust are kept up-to-date and entries are made regularly in the check boards for ventilation and stone dust barriers:

Provided that nothing contained above shall exempt the manager, assistant manager, surveyor, overman, sirdar or any other competent person concerned, from any corresponding duties and responsibilities specified for them in these regulations or any orders made thereunder; and

- (x) assist the manager in any matter relating to the ventilation of the mine.
- (2) No duties other than those specified above shall be assigned to the ventilation officer except in an emergency.
- (3) The ventilation officer shall maintain, in a bound paged book, a detailed record of the work performed by him every day.

**47. Duties and responsibilities of overman.**— (1) The overman shall subject to the orders of superior officials, have responsibility, charge and control of such part of the mine, and shall carry out such duties, as may be assigned to him by the manager.

- (2) The overman shall, -
  - (a) while on duty, carry a tracing of the workings of such district and shall keep the tracing up-to-date;
  - (b) in his district, make the inspections and reports required by these regulations;
  - (c) ensure that the subordinate officials and competent persons in his district carry out their respective duties in a proper manner;
  - (d) ensure that mining operations in the part of the mine assigned to him under sub-regulation (1) are carried out as per the code of practices framed under these regulations.
- (3) The overman shall, to the best of his power, enforce in his district the provisions of the Act, of these regulations and orders made thereunder, and shall, subject to the control of manager and the assistant manager, if any, give such directions as may be necessary to ensure compliance with those provisions, and to secure the safety of the district and the safety and proper discipline of the persons employed therein.
- (4) The overman shall see that sufficient supplies of timber, support materials, brattice, tools and tackles, appliances, and other necessities required for the safe working of his district are kept at convenient places therein.
- (5) The overman shall –
  - (a) ensure that every air-crossing, stopping, door, brattice and other ventilation device is maintained in good order;
  - (b) ensure that the ventilation is effective in his district, and when brattices or air pipes or ducts are required to be used for the ventilation of the working places, he shall see that they are kept sufficiently advanced so that an adequate amount of air reaches every such working place;
  - (c) have power to send out of the mine any person under his charge who infringes or attempts to infringe any provision of the Act or of the regulations or orders made thereunder, or fails to carry out any direction given with regard to safety, and shall report such matter in writing to the manager;

- (d) ensure that all tracks and tramlines are properly laid, graded, ballasted or otherwise packed;
  - (e) see that the manholes on the haulage roadways are kept safe, clear of any obstruction, and properly white-washed;
  - (f) ensure that the stop-blocks, runway switches and other safety devices are fixed and used as required under the regulations, drag or back-stays are provided and regularly used behind tubs ascending inclines and that a sufficient supply of suitable sprags is provided where tubs are loaded on a gradient or lowered down a gradient by hand;
  - (g) stop the use forthwith if he finds any of the ropes, chains, signals, brakes, jig wheels and post or other apparatus in use in his district to be in an unsafe condition;
  - (h) ensure that, except for the purposes of inspection, examination and repair every person other than an official or a haulage attendant travels by the travelling roadway;
  - (i) give prompt attention to the removal of any danger observed or reported to him, and shall see that dangerous places are adequately fenced off;
  - (j) see that approved safety lamps are used belowground.
- (6) In case of opencast workings, the overman shall ensure that-
- (a) sides of benches are kept properly dressed;
  - (b) stability of benches is not endangered;
  - (c) haul roads are kept maintained;
  - (d) stability of overburden dumps is not endangered;
  - (e) there is no over-crowding of men and machinery at the working faces;
  - (f) adequate lighting is provided at the area under his control; and
  - (g) adequate precautions as laid down in these regulations are taken before blasting operations is conducted;
  - (h) all machinery and plant are operated in safe and secured manner.
- (7) The overman shall –
- (a) devote the whole of his time to his duties and visit each working place in his district as often as may be necessary or possible;
  - (b) not, except for justifiable cause, leave the district in his charge until he has finished the inspections required under these regulations and any other duties that he is required to perform, or until relieved by a duly appointed substitute;
  - (c) if the mine is working in a continuous succession of shifts, confer with the official succeeding him and give him such information as may be necessary for the safety of his district and of persons employed therein;
  - (d) at the end of his shift, record in a bound paged book kept for the purpose a general report in the specified format on the performance of all his duties during the shift, including anything concerning the proper working of the mine and the safety and discipline of persons employed in his district.

**48. Duties and responsibilities of sirdar.**— (1) The sirdar or other competent person appointed under regulation 129 shall, subject to orders of superior officials, have responsibility, charge and control of the district of the mine assigned to him by the manager or assistant manager.

(2) The sirdar shall -

- (a) take reasonable means to ensure proper observance of the requirements of the Act and of the regulations, and orders made thereunder by persons under his charge and shall, as soon as practicable, report any contravention thereof to his superior official;
- (b) make such inspection and reports as are required by these regulations, and in making such examination, he shall pay particular attention to edges of the goaf, if any, for checking supports and for presence of gas;

- (c) except in the case of a mine working in a continuous succession of shifts, on completion of the first inspection of the district, proceed to the station specified under regulation 129 and instruct all persons as to their places of work and as to any special precautions necessary to be observed by them;
  - (d) if he finds any person in a place other than the one assigned to him, he may order such person out of the mine, and shall forthwith report the matter to his superior official;
  - (e) ensure that no inexperienced person is employed on any work except under the supervision of an experienced person.
  - (f) see that the roof and sides of all traveling roadways and working places in his district are made and kept secure;
  - (g) where the height of any working place in the district in his charge measured from floor to roof exceeds three meters, see that a suitable wooden bunt or pole by which all parts of the roof may be effectively tested by a person standing on the floor and a ladder of suitable length are kept at convenient places in the district;
  - (h) report to his superior official any deficiency in timber, support materials, appliances and other necessities required for the safe working of the district;
  - (i) Where either of the two ways affording means of egress from the district to the surface is not ordinarily used for travelling, travel, once at least in every seven days, the whole of such roadway in order to make himself thoroughly acquainted with the same; and
  - (j) see that no support is withdrawn except by means of a safety prop-withdrawer.
- (3) If sirdar observes any dangerous place during the course of his inspections or if any danger at a place where work persons are employed is reported to him, he shall, if the danger is not possible to be removed forthwith, withdraw all persons from such place and shall not leave the place until the danger has been removed in his presence or all approaches to the place have been fenced off so as to prevent persons from inadvertently entering such place.
- (4) The sirdar shall -
- (a) take care that any dangerous operation is carried out with due precautions, and in such cases shall be present throughout whenever any work of clearing falls of ground and setting of supports therein is being carried out;
  - (b) cause the entrance to every place which is not in actual use or in course of working or extension, to be fenced across the whole width, so as to prevent persons from inadvertently entering such place;
  - (c) if he finds any accumulation of inflammable or noxious gases, take such precautions as specified in regulation 166 and shall not remove such accumulation until he has received instructions in that behalf from his superior official;
  - (d) on receipt of information of an accident to any person in his district, proceed at once to the place of accident, inspect the place and, if required, supervise the rescue operations, and shall report or send notice of the accident to the manager or assistant manager;
  - (e) devote the whole of his time to his duties, and shall not leave the mine until the end of the shift or until relieved by a duly appointed substitute;
  - (f) if the mine is worked by a continuous succession of shifts, before leaving his district, confer with the sirdar or other competent person succeeding him, and shall acquaint him with all matters requiring his personal attention and give him such other information as may be necessary for the safety of his district and of the persons employed therein;
  - (g) see that mining operations in the district of the mine assigned to him under sub-regulation (1) are carried out as per the code of practices framed under these regulations.
- (5) In case of opencast workings, the sirdar shall ensure that-
- (a) sides of benches are kept properly dressed;
  - (b) stability of benches is not endangered;

- (c) haul roads are kept maintained;
- (d) stability of overburden dumps is not endangered; and
- (e) dust control measures are implemented.

**49. Duties and responsibilities of shotfirer.**— The shotfirer shall –

- (a) carry out his duties in accordance with the provisions of these regulations and of any orders made thereunder with respect to the transport and use of explosives;
- (b) be responsible for the observance by his assistants, if any, of such provisions and of any direction with a view to safety which may be given to them by a superior official;
- (c) not hand over any explosives to any unauthorised person;
- (d) ensure that clay, sand or other suitable stemming material is available in sufficient quantities at convenient places;
- (e) be present when shots are being charged and stemmed; and shall himself fire the shots;
- (f) be responsible, when a shot has misfired, for seeing that the place is adequately fenced and that the provisions of regulation 204 are strictly observed.

**50. Duties of support man.**— The support man shall -

- (a) carry out the orders of the manager or assistant manager, overman, sirdar or other competent person with respect to the securing of roof and sides and the other working places;
- (b) ensure placement of supports are strictly in accordance to the support plan;
- (c) at once report to the sirdar or other competent person any shortage of support materials in his district;
- (d) in case of use of timber, be responsible to see that woodcuttings are not left in any working belowground.

**51. Duties of attendant of main mechanical ventilator.**— The person in charge of the main mechanical ventilator shall –

- (a) keep the ventilator running at the speed fixed by the manager;
- (b) examine the machinery and observe the pressure-recording or water gauge and the speed-indicator at intervals of not more than one hour, and shall enter the readings of the indicator in a bound paged book kept for the purpose at the fan-house;
- (c) immediately report to his superior official any stoppage of, damage to, or defect or derangement in the machinery, or any unusual variation in the water-gauge or other indicators and shall also immediately report to him any unusual circumstances in regard to mine ventilation which may come to his notice;
- (d) not leave his place until relieved by a duly appointed substitute where the ventilator is continuously operated.

**52. Duties of lamp room in-charge.**— The person in-charge of a safety lamp-room shall-

- (a) be responsible for ensuring that all lamps in the safety lamp- room including safety lamps are properly maintained as per manufacturers specifications and in accordance with the provisions of these regulations;
- (b) see that the safety lamp-room is kept in a neat and tidy condition, and that all damaged and defective gauges, glasses and other parts of safety lamp are not kept or stored in such room;
- (c) see that fire extinguishers or other means of dealing with fires provided in the safety- lamp rooms are in good condition and readily available for use;
- (d) see that all records required by the regulations for the issue, return and maintenance of safety lamps are properly maintained;
- (e) see that every person going below ground is provided with a lamp having adequate charge to sustain at least whole of the shift;

- (f) carry out such other duties relating to the maintenance, issue and return of safety lamps as may be specified by the manager or the assistant manager.

**53. Duties and responsibilities of surveyor.**— (1) The surveyor shall –

- (a) make such accurate surveys and levellings, and prepare such plans and sections and tracings thereof, as the manager may direct or as may be required by the Act or by the regulations or orders made thereunder, and shall sign the plans, sections and tracings and date his signature;
- (b) be responsible for the accuracy of any plan and section, or tracings thereof that has been prepared and signed by him.

(2) The surveyor shall record in a bound paged book kept for the purpose –

- (a) the full facts when working of the mine have approached to about 120 meters from the mine boundary, or from disused or waterlogged workings;
- (b) any doubts which may arise or exist concerning the accuracy of the plans and sections prepared under these regulations;
- (c) any other matter relating to the preparation of the plans and sections that he may like to bring to the notice of the manager,

and every entry in the book shall be signed and dated by the surveyor and countersigned and dated by the manager:

Provided that where in any mine two or more surveyors are employed, each of the surveyors shall make the entries aforesaid in respect of the workings in his jurisdiction or of the plans and sections in his charge.

(3) Nothing in sub-regulation (2) shall absolve the owner, agent or manager of his responsibility under the provisions of the Act and under these regulations or orders made thereunder.

**54. Duties and responsibilities of engineer.**— The engineer or other competent persons appointed for the purpose shall—

- (a) subject to the orders of the manager and other superior official, hold general charge of all machinery at the mine; and shall be responsible for the proper installation, maintenance and safe working of such machinery;
- (b) when any machinery is shifted or newly installed, ensure that it is given a trial run before it is put into use, and shall be present during every such trial run;
- (c) be present throughout whenever any work of installing, changing or recapping of any winding rope, or of installing, changing or annealing any suspension gear, is being carried on;
- (d) ensure that the provisions of the Act and of these regulations and orders made thereunder relating to the installation, maintenance, operation or examination of machinery are properly carried out by himself and by subordinate officials, competent persons or work persons as the case may be, appointed for the purpose;
- (e) if mechanics, electricians or other subordinate officials or competent persons are appointed for the purpose, examine all reports, registers and other records relating to the installation, maintenance, operation or examination of machinery required to be made or kept in pursuance of the Act, these regulations or orders made thereunder, and shall countersign the same and date his signature.

**55. Duties of winding engineman.**— (1) A winding engineman shall—

- (a) at the beginning of his shift, examine the engine, brakes and all appliances in his charge and satisfy himself that they are in good working order;
- (b) during his shift, keep the winding engine and apparatus connected therewith properly cleaned and oiled and shall ensure that the engine room is clean and free of inflammable material;
- (c) immediately report in writing to the engineer or other competent person appointed for the purpose any defect which he has noticed in the engine, brake, indicator, drum, rope or other appliances under his charge;

- (d) not allow any unauthorised person to enter the engine room or in any way to interfere with the engine;
- (e) thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals and shall not start the engine until he has received the proper signal to do so:

Provided that if the signal is indistinct, he shall not start the engine until it has been repeated and he clearly understands it;

- (f) avoid jerk in starting, running and stopping the engine, and shall cause the cage or other means of conveyance to be brought gently to rest at any stopping place;
- (g) while persons are being lowered or raised in the shaft, the winding engineman shall not drive the engine at a speed higher than that fixed by the manager for man-riding purposes and approved by the Regional Inspector;
- (h) not unclutch the drum of his engine until he has assured himself immediately beforehand by testing the brake of the drum against the full power of the engine to see that the brake is in proper condition to hold the load suspended from the said drum:

Provided that when the drum is unclutched, he shall use the brake only for the purpose of maintaining such drum stationery, and shall not lower men or materials from an unclutched drum;

- (i) on no pretext leave the handle or brake whilst the engine is in motion, or while persons are riding a cage or other means of conveyance in the shaft; and
- (j) not leave the engine whilst persons are at work in the shaft, and whenever he has occasion to leave the engine, he shall cut off the power and secure the drums with brake;

(2) The winding engineman of a winding engine by which persons are lowered or raised in a shaft, shall not leave the engine at the end of his shift unless all the persons have come out of the shaft or unless relieved by a duly appointed substitute.

**56. Duties of banksman and onsetter.**— (1) Every banksman or onsetter shall-

- (a) subject to the orders of a superior official, have full control of the top or bottom of shaft or the inset, as the case may be, and shall report to such official any person who, without authority, gives a signal or disobeys instructions;
- (b) thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals, and shall properly transmit the signals by the means provided:

Provided that the banksman or onsetter shall not act on any signal, the correctness of which he is in doubt, except a signal which he believes to be “to stop” and shall not allow any unauthorised person to give signals;

- (c) immediately report to his superior official any defect in the signalling installation;
- (d) devote the whole of his time to his duties, and shall not leave his post during the period of his duty. Where persons are raised or lowered in the shaft, he shall not leave his post at the end of his shift unless all the persons have come out of the shaft or unless relieved by a duly appointed substitute;
- (e) not allow more than the authorised number of persons to enter the cage or other means of conveyance at any one time;
- (f) not, unless specially authorised in writing by the manager in that behalf, allow any person when riding in a cage or other means of conveyance, to take with him any bulky materials other than tools and instruments:

Provided that nothing in this clause shall be deemed to prohibit the carrying, in a cage or other means of conveyance, of explosives by a shotfirer or other competent person;

- (g) after any stoppage of winding for repairs or for any other cause for a period exceeding two hours, not allow any person to ride in the cage or other means of conveyance unless it has been run at least one complete trip up and down the working portion of the shaft;
- (h) not allow any person to ride on the top or edge of any cage or other means of conveyance except when engaged in examination, repair or any other work in the shaft;

- (i) after persons have entered the cage, see that the cage gates on both sides are in position and closed, before signaling for the cage to be lowered or raised;
  - (j) not allow any unauthorised person to handle tubs in or out of the cage;
  - (k) while tubs are being lowered or raised, see that the catches are holding the tubs properly before signaling the cage or other means of conveyance away and if he notices any defect in the tub-catches, he shall immediately inform his superior official;
  - (l) at any entrance into a shaft or inset which is provided with gates or fences not worked by the cage or other means of conveyance, not begin to remove the gate or fence until the cage or other means of conveyance has stopped at the entrance, and shall close the gate before he has signalled the cage or other means of conveyance away, and he shall not permit any unauthorised person to open or interfere with the gate;
  - (m) see that all fences and gates provided at the top of the shaft or at any inset are in position;
  - (n) not permit any unauthorised person to remove a fence or gate and if he notices any defect in such fence or gate, immediately inform his superior official;
  - (o) keep the top of the shaft or the inset and the floor of every cage free from loose materials;
  - (p) when long timber, pipes, rails or other materials projecting over the top of a cage or other means of conveyance are lowered or raised, ensure that the projecting ends are securely fastened to the rope, chains or bow;
  - (q) when he suspects that the cages are not working smoothly in the shaft or when he hears anything unusual happening in the shaft while the winding engine is working, immediately give signal to the winding engineman to stop the engine.
- (2) The banksman shall-
- (a) at the beginning of his shift, see that the keys are in proper working order;
  - (b) when he is informed of any danger in the shaft, not allow any person to descend except for the purpose of examination or repair and during the time that such examination or repair is going on, be on duty and listen for signals;
  - (c) not permit any person descending the shaft to carry any intoxicating drink or drug, or allow any intoxicated person to descend.
- (3) The banksman shall not leave his place of work unless duly relieved by his successor.

**57. Duties of haulage engineman, attendant, etc.-** (1) At the beginning of his shift, the haulage engineman shall examine the engine, its brake and all appliances in his charge, and shall satisfy himself that they are in good working order.

(2) The haulage engineman shall, during his shift keep the haulage engine and apparatus connected therewith properly cleaned and oiled, and the engine-room clean and free of inflammable material.

(3) The haulage engineman shall report immediately to the engineer or other competent person appointed for the purpose any defect which he has noticed in the engine, brake, drum, rope or other appliances under his charge.

(4) Whenever the haulage engineman has occasion to leave the engine, he shall cut off the power and secure the engine with the brake.

(5) The haulage engineman and signaler shall not allow any unauthorised person to enter the engine-room or in any way to interfere with the engine or signal, as the case may be.

(6) Every haulage engineman and signaler shall thoroughly acquaint himself with, and carefully attend to, the prescribed code of signals.

(7) The haulage engineman shall not start the engine until he has received the proper signal to do so and if the signal is indistinct, shall not start the engine until it has been repeated and he clearly understands it.

(8) The person in charge at the top of any haulage plane or incline shall ensure that the stop-blocks are blocking the way, before allowing any tub to be brought on to the top landing and shall cause the tubs to be securely coupled up to each other and to the rope or chain, before the stop block is opened. In case any

alternative safety appliance is provided, he shall cause the same to be brought into use on every such occasion.

(9) The person who is responsible for the attachment to the haulage rope, of any tub or set of tubs at any stopping place on any haulage plane or incline, shall ensure that no person remains in a position of danger at or near such stopping place while the rope is in motion.

(10) The person in charge of any tubs or set of tubs, which it is intended to send up any haulage plane or incline on which drags or back-stays are required to be used, shall securely fix the drag or back-stay or cause it to be so fixed, before such tub or set of tubs is set in motion.

(11) The person in charge at the top or bottom of the incline shall ensure that no unauthorised person rides on any tub.

(12) Before a train of side-tipping tubs is set in motion, the person in charge shall ensure that the safety catches of all such tubs are properly secured.

**58. Duties of locomotive driver.**— The locomotive driver shall—

- (a) before commencing work in his shift, ensure that the audible signal, lights and the brakes of the locomotive are in proper working order;
- (b) not work the locomotive unless the locomotive is fitted with sufficient headlights;
- (c) immediately report to the engineer or other competent person appointed for the purpose any defect which he has noticed in the locomotive or any part or fitting thereof;
- (d) not set the locomotive in motion until audible warning has been given by him to persons whose safety may be endangered and also give the audible warning when the locomotive is approaching a level crossing or any place where any person is at work or where the driver's sight is intercepted;
- (e) not leave a locomotive unattended away from the place where it is housed, unless he has ensured that it cannot be set in motion by any unauthorised person;
- (f) ensure that no unauthorised person drives, handles or rides on a locomotive;
- (g) ensure that when tubs or wagons are being pushed in front of the locomotive, the shunter shall accompany the leading wagon.

**59. Duties of cutting and loading machine driver and mechanic or fitter.**— (1) When a machine is required to work on a gradient exceeding 1 in 5, an effective contrivance to prevent the machine running back shall be provided and used.

(2) No cutting or loading machine shall be flitted or otherwise moved with the cutting or loading tool in motion, except in the actual process of cutting or loading, and if the cutting or loading tool, as the case may be, is not possible to be locked out of gear securely, it shall be removed before flitting is started.

(3) No person shall make any repair or adjustment to a cutting or loading machine or shall put in or take out a pick, until he has made such arrangements as will prevent the mechanism being inadvertently put into motion while such operation is being performed.

(4) No person shall open or replace the cover of any electrical part of a cutting or loading machine, except under the supervision and in the presence of an engineer, electrician or other competent person appointed for the purpose.

(5) The cutting or loading machine driver shall not leave the machine unless he has completely cut off the power and has assured himself that the moving parts of the machine shall not be inadvertently set in motion.

**60. Duties of magazine in-charge.**— The magazine in-charge shall —

- (a) subject to the orders of superior officials, be responsible for the proper receipt, storage and issue of explosives in and from the magazine;
- (b) maintain such records of the explosives received, stored and issued under clause (a), as are required under the provisions of the Act, the Explosives Act, 1884 (4 of 1884) and the rules, regulations or orders made thereunder;



- (c) not issue explosives to any person other than a competent person and when explosives are returned to the magazine, shall re-issue such explosives before issuing fresh stock;
- (d) record in a bound paged book kept for the purpose, the names of various competent persons and the quantity and nature of explosives issued to each of them; and similarly record the quantity and nature of explosives returned to the magazine by each such person;
- (e) securely lock each canister before issuing it to the competent person and also check whether the canister is returned to the magazine in locked condition and shall not issue explosive in any canister which is not in proper repair or which is not possible to be securely locked;
- (f) not allow any unauthorised person to enter the magazine;
- (g) not issue any explosive for which the stipulated shelf life has expired; and
- (h) if he discovers any shortage of explosives in the magazine, forthwith inform the manager in writing.

**61. Duties of register keeper and attendance clerk, etc.-** (1) Every person appointed to keep register or other records required to be kept by or under the Act or under these regulations, or orders made thereunder, or to make entries therein, shall make the necessary entries in ink or by other means specified by the Chief Inspector with reasonable dispatch.

(2) During the whole time that persons are at work, the attendance clerk shall remain on duty at attendance cabin which shall be provided near the workplaces, or in case of working belowground, near the outlet used by the work persons to enter and leave such workings.

(3) No person who is not an employee of the mine or is not entitled to enter the mine under the Act or under the regulations, or orders made thereunder, or is not so authorised by the manager, shall enter the mine.

(4) It shall be the duty of the attendance clerk to ensure that no such person enters the mine and if any such person forcibly enters the mine, the attendance clerk shall immediately report the matter in writing to the manager.

(5) If after the commencement of a shift, any official or a competent person has not got his attendance recorded in the register maintained under sub-section (4) of section 48 of the Act, the attendance clerk concerned shall, within two hours after the commencement of the shift, report the fact in writing or by other means prescribed by the Chief Inspector, to the manager or the assistant manager or other official in-charge of the shift.

**62. Duties of operators of heavy earth moving machineries, excluding trucks, tippers and dumpers.-** Every person authorised to operate heavy earth moving machineries such as dragline, shovel or excavator shall –

- (a) inspect the machine assigned to him in the beginning of his shift and test the various systems, sub-systems and protective devices, as stipulated in this respect by the engineer in consultation with the manufacturer or supplier;
- (b) not take out the machine for work nor shall he operate the machine unless he is satisfied that it is mechanically sound and in efficient working order;
- (c) maintain a record of every inspection made under clause (a) in a bound paged book kept for the purpose and shall sign every entry made therein;
- (d) keep the cabin or engine room and all window glasses clean;
- (e) keep the walkways, hand-rails, ladder-ways free of loose tools, lubricants or other material that might fall or cause a tripping hazard;
- (f) not allow any unauthorised person to ride on the machine;
- (g) not move or operate the machine when persons are in such proximity as to be endangered;
- (h) not swing the bucket over the passing haulage units or over the cabin of units being loaded;
- (i) lower the bucket to ground, switch-off the power supply to the machine or stop the prime mover and lock the cabin door before leaving the machine;

- (j) strictly adhere to the codes of practices prepared under regulation 110 while operating the machinery;
- (k) enter the condition of the machine at the end of his shift in the register or book maintained under clause (c) for necessary information of his successor.

**63. Duties of truck, tipper and dumper operator.**— (1) Every person authorised to operate trucks, tippers and dumpers in a mine shall-

- (a) inspect the machine assigned to him in the beginning of his shift and test the various systems, sub-systems and protective devices;
- (b) not take out the machine for work nor shall he work the machine unless he is satisfied that it is mechanically sound and in efficient working order;
- (c) maintain a record of every inspection made under clause (a) in a bound paged book kept for the purpose and shall sign every entry made therein;
- (d) not drive the machine under his charge too fast, shall avoid distractions, and drive defensively, not attempt to overtake another vehicle unless he can see clearly far enough ahead to be sure that he can pass it safely and sound the audible warning signal before overtaking;
- (e) when approaching a stripping or loading equipment, sound the audible warning signal and not attempt to pass the stripping equipment until he has received proper audible signal in reply;
- (f) before crossing a road or railway line, reduce his speed, look in both directions along the road or railway line and proceed across the road or line only if it is safe to do so;
- (g) sound the audible warning signal while approaching a blind corner or any other points from where persons may walk in front unexpectedly;
- (h) not operate the truck, tipper or dumper in reverse unless he has a clear view of the area behind and give an audible warning signal before reversing a truck, tipper or dumper;
- (i) be sure of clearance before driving through areas such as tunnels, archway and plant structures;
- (j) strictly adhere to the transport rules made under regulation 109 while operating the truck, tipper or dumper;
- (k) enter the condition of the truck, tipper or dumper at the end of his shift in the register or book maintained under clause (c) for necessary information of his successor.

(2) The driver shall ensure that the vehicle is not overloaded and that the material is not loaded in a truck, tipper or dumper so as to project horizontally beyond the sides of its body and that any material projecting beyond the front or rear is indicated by a red flag during day and by red light after day light hours.

(3) The driver shall not allow any unauthorised person to ride on the vehicle.

## CHAPTER VI

### PLANS AND SECTIONS

**64. General requirements about mine plans.**— (1) Every plan or section prepared or submitted in accordance with the provisions of these regulations shall-

- (a) specify the name of the mine and of the owner and the purpose for which the plan is prepared;
- (b) show the true north, or the magnetic meridian and the date of the later;
- (c) specify a scale of the plan at least 25 centimeters long and suitably subdivided;
- (d) unless otherwise provided, be on a scale having a representative factor of 2000:1 or 1000:1:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require the plans to be prepared on any other suitable scale;

- (e) be properly inked in on durable paper, tracing cloth or on polyester film and be kept in good condition;

- (f) have an abstract of all statutory restrictions in respect of any specified working with a reference.

(2) The conventions shown in the Schedule shall be used in preparing all plans and sections required by these regulations.

(3) The plans and sections required by these regulations shall be accurate within such limits of error as the Chief Inspector may specify by a general or special order.

(4) The plans and sections required by these regulations shall be maintained corrected up-to-date which is not earlier than three months:

Provided that where any mine or seam or section is proposed to be abandoned, closed or the working thereof to be discontinued or rendered inaccessible, the plan and section shall be brought up-to-date before such abandonment, closure or at the time of discontinuance, as the case may be, unless such abandonment, closure or discontinuance has been caused by circumstances beyond the control of the owner, agent or manager, in which case the fact that the plan or section is not up-to-date shall be recorded on it.

(5) All the reference stations at surface and the reference points of underground surveys shall be shown in their correct position relative to the survey of India national grid within the limits of error of survey and plotting, as specified under sub-regulation (3).

(6) Plans and sections required to be maintained under these regulations shall be kept available for inspection in the office at the mine, and shall not be removed therefrom except by or with the approval in writing of the Regional Inspector, unless a true copy thereof has been kept therein.

(7) The Chief Inspector may, subject to the conditions as he may specify in the order, permit preparation of plans or sections in variance with the provisions of this regulation.

**65. Type of plans.—** (1) The owner, agent or manager of every mine shall keep the following plans and sections:

- (a) a surface plan showing every surface feature within the boundaries, such as telephone, telegraph or power transmission line, watermain, tram-line, railway, road, river, watercourse, reservoir, tank, bore-hole, shaft and incline opening, opencast working, subsidence and building on the surface;
- (b) an underground plan showing-
  - (i) the position of the workings of the mine belowground;
  - (ii) every bore-hole and shaft with depth, incline opening, cross-measure drift, goaf, fire-stopping or seal, water-dam (with dimensions and other particulars of construction), pumping station and haulage roadway;
  - (iii) every important surface feature within the boundaries, such as railway, road, river, stream, water-course, tank, reservoir, opencast working and building which is within 200 meters of any part of the workings measured on the horizontal plane;
  - (iv) the general direction and rate of dip of the strata;
  - (v) such sections of the seam as may be necessary to show any substantial variation in the thickness or character thereof and showing the working section, and such section of the strata sunk or driven through in the mine or proved by boring as may be available;
  - (vi) the position of every roll, washout, dyke and every fault with the amount and direction of its throw and hade;
  - (vii) an abstract of all statutory restrictions in respect of any specified working with reference to the order imposing the same, and,

whenever this plan is brought up-to-date, the then position of the workings shall be shown by dotted line drawn through the ends of the working and such dotted line shall be marked with the date of the last survey;

- (c) where a seam has an average inclination of more than thirty degrees from the horizontal, one or more vertical mine section or sections, as may be required by Regional Inspector, showing a vertical projection of the mine working;

Provided that in case of a mine having opencast workings, vertical mine sections showing vertical projections of mine workings at suitable intervals not exceeding 100 m, in both, longitudinal as well as transverse directions, shall be prepared and maintained irrespective of the inclination of coal seam;

- (d) a ventilation plan, and section where necessary, showing the system of ventilation in the mine, and in particular –
  - (i) the general direction of air-current;
  - (ii) every point where the quantity of air is measured;
  - (iii) every air-crossing, ventilation door, stopping and every other principal device for the regulation and distribution of air;
  - (iv) every fire-stopping and its serial number;
  - (v) every room used for storing inflammable material;
  - (vi) the position of fire-fighting equipment;
  - (vii) every water-dam with dimensions and other particulars of construction;
  - (viii) every pumping, telephone and ambulance station;
  - (ix) every haulage and travelling roadway;
  - (x) every auxiliary or booster fan;
  - (xi) every stone dust barrier;
- (e) a joint survey plan showing the details required under clause (b) of this sub-regulation and sub-regulations (6) and (7), signed by the surveyor and the manager of the mine and also of adjoining mines having working within 60 meters of the common boundary or where the boundary is in dispute, within 60 meters of the boundary claimed by the owner of the mine concerned signifying the correctness of the common boundary, or the disputed boundaries, as the case may be, and of the position of the working in relation to one another;
- (f) a geological plan of the area of leasehold, on a suitable scale; and
- (g) a water-danger plan and section showing-
  - (i) nullah, river, lake, water pond, water course, drainage or any other water bodies on surface or belowground existing upto 200 meters of the boundary of the mine;
  - (ii) the position of the working belowground and every borehole and shaft (with depth), drive, cross-cut, staple pit, excavation and air passage connected therewith;
  - (iii) the position of every dyke, fault and other geological disturbance with the amount and direction of its throw as well as hade;
  - (iv) levels taken in workings belowground at easily identifiable points sufficient in number to allow the construction of sections along all drives, main headings and haulage roadways;
  - (v) every source of water such as river, stream, water-course, reservoir, water-logged opencast working on the surface, and also the outline of all water-logged workings belowground lying within 60 meters of any part of the workings measured in any direction;
  - (vi) every reservoir, dam or other structure, either above or belowground, constructed to withstand a pressure of water or to control inrush of water, along with reference to its design and other details of construction; and
  - (vii) the highest flood level of the area.

(2) Separate plans and sections for the working of every seam or of every separate section of every seam shall be kept in respect of clauses (b), (c), (d) and (e) of sub-regulation (1):

Provided that in respect of plans maintained under clause (b) of sub-regulation (1), combined plans of all seams or sections, which are lying within nine meters of each other and which are worked at the mine shall also be kept; and in the combined plans, workings in different seams or sections shall be shown in different colours.

(3) The plans maintained under clauses (a), (b), (d), (e), (f) and (g) of sub-regulation (1) shall also show surface contour lines drawn at vertical intervals not exceeding five meters (or ten meters in the case of a mine where there are no working belowground or in cases of mines situated in hilly terrain, such other interval as the Regional Inspector may permit by an order in writing and subject to such conditions as he may specify) over the whole area lying within 200 meters of any part of the working.

(4) The plans maintained under clause (b) of sub-regulation (1) shall also show spot levels on the floor of the working –

- (a) along haulage roadways, at every roadway junction, except in roadways where tramming is done by manual means where the spot levels may be shown at points not more than 150 meters apart; and
- (b) in the case of headings which have been discontinued either temporarily or permanently, also at the end of such headings:

Provided that where two drifts in stone or two galleries in coal pass over one another, this shall be clearly indicated on the plans, with appropriate noting, if necessary;

(5) A permanent bench-mark shall be established on the surface, and all levels taken above and belowground shall be referred to a plane in relation to such bench-mark and the particulars of the bench-mark, together with its height above Mean Sea Level shall be shown on the plans required to be maintained under these regulations.

(6) The plans maintained under clauses (a) and (b) of sub-regulation (1) shall also show the settled boundary of the mine, or where the boundary is in dispute, the boundaries claimed by the owner of the mine and by the owner of the mine adjacent to the disputed boundary:

Provided that where it is not possible to show the complete boundary of leasehold on the same plan, an additional key plan on any other suitable scale showing such boundaries and the outline of the workings shall also be maintained.

(7) The plans maintained under clause (b) of sub-regulation (1) shall also show the workings, and all features as specified in that clause, both above and belowground of all adjacent mines as are situated within 60 meters, measured on any plane, of the boundary claimed by the owner of the mine.

(8) The owner, agent and manager of every mine shall as soon as its working extend to within 60 meters of the settled boundary with an adjacent mine (or where the boundary is in dispute within 60 meters of the boundary claimed by the owner of the adjacent mine) inform the owner, agent or manager of such mine of the fact of such extension and shall also give all reasonable facilities to the surveyors of its adjacent mines to carry out the surveys and levellings required to be made under this sub-regulation.

(9) The Regional Inspector may, by an order in writing-

- (i) require such additional details to be shown on the plans and sections maintained under these regulations, or the preparation and maintenance of such other plans and sections showing such details and on such scale and within such time as he may specify in the order; and,
- (ii) require the owner, agent or manager to submit to him within such time such plans and sections, or tracings thereof, as he may specify in the order.

(10) The owner, agent or manager shall, at any time if required by the Regional Inspector, show on any plan or section the then position of the workings of the mine.

**66. Plans and sections to be submitted after abandonment, closure or discontinuance.**— (1) Where any mine or seam or section thereof is abandoned, closed or the working thereof has been discontinued over a period exceeding sixty days, the person who was the owner of the mine at the time of abandonment, closure or discontinuance shall, within thirty days after the abandonment or closure, or within ninety days after the discontinuance of the workings, as the case may be, submit to the Chief Inspector two true copies of the up-to-date plan and section of the workings of the mine or seam or section maintained under clauses (a), (b),

(c), (e) and (g) of sub-regulation (1) of regulation 65, which shall show the bearing and distance of at least one of the shafts or openings of the mine from a tri-junction or revenue pillar or from any other prominent and permanent surface feature, the position of all water-dams built belowground (with their dimensions and other particulars of construction) and also the spot levels at the ends of the workings:

Provided that if a change of ownership occurs after the abandonment, closure or discontinuance and before the expiry of thirty days of the abandonment or closure or ninety days of the discontinuance of the workings, as the case may be, such plans and sections shall be submitted forthwith.

(2) The original or a certified true copy of the plan and section submitted under sub-regulation (1) shall be kept in the office at the mine.

(3) The Chief Inspector may, on such conditions as he thinks fit to impose, and on payment of the cost of preparing copies as determined by him, supply copies of a plan or section submitted to him under sub-regulation (1) or such parts thereof as he thinks fit -

(a) to any person having a *bonafide* interest in the mine, seam or section;

(b) to the owner, agent or manager of an adjacent mine.

**67. Survey instruments and materials.**— (1) The owner or agent shall provide adequate number of accurate and reliable survey instruments and materials for the proper carrying out of all survey and levelling work and for the preparation of the plans and sections required under these regulations; and no other instrument shall be used in connection with any such survey or levelling work.

(2) The survey instruments so provided under sub-regulation (1) shall be checked, maintained and calibrated at regular intervals as specified by the manufacturer, to maintain their accuracy level.

**68. List of plans, sections and instruments and their storage.**— (1) All plans and sections, and tracings or copies thereof, kept at the mine shall be serially numbered.

(2) Suitable arrangements shall be made at every mine for the proper storage and maintenance of every plan and section and of all instruments and materials so as to provide for flat storage of every plan and section maintained under these regulations:

Provided that where special conditions exist the Chief Inspector may, by an order in writing, permit storage and maintenance of plans and section in any other form subject to such conditions as he may specify in the order.

(3) Every field book and other notes used in the preparation of plans and sections required under these regulations shall be duly indexed and kept in the office at the mine.

(4) A list of all plans and sections maintained under these regulations, or any orders made thereunder, and tracings or copies thereof; of all survey instruments provided under regulation 67 with their respective type, specifications and identification numbers; and of all field books and other notes kept under sub-regulation (3), shall be kept in a bound-paged book kept for the purpose, and updated whenever necessary.

(5) Every entry in the book maintained under sub-regulation (4) shall be signed and dated by the surveyor, and countersigned and dated by the manager.

**69. Preparation of plans by surveyors.**— (1) Every plan and section, and tracing thereof, prepared under these regulations shall be prepared by or under the personal supervision of the surveyor.

(2) Every plan or section, or any part thereof, prepared by or under the supervision of a surveyor shall carry thereon a certificate by him to the effect that the plan or section or part thereof is correct; and shall be signed and dated by the surveyor and countersigned and dated by the manager on every occasion that the plan or section is brought up-to-date.

(3) Every tracing of a plan or section or of any part thereof shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the surveyor with date to be a true copy of the original plan or section.

(4) If the surveyor fails or omits to show any part of the workings or allows the plans or sections to be inaccurate, he shall be guilty of a breach of these regulations:

Provided that nothing in this sub-regulation shall, exempt the owner, agent or manager of their responsibility to ensure that every plan or section prepared, kept or submitted under these regulations or by any order made thereunder is correct and maintained up-to-date as required thereunder.

**70. Plans to be checked on change of ownership or on reopening, etc.**— (1) When there is a change in ownership of a mine, or where a mine or part thereof is re-opened, or where in any mine or part thereof it is intended to start any extraction or reduction of pillars, the owner, agent and manager shall ensure that the plans and sections of the mine or part are accurate:

Provided that if any doubt arises as to the accuracy of the plans and sections in any respect, he shall have accurate plans and sections prepared afresh before any drirage or other work of development or of extraction or reduction of pillars is commenced.

(2) If the Regional Inspector is of the opinion that any plan or section prepared, kept or submitted under these regulations is inaccurate, he may, by an order in writing, require a fresh survey made and a new plan or section prepared within such time as he may specify therein.

(3) If the plan or section required to be prepared under sub-regulation (2) is not prepared within the time specified in the order, or to the satisfaction of the Regional Inspector, or the plan or section is not prepared or updated as required under these regulations, he may get the plan or section prepared by any other agency and the cost thereof, as certified by the Chief Inspector, shall be defrayed by the owner of the mine and be recoverable from him as an arrear of land revenue.

## CHAPTER VII

### MEANS OF ACCESS AND EGRESS

**71. Outlets from a mine.**— (1) Except for the duration of shaft sinking or the drirage of other means of access and egress from the mine together with the necessary development work, no person shall be employed, or be permitted to enter or remain for the purpose of employment, in any working belowground, unless the working is provided with at least two shafts, inclines or other outlets to surface—

- (a) with which every seam or section for the time being at work has a communication so as to afford separate means of ingress and egress to the persons employed therein;
- (b) which do not have their surface openings in the same building; and
- (c) which are under the sole control of the manager:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the employment belowground of persons even in a case where the two shafts, inclines or outlets are not under the control of the same manager.

(2) The Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the employment belowground of restricted number of persons even in a case where places in the working of the mine do not contain two means of egress from each working place.

(3) Suitable arrangements shall be made for persons to descend and ascend by each of such means of access and egress; and

- (a) where shaft is more than 30 meters in depth, such arrangements shall be by mechanical means so installed and maintained as to be constantly available for use; and
- (b) where the incline is more than one kilometer in length (one way) or the travel by persons is arduous, a suitable man-riding system approved in writing by the Chief Inspector shall be provided for persons to access and egress from the workings of the mine:

Provided that in case of any doubt as to whether any such arrangement referred to in clause (a) or clause (b) is suitable or not, it shall be referred to the Chief Inspector for decision.

(4) Both the means of egress and the equipment used therein for the transport of persons shall be kept constantly in a safe condition to facilitate ease of traveling, including clearances for hand carried stretchers.

(5) Where in any shaft, ladders are used as a means of ingress or egress of persons employed in a mine, every such ladder shall —

- (i) be of strong construction;

- (ii) be securely fixed in the shaft at an inclination of not more than 80 degrees from the horizontal;
- (iii) be made continuous or without perceptible overlapping or break except at platforms which shall be provided at intervals of not more than nine meters;
- (iv) project at least one meter above the mouth of the shaft, and above every platform, except where strong hold-fasts or hand-rails are provided;
- (v) have rungs equally spaced and at a sufficient distance from the wall or any timber to ensure proper foothold; and
- (vi) be maintained in good repair.

(6) Such shafts, inclines or outlets shall not be less than 13.5 meters distant from one another at any point, and each shall be connected with the other by means of a walkable passage, not less than 1.8 meters high and 1.5 meters wide, through the workings belowground that are being served by such shafts, inclines or outlets.

(7) Whenever the connection between two outlets which are required to be maintained under sub-regulation (1) has been obstructed or found dangerous, only such persons as are necessary to clear the obstruction or to repair the dangerous part of the connection or to make a new second outlet, as the case may be, shall be employed belowground until such time as the connection has been re-established or a new second outlet has been provided.

(8) The foregoing provisions of this regulation with respect to shafts, inclines and outlets shall not apply -

- (a) to any working for the purpose of making a connection between two or more shafts, inclines or outlets; and
- (b) to any working for the sole purpose of searching for or proving minerals:

Provided that nothing in this sub-regulation shall be deemed to authorise the driving of roadways for the development of a seam before a second outlet has been made in accordance with the said provisions.

(9) In both the means of access and egress in the mine, an effective two way communication facilities with broadcasting system of telecommunication shall be provided to ensure that persons from belowground may be able to directly communicate to surface without any obstruction or loss of message and communication link.

(10) The system of communication and telecommunication so provided under sub-regulation (9) shall be of wired, wireless or any other type, as approved by the Chief Inspector.

**72. Working shafts.**— (1) All entrances to the mine shaft shall be adequately illuminated throughout working hours.

(2) Every shaft in use or in course of being sunk and every incline or other outlet shall be made and kept secure.

(3) Every shaft in the course of being sunk shall be provided with a permanent lining of metal, concrete or masonry, which shall at no time, be more than six meters from the bottom of the shaft:

Provided that where iron or steel rings with a substantial lagging are used below the permanent lagging and are kept close to the bottom of the shaft, this distance may be increased to not more than twenty meters:

Provided further that in the case of a shaft where special conditions exist which make compliance with the provisions of this sub-regulation not necessary, the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the operation thereof.

(4) Surface and seepage water shall be channeled in such a way as to prevent it from falling freely into the shaft.

(5) The top, all insets and the bottom of every working shaft and the sump thereof shall be kept clear and free from loose materials, tools and debris.

**73. Fencings and gates at outlets.**— (1) Every entrance to a mine from the surface, and the top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating or pumping



shaft, shall be kept securely fenced so designed and constructed as to prevent any person accidentally falling down the shaft or coming into contact with a moving part of the hoisting equipment provided in the shaft.

(2) Every walkable entrance from the surface to the workings belowground shall be provided with a substantial gate which shall be kept closed and locked when there are no persons belowground:

Provided that where such entrance is not used as a means of ingress or egress in or out of the mine, it shall be permanently closed so as to effectively prevent persons from entering therein.

**74. Outlets from mine parts.**— Every part of a mine shall, where practicable, be provided with at least two ways of affording means of egress to the surface:

Provided that if any doubt arises as to whether the provision of two such ways is practicable or not, it shall be referred to the Chief Inspector for decision.

**75. Periodic examination of shaft, incline and other outlets.**— (1) Every shaft, incline and other outlet provided as required by regulation 71 shall be examined, once at least in every seven days, by an overman or other competent person and a report of every such examination shall immediately thereafter be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination.

(2) Every mechanised outlet shall be examined at least once in every seven days by an engineer or electrical supervisor or foreman or any other competent person duly authorised in writing by the engineer and a report of every such examination shall immediately be recorded in a bound paged book kept for the purpose and signed and dated by the person making the examination.

(3) The bound paged book so maintained under sub-regulations (1) and (2) by the electrical supervisor or foreman or any other competent person shall also be checked and countersigned by the engineer and manager.

(4) If at the time of such examination or at any other time, the shaft, incline or other outlet is found to be not safe, it shall not be used for any purpose, except as a natural airway, until it has been made safe in all respects and a report of every such action taken shall be recorded in the book kept under sub-regulation (1).

## CHAPTER VIII

### WINDING IN SHAFTS

**76. Appointment of winding engineman.**— (1) No person shall be appointed as a winding engineman unless he holds an Engine Driver's Certificate:

Provided that this sub-regulation shall not apply to the driver of an electrical winding engine upto thirty horsepower or a steam or compressed air winding engine which has cylinders not exceeding eighteen centimeters in diameter and which is not used for raising or lowering of persons.

Provided further that, after coming into force of these regulations, a First or Second Class Engine Driver's Certificate granted under regulation 12 of the Coal Mines Regulations, 1957, shall, each be also deemed to have been granted as an Engine Driver's Certificate under regulation 11 of these regulations.

(2) Where special difficulties exist which make compliance with the provisions of sub-regulation (1) not reasonably practicable, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, relax the said provisions.

(3) No person, other than a winding engineman appointed under sub-regulation (1) shall operate any winding engine:

Provided that in an emergency any other competent person may be permitted to operate the winding engine.

(4) The name of the winding engineman on duty, together with the period of his shift shall be posted in the winding engine room:

Provided that where the Regional Inspector is of the opinion that the duties of any winding engineman are unduly arduous, he may by an order in writing require the period of his shift to be reduced to such period, not less than five hours, as he may specify.

**77. New winding installations.**— (1) When it is intended to bring into use any new winding installation for lowering and raising of persons, the owner, agent or manager shall, not less than sixty days before such use, give notice of such intention to the Chief Inspector and Regional Inspector in such form as may be specified by the Chief Inspector which shall contain detailed specifications of the installation.

(2) A winding engine which is shifted from one site to the other within the same mine or from one mine to other, shall be considered as a new installation for the purpose of this regulation.

(3) If the Chief Inspector, by an order in writing so requires, such additions or alterations shall be made to the installations, as he may specify in the order.

**78. Construction and installation of winding equipment.**— (1) Every part of a winding installation, including headgear shall be of sound construction and adequate strength, and shall be maintained in safe working order and in case of any doubt in that respect, it shall be referred to the Chief Inspector for decision.

(2) The engine shall be firmly connected to a rigid foundation and shall be so designed, constructed and maintained that with the power provided, the raising and lowering of persons or materials can be carried out with ease, regularity and safety.

(3) Unless otherwise permitted in writing by the Chief Inspector and subject to such conditions as he may specify therein, every engine for winding shall be so situated in relation to the headgear that the winding rope shall not, in the extreme position, subtend in either direction an angle more than one and a half degrees with the plane of the sheave or pulley used in connection with the rope.

(4) The diameter of the drums or sheaves of the winding engine, and of the pulleys and sheaves used in connection with the winding shall, unless otherwise permitted in writing by the Chief Inspector and subject to such conditions as he may specify therein, be not less than eighty times the diameter of the rope in the case of winding installations installed before the 25<sup>th</sup> day of October, 1955 and not less than one hundred times the diameter of the rope in other cases:

Provided that the Chief Inspector may, by an order in writing, require that in the case of any specified winding installation installed before the said date, the diameter of the said drums, pulleys or sheaves shall not be less than such size, as he may specify in the order:

Provided further that where special difficulties exist which make compliance with the provisions of this regulation not reasonably practicable, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, relax the said provisions.

(5) The grooves of sheaves or pulleys used in winding installation shall be suited to the diameter of the rope.

(6) Every pulley or sheave used in connection with winding shall, while in motion, rotate in a vertical plane, and shall be maintained in such a condition that slipping is reduced to a minimum.

**79. Fittings of winding engines.**— (1) At every shaft, including a shaft in the course of being sunk, where winding is effected by means of an engine, the provisions of sub-regulation (2) to sub-regulation (8) regarding winding engines shall apply.

(2) There shall be on the drum such flanges, and also if the drum is conical or spiral such other appliances, as may be sufficient to prevent the rope from slipping or coiling unevenly.

(3) Except in friction winder, the end of the rope shall be securely fixed in such a manner that the rope is not unduly strained.

(4) There shall be at least two turns of the rope on the drum when the cage or other means of conveyance is at its lowest working point in the shaft.

(5) (a) There shall be provided one or more brakes on the drum or the drum-shaft, which-

- (i) if there are two cages or other means of conveyance shall hold such cages or other means of conveyance when the maximum torque is applied in either direction; and
- (ii) if there is only one cage or other means of conveyance shall hold the loaded cage or other means of conveyance in midshaft when the maximum torque is applied downwards.

- (b) At least one of the brakes shall be so designed that the brake remains at the 'on' position except when operated.
  - (c) Where the brake or brakes are power-operated, at least one of them shall be arranged to be applied automatically at all times if the power supply fails.
  - (d) The brake on the drum shall be used only for the purpose of keeping such drum stationary and not for lowering the cage or other means of conveyance, except in cases where the engine is to be worked at a very low speed as when examining the winding rope or the shaft.
- (6) Where the winding engine is worked by steam or compressed air, a screw stop-valve shall not be used as controlling valve of the engine.
- (7) Every engine shall be equipped with a reliable depth-indicator (in addition to any mark on the rope) showing to the winding engineman the position of the cage or other means of conveyance in the shaft, and an automatic device that will ring a bell in the engine room when the ascending cage or other means of conveyance is at a distance of not less than two revolutions of the drum from the top of the shaft.
- (8) The depth-indicator referred to in sub-regulation (7) shall be tested after every adjustment or replacement of the winding rope.

**80. Shaft fittings.** – (1) At every winding shaft, other than a shaft in the course of being sunk to which the provisions of regulation 84 shall apply, the provisions of sub-regulation (2) to sub-regulation (11) shall have effect.

- (2) (a) Two independent and efficient means shall be provided and maintained for interchanging separate, distinct and definite signals between the top of the shaft and-
- (i) the bottom or other permanent landing of the shaft; and
  - (ii) every inset for the time being in use,
- and one of such system shall be by electrical means.
- (b) There shall also be provided and maintained efficient means for transmitting signals from the top of the shaft to the winding engineman and all signals shall be transmitted by mechanical or electrical means;

(3) In signaling, the following code of signals shall be used and strictly observed:

ONE RAP	:	STOP	when engine in motion
ONE RAP	:	RAISE	when engine at rest.
TWO RAPS	:	LOWER	
THREE RAPS	:	MEN	ready to ascend or descend
THREE RAPS	:	IN REPLY	men may enter the cage or other means of conveyance:

Provided that any other signals shall be in addition to, and shall not interfere with, the foregoing.

- (4) A printed copy of the code of signals, including additional signals, if any, shall be posted prominently at the top of the shaft and at every such inset and landing and also in the winding engine room.
- (5) No person other than the banksman or onsetter shall give any signals unless he is an official of the mine or is authorised in writing by the manager to give signals.
- (6) Any defect in the signaling system shall be immediately reported to an official who shall take action to have the defects rectified.
- (7) In addition to the system of signaling provided in this regulation, another effective means of two way communication or telecommunication system shall also be provided so that the winding engine driver, banksman, onsetter, persons travelling inside the cage or any other person can contact and communicate with each other without any difficulty and hindrance.
- (8) (a) The shaft shall be provided with sufficient number of guides to ensure smooth and safe travel of the cage or other means of conveyance.

- (b) Where rope guides are used, the cheese-weights or bottom clamps shall be kept so exposed as to permit regular examination.
- (9) Above the topmost landing, 'dogs' or other devices for holding the cage or other means of conveyance in the event of an overwind shall be provided, or the guides, runners or receivers shall be sprung.
- (10) (a) Except in friction winders, at the top of every shaft where cages are used, suitable keps shall be provided and so arranged as to fall into the 'on' position when the operating lever is released.
- (b) At every inset where keps or folding platforms are provided, arrangements shall be made to lock the keps or platforms securely in the 'off' position; and when in the 'off' position such keps or platforms shall leave the shaft clear for the passage of the cage.
- (c) In every such case, a proper automatic indicator to show the position of the keps or platforms, as the case may be, shall be provided in such a position as to be easily seen by the banksman.
- (11) (a) Protective roofing, sufficient to prevent danger from anything falling in the shaft, shall be provided and maintained at the bottom of the shaft.
- (b) The gap, both vertical and horizontal, between the protective roofing and the top of cage, when the cage is at the bottom of the shaft, shall not exceed 15 centimeters.

**81. Man winding.**— (1) At every shaft, other than a shaft in the course of being sunk, where a winding engine is used for the purpose of lowering or raising persons, the provisions of sub-regulation (2) to sub-regulation (17) shall apply.

(2) In respect of every part of the winding installation, including pulleys or sheaves, cages, chains, distribution plates and detaching hooks, the following particulars shall be recorded in a bound paged book kept for the purpose, namely: -

- (a) name of the manufacturer and the year of manufacture;
- (b) specifications and dimensions;
- (c) reference to every certificate supplied with the part;
- (d) date of installation of each part; and
- (e) any other detail that may be necessary or required by the Regional Inspector.
- (3) All entries in the book shall be made and signed by the engineer or other competent person, and shall be countersigned and dated by the manager.
- (4) Whenever any part or article is replaced or any repaired part or article is used in any winding installation, the fact of such replacement or repair shall be recorded in the book kept under sub-regulation (2).
- (5) (a) A single linked chain shall not be used, except for the short coupling chain attached to a cage or other means of conveyance and such single-linked chain shall be attached to the safety hook through a distribution plate or other approved appliance.
- (b) Where safety-chains are used, their length shall be such that if the king-bolt breaks, the shock to the cage or other means of conveyance is as slight as possible.
- (6) Where drum-clutches are provided, the following provisions shall have effect, namely:-
  - (a) the operating gear of the clutch of the drum shall be provided with locking gear to prevent inadvertent withdrawal of the clutch;
  - (b) every engine used for the lowering or raising of persons shall have suitable interlocking device so fitted that it is not possible -
    - (i) to unclutch any drum unless the brakes of such drum are applied; or
    - (ii) to release the brakes until the drum clutch is fully engaged and securely locked;
  - (c) unless the cage or other means of conveyance attached to the drum is resting at the bottom of the shaft, the drum shall not be unclutched unless the winding engineman has assured himself immediately beforehand that the brake is fully applied.

- (7) Except in friction winders, there shall be provided between the rope and the cage or other means of conveyance, a detaching hook.
- (8) The space between such detaching hook, measured from the centre of the hole for attaching it to the rope shackle, and the detaching-bell or plate when the cage or other means of conveyance is at its normal position at the top of the shaft, shall be not less than 1.8 meters where a geared engine is used, and not less than 3.6 meters where a direct acting engine is used.
- (9) In every shaft, the engine shall be fitted with an automatically recording speed indicator.
- (10) (a) In every shaft, there shall be provided an effective automatic contrivance to prevent overspeeding and overwinding, hereinafter called the 'Automatic Contrivance', which shall prevent the descending cage from being landed at the pit bottom or other permanent landing at a speed exceeding 1.5 meters per second and also control the movement of the ascending cage in such a manner as to prevent danger to persons riding therein.
- (b) The Chief Inspector may, by an order in writing, specify the maximum speed of winding in any shaft.
- (c) Test of every Automatic Contrivance and every brake shall be made by the engineer or other competent persons appointed for the purpose, in the following manner, namely:-
- (i) once at least in every seven days, by raising each cage or other means of conveyance, in turn, to pass the last control point above the topmost landing;
- (ii) once at least in every three months, by attempting to land the descending cage at excessive speed and for the purpose of this test, the setting of the Automatic Contrivance may be altered so that a pre-determined point in the shaft is regarded as the landing;
- (iii) the results of every such test shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person making the test.
- (d) Unless the Automatic Contrivance is in full and fixed engagement with the winding engine, it shall be fully engaged, either automatically or by the winding engineman, whenever persons are to be lowered or raised; and an automatic indicator to show that this has been done shall be provided in such a position as to be easily seen by the banksman.
- (e) The banksman shall not allow any person to enter a cage or other means of conveyance until the indicator shows that the Automatic Contrivance has been fully engaged.
- (11) In addition to the Automatic Contrivance provided to prevent overwinding, a point shall be fixed and marked on the indicator of the engine in such a way as to show when the cage or other means of conveyance is at a distance of not less than twice the circumference of the drum from the completion of the wind; and if such cage or other means of conveyance contains persons, the winding engineman shall not, as soon as it has reached the point aforesaid, raise it for the remaining distance at a speed exceeding 1.2 meters per second.
- (12) Where the only means of egress in a mine is by apparatus worked by steam or electricity, precautions shall be taken to ensure that the two winding engines do not fail simultaneously and in particular, in the case of electric winding engines, the engines shall be capable of being connected to two separate power supplies.
- (13) Unless otherwise directed by the Chief Inspector by an order in writing, the provisions of the sub-regulation (12) shall be deemed to have been complied if an emergency winding gear is maintained.
- (14) (a) Every cage or other means of conveyance in which persons ride, shall be –
- (i) covered completely at the top;
- (ii) closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides;
- (iii) provided with a rigid hand-bar fixed in a position where it can be easily reached by all persons in the cage or other means of conveyance;
- (iv) provided with suitable gates or other rigid fences such that the gap between the floor of cage or other means of conveyance and the lowest part of the gate or fence does not

exceed 15 centimeters and that between any two members of the gate or fence does not exceed 25 centimeters. Gates or fences shall not open outwards and they shall be so fitted and maintained that they cannot be accidentally opened; and

- (v) provided with an effective means of communication or telecommunication system having provisions of audio and visual, data and digital display including a broadcasting system.
- (b) The floor of every cage or other means of conveyance shall be strongly constructed and so maintained as to prevent any part of the body of a person riding in the cage or other means of conveyance from projecting beyond the floor.

(15) Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage or same deck of a cage or other means of conveyance at one time providing approximately 0.20 square metre of floor area per person and a notice specifying the number shall be posted at the top and bottom of every shaft and at every inset.

(16) (a) No person shall, when ascending or descending a shaft, take with him any bulky material other than tools and instruments, except when engaged in repairing the shaft or with the written authority of the manager.

- (b) Except as provided in clause (a), no person shall ride in a cage while materials or tubs are being raised or lowered in any of the cages or other means of conveyance.

(17) The Chief Inspector may, subject to such conditions as he may specify, relax the requirements of this regulation if the circumstances in any mine or part thereof are such as to render compliance with such requirements not reasonably practicable.

**82. Multi-decks.**— Where a cage has two or more decks which are used simultaneously, each floor at a landing shall be connected by an effective signalling device with the main floor of the landing; and only the banksman or the onsetter or an official, as the case may be, at such main floor shall give the action signal after he has satisfied himself that all cage gates are closed.

**83. Winding of material.**— (1) Every cage used for the raising or lowering of tubs shall be provided with catches or other effective contrivances to prevent the tubs falling out and the cage shall not be set in motion unless the catches or other effective contrivances are in position.

(2) The floor of every cage shall be kept clean; and no skip, bucket or tub shall be filled up to such height that any of the contents can fall out.

(3) Before long timber, pipes, rails, or other material projecting over the top of the cage or other means of conveyance are lowered or raised, the projecting ends shall be securely fastened to the rope, chain or bow.

**84. Winding in sinking shafts.**— (1) At every shaft in the course of being sunk, where a winding engine is used, the provisions of sub-regulation (2) to sub-regulation (11) shall apply.

(2) If the shaft exceeds 45 meters in depth, there shall be provided for each bucket or other means of conveyance a detaching-hook.

(3) Between the centre of the hole for attaching the detaching-hook to the rope shackle and the detaching bell or plate, when the bucket or other means of conveyance is at the top landing, there shall be a clear over-run space of not less than 3.6 metres.

(4) Where the shaft exceeds 150 meters in depth, —

- (a) the bucket or other means of conveyance, when used for lowering or raising persons, shall be provided with sufficient cover overhead for protection from things falling down the shaft; and
- (b) there shall be provided for each bucket or other means of conveyance, a sufficient number of guides which shall be kept extended to within 22.5 metres of the shaft bottom at all times when sinking is in progress:

Provided that the Regional Inspector may, by an order in writing, require the guides to be provided in a shaft less than 150 meters in depth.

(5) (a) There shall be provided and maintained—

- (i) two separate means of interchanging distinct and definite signals between the bottom and the top of the shaft; and

- (ii) efficient means for transmitting such signals from the top of the shaft to the winding engineman.
- (b) The signaling appliances shall be examined by a competent person once at least in every twenty-four hours and the result of every such examination shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination.
- (c) Except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein, the following code of signals shall be used and observed in signaling-
- |            |               |                       |
|------------|---------------|-----------------------|
| ONE RAP    | STOP          | when engine in motion |
| ONE RAP    | TAKE UP SLACK | when engine at rest.  |
| ONE RAP    | RAISE SLOWLY  |                       |
| TWO RAPS   | LOWER         |                       |
| THREE RAPS | TAKE UP SLACK | when men are riding:  |
- Provided that, any other signals shall be in addition to, and shall not interfere with the foregoing.
- (d) A printed copy of the code of signals, including additional signals, if any, shall be posted prominently at the top of the shaft and also in the winding engine room.
- (e) Except while riding in a bucket or other means of conveyance, no person other than the person authorised in writing by the manager, shall give any signal.
- (6) Every bucket or other means of conveyance in which persons or materials are conveyed, shall be of strong construction and so maintained as to prevent persons or materials from falling.
- (7) (a) At the top of the shaft or at the landing where the bucket or other means of conveyance is normally landed, suitable covering with door shall be provided:
- Provided that, except as may be required for the passage of the bucket or other means of conveyance, the covering and doors shall always be kept closed.
- (b) Where the shaft exceeds 45 meters in depth, the persons working at the bottom of the shaft shall also be protected by an adequate protective covering, extending over the whole area of the shaft which shall be provided with a door for the passage of the bucket or other means of conveyance, to be kept lowered to within 22.5 metres of the bottom of the shaft at all times when sinking is in progress:
- Provided that where special circumstances exist, the Chief Inspector may, by an order in writing and subject to such conditions, as he may specify therein, grant an exemption from the provisions of this clause.
- (8) Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the bucket or other means of conveyance at one time; and a notice specifying such number shall be posted prominently at the top of the shaft.
- (9) When tools, implements or other materials are lowered or raised, the banksman or an authorised person, as the case may be, shall see that -
- (i) the bucket is properly loaded;
  - (ii) materials are not loaded above the rim;
  - (iii) long timber, pipes, rails, tools or other material with ends projecting over the rim are securely fastened to the rope, chains or bow; and
  - (iv) the bucket, before being sent away, is steadied, and the bottom and sides thereof are free from adhering material.
- (10) Where guides are provided, the bucket or other means of conveyance shall be raised slowly from the bottom of the shaft, until the rider is picked up.
- (11) While persons are at work on any scaffold or platform in the shaft, the following precautions shall be strictly observed, namely:-

- (i) the scaffold or platform shall be secured to the sides of the shaft in order to prevent it from swinging;
- (ii) the opening for the passage of the bucket or other means of conveyance, shall be so protected as effectively to prevent anything falling through it;
- (iii) the scaffold or platform shall not be lowered or raised except under the order of the authorised person or other competent person.

**85. Winding ropes, etc.-** (1) (a) No rope, bar, link, chain or other attachment to a cage or other means of conveyance shall be used unless it is of good quality and manufacture, is free from any visible defect and is of adequate calculated strength:

Provided that the Chief Inspector may, by an order in writing prohibit the use of any rope or type of ropes where, in his opinion such use is unsafe.

- (b) The attachment between the rope and the cage or other means of conveyance shall be of such type and be maintained in such manner as to obviate accidental disconnection.
  - (c) In case of a doubt, as to the fitness of any rope, bar, link, chain or other attachment used or intended for use, it shall be referred to the Chief Inspector for decision.
- (2) (a) Except in a sinking shaft less than 30 meters in depth, every winding rope shall be made of cold drawn steel wire, and the gauge of the wires used in the construction of such rope shall be suited to the diameter of the drums, pulleys and sheaves of the winding installation.
- (b) In any shaft, including a shaft in course of being sunk, where persons are lowered or raised and where guides are not provided, no rope other than a rope of non-spinning type shall be used.
  - (c) No rope which has been spliced shall be used for winding purposes.
  - (d) Subject to such exemption as may be granted by the Chief Inspector in writing and any conditions as he may specify therein, no rope, the breakingload of which at any one point therein is less than ten times the maximum static load on it when the cage or other means of conveyance attached to the end of the rope is at the lowest working point, shall be used.
  - (e) At every mine where a shaft is used for lowering or raising persons, at least one spare winding rope suitable for use in such shaft, shall be kept in store.
- (3) (a) For every rope in use or intended for use, a certificate showing its breaking load, quality, construction and diameter (obtained from the manufacturer or supplier) and a history of its use, including a record of diameters of the drums, sheaves and pulleys used in conjunction with the rope, shall be kept in a bound paged book kept for the purpose.
- (b) All entries made in the book referred to in clause (a) shall be signed by the engineer or other competent person, and shall be countersigned and dated by the manager.
  - (c) If in the case of a rope a test certificate as to the amount of its breaking load is not available, it shall not be used unless a portion thereof, not less than three meters in length has been cut off from the end of the rope attached to the capel and tested in a laboratory, institution or test house approved by the Central Government for the purpose.
- (4) (a) No winding rope which has been in use for more than three and half years shall be used for winding purposes:

Provided that where the Regional Inspector is satisfied that due to sparing use, any such rope is in good condition even after the expiry of the said period, he may, by an order in writing and subject to such conditions as he may specify therein, allow the use of such rope for a longer period.

(b) Every application for permission to use a rope after the period of three and a half years aforesaid shall be accompanied by a copy of the entries, in respect of the rope, in the book kept for the purpose under sub-regulation (3), and also by a certificate as to the strength of the rope.

(c) The certificate referred to in clause (b) shall relate to a piece of the rope cut off not more than three months prior to the date of the application.



(d) If the Regional Inspector is of the opinion that any rope has become unsafe for use in a shaft before the expiry of the period of three and a half years aforesaid, he may, by an order in writing, prohibit the use of such rope for winding purposes. An appeal against any such order may be preferred to the Chief Inspector.

(5) (a) No mode or type of capping shall be used, which fails to withstand a load of at least ten times the maximum static load thereon.

(b) The cappel of a round rope shall not be attached to the rope by rivets passing through the rope.

(c) No bent back wire type cappel shall be used with winding rope.

(d) Where white metal is used in the capping of ropes, the tapered portion of the socket shall not be less than six and a half times the diameter of the rope for the size up to 26 millimeter and seven and one third times in case of ropes of diameters higher than 26 millimeter.

(e) If white metal is used in the capping of ropes,-

(i) its melting point shall not exceed 300 degrees centigrade, and its temperature when poured into the socket shall not exceed 363 degrees centigrade;

(ii) in the length of rope which is to lie within the tapered part of the socket, the fibre core, if any, shall be cut and the wires shall be untwisted and thoroughly cleaned;

(iii) the socket shall be heated to a temperature of about 100 degrees centigrade before the white metal is poured into it.

(6) Except in friction winder,-

(a) every rope shall be recapped once at least in every six months, or if necessary, at shorter intervals and also after every overwind; and

(b) before every recapping, a length, including the capping, of at least two meters shall be cut off the rope, and every piece of rope so cut-off shall be opened and its internal condition examined.

(7) The recapping of rope shall be carried out under the supervision of the engineer or other competent person, who shall record the date and other particulars thereof (including the length of the rope remaining after recapping) in a bound paged book kept for the purpose and shall sign and date the same.

**86. Suspension gear.**— (1) All parts of the suspension gears shall be of a type as approved by the Chief Inspector.

(2) All parts of suspension gear in regular use shall unless otherwise permitted by the Chief Inspector, be renewed after a period of service of not more than six years, and at shorter intervals, if necessary.

(3) The factor of safety shall not be less than ten for components of suspension gears and threaded joints shall be avoided:

Provided that wherever it is not practicable to avoid a threaded joint, a factor of safety not less than fifteen shall be ensured.

(4) (a) All cage chains in general use and all other parts of suspension gear between the rope and the cage or other means of conveyance, including the detaching-hook, shall be taken apart, cleaned and carefully examined as to wear and tear (where necessary by gauging) and for rust and cracks, once at least in every six months, or if necessary, at shorter intervals; and various parts shall be annealed or given other proper heat treatment, in a proper furnace where the temperature can be controlled, before being refitted:

Provided that in the case of such chains or gear manufactured from a steel which is not liable to deterioration necessitating annealing or heat treatment, the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, grant exemption from the carrying out of this operation:

Provided further that detaching hooks used in sinking shafts shall be taken apart, cleaned and carefully examined once at least in every week and the shear pin replaced by a new one every time such examination is carried out.

- (b) Every detaching bell or plate used in connection with a safety-hook shall be examined, and the opening therein checked by calipers or gauges, once at least in every thirty days.
- (c) The operations and examinations required under this sub-regulation shall be carried out by or under the supervision of an engineer or other competent person, who shall record the date and other particulars thereof in a bound paged book kept for the purpose, and shall sign and date the same.
- (5) Non-destructive testing shall also be adopted for testing of vital components of machinery, such as drum shafts, brake tie rods and suspension gears at regular intervals and any harmful crack or flaw detected as a result of such tests shall be immediately reported to the Regional Inspector and use of such machinery or its components shall be discontinued forthwith.

**87. Precautions after recapping, etc.-** (1) After every installation or recapping of a rope and every renewal or refitting of any suspension gear, the engineer or other competent person shall, after the cages or other means of conveyance fully loaded with materials have made five trips up and down the working portion of the shaft, examine the cappel and other parts of the suspension gear to see that they are in proper working order.

(2) A report of every examination made under sub-regulation (1) shall be recorded in the bound paged book kept for the purpose, and shall be signed and dated by the person making the examination.

**88. Examination of winding equipment.-** (1) It shall be the duty of the engineer or other competent person to examine –

- (a) once at least in every twenty-four hours, –
  - (i) the attachment of the winding rope to the drum, the depth indicator, every part of the suspension gear in the shaft, including cages or other means of conveyance and their gates, and every external part of the winding apparatus, upon the proper working of which the safety of persons depends; and
  - (ii) the brakes of the winding engines;
- (b) once at least in every seven days, –
  - (i) each winding rope by passing the rope at a speed not exceeding one meter per second; and
  - (ii) the external parts of the winding engine, the guides and the signaling arrangements fitted in a shaft;
- (c) once at least in every thirty days, every winding rope, by passing the rope at a speed not exceeding 0.5 meter per second, and for the purpose of this examination, the rope shall be cleaned of any encrusted dirt and grease at all places particularly liable to deterioration and at other places, not more than thirty meters apart throughout the length; and any reduction in the circumference of the rope and the superficial condition of the wires as to wear, corrosion, brittleness and fracture at every such place shall be noted; and
- (d) once at least in every twelve months, the winding engine as to the condition of its internal parts.

(2) A report of every such examination under sub-regulation (1) shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

(3) If on any examination made under sub-regulation(1), there is discovered any weakness or defect by which the safety of persons may be endangered, such weakness or defect shall be immediately reported in writing to the engineer or other competent person and to the manager and the winding installation shall not be used until such weakness or defect is remedied.

**89. Gates and fences.-** (1) At the top of every shaft and at every inset which is in use, there shall be provided suitable gates or fences which shall effectively close the openings into the shaft at all times when a cage or other means of conveyance is not at the top or the inset. Every such gate at the top of a shaft shall be self-operating.

- (2) (a) At every landing where it is necessary for persons to pass from one side of the shaft to the other, an adequate bypass shall be provided for enabling them to do so without entering or crossing the shaft and every bypass so provided shall be not less than 1.8 metres high and 1.2 metres wide, which shall be kept clear of all obstructions.

- (b) No person shall enter or cross, or be permitted to enter or cross the exposed space at the bottom of any working shaft except for the purpose of entering or leaving a cage or other means of conveyance or for undertaking an examination, repair or any other work therein; and no person shall be allowed to work in any such space unless the cages or other means of conveyance, if any, have been stopped and adequate precautions have been taken for the protection of such person.

**90. Duties of persons riding or working in shafts.**— (1) No person shall get on or off a cage or other means of conveyance after the same has been signaled to be set in motion or leave it until it has reached the appointed stopping place; nor shall any person ride on the top or edge of any cage or other means of conveyance except when engaged in an examination, repair or any other work in the shaft.

- (2) Every person, when at or about the top or bottom of a shaft or any inset, shall obey the lawful orders and directions of the banksman or onsetter, as the case may be.
- (3) (a) No person shall carry out any examination, repair or other work in any shaft while winding operations are being carried on; and no winding shall be carried on or permitted while persons are engaged in such examination, repair or work, except where winding is necessary for the same.
- (b) The person in immediate charge of any examination, repair or work in any shaft shall warn the banksman and the winding engineman that such examination, repair or work is about to be undertaken.
- (c) Every person while engaged in any examination, repair or other work in a shaft shall be accompanied by at least one other person; and all such persons shall be provided with safety belts of a type approved by the Chief Inspector and effectively protected against the risk of falling.
- (d) Every person engaged in carrying out an examination, repair or other work in a shaft shall be protected by a suitable covering from objects falling from above and every such person shall also be provided with a protective hat and shall wear the same when so engaged.

**91. General precautions.**— (1) No unauthorised person shall enter or be allowed, in a winding engine room.

- (2) No adolescent shall descend or ascend a shaft in a cage or other means of conveyance unless accompanied by one or more adult males.

## CHAPTER IX

### HAULAGE

**92. Haulage roadways.**— (1) The provisions of sub-regulation (2) to sub-regulation (20) shall apply with respect to every length of road or roadway in a mine where materials are transported in tubs by means of gravity or mechanical power.

- (2) Every such roadway shall—
  - (a) be of adequate dimensions and, as far as practicable, shall be straight and of regular gradient; and
  - (b) have tracks properly laid with rails of adequate section.
- (3) (a) Pulleys, sheaves and rollers that alter the direction of a rope shall be securely fixed.
- (b) No person shall guide or adjust a moving rope on to a drum, pulley, sheave or roller except with a lever or other proper appliance.
- (4) Where haulage is effected by one or more ropes, there shall be provided and maintained—
  - (a) at the top of every inclined plane, at least one stop-block or other effective contrivance to arrest tubs from running or moving out of control; and
  - (b) at least one run away switch or other effective contrivance below the first stop-block or other effective contrivance at a distance greater than the length of a set or train of tubs:

Provided that such distance shall not exceed the length of a set or train of tubs by more than 10 meters:

Provided further that where the Regional Inspector, by an order in writing so requires, the stop-block and the run away switch or other effective contrivance aforesaid shall be so inter-coupled that they do not remain simultaneously ineffective.

- (c) an attachment, behind an ascending tub or set or train of tubs, a back-stay, drag or other suitable contrivance for preventing the tub, set or train of tubs running back:

Provided that where an endless rope or chain is used, the provisions of this clause shall be deemed to be satisfied if suitable automatic catches or other effective contrivances are provided at suitable intervals along the track to prevent the ascending tubs running back:

Provided further that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the operation of this clause on grounds that compliance with the provisions thereof are not reasonably practicable;

- (d) safety hooks, jazz-rails or other suitable contrivances to prevent runaway in the forward direction;  
(e) tub re-railers at intervals of not more than 250 meters:

Provided that where a tub is re-railed manually, it shall either be detached from the rope or ropes or the haulage engine which works the ropes shall be stopped; and

- (f) on every haulage roadway exceeding thirty metres in length, effective means of transmitting signals by mechanical or electrical means, from every stopping place on the roadway to the place at which the machinery working the rope is operated:

Provided that the Regional Inspector may, by an order in writing, require means of transmitting signals in the reverse direction also;

- (g) if any doubt arises as to whether any means of transmitting signals under clause (f) is effective or not, it shall be referred to the Chief Inspector for decision.

- (5) The following code of signals shall be used and strictly observed, namely: –

ONE RAP	STOP	when in motion
TWO RAPS	LOWER	or haul in slowly
THREE RAPS	START	when at rest
FOUR RAPS	RAISE	or haul out slowly:

Provided that any other signals shall be in addition to, and shall not interfere with the foregoing.

- (6) A printed copy of the code of signals under sub-regulation (5) including additional signals, if any, shall be posted prominently at the place in which the machinery that works the rope is operated and at all regular stopping places along the roadway.

- (7) No person other than a competent person or an official shall give any signal.

- (8) Where in any mine belowground, a system of haulage roadways (and conveyors, if any) extends to a distance of more than 300 meters from the shaft or the entrance to the mine, efficient telephonic communication shall be provided and maintained between the end of every such system and the bottom and top of the shaft or the entrance to the mine, as the case may be:

Provided that where travelling is unduly arduous, the Regional Inspector may, by an order in writing, require the provision and maintenance of telephonic communication in any other case also.

- (9) Where telephones or electrical signals are provided,-

- (a) adequate precautions shall be taken to prevent signal and telephone wires coming into contact with other cables and electrical apparatus;  
(b) signal wires shall be supported on insulators, and shall not be energised at more than thirty volts;  
(c) contact makers shall be so constructed as to prevent accidental closing of the circuit; and  
(d) in every gassy seam of the second or third degree, all signaling or telephonic communication circuits shall be constructed, installed, protected, operated and maintained in such a manner as to be intrinsically safe.

(10) At places where telephone receivers are installed or where signals and safety contrivances are regularly operated, every person using the telephone or operating any such signal or safety contrivance shall be afforded adequate protection against tubs moving out of control.

(11) Where any person is allowed to work or pass while the haulage is in motion, manholes for refuge shall be provided at intervals of not more than ten metres:

Provided that where the gradient is less than one in six, such manholes may be provided at intervals of not more than twenty metres.

(12) Manholes shall be not less than 1.8 metres in height and 1.2 metres in depth, and not less than 0.75 metres but not more than one meter in width:

Provided that where the roadway is less than 1.8 metres in height, the manholes may be made to the full height of the roadway:

Provided further that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the use as manholes of cross-roadways other than haulage roadways, of dimensions larger than those aforesaid.

(13) Where there are serious practical difficulties in providing manholes of the interval and the dimension specified in sub-regulations (11) and (12), the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit manholes to be at greater intervals or of other dimensions.

(14) Every manhole shall be kept clean and clear of obstruction, and white washed both inside and for a distance of not less than 0.3 meter around the aperture.

(15) As far as practicable, all manholes shall be provided on one side of the haulage roadway.

(16) Except where haulage is effected by means of an endless rope or chain, whenever the haulage rope is in motion, every person on the haulage roadway shall take shelter in a manhole.

(17) The manager shall, by an order in writing, in respect of every haulage road or roadway, fix the maximum number of loaded or empty tubs to be coupled together to run as a set or train and a notice specifying the number of tubs so fixed shall be posted prominently at the top and at all regular stopping places of the haulage road or roadway.

(18) At all places where tubs are coupled or uncoupled, there shall be a clear space of not less than one meter –

(a) between, the tubs and one side of the roadway; and

(b) where there are two or more tracks also between the adjacent tracks.

(19) When any roadway or face is in direct line with a haulage track and persons may be exposed to danger from runaway tubs, a strong buffer or other effective contrivance to prevent such danger shall be provided and maintained.

(20) A stop-block or other effective contrivance shall be provided near the entrance of every tramming roadway branching off the main haulage road or roadway, and on every track which slopes towards a shaft.

**93. Travelling roadways.**– (1) Except when an exemption in writing has been granted by the Regional Inspector and subject to the conditions as he may specify therein, travelling roadways in the intake airways separate from haulage roadways on which haulage is effected by mechanical means or gravity, shall be provided for persons to travel to and from their working places.

(2) Every travelling roadway shall –

(a) be not less than 1.8 meters high for the entire stretch;

(b) where the inclination exceeds 30 degrees from the horizontal, be provided with suitable steps or ladders;

(c) where the inclination exceeds 45 degrees from the horizontal, be provided, in addition to steps or ladders, with hand rails or ropes so as to ensure safe travel;

- (d) where the inclination exceeds 60 degrees from the horizontal, be provided, in addition to the steps or ladders and rails or ropes, with suitable platforms at intervals not exceeding 10 meters measured along the slope;
  - (e) be provided with effective means of telecommunication facilities at suitable places; and
  - (f) be provided with adequate number of digital display boards and communication ports through which any important message or information can be easily transmitted or broadcasted to persons working belowground or passing thereby.
- (3) Except for purposes of inspection, examination or repair, every person other than an official or a haulage attendant shall travel by the travelling roadway.
- (4) Where persons using a travelling roadway have to cross a conveyor or a haulage worked by mechanical means or gravity, a suitable cross-over or cross-under bridge or other suitable device approved in writing by the Regional Inspector shall be provided.
- (5) Where a conveyor roadway is required to be used as a travelling roadway, suitable guards or fencing of substantial construction shall be provided throughout such length of the conveyor roadway, which is intended to be used as travelling roadway.
- (6) In case the travelling distance from the incline or adit mouth or pit bottom exceeds one kilometer or the travelling is arduous, the owner, agent and manager shall provide suitable man-riding arrangement as approved by the Chief Inspector, within one year from the date of coming into force of these regulations.
- (7) No haulage shall be used for the general conveyance of persons except with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

**94. Tubs and their movement.**— (1) On every tub there shall be provided and maintained at each coupling end a strong buffer projecting beyond the end and so arranged that when two such tubs are in tandem, the gap between the innermost ends shall not be less than 20 centimeters.

- (2) On every side-tipping tub in use, safety-catches shall be provided to prevent accidental tipping and no tub or set or train of tubs shall be set in motion unless all the safety catches are properly secured.
- (3) The attachment between a rope or locomotive and a tub or set or train of tubs and the attachment between any two tubs in a set or train, shall be of a type approved in writing by the Chief Inspector by a general or special order and so maintained as to obviate accidental disconnection.
- (4) The state of every buffer and drawbar of every tub in use and of every safety-catch, coupling-chain and other attachment shall be examined once at least in every fourteen days, by a competent person appointed for the purpose and a report of every such examination shall be recorded in a bound paged book kept for the purpose, which shall be signed and dated by the person who made the examination.
- (5) Each component of coupling shall have factor of safety of not less than seven in relation to maximum static load which shall be ensured by testing at an interval not exceeding three years and record thereof shall be maintained.
- (6) When tubs are about to be moved, persons likely to be endangered shall be warned.
- (7) Two or more tubs shall not be moved by hand in close succession but shall be coupled and moved together:

Provided that two tubs shall be deemed to be in close succession when the distance between them at any time is less than 10 meters.

- (8) No person shall cause or permit a tub to run uncontrolled except with the written permission of the manager:

Provided that the Regional Inspector may, by an order in writing, prohibit the uncontrolled movement of tubs at any place if he is of the opinion that such movement is likely to cause danger.

- (9) No person while taking a tub down a gradient exceeding one in twenty, shall go in front of the tub; and in every case where conditions are such that a person is not in a position to control the tub from behind, he shall not take the tub down unless sprags or other suitable contrivances are used to control it.
- (10) Where required for use, a sufficient number of sprags of suitable material and dimensions shall be provided.

(11) Every tub while standing on a track having a gradient of more than one in twenty shall unless held effectively by brakes or securely coupled to a haulage rope or locomotive, be effectively blocked, chained or otherwise secured.

(12) Except where haulage is effected by means of an endless rope, the coupling and uncoupling of tubs shall, as far as practicable, be done only when the tub or set of the tubs, and the rope if connected to the set, is not in motion.

(13) As far as practicable, tubs shall not be coupled or uncoupled on a gradient.

(14) No person shall ride on any tub or haulage rope.

**95. Brakes of haulage engines.**— Every haulage engine shall be provided with an effective brake.

**96. Haulage ropes.**— (1) No rope shall be used for purposes of haulage if it has any serious visible defect over any length or its factor of safety is less than eight.

(2) Every rope which is capped shall be recapped once at least in every six months, and if necessary, at shorter intervals, under the supervision of a competent person.

(3) No rope which has been spliced shall be used in direct haulages.

(4) For every haulage rope in use, a record of size, construction, quality, name of supplier and dates of installation and of recapping shall be kept in a bound paged book kept for the purpose, and all entries therein shall be made by the competent person who shall sign the same and date his signature.

**97. Roadway conveyors.**— (1) Every roadway conveyor shall be so installed that –

(a) between the conveyor and one side of the roadway, there is a travelling space free from obstruction not less than one meter wide;

(b) the conveyor or any part thereof does not scrape against wooden props or supports;

(c) the anchoring of the return station of the conveyor is independent of the face or roadway support;

(d) in case a number of belt conveyors are used in series, safety fittings such as sequential control and sequential interlock shall be provided; and

(e) it can be stopped from any place along the entire length of the conveyor by providing pull cord switches or any other suitable system.

(2) Where the inclination of the conveyor is such as to give rise to danger from sliding objects or material, suitable device shall be used to provide adequate protection against such danger.

(3) On every length of roadway in which a conveyor is installed for transporting loads over a distance exceeding 30 meters, there shall be provided and maintained effective means of transmitting signals from every point on the length of the roadway to the place at which the machinery working the conveyor is operated:

Provided that the Regional Inspector may, by an order in writing, require means of transmitting signals in the reverse direction also.

(4) The conveyor operator and the cabin or place from where the conveyor is operated shall be provided with an effective means of telecommunication along with broadcasting facilities through which the operator can communicate to any person present in the conveyor roadway at any place of the installation and such system of telecommunication shall have facilities of both way communications.

(5) Audio-visual pre-start warning alarm shall also be provided in the entire length of the roadway conveyor so as to warn persons of imminent dangers due to starting of the belt conveyor.

(6) The manager shall formulate a code of practice for safe installation, operation, maintenance and use of belt conveyor belowground including extension of belt conveyor and shifting it from one place in the mine to another and submit the same to the Regional Inspector at least thirty days before the commencement of the installation of the belt conveyor belowground; and the Regional Inspector may, at any time by an order in writing, require such modifications in the code of practice as he may think fit in the interest of safety.

(7) In case the belt conveyor is intended for the purpose of man-riding, the manager shall formulate a separate code of practice for safe installation, operation, maintenance and use of the belt conveyor for the

said purpose in a specified location in the mine and shall submit the same to the Chief Inspector at least ninety days before the commencement of the installation of the said belt conveyor seeking permission for the said use:

Provided that no such system shall be put in use except with the permission in writing and in accordance with such conditions as the Chief Inspector may specify therein.

(8) The Chief Inspector may at any time by an order in writing modify or revoke the permission granted under the proviso to sub-regulation (7) as he may think fit in the interest of safety of persons using the same.

(9) The manager and engineer shall both be responsible for implementation of the code of practice.

(10) Adequate arrangement shall be provided in the belt conveyor to ensure that it gets automatically stopped,-

- (a) in case of excessive friction between the belt and the drum, roller, scrapper, deflectors, guides or any other obstruction caused either due to spillage or otherwise;
- (b) in case of breakage of the belt; and
- (c) in case of fire or heating in the belt conveyor or in the vicinity thereof.

**98. Examination of haulage engines.**— (1) It shall be the duty of a competent person to examine carefully-

- (a) once at least in every twenty-four hours, every haulage engine, brake-wheel, rope and other appliance in use; and
- (b) once at least in every seven days, every track where the haulage is effected by means of mechanical power or gravity, and every safety contrivance fitted thereon.

(2) A report of every such examination under sub-regulation (1) shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

**99. Examination of haulage and travelling roadways.**— It shall be the duty of the overman or other competent person to examine carefully, once at least in every seven days, the state of all haulage and travelling roads and roadways, including roadways leading to all the outlets of the mine which are in use and a report of every such examination shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person who made the examination.

**100. Locomotives.**— (1) No locomotive shall be used belowground otherwise than in accordance with the permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

- (2) No locomotive shall be used where the gradient of the track exceeds one in fifteen.
- (3) No person other than the driver shall ride on any locomotive unless authorised in writing to do so by the manager.
- (4) Except during shunting operations, the locomotive shall lead the tubs or set or train of tubs.

**101. Roads for trucks and dumpers.**— The design, construction, dimensions and layout of haul roads (including ramps) and of parapet walls or embankments or berms, to be provided along the edge of any road that exists above the level of surrounding area or of any spoil or coal dump, shall be as per the standards and parameters specified in a general order in writing, by the Chief Inspector.

**102. Movement of wagons.**— (1) The movement of railway wagons shall be carried on under the supervision of a competent person.

- (2) Before wagons are moved, persons likely to be endangered shall be warned by the competent person appointed under sub-regulation (1).
- (3) No person shall move or attempt to move a wagon by pushing at the buffer, or by pulling from in front.
- (4) Where two or more wagons are moved simultaneously, the wagons shall be coupled together which shall be moved only by pushing from the sides or from behind the last wagon:

Provided that the number of such wagons shall not exceed the number which can be effectively controlled.



- (5) No locomotive or wagon shall be moved when the natural light is insufficient, unless the approaching end is distinguished by a suitable light or is accompanied by a person carrying a lamp.
- (6) No person, other than the competent person referred to in sub-regulation (1), shall pass immediately in front of wagons moving under bins or screens, nor between moving wagons and the under-structure of the bins or screens.
- (7) No person shall be upon the buffer of a locomotive or wagon in motion unless there is a secure hand-hold, or stand thereon and unless there is also a secure footplate.
- (8) No person shall pass over the coupling between any two wagons while the wagons are moving.
- (9) No person shall cross a line of rails by crawling or passing underneath a train or wagon, nor shall a person sit or sleep underneath a wagon.
- (10) Wherever railway wagons are specially placed so as to afford a thoroughfare, such thoroughfare shall be not less than five meters in width.
- (11) No material shall be placed or dumped within 1.2 meters from either side of a track of rails.
- (12) All space between the rails at switches and crossings in which the foot of a person is liable to be caught shall be kept filled with concrete, tar, asphalt, or wooden blocks.

**103. Fencings and gates.**— (1) Where any haulage road, tramline, rail line or haul road passes over a public road, suitable gates shall be provided to prevent danger to public from a moving tub, set or train of tubs, locomotive or machinery and every such gate shall be fitted with a danger signal, and when the natural light is insufficient, also with warning lamps.

(2) Where occupied buildings are situated within 15 meters of any haulage road, tramline, rail line or haul road, a substantial fence shall be provided and maintained between such buildings and the haulage road, tramline, rail line or haul road.

## CHAPTER X MINE WORKING

**104. Safety management plan.**— (1) The owner, agent and manager of every mine shall—

- (a) identify the hazards to health and safety of the persons employed at the mine to which they may be exposed while at work;
  - (b) assess the risks to health and safety to which employees may be exposed while they are at work;
  - (c) record the significant hazards identified and risks assessed;
  - (d) make those records available for inspection by the employees; and
  - (e) follow an appropriate process for identification of the hazards and assessment of risks.
- (2) The owner, agent and manager of every mine, after consulting the safety committee of the mine and Internal Safety Organisation, shall determine all measures necessary to—
- (a) eliminate any recorded risk;
  - (b) control the risk at source;
  - (c) minimise the risk; and
  - (d) in so far as the risk remains,
    - (i) provide for personal protective equipment; and
    - (ii) institute a program to monitor the risk to which employees may be exposed.
- (3) Based on the identified hazards and risks, the owner, agent and manager of every mine shall prepare an auditable document called “Safety Management Plan”, that forms part of the overall management and includes organisational structure, planning, activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining a safety and health policy of a company.

(4) It shall be the duty of the owner, agent and manager to implement the measures determined necessary and contained in the Safety Management Plan for achieving the objectives set out in sub-regulation (2) in the order in which the measures are listed in the said sub-regulation.

(5) The Safety Management Plan shall contain-

- (a) defined mine safety and health policy of the company;
- (b) a plan to implement the policy;
- (c) how the mine or mines intend to develop capabilities to achieve the policy;
- (d) principal hazard management plans;
- (e) standard operating procedures;
- (f) ways to measure, monitor and evaluate performance of the safety management plan and to correct matters that do not conform with the safety management plan;
- (g) a plan to regularly review and continually improve the safety management plan;
- (h) a plan to review the safety management plan if significant changes occur; and
- (i) details of involvement of mine workers in its development and application.

(6) The owner, agent and manager of every mine shall periodically review the hazards identified and risks assessed, to determine whether further elimination, control and minimisation of risk is possible and consult with the safety committee on review.

(7) The owner, agent or manager of every mine shall submit a copy of the Safety Management Plan to the Regional Inspector who may, at any time by an order in writing, require such modifications in the plan as he may specify therein.

(8) The owner, agent and manager of every mine shall be responsible for effective implementation of the Safety Management Plan.

**105. Manual opencast working.**— In manual opencast workings, the following precautions shall be observed, namely: -

(1) In alluvial soil, morum, gravel, clay, debris or other similar ground,-

- (a) the sides shall be sloped at an angle of safety not exceeding 45 degrees from the horizontal or such other angle as the Regional Inspector may permit by an order in writing and subject to such conditions as he may specify therein; or
- (b) the sides shall be kept benched and the height of any bench shall not exceed 1.5 meters and the breadth thereof shall not be less than the height:

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt from the operation of this clause in any working in the case of which special difficulties exist, which, in his opinion, make compliance with the provisions thereof not reasonably practicable.

(2) Where any pillar is left 'in situ' for the purpose of measurement, its height shall not exceed 2.5 meters; and where the height of such pillar exceeds 1.25 meters, the base of the pillar shall not be less than 1.5 meters in diameter.

(3) In coal, the sides shall either be kept sloped at an angle of safety not exceeding 45 degree from the horizontal, or the sides shall be kept benched and the height of any bench shall not exceed three meters and the breadth thereof shall not be less than the height:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt, from the operations of this sub-regulation, any working, in the case of which special difficulties exist which in his opinion make compliance with the provisions thereof not reasonably practicable.

(4) In an excavation in any hard and compact ground or in prospecting trenches or pits, the sides shall be adequately benched, sloped or secured so as to prevent danger from fall of sides:

Provided that the height of the bench shall not exceed six meters.

(5) No tree, loose stone or debris shall be allowed to remain within a distance of three meters from the edge or side of the excavation.

(6) No person shall undercut any face or side or cause or permit such undercutting as to cause any overhanging.

**106. Mechanised opencast working.-** (1) In all mechanised opencast workings, the precautions specified in sub-regulation (2) to sub-regulation (6) shall be observed.

(2) Before starting a mechanised opencast working, the owner and agent of the mine shall ensure that the mine, including its method of working, ultimate pit slope, dump slope and monitoring of slope stability, has been planned, designed and worked as determined by a scientific study and a copy of the report of such study has been kept available in the office of the mine:

Provided that in case of mines where such a study has not been made, it shall be the responsibility of the owner and agent to get the said study made within one year from the date of coming into force of these regulations.

(3) The owner, agent and manager of every mechanised opencast mines shall ensure that the recommendations made in the report of scientific study referred to in sub-regulation (2) are complied with.

(4) The height of the benches in overburden consisting of alluvial soil, morum, gravel, clay, debris or other similar ground shall not exceed 3 meters and the width thereof shall not be less than three times the height of the bench.

(5) The height of benches in coal and overburden of rock formation other than that mentioned in sub-regulation (4) shall not be more than the digging height or reach of the excavation machine in use for digging, excavation or removal, and the width thereof shall not be less than -

- (a) the width of the widest machine plying on the bench plus two meters; or
- (b) if dumpers ply on the bench, three times the width of the dumper; or
- (c) the height of the bench,

whichever is more.

(6) Notwithstanding anything contained in sub-regulations (2), (4) and (5), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, require or permit the height and width of benches in variance with aforesaid.

**107. Reclamation.-** All excavations made by opencast mining shall be suitably reclaimed by back filling or by any other means.

**108. Spoil-banks and dumps.-** (1) While removing overburden, the top soil shall be stacked at a separate place, so that, the same is used to cover the reclaimed area.

(2) The slope of a spoil bank shall be determined by the natural angle of repose of the material being deposited but, in any case, shall not exceed 37.5 degrees from the horizontal:

Provided that where in any mine, a steeper slope of spoil bank has been recommended as a result of a scientific study by any scientific agency or institution, having expertise in slope stability, the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit a steeper slope of the spoil bank.

(3) Loose overburden and other such materials from opencast workings or other rejects from washeries or from other sources shall be dumped in such a manner that there is no possibility of dumped material sliding.

(4) Any spoil bank exceeding 30 metre in height shall be benched so that no bench exceeds 30 metre in height and the overall slope shall not exceed 1 vertical to 1.5 horizontal.

(5) The toe of a spoil-bank shall not be extended to any point within 100m of a mine opening, railway or other public works, public road or building or other permanent structure not belonging to the owner.

(6) A suitable fence shall be erected between any railway or public works or road or building or structure not belonging to the owner and the toe of an active spoil bank so as to prevent unauthorised persons from approaching the spoil-bank.

(7) No person shall approach or be permitted to approach the toe of an active spoil bank where he may be endangered from material sliding or rolling down the face.

(8) Adequate precautions shall be taken to prevent failure of slopes of the spoil banks or dumps.

**109. Transport rules.-** (1) The manager of every mine shall frame and enforce a code of transport rules with due regard to the size and capacity of the transportation machinery in use and prevailing local conditions and a copy of the same shall be submitted to the Regional Inspector, who may, at any time, by an order in writing require such modifications in the transport rules, as he may specify therein:

Provided that in mines where such machinery are already in use, the aforesaid transport rules shall be framed and enforced within ninety days from the date of coming into force of these regulations.

(2) The manager shall hand over copies of the transport rules to all operators, drivers and officials concerned and shall also post such copies at all conspicuous places in the mine in languages comprehensible by the workers.

(3) The Manager and such officials shall each be responsible for securing effective compliance with the provisions of the transport rules, and no mine or part of a mine shall be worked in contravention thereof.

**110. Codes of practice.-** (1) The manager of every mine shall, before introducing any machinery or new operation connected with his mine, frame and enforce “code of practice”, not being inconsistent with the Act or these regulations, for each such machinery or operation, as the case may be.

(2) The codes of practice shall be framed with due regard to the type, size and capacity of the machinery or operation in use and prevailing local conditions and a copy of the same shall be submitted to the Regional Inspector, who may at any time, by an order in writing, require such modifications in the codes as he may specify therein:

Provided that in mines where such machinery are already in use or operations in practice, the said codes of practice shall be framed and enforced within ninety days from the date of coming into force of these regulations.

(3) The codes of practices, *inter alia*, shall provide for—

- (a) safe operating procedures for the machinery or operation to which it relates to;
- (b) examination and testing of the machinery before first use after erection, installation, re-installation, modification, alteration, maintenance or repair;
- (c) schedule and nature of examination and testing of the machine, including its sub-assemblies, so as to ensure its safe operation;
- (d) the manner in which the records of examination shall be kept.

(4) The owner, agent or manager of every mine shall hand over copies of such code of practices to concerned officials and persons and ensure effective enforcement thereof.

(5) A copy of the codes of practice framed under sub-regulation (3) shall always be kept in the office of the mine and also at respective places of such operation or machinery.

**111. Development work.-** (1) The dimensions of pillars and galleries, and the shape of pillars, formed in any seam or section shall be such as to ensure stability during the formation and extraction of pillars, and during the period between such formation and extraction.

(2) Save with the previous permission in writing of the Regional Inspector and subject to such conditions as he may specify therein, no gallery in a seam or section shall exceed three meters in height or 4.8 meters in width at any place.

(3) The pillars formed in any seam or section shall normally be rectangular in shape.

(4) The distance between the centres of any two adjacent pillars left in a seam or section shall not be less than that specified in the table below as corresponding to the depth of the seam or section from the surface at that point and the width of the galleries in the working in question.

Table

Depth of seam from surface	Where the width of the galleries does not exceed 3.0 meters	Where the width of the galleries does not exceed 3.6 meters	Where the width of the galleries does not exceed 4.2 meters	Where the width of the galleries does not exceed 4.8 meters
	The distance between centres of adjacent pillars shall not be less than			
(1)	(2)	(3)	(4)	(5)
	Meters	Meters	Meters	Meters
Not exceeding 60 meters	12.0	15.0	18.0	19.5
Exceeding 60 but not exceeding 90 meters	13.5	16.5	19.5	21.0
Exceeding 90 but not exceeding 150 meters	16.5	19.5	22.5	25.5
Exceeding 150 but not exceeding 240 meters	22.5	25.5	30.5	34.5
Exceeding 240 but not exceeding 360 meters	28.5	34.5	39.5	45.0
Exceeding 360 meters	39.0	42.0	45.0	48.0

(5) The Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, exempt a mine or part thereof to form pillars in variance to that specified in the sub-regulations (3) and (4).

(6) Nothing in sub-regulation (2), (3), (4) and (5) shall apply to workings in a mine made before 7<sup>th</sup> September, 1926 and the following provisions shall apply to all workings made prior to said date, except during the extraction or reduction of pillars,-

- (a) if the distance between the centers of adjacent pillars is smaller than that specified in the table under sub-regulation (4), the pillars shall not be further reduced; or
- (b) if the distance between the centers of adjacent pillar is not smaller than that specified in the table under sub-regulation (4), the pillars shall not be so reduced as to render such distance smaller than –
  - (i) the distance so specified; or
  - (ii) any distance required in this behalf by the Chief Inspector; and
- (c) the height and width of the galleries shall not be further increased without the permission in writing of the Regional Inspector and subject to such conditions as he may specify therein.

(7) In the case of all workings, where in the opinion of the Regional Inspector the dimensions of pillars or galleries are such as to render that crushing of pillars or the premature collapse of any part of the workings is likely to occur either before or during the extraction of pillars, he may, by an order in writing, require such modification of the dimensions aforesaid in respect of any future working as he may specify.

**112. Depillaring operations.**— (1) No extraction or reduction of pillars shall be commenced, conducted or carried out except with the previous permission in writing of the Regional Inspector and in accordance with such conditions as he may specify therein.

(2) An application, for permission under sub-regulation (1) shall be accompanied by two copies of an up-to-date plan of the area where pillars are proposed to be reduced or extracted, showing the proposed extent of extraction or reduction of pillars, the manner in which such extraction or reduction is to be carried out, the thickness and depth of the seam, the nature of the roof, and the rate and direction of dip.

(3) The extraction or reduction of pillars shall be conducted in such a way as to prevent, as far as possible, the extension of a collapse or subsidence of the goaf over pillars which have not been extracted.

(4) Save as otherwise provided under sub-regulation (5), no pillars shall be reduced or split in such a manner as to reduce the dimensions of the resultant pillars below those required by regulation 111 or by any order made thereunder, nor shall any gallery be so heightened as to exceed three meters.

(5) During the extraction of pillars, no splitting or reduction of pillars or heightening of galleries shall be effected for a distance greater than the length of two pillars ahead of the pillar that is being extracted or reduced:

Provided that where pillar extraction is about to begin in a district, such splitting or reduction of pillars or the heightening of galleries shall be restricted to a maximum of four pillars.

(6) The width of the split-galleries shall not exceed the width specified for galleries under sub-regulation (4) of regulation 111.

(7) The Regional Inspector may, by an order in writing and stating the reasons therefor, relax or restrict the provisions of sub-regulation (4) or sub-regulation (5) in respect of any specified workings to such extent and on such conditions as he may specify therein.

(8) Where the method of extraction is to remove all the coal or as much of the coal as practicable, and to allow the roof to cave in, the operations shall be conducted in such a way to leave as small an area of un-collapsed roof as possible with due regard to danger from an air blast or weighting on pillars, and suitable means shall be adopted to bring down the goaf at regular intervals wherever possible.

(9) Where the voids formed as a result of extraction are stowed with sand or other materials, the owner, agent or manager shall, on or before the 10<sup>th</sup> day of every month submit to the Regional Inspector a statement giving the quantity of coal raised and the quantity of sand or other material stowed in every district during the preceding month.

**113. Extraction of Coal by method other than bord and pillar system.**— (1) No development or extraction of coal by a system other than bord and pillar system shall be commenced, conducted or carried out except with the previous permission in writing of the Chief Inspector and in accordance with such conditions as he may specify therein.

(2) An application for permission under sub-regulation (1), shall be made accompanied by two copies of an upto date plan of the area where such development or extraction is proposed, showing details such as the manner and proposed extent of development or extraction.

**114. Saving.**— (1) Nothing in regulation 111 or regulation 112 shall prevent the driving of any gallery through any pillar or the enlargement of any gallery beyond the limits specified by or under these regulations, where in the opinion of the manager such work is necessary for haulage, ventilation, drainage or any other purpose necessary for the proper working of the mine, if fourteen days' previous notice in writing of the intention to commence such work has been given to the Regional Inspector.

(2) Every notice under sub-regulation (1) shall be accompanied by an offset plan showing details of the operation.

(3) If in the opinion of the Regional Inspector such work under sub-regulation (1) is likely to endanger the stability of the workings, he may, by an order in writing, require the completion, before commencing such drive or enlargement, of such protective works as he may specify therein.

**115. Roads and working places.**— (1) The roof and sides of all working places and travelling roadways, including airways and travelling roadways to second outlets, shall be made and kept secure.

(2) Necessary arrangements shall be made to prevent premature collapse of workings; and adequate steps shall be taken to isolate, control or remedy any such collapse which may occur.

(3) Whenever crush of pillars or any symptom of an impending collapse other than ordinarily caused by pillar extraction is detected, the manager shall inform the Regional Inspector forthwith.

**116. Powers of Inspectors.**— (1) If in any mine or part thereof, it appears to the Regional Inspector that the provisions of regulations 105, 106, 111, 112 and 115 or of any order issued under any of these regulations have not been complied with, he may give notice in writing to the owner, agent or manager requiring him to take such protective measures, within such time, as he may specify in the notice.

(2) In case of non-compliance with the requirements of the notice issued under sub-regulation (1), the Regional Inspector may, by an order in writing, prohibit the extraction of coal in the part or parts of the mine in which protective measures are required to be taken, until the requirements specified in the notice are complied with.

**117. Pointing out of contraventions during inspections.-** (1) If the Chief Inspector or an Inspector, during his inspection of any mine, finds or comes to know about contravention of any of the provision of the Act or the regulations, rules, bye-laws or orders made thereunder, he shall enter such contravention in an interleaved, paged and bound register maintained in a Form as may be specified by the Chief Inspector for the purpose, and shall also point out such contravention to the owner, agent or manager, if present on the spot.

(2) The Chief Inspector or the Inspector making the entry of the contraventions in the register referred to in sub-regulation (1) shall duly sign such entries with date, and take a carbon copy of the entries for his record:

Provided that the Chief Inspector or the Inspector need not enter such contravention which require confirmation after a survey or further examination, and he may subsequently intimate the owner, agent or manager, specifying the contravention, if confirmed, and also any other contraventions which were, by inadvertence, not entered in the said register:

Provided further that an entry made in the register or the absence of an entry therein, as also a communication in pursuance with the first proviso or absence thereof, shall not in any way limit the duties or obligations of a person under the Act or the regulations, rules, bye-laws or orders made thereunder.

(3) When an entry is made in the register, –

- (a) the owner, agent and manager shall each be deemed to know what is contained in that entry; and
- (b) a copy thereof shall be displayed within one day of the date of such entry on the notice board of the mine for not less than fifteen days.

(4) The owner, agent or manager of the mine shall return one copy, within a period not exceeding fifteen days from the date of the entry, to the Chief Inspector or the Inspector who made the entry with remarks thereon showing the action taken to remedy the contravention and the date on which such action was taken.

(5) The register shall–

- (a) be kept available for inspection in the office of the mine for a period of at least three years after the date of making of the last entry in it; and
- (b) not be removed therefrom before the expiry of the said period, except by or with the previous approval in writing of the Regional Inspector.

**118. Multi-section and contiguous working.-** (1) No work in a higher seam or section shall be done over an area in a lower seam or section which may collapse.

(2) No working shall be made in more than one section in any seam, nor shall workings be made in any two seams lying within nine meters of each other, without the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(3) Every application for permission under sub-regulation (2) shall be accompanied by two copies of a plan showing the proposed layout of the workings, section of the seam or seams, the depth of the seams from the surface, the rate and direction of dip, the proposed dimensions of pillars and galleries in each seam or section, and the thickness of the parting between the seams or sections.

(4) Where two or more such seams or sections are worked in a mine, the pillars in one seam or section shall, as far as practicable, be vertically above or below the pillars in the other seam or section unless the strata are inclined at an angle of more than 30 degrees from the horizontal.

(5) The parting left between any two seams or sections shall not be less than three meters in thickness at any place:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require a smaller or greater thickness of parting, as the case may be.

**119. Working under railways and roads, etc.-** (1) No working shall be made and no work of extraction or reduction of pillars shall be conducted at, or extended to, any point within 45 meters of any railway, or of any public works in respect of which this regulation is applicable by reason of any general or special order of the Central Government, or of any public road or building, or of other permanent structure not

belonging to the owner of the mine, without the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) Every application for permission under sub-regulation (1) shall specify the position of the working of the mine in relation to the railway or public road or works or building or structure concerned, the manner in which it is proposed to carry out the intended operations, and the limits to which it is proposed to carry out the said operations; and shall be accompanied by two copies of a plan showing the existing and the intended mining operations in so far as they affect the railway or public road or works or building or structure concerned.

(3) Every copy of the application for permission referred to in sub-regulation (2) shall also be sent in the case of a railway, to the railway administration concerned; and in the case of any public works as aforesaid, to such authority as the Central Government may direct by general or special order.

(4) Notwithstanding anything contained in these regulations, the stability of such railway, road, works, building or structure shall not be endangered until it has been dismantled, diverted or vacated, as the case may be.

(5) Where the stability of such railway, road, works, buildings or structure has been endangered due to any mining operations, the Chief Inspector may, by an order in writing, require the owner to construct in the mine belowground or on the surface such protective works within such time as he may specify in the order.

**120. Protective work before a mine is closed.-** (1) The Chief Inspector may, by an order in writing, require the owner of any mine to which regulation 5 applies, to construct in the mine belowground or on the surface such protective works within such time as he may specify therein.

(2) If the owner fails to construct such protective works within the time specified in the order referred to in sub-regulation (1), the Chief Inspector may get the work executed by any other agency, and the cost thereof, as certified by the Chief Inspector, shall be defrayed by the owner of the mine and recoverable from him as an arrear of land revenue.

(3) Until the protective work have been constructed to the satisfaction of the Chief Inspector, the means of entering the mine at not less than two entrances shall be kept intact and in working order.

**121. Working near mine boundaries in belowground mines.-** (1) The owner, agent or manager of every belowground mine shall have fixed boundaries of the mine and notwithstanding anything contained in sub-regulation (2), these shall not be changed except with the express permission of the Chief Inspector in writing and subject to such conditions as he may specify therein.

(2) No working shall be made within a distance equal to half the distance as specified in column (5) of table under sub-regulation (4) of regulation 111, corresponding to the depth of the seam being worked, of the boundary of any mine and in case of a disputed boundary no working shall be made within the said distance of the boundary claimed by the owner of an adjacent mine until such time as a binding agreement has been reached as to the correct boundary or the question has been finally determined by a court of law:

Provided that, where work is done in more than one seam, the barrier kept at the boundary shall, as far as practicable, be vertically coincident and of the same dimensions:

Provided further that, where the working of any seam, for any reason, are extended or get extended within any shorter distance than what is laid down herein above, the Chief Inspector may, by an order in writing, require the owner to construct such protective works within such time as he may specify in the order.

(3) Notwithstanding anything contained in sub-regulation (2), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require to extend or restrict the working of any mine or part thereof in variance with the provisions of this regulation.

**122. Working near mine boundaries in opencast mines.-** (1) The owner, agent or manager of every opencast mine shall have fixed boundaries of the mine and notwithstanding anything contained in sub-regulation (2), the boundary shall not be changed except with the previous permission of the Chief Inspector in writing and subject to such conditions as he may specify therein:

Provided that if any mine consists of two or more separate excavations and if, in the opinion of the Chief Inspector, they are not sufficiently near to one another to permit daily personal supervision being



exercised by one manager, the Chief Inspector may, by an order in writing, require the mine to be split into two or more separate mines.

(2) No working shall be made within a distance of 7.5 meters of the boundary of any mine and, in case of a disputed boundary, no working shall be made within a distance of 7.5 meters of the boundary claimed by the owner of an adjacent mine until such time a binding agreement has been reached as to the correct boundary or the question has been finally determined by a court of law:

Provided that, where the workings of any mine, for any reason, are extended or get extended within any shorter distance than what is laid down herein above, the Chief Inspector may, by an order in writing, require the owner to construct such protective works within such time as he may specify in the order.

(3) Notwithstanding anything contained in sub-regulation (2), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit or require to extend or restrict the working of any mine or part thereof in variance with the provisions of this regulation.

**123. Strata Control and Monitoring Plan.**— (1) (a) The owner, agent and manager of every mine shall prepare, formulate and implement a Strata Control and Monitoring Plan (SCAMP) based on scientific study considering the geotechnical data, information and the method of development and extraction of coal or the excavation required therefrom, which also includes a support plan to secure the roof and sides of belowground workplaces, and shall be subject to revision with change in condition, for all workings belowground.

(b) The owner, agent and manager shall submit a copy of the Strata Control and Monitoring Plan (SCAMP) to the Regional Inspector who may, at any time by an order in writing, require such modification as he may specify therein.

(2) The owner, agent and manager of every mine having workings below ground shall, before commencing any operation, frame, in consonance with the Strata Control and Monitoring Plan framed under sub-regulation (1) and with due regard to the engineering classification of strata, local geological conditions, system of work, mechanisation, and past experience, and enforce the support plan specifying in relation to each working place the type and specifications of supports and their intervals:

Provided that in respect of a mine where development operations are already in progress, the support plan shall be framed and enforced within thirty days of the date of coming into force of these regulations.

(3) The manager shall, at least thirty days before the commencement of any operation, submit a copy of the support plan framed under sub-regulation (2) to the Regional Inspector who may at any time, by an order in writing, require such modification in the plan as he may specify therein.

(4) The Manager shall hand over copies of the support plan framed under sub-regulation (1) and (2), in English as well as in a local language understood by majority of the persons employed in the mine, together with illustrative sketches, to all supervisory officials concerned including the assistant manager and shall also post such copies at all conspicuous places in the mine.

(5) The manager and such supervising officials shall be responsible for securing effective compliance with the provisions of the support plan framed under sub-regulation (1) and (2), and no mine or part of a mine shall be worked in contravention thereof.

(6) The support plan shall include *inter alia*, system of, monitoring of the support performance, measurement of strata behaviour, re-setting of supports, provision of temporary support, replacement of old supports, withdrawal of supports and clearing of falls of ground.

(7) The support plan shall also include the implementation strategy of the plan, training and inspection and supervision policies.

(8) The owner, agent or manager shall formulate and implement a code of standing orders specifying –

- (a) the system and the organisation for procurement and supply of supports of suitable material, of adequate strength and in sufficient quantity where these are required to be readily available for use;
- (b) the method of handling including dismantling and assembling where necessary and transportation of the supports from the surface to the face and from the face line to their new site;

- (c) the system and the organisation for maintenance and checking of supports, dressing the roof and sides, erecting, examining and re-tightening of supports and re-erecting dislodged supports, including the use of appropriate tools;
- (d) the panel of competent persons for engagement as substitutes in the event of a regular supportsmen or dresser absenting from duty; and
- (e) the manner of making all concerned persons such as loaders, dressers, supportsmen, shortfirers, sirdars, overmen and assistant managers including persons empanelled for engagement as substitute supportsmen or dresser fully conversant with the support plan and the codes of standing orders under this sub-regulation and under regulation 129 and the nature of work to be performed by each in that behalf.

**124. Setting of support.**— (1) Every prop shall be set securely on a sound foundation and shall be kept tight against the roof.

(2) Where a prop is set on sand or, other loose material, a flat base-piece not less than 5 centimeter in thickness, 25 centimeters in width and 75 centimeters in length shall be used.

(3) The lid used over a prop shall have a width not less than the diameter of the prop, a thickness not less than 8 centimeters and a length not less than 50 centimeters.

(4) Every bar set for supporting the roof of a roadway shall be set securely on props or on cogs or shall be securely fixed on the sides of the roadway in holes at least 50 centimeter deep made in the sides of the roadway and shall be made and kept tight against roof and where lagging is necessary the number of laggings shall not be less than one for every meter length of the bar and the laggings shall be made and kept tight against the roof.

(5) Every cog used as a support shall be well built and set on the natural floor or on a secure foundation, and shall be made and kept tight maintaining maximum possible contact against the roof.

(6) In case of timber for erection of a cog, it shall be sufficient to joggle two opposite sides, provided that only four sides sawn sleepers shall be used for goaf edge supports in depillaring panels.

(7) The cogging members shall be not less than 1.2 meters in length.

(8) Before erecting cogs in a depillaring area, props shall be erected at the corners of each cog.

(9) In inclined seams, the supporting props and cogs shall be so set as to ensure maximum support having regard to the inclination of the seam or roadway and probable strata movement and where necessary such supports shall be reinforced to prevent displacement.

(10) Every ledge and every prominent crack or slip in the roof shall be kept supported with at least a pair of cogs and or cross-bars suitably lagged.

(11) Overhanging sides shall be dressed down:

Provided that where this is not practicable, stay props or other suitable means of support shall be erected at intervals not exceeding one meter.

(12) Where sand or other material is stowed or a pack is formed for the purpose of support, it shall be packed or made as tight against the roof as practicable over its whole area.

(13) Roof and sides and support shall be tested as often as necessary; and except where it is no longer necessary for the purpose of support, any support loosened, broken or dislodged by or removed in any operation shall be tightened, replaced or reset with the least possible delay and particularly before persons are allowed to pass or resume work after an interruption.

(14) Where floor coal or roof coal is taken, shorter props shall be replaced with longer props.

(15) In every place wherein roof coal is taken or a fall of roof or sides has occurred, no work of cleaning the dislodged coal or the fall or any part thereof shall be undertaken nor shall any person be allowed to pass, until the newly exposed roof and sides in the vicinity thereof have been examined and made safe, if necessary, by temporary supports.

(16) Notwithstanding anything contained in sub-regulation (9), (13), (14) or sub-regulation (15), only such minimum number of persons may be engaged under the supervision of a sirdar or overman as may be necessary for securing the roof and sides thereat.

- (17) Where roof bolts are used for support, the bolts shall be securely fixed in place.
- (18) Powered supports, hydraulic chocks or link-bars shall be advanced as soon as practicable after a web of coal has been taken off the face so as to ensure that the area of unsupported newly exposed roof is kept to a minimum.
- (19) Powered supports, hydraulic chocks, props and friction props shall be set securely and checked from time to time.
- (20) When any defect is detected in any powered support or hydraulic chock, the same shall be attended to as soon as possible and any defective hydraulic or friction prop shall be replaced immediately.
- (21) Where, by reason of any irregularity in the roof, floor or sides or due to any other reasons, any powered support or hydraulic chock becomes ineffective, conventional supports in sufficient number shall be used.

**125. Withdrawal of supports.**— (1) Whenever supports are to be withdrawn, the withdrawal shall be done in such manner as the manager may by orders specify.

- (2) The orders referred to in sub-regulation (1) shall cover -
- (a) the supply and use of appropriate tools and safety contrivances;
  - (b) the setting of extra supports to control the collapse of roof from which supports are being withdrawn;
  - (c) the sequence of withdrawal of supports; withdrawal of a cog to precede withdrawal of its corner props;
  - (d) safe positioning of the persons engaged in the operation and all other persons present nearby;
  - (e) training of competent persons who are entrusted with the operations; and
  - (f) supervision during withdrawal of supports.
- (3) In every mine where powered supports are used, it shall be the duty of the owner, agent and manager to prepare a plan for the installation of powered supports and a plan for their withdrawal and transport.
- (4) The plan referred under sub-regulation (3), shall be reviewed and approved, with or without any necessary amendment by the Regional Inspector before implementation.

**126. Provision of roof canopies or cabs.**— (1) Electrical, battery, or diesel-powered, self-propelled machinery including side discharge loaders, load haul dumpers, coal haulers and shuttle cars used belowground in coal mines shall be provided with substantially constructed roof canopies or cabs which shall give adequate protection against falling of ground from the roof or sides.

- (2) The cabin or seat of the operator provided in such machine shall be ergonomically designed and shall be such that the operator has clear line of sight in front as well as at rear of the machine without involving any constraint or strain.

**127. Steep working.**— (1) In the workings having an inclination of 30 degrees or more from the horizontal, adequate precaution shall be taken to prevent danger to persons from falling or rolling of timber, tools or other appliances or material.

- (2) No person shall work or be permitted to work at any place having an inclination of 45 degrees or more from the horizontal, where he is likely to slip or overbalance, unless he is secured by a safety belt or life line or is otherwise safeguarded.

**128. Fencings and gates.**— (1) The top of every opencast working shall be kept securely fenced.

- (2) Where an excavation which has been formed as a result of any mining operation, extends within a distance of 15 meters from a public road or any building, substantial fencing shall be erected and maintained around the excavation.
- (3) Where as a result of mining operations, a subsidence of the surface has taken place or is likely to take place and persons are likely to be endangered thereby, the owner, agent or manager shall keep the entire surface area securely and effectively fenced.

(4) Every entrance to a shaft, staple pit, sump, goaf or other dangerous place shall be provided with an efficient fence, barrier or gate, so designed and constructed as to effectively prevent any person from entering or falling therein.

(5) Where a shaft or staple pit or a gallery having an inclination of more than 30 degrees from the horizontal leads directly into a working place or travelling roadway, such place or roadway and any working place situated on its dip side, shall be securely guarded or otherwise protected as to prevent danger to persons from falling materials.

(6) Every entrance from a roadway into a mine or a part thereof which, for the time being is neither being worked nor being used for any purpose, by reason of any cause whatsoever, shall be provided with fence, barrier or gate so designed and constructed as to prevent any person from inadvertently entering that part of the mine.

(7) Shafts and opencast workings temporarily or permanently out of use and any place in or about an excavation which is dangerous shall be completely filled in or kept securely fenced:

Provided that if in the opinion of the Regional Inspector, any disused trench, pit or other excavation is dangerous, he may by an order in writing, require the same to be filled in to the level of the adjacent ground.

(8) Before a mine is abandoned or the workings thereof discontinued, the owner, agent or manager shall cause the top or entrance of every shaft, incline or other opening into the mine to be fenced by a structure of a permanent character sufficient effectively to prevent persons falling into or entering the same.

**129. Examination by sirdars.**— (1) Every place in a mine whether belowground or in opencast workings, including travelling roadways and landings, where work is carried on or where persons are stationed or required to pass shall be placed under the charge of a sirdar or other competent person.

(2) The mine or district assigned to a sirdar or other competent person shall not be of such a size, nor shall any additional duties other than his duties under these regulations be such as to be likely to prevent him from carrying out in a through manner the duties prescribed for him under these regulations, and if any doubt arises as to the foregoing, it shall be referred to the Chief Inspector for decision.

(3) At the entrance to every mine or district, one or more stations shall be fixed by the manager, and except in the case of a mine working in a continuous succession of shifts, no person other than the persons making the examination under sub-regulation (4) or an official shall pass beyond any such station until all the roadways and working places to which persons are required to have access, have been examined by the competent person in charge of the mine or district and found to be satisfactorily ventilated and in safe condition.

(4) Every station referred to in sub-regulation (3) shall be legibly marked 'STATION' and shall be of such a size as to accommodate all the persons employed in the district in any one shift.

(5) The sirdar or other competent person accompanied by such assistants as may be required shall, within two hours before the commencement of work in a shift, inspect every part of the mine or district assigned to him, in which persons have to work or pass during the shift and all roadways and working places where work is temporarily stopped and shall ascertain the condition thereof as regards ventilation, sanitation, presence of gases, the state of the roof and sides, presence of spontaneous heating and other fire risks, and generally so far as the safety of the persons is concerned, and similar inspection shall be made once at least in every four hours during which the shift continues, of all the roadways and other places to which persons engaged in the mine or district are required to have access.

(6) The examination under sub-regulation (5) shall be made with an approved flame safety lamp or any other approved apparatus made for the purpose and in case of a fiery seam, also with an apparatus for detecting carbon monoxide gas approved by the Chief Inspector.

(7) In case of opencast workings, the sirdar shall pay attention to overhangs, undercuts, presence of loose stone, materials or trees, etc., within 3 meters of the edges, foot paths for traveling and carrying loads, fencing on top of the quarry and disused part or abandoned quarries, fencing along footpaths and benches where required, use of personal protective equipment and condition of dumps.

(8) The sirdar or other competent person shall, at the completion of his shift, record without delay the result of his inspections in a bound paged book in the format specified for the purpose and every such report shall be an accurate report of the inspections and shall include the following, namely :-

- (a) the details referred to in sub-regulation (5) and (7);
- (b) the number of persons working under his charge;
- (c) such instructions for the purposes of securing the safety of the persons as he may have given during his shift; and
- (d) the date and time of the inspections, the signature of the sirdar or other competent person, and the date and time when the report was written.

(9) In the case of a shaft in the course of being sunk, the competent person shall –

- (a) have entire charge of the shaft bottom and shall, in his shift, remain in the shaft while persons are at work at the bottom of the shaft;
- (b) be the last person to ascend the shaft at the end of the shift and if his shift is succeeded immediately by another shift, he shall not leave the bottom of the shaft until after the descent of his reliever of the succeeding shift; and
- (c) after each round of shots, and at the beginning of every shift, and after every cessation of work in the shaft for a period exceeding two hours, shall examine the sides of the shaft and remove all loose pieces before persons are allowed to descend.

**130. Avoidance of dangers.**— (1) If at any time it is found by a competent person in charge of a mine or district, that by reason of any cause whatsoever, the mine or district is dangerous, he shall immediately withdraw all persons from the mine or district; and the mine or district shall be fenced off so as to prevent persons inadvertently entering therein.

(2) The competent person shall also immediately inform the manager or assistant manager about the danger, and shall record the fact in the bound paged book kept for the purpose.

(3) The manager shall make, or cause to be made by a competent person, a careful examination of the mine or district; and no person shall, except in so far as is necessary for enquiring into the cause of the danger or for the removal thereof or for exploration, be re-admitted into the mine or district until the mine or district is reported to be safe.

(4) A report of every such examination under sub-regulation (3) shall be recorded without delay in a bound paged book kept for the purpose and shall be signed and dated by the person who made the examination.

(5) If the work of removing the danger is suspended before the danger is removed, the mine or district shall be securely fenced off effectively to prevent persons entering therein during the period of suspension.

(6) Notwithstanding anything contained in these regulations –

- (a) where the danger arises from the presence of inflammable or noxious gas, the provisions of regulation 166 shall apply; and
- (b) where in any part of a mine the appearance of smoke or other sign indicates that a fire or spontaneous heating has or may have broken out, the provisions of regulation 138 shall apply.

**131. Working at height.**— (1) No person shall work or travel on any ledge or footpath less than 1.5 meters wide, from where he is likely to fall more than 1.8 meters, unless he is protected by guard rails, fence or safety belt or rope suitably fixed and sufficiently strong to prevent him from falling.

(2) When a plant, machinery, workshop or any other shed or structure is under construction, repair or renovation, and persons are allowed to work at heights, proper walkway, stairs or ladderway with hand rails, guards or stages and platforms with fencing shall be provided to avoid danger or risk of persons falling from height.

(3) Every person permitted to work at height shall be provided with safety belt, of the type and standard suitable for the nature of work to be performed by him and approved by the Chief Inspector.

(4) Where it is required to work at heights involving danger or risk of falling, proper stage or working platform of adequate and suitable design and strength shall be provided.

- (5) The stage or working platform referred to in sub-regulation (4) shall have proper approach way to and from the stage or platform for the persons to ascend or descend, as well as the fencing to prevent such falls.
- (6) A safety net of adequate strength and design shall also be provided immediately below every working place so that the danger or risk of injuries to persons falling from working at heights is completely eliminated.
- (7) A code of safe practices shall be framed by the manager and implemented under the supervision and control of a competent person and official especially authorised for the purpose by the engineer and manager, to ensure such safety precautions while executing such work in the mine.
- (8) No untrained and inexperienced person or contractor shall be engaged for execution of any such work in the mine which involves working at heights and the dangers associated therewith.
- (9) A system of check list and issuing of work permit shall be maintained by the agent and manager where any such work in the mine which involves working at heights and the dangers associated therewith is undertaken.

**132. General precautions.-** (1) No person shall cut or remove coal from or in the vicinity of any place unless it is his authorised working place.

- (2) Every person shall-
- (a) carefully examine his working place before commencing work and also at intervals during the shift; and
  - (b) if any dangerous condition is observed, cease all work at that place and shall either take immediate steps to remove such danger or inform an official or the competent person in charge of the mine or district.
- (3) Where several persons are working together and one of them is in-charge, the examination required under sub-regulation (2) shall be made by the person in-charge.
- (4) Every person cutting coal and every person operating a coal-cutting machine or any other cutting or loading machine in any place shall ensure that the dimensions of that place do not exceed the dimensions specified in that behalf by these regulations.
- (5) No person shall carry or be permitted to carry any load along a road or footpath having an inclination of 30 degrees or more from the horizontal.
- (6) Every road or footpath, along which loads are carried by human agency, shall comply with the following requirements, namely: -
- (i) its breadth shall not be less than one meter; and
  - (ii) at every place where the inclination exceeds 15 degrees from the horizontal, level steps shall be provided such that the vertical height of every step does not exceed 0.18 meter and the distance from the edge to the back is not less than 0.35 meter.

**Explanation.-** For the purposes of this sub-regulation, gang-planks used for loading purposes shall not be deemed to be part of a footpath, provided that every gang-plank shall be so inclined or constructed as to give a secure foot-hold.

- (7) No person shall be employed to lift, carry or move a load so heavy as is likely to cause bodily injury or injury to health of that person and in case of any doubt as to whether risk of bodily injury or injury to health is involved, it shall be referred to the Chief Inspector for decision.
- (8) Every person shall ensure that tools, wood, stones, or other articles are not put down or allowed to remain, in or near a shaft or dip gallery where work is going on, in such position as may result in their falling into the shaft or gallery.
- (9) No person shall work or be permitted to work alone in any remote part of a mine where, if any accident occurred he would not soon be discovered or assisted.
- (10) No inexperienced person shall be employed in the mine for any work whereby he or other persons can be seriously endangered except under the supervision and guidance of an experienced person.

**CHAPTER XI****PRECAUTIONS AGAINST DANGERS FROM FIRE, DUST, GAS AND WATER**

**133. Classification of coal seams according to their degree of gassiness.**— (1) All the coal seams shall be classified into different degrees of gassiness by the Chief Inspector or an Inspector assisted by such assistants and after such investigation as he may consider necessary.

(2) If in a gassy seam the percentage of inflammable gas in the general body of air or the rate of emission of such gas increases so as to bring that seam into a higher degree of gassiness, the owner, agent or manager shall within twenty-four hours from his knowledge of such increase, inform the Regional Inspector and also observe all the precautions required to be taken under these regulations in respect of a gassy seam of that degree, and the Regional Inspector shall, within thirty days of the receipt of such information, verify and investigate the degree of gassiness and classify the seam into the appropriate degree of gassiness:

Provided that if it is not practicable to observe all the precautions required to be taken under this regulation within twenty-four hours as stipulated in this sub-regulation, the Regional Inspector, on a request in writing by the owner, agent or manager, may defer the observance of the required precautions, subject to such conditions as he may specify, for a period not exceeding sixty days.

(3) If in a gassy seam the percentage of inflammable gas in the general body of air or the rate of emission of inflammable gas decreases so as to bring that seam to a lower degree of gassiness, the owner, agent or manager may inform the Regional Inspector of the same.

(4) The Regional Inspector shall within thirty days from the receipt of the information referred to in sub-regulation (3), verify and investigate the degree of gassiness and classify the same into appropriate degree of gassiness, and till such time as the Regional Inspector so classifies all the precautions required to be observed previously shall be observed.

(5) Notwithstanding anything contained in sub-regulations (2) to (4), the Regional Inspector may at any time make investigations and reclassify a gassy seam into the appropriate degree of gassiness.

(6) The owner, agent or manager shall at least once in every thirty days examine the rate of emission of inflammable gas in cubic meters per tonne of coal raised and the percentage of inflammable gas in the general body of air as laid down in regulation 169 and the result of every such examination shall be recorded in a bound paged book kept for the purpose.

(7) Every instrument, apparatus and the system used for detection and measuring of the inflammable gas shall be of a type and standard approved in writing by the Chief Inspector.

(8) Every instrument, apparatus and the system used for detection and measuring of the inflammable gas and analysis of gas samples, shall be calibrated at specified interval by an approved or accredited agency or laboratory notified by the Chief Inspector by a special or general order in writing from time to time.

**134. General precautions against fire.**— (1) No oil, grease, canvas or other inflammable material shall be stored in any mine except in a fire-proof receptacle.

(2) Greasy or oily waste in workings belowground shall be regularly removed to the surface.

(3) In case of opencast workings or workshops, greasy and oily wastes shall be disposed off regularly in a safe manner.

(4) No person shall place or throw, or cause or permit to be placed or thrown, any naked light or lamp on or near any timber, wooden structure or other combustible material.

(5) Adequate and sufficient arrangements shall be made in every mine for early detection, control and extinguishing any fire.

(6) The owner, agent and manager of every mine shall take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of mine fires.

(7) The owner, agent and manager of every mine shall ensure that operations are stopped and workers are evacuated to a safe location, when there is serious danger due to fire, threatening the safety and health of workers.

**135. Surface precautions against fire.**— (1) All surface structures and supports within a horizontal distance of 10 meters from all entrances to a mine shall be of fireproof material:

Provided that this sub-regulation shall not apply to temporary structures, supports and coverings at the top of a shaft which is in the course of being sunk and to the small lid of a shaft-covering operated by the rope cappel.

(2) Shale or other carbonaceous material shall not be heaped or dumped, and dead leaves or dry vegetation shall not be allowed to accumulate or remain, and combustible materials other than materials required for use within a period of twenty- four hours, and inflammable materials shall not be stored within a distance of 15 meters from any entrance to a mine which is not effectively sealed off from the workings belowground:

Provided that nothing in this sub-regulation shall prevent the dumping of coal raised from the mine, near the entrance of the mine.

(3) In opencast working and in any ground broken by extraction of coal, all wild or herbaceous plants shall be removed and all dead leaves and dry vegetation cleared as often as may be necessary, to prevent an outbreak of fire.

(4) No person shall deposit any heated material or ashes on any outcrop of coal seam or in any opencast working or on any ground broken by extraction of coal.

(5) No person shall light a fire or permit a fire to be lighted in any opencast working or within a distance of 15 meters from any entrance to a mine, except by the permission in writing of the manager and only for a special purpose specified therein and all such permissions shall be recorded in a bound paged book kept for the purpose:

Provided that this sub-regulation shall not apply to boilers other than vertical boilers.

(6) A competent person shall, once at least in every seven days, inspect the top of all entrances to a mine, all opencast workings and any ground broken by extraction of coal in order to ascertain whether the precautions laid down under the regulation have been complied with, and for the presence of any fire that may have broken out or any indications thereof.

(7) A record of every inspection made under sub-regulation (6) shall be maintained in a bound paged book kept for the purpose, duly signed and dated by the person making the inspection.

**136. Underground precautions against fire.**— (1) No timber or other combustible material shall be used in the construction of, or in connection with, any shaft lining or room housing of any machinery or apparatus belowground.

(2) Wood cuttings shall not be left in any working belowground, but shall be removed to the surface at the end of every shift.

(3) No person shall light a fire or permit a fire to be lighted in any workings belowground :

Provided that –

(a) in the case of a gassy seam of the first or second degree, flame or electric welding or repairing apparatus may be used belowground if permitted by an order in writing of the manager and every such order shall specify the person who shall be in-charge of the apparatus; and it shall be the duty of such person to bring the apparatus back to the surface when no longer required belowground; and

(b) in the case of a gassy seam of third degree, a flame or electric welding or repairing apparatus may be used belowground if prior permission in writing has been obtained from the Regional Inspector and subject to such conditions as he may specify therein.

(4) No person shall leave a portable light or lamp belowground unless he has placed it in-charge of some other person remaining therein.

(5) At the end of a shift, unless the mine is worked by a continuous succession of shifts, after all persons have left the mine, all lights shall be extinguished and all power cut off.



(6) Provision shall be made to prevent an outbreak of fire belowground or the spread of fire from any part of the mine or from any adjoining mine, and adequate steps shall be taken to control or isolate any such fire or heating that may occur.

(7) All unused workings connected to the surface though a walkable entrance which is not permanently closed, shall once at least in every thirty days be inspected by a competent person for signs of illicit distillation of liquor and a report of every such inspection shall be recorded in a bound paged book kept for the purpose, duly signed and dated by the person making the inspection.

**137. Precaution against spontaneous heating.**— The following precautions shall be taken against the danger of spontaneous heating :-

(1) The seam or section shall be worked in panels having independent ventilation in such a manner that it is possible to isolate one from another easily when necessary.

(2) Where the seam or section has already been developed without complying with the provisions of sub-regulation (1), artificial panels shall be created by construction of stoppings.

(3) In determining the size of the panel under sub-regulations (1) and (2), due consideration shall be given to enable complete extraction of the pillars therein, within the incubation period of the coal seam.

(4) No coal, shale or other carbonaceous material shall be left or stacked belowground.

(5) Where removal of fallen coal out of the mine is not practicable, the area shall be effectively sealed off.

(6) Except where otherwise permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein, no extraction of pillars in any seam or section shall be commenced until fire dams or stoppings have been provided in all entrance to the panel.

(7) In the fire dams or stoppings built in entrances which are to be kept open for ventilation or haulage, suitable doors or openings may be left and bricks and other suitable materials shall be kept readily available in the vicinity.

(8) Shale or other carbonaceous material shall not be used in the construction of fire dams or stoppings.

(9) A panel shall be isolated by adequate stoppings as soon as it has been goaved out.

(10) All the isolation stoppings erected to seal off the goaves or to isolate old, abandoned or disused workings or to isolate area affected by fire or spontaneous heating shall be plastered with cement and white washed.

(11) Sufficient material for dealing with fire shall be kept ready at suitable places belowground for transport and use, and a sufficient number of persons shall be trained in the use of such material.

(12) In order to detect spontaneous heating in early stages, the air in the return airway of every depillaring district and, of every goaf which has not been isolated, shall be -

(a) tested for percentage of carbon monoxide once at least in every seven days with an automatic detector of a type approved by the Chief Inspector; and

(b) completely analysed once at least in every thirty days with a view to determining the ratio CO-formed/O<sub>2</sub>- absorbed:

Provided that if successive tests show any steady increase in the CO-formed/O<sub>2</sub> absorbed ratio, suitable measures shall be taken to determine the site of the heating and to deal with it.

(13) The result of every test referred to in sub-regulation (12) shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person carrying out the test.

(14) Every depillaring district shall be inspected on every idle day and a report of every such inspection shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person making the inspection.

(15) All unused workings including unused workings which have not been sealed off, and isolation stoppings built around goaved out areas shall be inspected once at least in every seven days, by a competent

person for any fire risk and a report of every such inspection shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the person making the inspection.

(16) Where at any mine or part, special conditions exist which make compliance with any of the provisions of this regulation not necessary or reasonably practicable, the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, grant a relaxation from the provision.

(17) Where coal is stacked on surface, suitable arrangement shall be made for spraying of water or any other fire resistant or suppressant materials on the coal stack at regular intervals so as to prevent spontaneous heating.

(18) Hydraulic fluid which is not fire resistant shall not be used belowground.

(19) Precautions shall be taken to minimise the possibility of hydraulic fluids or oils coming in contact with hot surface, electrical apparatus or cables.

(20) Combustible oils or material shall not be used for filling in electrical equipment.

(21) Notwithstanding anything contained in the sub-regulations (18), (19) and (20), the Regional Inspector may by an order in writing, exempt from use of fire resistant hydraulic fluid in degree-I gassy mine subject to such conditions as he may specify therein.

**138. Precautions after a fire has broken out.**— (1) On the appearance in any part of a mine, of smoke or other signs indicating that a fire or spontaneous heating has or may have broken out, effective steps shall be taken, without delay, to deal with the fire or heating and all persons other than those whose presence in the mine is deemed necessary for dealing with the fire or heating shall be immediately withdrawn from the mine.

(2) No person, other than those required for dealing with or sealing off the fire or heating referred to in sub-regulation (1), shall be admitted in the mine until the fire or heating has been extinguished or effectively sealed off and an examination has been made by the manager or by the assistant manager and the mine has been declared to be safe and a report of every such examination shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person making the examination:

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the employment in the mine of persons other than those required to deal with the fire or heating.

(3) The examination required under sub-regulation (2), shall be made with an approved flame safety lamp and other means of detecting carbon monoxide gas approved by the Chief Inspector.

(4) During the whole time that any work of dealing with or sealing off a fire or heating is in progress –

- (a) a competent person shall be present on the spot throughout;
- (b) adequate precautions shall be taken to prevent danger to persons from any noxious, asphyxiating or inflammable gases, flame, steam and ejected or rolling down hot material, explosion of water gas, and falling into crevices or pot holes, that may occur in the area on fire;
- (c) there shall be kept available, at or near all places belowground:
  - (i) adequate number of self-rescuers and at least two smoke helmets or other suitable apparatus, approved by the Chief Inspector, for use in emergency;
  - (ii) an apparatus for detecting carbon monoxide gas approved by the Chief Inspector; and
  - (iii) a flame safety lamp or other means of detecting carbon dioxide gas and oxygen deficiency, approved by the Chief Inspector.

(5) The manager of every mine shall prepare and establish a detailed scheme for-

- (a) the provision and maintenance of suitable fire-fighting arrangements;
- (b) the prevention, detection, dealing and control of any heating or fire;
- (c) the examination and maintenance of the protective measures taken to control or isolate a fire or heating;
- (d) ensuring safety of persons engaged in the said operations,

and the scheme shall be suitably modified and kept updated as the situation warrants.

**139. Equipment for fire-fighting.-** (1) In every mine,-

- (a) unless expressly exempted in writing by the Regional Inspector, adequate quantity of water at sufficient pressure shall be provided to all working places belowground and all other places of fire risk such as coal stocks, spoil heaps containing carbonaceous material and exposed coal surfaces liable to heating, for the purpose of efficient fire fighting;
- (b) fire stations with suitable supply of fire-fighting equipment shall be established and kept maintained at convenient points, both on surface and belowground;
- (c) sufficient supply of sand or incombustible material and suitable portable fire extinguishers in sufficient quantity or automatically operated fire suppression devices shall be provided at-
  - (i) every entrance to a mine or district and at every landing and shaft bottom in use;
  - (ii) every place where timber, grease, oil or other inflammable material is stored;
  - (iii) every engine room, diesel engine maintenance workshop, filling station and storage battery charging station;
  - (iv) on every track-mounted and trackless locomotive, self propelled manriding car and personnel carrier;
  - (v) each permanent and temporary electrical installation;
  - (vi) at locations where welding, cutting or soldering with arc or flame is being done;
  - (vii) every machinery, plant and installations; and
  - (viii) such other special places of fire risk as may be specified by the manager;
- (d) every heavy earth moving machinery used in opencast workings shall be provided with automatically operated fire detection and suppression device or system:

Provided that in case of trucks and dumpers of less than 35 tonne capacity used in opencast mines, it may be sufficient if semi-automatic type fire suppression system has been provided;
- (e) specially designed water foam spray, deluge systems or dry chemicals shall be installed above each belt drive, belt take up, electrical control, gear reducing unit and other strategic locations on the conveyor belt system;
- (f) adequate number of suitable fire extinguishers or automatically operated fire suppression devices shall be provided on continuous mining machines, other face cutting machines, loading machines, roof bolting machines and other hauling machines.
- (2) Soda-acid type extinguishers or water shall not be used for fighting oil or electrical fires.
- (3) Foam type extinguishers shall not be used for fighting electrical fires.
- (4) Fire-extinguishers containing chemicals which are liable when operated, to give off poisonous or noxious gases shall not be provided or used belowground:

Provided that nothing in sub-regulations (2), (3) or (4) shall prohibit the use belowground of fire-extinguishers giving off carbon dioxide when operated.

- (5) All types of fire fighting and fire suppression systems including automatic fire detection and suppression systems to be used in machinery and plant including heavy earth moving machineries, materials and chemicals to be used in fire sealing, fighting or suppression systems in mines both on surface as well as belowground shall be of such type, standard and make, as approved by the Chief Inspector by a general or special order.
- (6) A competent person shall, once at least in every month, examine all the equipment, material and arrangements provided for fire-fighting and shall discharge and re-fill the fire-extinguishers as often as may be necessary to ensure that these are in proper working order and any deficiency found during any such examination or otherwise shall be immediately remedied.
- (7) A report of every examination made under sub-regulation (6) shall be made in a bound-paged book kept for the purpose, duly signed and dated by the person making the examination.

**140. Organisation for fire fighting.-** (1) The owner, agent and manager of every mine shall establish a proper organisation for fire fighting in the mine by installing fire stations at surface and also on every main

haulage roadway belowground at suitable places in the intake airway near the main shaft with adequate fire fighting equipment kept in every such fire station.

(2) Sufficient number of plans shall be prepared showing the fire fighting equipment including the water mains, taps, fire-stations, pumping stations, ventilation system and escape route alongwith containing such other information as may be useful for the purpose of fighting fires, and up-to-date copies of these plans shall be kept available at suitable places both on the surface and belowground.

(3) Adequate number of persons, including all operators of plants, machinery and heavy earth moving machineries, shall be trained in the use of fire-extinguishers and in fire fighting and such persons shall be made familiar with the position of all fire fighting equipment provided in the mine in general and near their places of work in particular.

(4) The manager of every mine shall, with the approval of the Regional Inspector, frame standing orders containing the procedures that may be adopted in giving warnings of fire, timely withdrawal of personnel from the mine and for the conduct of fire fighting operation.

**141. Apparatus for testing for carbon monoxide.**— In every belowground mine there shall be kept at the mine constantly available for use suitable apparatus approved by the Chief Inspector for detecting carbon monoxide gas.

**142. Precautions when a fire exists.**— (1) No person shall be employed in any seam,—

- (a) where a fire or spontaneous heating exists in a lower seam whether such fire has been sealed off by means of fire stoppings or not; or
- (b) where the seam has a common ventilation system with another seam on fire; or
- (c) where the outlets or openings of the seam are within 60 meters of an active fire or spontaneous heating in a higher seam or on the surface in any ash heap or spoil heap or in any other heap or place or any other fire or spontaneous heating which cannot be controlled immediately or where broken ground connected with the seam exists within 60 meters of such fire or spontaneous heating; or
- (d) where the parting, with an overlying seam on fire or in which spontaneous heating has taken place, or with surface containing an active fire or spontaneous heating in any spoil heap or ash heap or in any other heap or place, or with any other fire or spontaneous heating which cannot be controlled immediately, consist of less than 10 meters of hard rock,

except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) In any working mine, in which a fire is known or believed to exist, —

- (a) adequate precautions shall be taken to prevent the passage of air, from any part of the mine or from the surface, into the fire area through any broken strata; and
- (b) no work other than the operations required under clause (a) shall be done in any part of the mine which is not effectively sealed off from any such goaf or broken strata.

(3) In every coal seam, arrangements shall be made once at least every thirty days to ascertain the atmospheric condition behind the stoppings built to seal off the area of old workings, or such goaf, or a fire or spontaneous heating, unless such stoppings are capable of resisting force of an explosion.

(4) Every stopping erected to isolate or control a fire or spontaneous heating belowground or to seal off goaf or an area of old workings shall be numbered, and shall be of adequate strength and so maintained as to prevent any leakage of air or gas through it:

Provided that where water is likely to accumulate behind any such stopping there shall be provided in the stopping a suitable pipe or other device to drain away the water without permitting any leakage such as air or gas, etc.

(5) Every stopping erected in accordance with the provision of sub-regulation (4) and the pillars containing such stoppings, shall be plastered with fire resistant or fire retardant sealant of adequate thickness using high pressure guns so as to completely fill up the cracks, cavities, crevices, joints, slips, fractures and cleats present in the working in order to completely seal off such area, which shall be kept maintained as leak proof.

(6) Where in any mine or part thereof the provisions of sub-regulations (4) or (5) have not been complied with or where in the opinion of the Regional Inspector the steps so taken are inadequate, he may give notice in writing to the owner, agent or manager requiring him to take such protective measures, within such time, as he may specify therein:

Provided that in case of non-compliance with the requirements of the notice under this sub-regulation, the Regional Inspector may, by an order in writing, prohibit until the requirements of the notice have been complied with to his satisfaction, the employment in the mine or part, of any person whose employment is not, in his opinion, necessary for the purpose of complying with the requirements aforesaid.

(7) A competent person shall, once at least in every seven days, inspect all stoppings erected for isolation or control of fire or spontaneous heating belowground to ascertain the general condition of every stopping by checking it for leakage and presence of gas, and the temperature and humidity of the atmosphere outside the stopping.

(8) The competent person shall after carrying out the inspection under sub-regulation (7), place his signature, with date, on a check-board provided for the purpose at a suitable position on the stopping, which shall be maintained for a period of not less than three months, and a report of every such inspection shall also be recorded in a bound paged book kept for the purpose duly signed and dated by the person making the inspection:

Provided that any serious defect revealed by such examination shall without delay be brought to the notice of the manager:

Provided further that the Regional Inspector may, by an order in writing, require the inspection of stoppings to be made at such shorter intervals as he may specify therein.

**143. Precaution against dust.**— (1) The owner, agent or manager of every mine shall take such steps as may be necessary for minimising of emissions of dust and for the suppression of dust which enters the air at any workplace belowground or on surface and for ensuring that the exposure of workers to respirable dust is limited to an extent that is reasonably practicable but in any case not exceeding the limits that are harmful to the health of persons.

(2) For the purposes of this regulation, a place shall not be deemed to be in a harmless state for person to work or pass or remain therein if the eight hours time-weighted average concentration of airborne respirable dust in milligrams per cubic meter of air sampled by dust sampler of a type approved by and determined in accordance with the procedure as specified by the Chief Inspector by a general or special order, exceeds two, where working is being made wholly in a coal seam or where free respirable silica present is less than five per cent. and the value arrived at by dividing the figures of ten with the percentage of free respirable silica present in other cases.

(3) The owner, agent or manager of every mine shall, within three months of the coming into force of these regulations and once at least in every month thereafter or whenever the Regional Inspector so requires by an order in writing, cause the air at every work place where airborne dust is generated, to be sampled and the concentration of respirable dust therein determined:

Provided that, such measurements shall also be made immediately upon the commissioning of any plant, equipment or machinery or upon the introduction of any new work practice or upon any alteration therein that is likely to bring about any substantial change in the level of airborne respirable dust.

(4) The samples drawn under sub-regulation (3) shall as far as practicable, be representative of the levels of dust exposure of work-persons and for this purpose, the sampler shall be positioned on the return side of the point of dust generation and within one meter of the normal working position of but not behind the operator or other worker whose exposure is deemed to be maximum in his working group.

(5) Based on the results of static or personal sampling, the representative dust exposure profiles for different categories of workers shall be estimated by portal to portal monitoring of selected workers whose exposure is deemed to be representative of their working groups.

(6) Samples shall be taken by a person who has been specially trained for the purpose in the sampling equipment and accessories that have been checked to ensure correct maintenance and efficient operation thereof and examined, treated and calibrated on a date which is not earlier than one year.

(7) Respirable dust content of the samples and in case of samples collected from a working other than the working being made wholly in a coal seam, quartz content shall be determined at a laboratory approved in writing by the Chief Inspector in that behalf.

(8) All result of measurements of airborne respirable dust and all other relevant particulars shall be systematically recorded within fourteen days of the date of collection of samples, in a bound paged book kept for the purpose and every entry in the book aforesaid shall be countersigned and dated by the manager within twenty-four hours.

(9) When the dust monitoring results have established that the permissible limit of dust concentrations are exceeded at any place, immediate steps shall be taken to minimise the emission of dust and to notify the Regional Inspector.

(10) If the average concentration of respirable dust in a series of five samples taken in seven successive normal working shifts during the subsequent month exceeds one and a half times the permissible limit, the relevant operation or operations causing excessive dust shall cease.

(11) The operation or operations shall not be resumed or allowed to be carried on until improvements have been made in the prevention and suppression of dust and fresh sampling carried out immediately on resumption of the said operation or operations has established that such improvements have reduced the dust concentration below the permissible limit:

Provided that if the dust prevention and suppression device of any machinery or equipment fails to operate efficiently, the operation of the said machinery or equipment shall likewise cease and shall not be resumed until the defect therein has been rectified:

Provided further that, purely as a contingency measure or as a secondary means of protection in a work situation wherein it is technically not feasible to reduce the respirable dust concentration below the permissible limit or during the time period necessary to install and commission any device or to institute any new work practice for dust prevention or suppression, compliance with the permissible limit of dust may be achieved by remote operation or by job rotation and failing which by the use of suitable dust respirator.

(12) The owner, agent or manager of every mine where need of dust respirators might arise, shall provide dust respirators in sufficient number and at no cost to the concerned work persons for their use; for the dust respirators to be regularly cleaned, disinfected and maintained in efficient working order, and for the proper fitting of and for thorough training of the concerned workers in the need for and correct use of respirators.

(13) To prevent the liberation and accumulation of dust and the propagation of airborne dust, the following provisions shall have effect, namely:-

- (a) dust shall be suppressed as close as possible to its source of formation;
- (b) during any operation of drilling or boring in stone on surface or belowground, -
  - (i) the production of dust shall be reduced by using bits which are sharp and of proper shape, by keeping suitable pressure on the bits and by keeping the holes clear of the cuttings;
  - (ii) except in naturally wet ground, a jet of water shall be directed on to the cutting edge to wet the cuttings or other equally efficient device, approved by the Chief Inspector, shall be provided and kept in operation throughout the drilling or boring operation to prevent the atmosphere being charged with dust and where pneumatic drilling is performed, water shall be turned on before turning on compressed air to the drill:

Provided that where drilling is done by hand, it shall be sufficient if holes are kept constantly moist during such drilling;

- (c) every roadway on surface or belowground, where mobile mining machinery ply, shall be regularly wetted or shall be effectively treated with some other equally efficient agent to reduce dust being raised in the atmosphere to a minimum;
- (d) no plant for the screening or sorting of coal and as far as practicable, no heap of cinder, cement, sand, mortar or other dry and fine material shall be placed within 80 meters of the top of down-cast shaft or intake airway nor shall any such material be so handled as to make it air-borne and drawn into such shaft or such airway;

- (e) in every working belowground, –
  - (i) no machinery or equipment which is likely to emit dust in excess of permissible limit shall be operated unless it is equipped with a suitable dust-prevention and suppression device, which shall be properly interlocked with the operating lever or switch, and unless such device is operating efficiently ;
  - (ii) the design, arrangement, materials and condition of picks on every mechanical coal cutter shall be such as to reduce the formation of dust to minimum and no mechanical coal cutter shall be operated unless suitable water sprays or jets of water are directed on the cutting edges thereof so as to damp the cuttings as they are formed;
  - (iii) every working face and the floor, roof and sides of every roadway or airway within 60 meters thereof shall be, unless naturally wet throughout, regularly washed down to prevent accumulation of dust and shall be kept thoroughly wet during the work shifts;
  - (iv) a current of air sufficient to clear away the dust emitted by any machinery or operation and to dilute the dust concentration below the “permissible limit”, shall be maintained by means of general ventilation and if necessary, by local ventilation, so however that, as far as practicable, the velocity of air in any roadway or workplace shall not be such as to raise dust in the atmosphere;
  - (v) after blasting, no person shall enter working places unless sufficient time has elapsed for dust, smoke and fumes to be cleared by a current of air and the broken material shall not be moved unless it has been thoroughly made wet with water;
  - (vi) vehicles, tubs and conveyors used for transport of coal shall be maintained in good condition so as to minimise spillage or leakage and chutes, spiral conveyors, bins, tipplers, conveyor discharge points and skip loading and unloading installations shall be so controlled as to reduce the formation of dust to the minimum; and such material shall also be kept thoroughly wet with water unless it is already wet or other effective means of dust suppression are used; and
  - (vii) unless, owing to special difficulties, exempted in writing by Regional Inspector in that behalf and subject to such conditions as he might specify therein, water in pipes in sufficient quantity and under adequate pressure and independent of any pumping system, shall be provided and maintained so as to get maximum efficiency in allaying of dust;
- (f) no process of crushing, breaking, disintegrating, dressing, sorting, grinding, screening or sieving of coal or any operation incidental thereto, shall be carried out at any mine unless sufficient watering or other appropriate and effective dust control measures, such as, but not limited to isolation, enclosure, exhaust ventilation and dust collection are designed, provided, maintained and used;
- (g) the exhausted air, belowground, which contains dust in excess of the permissible limit shall be efficiently diluted and if necessary filtered so as to reduce the concentration of respirable dust therein below ten per cent. of the permissible limit before being re-circulated into working places;
- (h) every device used for the prevention and suppression of dust produced by any machinery, equipment or process as also for the filtering of the exhausted air and every dust respirator shall be inspected once at least in every seven days and shall be thoroughly examined and tested at least once in every month and the results of every such inspection, examination and test shall be recorded in the register maintained under sub-regulation (8).
- (14) The manager of every mine where airborne dust is generated shall formulate and implement a scheme specifying –
  - (a) the location, frequency, timing, duration and pattern of sampling;
  - (b) the instruments and accessories to be used for sampling;
  - (c) the laboratory at which respirable dust content of samples and quartz content shall be determined;
  - (d) the format in which the results of measurements of dust concentration and other particulars are to be recorded;

- (e) the organisation for dust monitoring and for the examination and maintenance of dust prevention and suppression measures and dust respirators; and
- (f) the manner of making all persons concerned with the implementation of the dust control measures fully conversant with the nature of work to be performed by each in that behalf.

(15) The Regional Inspector may, where special conditions exist, permit or require by an order in writing and subject to such conditions as he may specify therein, any variation in the foregoing provisions or in the manager's scheme made under sub-regulation (14).

(16) If any doubt arises as to any matter referred to in this regulation, it shall be referred to the Chief Inspector for decision.

**144. Execution of measures for dust control.**— (1) There shall be maintained at every mine having workings belowground a dust plan on a scale having representative factor of not less than 2000 : 1, clearly showing by distinctive colors, code letters or numbers, the separate areas which-

- (a) are naturally wet;
- (b) require treatment with water indicating the system of water pipe lines laid down for the purpose;
- (c) require treatment with incombustible dust at such intervals of twenty-four hours, seven days, fourteen days, thirty days, three months or other specified period, as the case may be.

The intervals referred to in clause (c) shall be based on the results of analysis of routine mine dust samples collected from the areas concerned.

(2) The areas referred to in sub-regulation (1) shall be clearly demarcated in the workings belowground by means of suitable notice boards or by other suitable means.

(3) Every part of a mine which is not naturally wet throughout or which is not isolated by explosion-proof stoppings shall be treated:

- (a) with fine incombustible dust in such manner and at such intervals as will ensure that the dust on the floor, roof and sides and any support or structure shall always consist of a mixture containing not less than 75 per cent. of incombustible matter in case of coal seams containing less than 30 per cent. volatile matter (on dry ash free basis) and 85 per cent. of incombustible matter in case of coal seam containing more than 30 per cent. of such volatile matter; or
  - (b) with water in such manner and at such intervals as will ensure that the dust on the floor, roof and sides and on any support or structure is always combined with not less than 30 per cent. by weight of water in intimate mixture; or
  - (c) in such manner as the Regional Inspector may approve by an order in writing.
- (4) The incombustible dust used for the purpose of sub-regulation (3) shall be-
- (a) such that it does not contain more than 5 per cent. of free silica;
  - (b) of such fineness and character, that it is readily dispersible into the air and that, when used in places which are not directly wetted by water from the strata, it does not cake but it is dispersed into the air, when blown upon with mouth or by a suitable appliance; and
  - (c) as far as practicable light in colour.

(5) No incombustible dust shall continue to be used if it is found by tests which shall be carried out once at least in every three months, not to comply with the foregoing requirements:

Provided that when the supply of incombustible dust used in a mine is not from a regular source, these tests shall be carried out whenever a fresh supply of incombustible dust is received.

(6) Where any place or part of the mine is to be treated with incombustible dust,-

- (a) before treating with incombustible dust, all coal dust shall be cleaned, as far as practicable from the roof, sides, floor, props, cogs, bars, brattice cloth or any other objects or structure or place on which coal dust may deposit, and all dust so collected shall be removed to the surface within a period of twenty-four hours;



- (b) incombustible dust shall be spread on the objects, structure and places aforesaid in adequate quantity and at such intervals as may be necessary to ensure compliance with the provisions of this sub-regulation;
- (c) the cleaning of coal dust and spreading of incombustible dust shall be carried out in the direction of the flow of the air;
- (d) a sufficient supply of incombustible dust shall be kept readily available at suitable places in the mine, and any deficiency in the supply of dust underground shall immediately be brought to the notice of the manager; and
- (e) incombustible dust stocked at different places and kept on pans or on dust barriers in the mine shall be changed whenever it is no longer readily dispersible or whenever it becomes coated with coal dust, such dust shall be removed.

(7) A daily record of the areas cleaned of coal dust and of the areas treated with incombustible dust or with water and the amount of incombustible dust used shall be maintained in a bound paged book kept of the purpose and every entry in such book shall be signed and dated by the dust in-charge, and countersigned and dated by the manager or the ventilation officer.

(8) The dust control measures shall be carried out under the supervision of a competent person holding a manager's or overman's certificate or a degree or diploma in mining or mining engineering from a university or institution approved by the Central Government, who may be designated as the "Dust In-charge".

(9) No duties with respect to sampling of dust under regulation 145 shall be entrusted to the Dust In-charge, nor any other duties shall be entrusted to such person except with the previous permission in writing of the Regional Inspector:

Provided that in the case of a mine having an average monthly output of less than 5000 tonnes, the Dust In-charge referred to in this regulation can act as the Sampling In-charge referred to in regulation 145.

(10) The Dust In-charge shall also ensure that-

- (a) every part of the mine which, under these regulations, requires treatment with water, is thoroughly drenched or sprayed with water immediately before firing shots and also at intervals during the working hours so as to strictly comply with the provisions of clause (b) of sub-regulation (3);
- (b) every part of the mine which, under these regulations can be treated with incombustible dust, is so treated as to strictly comply with the provisions of clause (a) of sub-regulation (3);
- (c) the arrangements for treating with water or incombustible dust as aforesaid are maintained in good order.

**145. Check on measures for dust control.**— (1) For the purposes of ensuring adequate treatment of coal dust as required under regulations 143 and 144, systematic samples of mine dust shall be collected, tested and analysed at intervals and in the manner specified in this regulation.

(2) Every return airway as lies within two hundred meters of the last working face and every haulage, tramming or conveyor roadway which is not naturally wet throughout, shall be divided into zones not longer than one hundred and fifty meters each:

Provided that where in a mine some parts are being treated with water and others with incombustible dust, the zones shall be so formed that in each zone only one system of treating coal dust is being followed.

(3) Every zone formed under sub-regulation (2) shall be divided into three equal sections, each not exceeding 50 meters in length.

(4) Every zone formed under sub-regulation (2) shall be given a distinct number and every section formed under sub-regulation (3), the code letters a, b or c in a systematic manner.

(5) The zones and sections, with their numbers and code-letters, shall be clearly marked on a plan prepared on a scale having a representative factor of not less than 2000:1 hereinafter called the "sampling plan", clearly showing the areas of the mine that are naturally wet throughout.

- (6) Every zone and section shall also be distinctly demarcated in the workings below ground by means of suitable notice boards or by other suitable means.
- (7) Representative samples of dust shall be collected once in every thirty days from every zone, and for this purpose samples may be collected from different sections such as a, b or c in rotation such that, during every such period of thirty days, all samples are collected from the section a or section b or section c.
- (8) Representative samples referred to in sub-regulation (7) shall be collected in a systematic manner irrespective of the cleaning and treating operations but shall in no case be collected within a period of twenty-four hours of cleaning and treating of any zone, section or part thereof.
- (9) If the representative sample of mine dust from any particular zone shows that the provisions of sub-regulation (3) regulation of 144 have not been complied with, immediate steps shall be taken to clean and treat whole of the zone so as to comply with the provisions of the said regulation.
- (10) In every travelling roadway, and in every airway other than those specified in sub-regulation (2), samples shall be taken in such a systematic manner and at such intervals not exceeding three months, to maintain proper check on the efficiency of the treatment thereof in terms of sub-regulation (5) of regulation 144.
- (11) Samples of dust shall be collected from roof, sides and floor, and shall comprise of dust collected to a depth not exceeding five millimeters on the roof and sides, and to a depth not exceeding 10 millimeters on the floor.
- (12) Where a zone is treated with incombustible dust, the samples shall be collected by a method of strip sampling, the strips being as near as possible of equal width of not less than 10 centimeters, and at uniform intervals not exceeding five meters.
- (13) Where a zone is treated with water, the samples shall be collected by a method of “spot sampling” such that a spot-collection of dust is made for every meter of the length sampled, as nearly as possible at regularly spaced intervals along a zigzag path.
- (14) In collecting the samples, the strips shall be extended into or spot collections made from any cross galleries up to the air-stoppings, if any.
- (15) Each sample shall be well-mixed and then reduced in bulk (by quartering) to a weight of not less than 30 grams and each sample so reduced shall be packed in a moisture-proof container which shall be suitably labeled or marked.
- (16) The sampling operations shall be carried out under the supervision of a competent person holding a manager’s or overman’s certificate or degree or diploma in mining or mining engineering from a university or institution approved for the purpose, who shall be designated as the “Sampling Incharge” and no other duties shall be entrusted to this person except with the previous permission in writing of the Regional Inspector.
- (17) Within seven days of taking of each sample, it shall be sent for analysis and the result of such analysis, immediately on its receipt, shall be recorded in a bound-paged book kept for the purpose and every entry in this book shall be signed and dated by the sampling incharge and be countersigned and dated by the manager.

**Explanation.-** A place in a mine is considered naturally wet throughout, if it is moist enough to keep the coal dust present, at any time, on the roof, sides and floor and other objects at that place so that it is always combined with not less than 30 per cent. by weight of water in intimate mixture.

**146. Stone dust barriers.**— (1) In every gassy seam of the second or third degree or in the development workings in a gassy seam of the first degree in which there is likelihood of occurrence of inflammable gas in dangerous quantities, additional precautions shall be taken by providing stone dust barriers to prevent an ignition or explosion from extending from one part of the mine to the other.

(2) Every stone dust barrier shall be of such a type as may be approved by the Chief Inspector by a general or special order in writing and shall be maintained in such manner as may be specified in the said order :

Provided that the Chief Inspector may permit in any mine or part thereof alternative precautionary measures to be taken in lieu of stone dust barriers.

(3) If any dispute arises as to whether stone dust barriers or other alternative precautionary measures are required to be provided in any part of a gassy seam of the first degree, under sub-regulation (1), the question shall be referred to the Chief Inspector who shall decide the same.

**147. Precautions against eruption of gas.**— Where any working is extended to within 30 meters of any goaf or disused workings containing or likely to contain an accumulation of inflammable or noxious gases, there shall be maintained at least one bore-hole not less than 1.5 meters deep in advance of the working and the operation of drilling the bore hole shall be carried out under the supervision of a competent person, and no lamp or light other than an approved safety lamp or torch shall be used in any such working.

**148. Recovery and exploratory work.**— (1) After an explosion of inflammable gas or coal dust has occurred in a mine, only such persons as are authorised by the manager or by the principal official present at the surface, shall be allowed to enter the mine.

(2) Where it is intended or proposed to reopen a mine or part thereof, which has been isolated, sealed off or flooded with water to deal with a fire or spontaneous heating, the owner, agent or manager shall not less than thirty days before the commencement of such work, give notice in writing of such intention or proposal to the Regional Inspector and the Chief Inspector.

(3) Where it is intended to carry out any exploratory work in a mine or part belowground likely to contain irrespirable atmosphere, -

- (a) all work shall be done under rescue cover only;
- (b) no party of less than three persons shall be allowed to proceed to carry out such work; and
- (c) every such party shall carry a suitable apparatus approved by the Chief Inspector for detecting carbon monoxide gas and also an approved flame safety lamp.

**149. Danger from surface water.**— (1) Where any mine or part thereof is so situated that there is any danger of inrush of surface water into the mine or part, adequate protection against such inrush shall be provided and maintained, and whether such protection is adequate or not may be determined by the Chief Inspector, whose decision shall be final.

(2) Except with the previous permission of the Chief Inspector in writing and subject to such conditions as he may specify therein and subject to the provisions of sub-regulation (1), every entrance into a mine shall be so designed, constructed and maintained that its lowest point (which means the point at which a body of rising water on surface can enter the mine) shall be not less than 1.5 meters above the highest flood level at that point.

(3) Every year, during the rains constant watch shall be kept on the flood levels on the surface of the mine and if at any time the levels cross the highest levels earlier recorded, such levels shall be marked by permanent posts along the edges of water and the new highest levels thus observed shall be recorded with the date as the highest flood level on the plans by an actual survey:

Provided that the highest flood level shall not be plotted on plans by interpolations.

(4) If there are water dams or reservoirs built across rivers and water courses on the upstream side of the mine, arrangements shall be made for communication between appropriate authorities for the purpose of ascertaining the quantity and timing of water released from the dams which is likely to endanger safety of the mine and arrangement for similar communication shall be made when water level rises on the upstream side which is likely to endanger any mine.

(5) In every mine which is likely to be endangered by surface water, the highest flood levels and danger levels at least 1.2 meters or as required by the Regional Inspector, below the highest flood level, shall be permanently marked at appropriate places on the surface and whenever water rises towards the danger level at any place, all persons shall be withdrawn from the mine sufficiently in advance and for this purpose adequate arrangements of quick communication to all parts of the mine by effective systems shall be provided and maintained.

(6) No working shall be made in any mine vertically below-

- (a) any part of any river, canal, lake, tank or other surface reservoir; or
- (b) any spot lying within a horizontal distance of 15 meters from either bank of a river or canal or from the boundary of a lake, tank or other surface reservoir,

except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(7) Every application for permission under sub-regulation (6) shall be accompanied by two copies of a plan and section showing the existing position of the workings of the mine, the proposed layout of workings, the depth of the workings from the surface, the position and depth of any goaves in every seam in the neighborhood, all faults, dykes and other geological disturbances and such other particulars as may affect the safety of the mine or of the persons employed therein.

**Explanation.**— Where sand or alluvium are lying in the course of a river, canal, lake, tank or reservoir, the depth from the surface shall be reckoned from the surface of hard ground underlying such sand or alluvium.

(8) All workings made under sub-regulation (6) shall be clearly demarcated belowground.

(9) A competent person shall, once at least in every fourteen days during the rainy season and once at least in every thirty days during other periods of the year, examine every protective measure provided under sub-regulations (1), (2), (3), (4) and (5), whether in use or not, for their stability, and a report of every such examination shall be recorded in a bound paged book kept for the purpose, which shall be signed and dated by the person making the examination and countersigned and dated by the manager.

(10) The protective measures and workings shall also be inspected, once at least in every quarter by the manager personally.

**150. Danger from underground inundation.**— (1) Proper provision shall be made in every mine to prevent eruption of water or other liquid matter or any material that is likely to flow when wet from the workings of the same mine or of an adjoining mine and to prevent accidents while drilling bore-holes for probe or release of a body of water or other liquid matter or any material that is likely to flow when wet.

(2) Where work is being done in –

- (i) any seam or section below another seam or section; or
- (ii) any place in a seam or section, which is at a lower level than any other place in a lower seam or section; or
- (iii) any place in a seam approaching a fault passing through an upper seam or section, which contains or may contain an accumulation of water or other liquid matter or any material that is likely to flow when wet; or
- (iv) any water-bearing strata,

all useful information including the position, extent and depth of the above mentioned features shall be acquired and kept recorded and a scheme of working designed to prevent eruption of water or other liquid matter or any material that is likely to flow when wet shall be prepared and put into operation.

(3) Without prejudice to the requirement of sub-regulation (1) and sub-regulation (2), no working which has approached within a distance of 60 meters of any other working (not being a working which has been physically examined and found to be free from accumulation of water or other liquid matter or any material that is likely to flow when wet), whether in the same mine or in an adjoining mine, shall be extended further except with the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

For the purposes of this sub-regulation, the distance between the said workings shall mean the shortest distance between the workings of the same seam or between any two seams or sections, as the case may be, measured in any direction whether horizontal, vertical or inclined.

(4) Every application for permission to extend any working referred to in sub-regulation (3) shall be accompanied by two copies of the plan and section showing-

- (a) the outlines of all such disused or abandoned workings in relation to the working approaching them and also the depth of such disused or abandoned workings from the surface;
- (b) the outlines, the layout and the method of the proposed working for which permission is sought;
- (c) the faults, dykes and other geological disturbances in relation to workings specified in clause (a) or (b); and

- (d) any other information that is available with the management and other particulars or information that may be required by the Chief Inspector.
- (5) When permission is granted to extend any working referred to in sub-regulation (3) or sub-regulation (6), it shall be extended strictly in accordance with the plan and the method approved under, and the conditions specified in such permission; and there shall be no variation therefrom unless such variation is again approved by the Chief Inspector.
- (6) Whenever seepage of water which is not normal to the seam is noticed at any place in any working or if there be any such suspicion or doubt, such working shall immediately be stopped and the Chief Inspector and the Regional Inspector shall forthwith be informed of such seepage and such working shall not be extended further except with the prior permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.
- (7) The height and width of any working referred to in sub-regulation (3) or sub-regulation (6) shall not exceed 2.4 meters and there shall be maintained at least one bore-hole near the centre of the working face, and sufficient flank bore-holes on each side and where necessary, bore-holes above and below the working at intervals of not more than five meters.
- (8) All such bore-holes referred under sub-regulation (7) shall be drilled sufficiently close to each other to ensure that the advancing face will not accidentally hole through into a working containing water or liquid matter or any material that is likely to flow when wet and shall be constantly maintained at sufficient distance in advance of the working and such distance shall in no case be less than three meters.
- (9) The precautions under this regulation shall be carried out under the direct supervision of an official, having Manager's Certificate or Overman's Certificate specially authorised for the purpose.
- (10) A record showing the exact height and width of such workings, the number of bore-holes driven, the length of each bore-hole, the places at which and the direction in which each bore-hole was driven, shall be maintained by the official referred to in sub-regulation (9) in a bound paged book kept for the purpose and the entries made therein shall be signed and dated by such competent person and shall be countersigned and dated by the manager every day.
- (11) A plan and section of the working referred to in sub-regulation (10), showing the particulars referred therein shall be prepared and maintained and they shall be brought up to date at least once in every fifteen days.
- (12) Unless specific relaxation is granted by the Chief Inspector in writing, the provisions of sub-regulations (7), (8) and (9), shall be strictly complied with while extending any working referred to in sub-regulation (3) or sub-regulation (6), whether or not the permission granted to extend such workings requires compliance with all or any of the provisions of sub-regulations (7), (8) or sub-regulation (9).
- (13) If the Chief Inspector is satisfied that the conditions in any mine or part thereof are such as to render compliance with all or any of the provisions specified in sub-regulations (7), (8) or sub-regulation (9), unnecessary or impracticable, he may, by an order in writing and subject to such conditions as may be specified therein, relax, vary or dispense with all or any of the conditions and requirements contained in those sub-regulations, and, if he is of the opinion that the conditions at any mine or part thereof are such as to require additional precautions to be taken, he may by an order in writing require that such additional precautions besides those specified in those sub-regulations shall be taken.

**151. Intentional flooding.**— (1) When the owner, agent or manager intends or proposes, by introducing water from the surface or from any other part of the mine or from an adjacent mine, to flood any part of the workings of his mine, he shall give, in writing, not less than fourteen days notice of such intention or proposal to the Chief Inspector and the Regional Inspector and to the management of all adjoining mines and of such other mines as might be affected by such flooding:

Provided that the Regional Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit such operations to be commenced on any day prior to the expiry of the said notice period of fourteen days:

Provided further that the Regional Inspector may, by an order in writing, either prohibit any such operation or require that such operation shall not be commenced until such precautions as he may specify therein, have been taken to his satisfaction.

(2) If the operations in respect of which notice is given under sub-regulation (1) are not commenced within sixty days from the expiry of the said notice period of fourteen days, the notice shall be deemed to have lapsed and the provision of the sub-regulation (1) shall apply as if no such notice had been given.

**152. Construction of reservoir, water dam, etc.**— (1) Where in any mine, it is intended to construct a reservoir, dam or other structure to withstand a pressure of water or other material which will flow when wet, or to control an inrush of water, the owner, agent or manager shall give in writing not less than fourteen days notice of such intention to the Regional Inspector, which shall be accompanied by two copies of plans and sections showing the design and other details of the proposed construction:

Provided that where the safety of the mine or of the persons employed therein is seriously threatened, the provisions of this regulation shall be deemed to have been complied with if the said notice is given to the Regional Inspector as soon as the work of construction is commenced.

(2) The Regional Inspector may, by an order in writing, require such modification or alternation to be made in the design of any such reservoir, dam or structure, as he may specify therein.

## CHAPTER XII

### VENTILATION

**153. Standard of ventilation.**— (1) It shall be the duty of the owner, agent or manager of every mine to take such steps as are necessary to constantly provide in all parts of the mine belowground which are not sealed off, adequate ventilation to clear away smoke, steam and dust, to dilute gases that are inflammable or noxious so as to render them harmless, to provide air containing sufficient oxygen and to prevent such excessive rise of temperature or humidity which may be harmful to the health of persons.

(2) For the purposes of securing adequate ventilation as specified in sub-regulation (1), the owner, agent and manager shall ensure that-

- (a) in every ventilating district, not less than six cubic meters per minute of air per person employed in the district on the largest shift or not less than 2.5 cubic meters per minute of air per tonne of daily output, whichever is larger, passes along the last ventilation connection in the district which means the in-by most gallery in the district along which the air passes;
- (b) at every place in the mine where persons are required to work or pass, the air does not contain less than 19 per cent. of oxygen or more than 0.5 per cent. of carbon dioxide or any noxious gas in quantity likely to affect the health of any person;
- (c) the percentage of inflammable gas does not exceed 0.75 in the general body of the return air of any ventilating district and 1.25 in any place in the mine;
- (d) the wet bulb temperature in any working place does not exceed 33.5 degrees centigrade, and where the wet bulb temperature exceeds 30.5 degrees centigrade, arrangements are made to ventilate the same with a current of air moving at a speed of not less than one meter per second; and
- (e) for ensuring compliance with the provisions of clauses (b), (c) and (d) of this sub-regulation, air samples and temperature readings shall be taken at least once in every thirty days and the results shall be recorded in a bound paged book kept for the purpose:

Provided that at any mine or part, where special conditions exist, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, approve a ventilation scheme in variance with the aforesaid provisions.

(3) In every mine, ventilation as specified in sub-regulation (2) shall be produced by a suitable mechanical ventilator.

(4) If with respect to any mine or part thereof the Regional Inspector is of the opinion that the ventilation is not adequate, he may by an order in writing, require the installation and maintenance of such mechanical ventilator as is capable of producing adequate ventilation in the mine or part.

**154. Main mechanical ventilator, its drive and fittings.**— (1) Every main mechanical ventilator in a mine shall be capable of producing adequate ventilation in the mine or part thereof, and shall be installed on the surface at a distance of not less than 10 meters from the opening of the shaft or incline at any point.

Provided that the provisions of this sub-regulation in so far as they require the installation of the main mechanical ventilator at a distance of not less than ten metres from the opening of the shaft or incline, shall not apply to a mechanical ventilator installed on the surface before the 24<sup>th</sup> day of October, 1957.

(2) If electricity is used for driving the mechanical ventilator, electrical energy shall be supplied to the drive motor of the ventilator through a separate circuit from the main distribution point of the mine.

(3) In every belowground working, two different sources of power to the mechanical ventilator shall be provided.

(4) There shall be provided and maintained at every main mechanical ventilator, a recording instrument to continuously register the pressure developed.

(5) Every main mechanical ventilator shall be so designed, installed and maintained that the current of air can be reversed when necessary.

(6) At every shaft or incline ordinarily used for lowering or raising of persons or materials where a mechanical ventilator is installed, there shall be provided a properly constructed air lock.

**155. Restriction on installation of mechanical ventilator belowground.**— (1) In every fiery seam or gassy seam of the second or third degree, the following provisions shall have effect in relation to the installation belowground of booster fans, namely:—

(a) no booster fan shall be installed belowground in the mine unless the manager is satisfied, as a result of a survey of the ventilation of every part of the mine liable to be affected, that such installation is necessary or expedient for the proper ventilation of the mine and that it should be installed; and

(b) seven days' prior notice of every such installation under clause (a), together with particulars of the survey aforesaid, shall be sent to the Regional Inspector.

**Explanation.**— For the purposes of this regulation, it is clarified that the shifting of a booster fan from one place to another shall be deemed to be an installation of a booster fan.

(2) The Regional Inspector may at any time, by an order in writing, require the use of any booster fan installed belowground in the mine to be discontinued.

**156. Installation and maintenance of mechanical ventilator.**— (1) In every belowground coal mine where a booster or auxiliary fan is electrically driven, the drive motor, unless it is so constructed, installed, operated and maintained as to prevent the risk of open sparking, shall not be placed in a return airway.

(2) The installation and maintenance of every mechanical ventilator and booster fan shall be supervised and controlled by a competent person appointed for the purpose.

(3) A competent person appointed for maintenance of mechanical ventilator and booster fan shall once at least in every seven days, examine every mechanical ventilator and booster fan in use and shall record the results of such examination in a bound paged book kept for the purpose and any serious defect revealed by such examination shall without delay be brought to the notice of the manager.

(4) Except in an emergency, no person shall start, stop, restart, remove or in any way alter, repair or interfere with any ventilator or booster fan, except by or on the written authority of the manager or other official authorised in writing in this behalf.

(5) The written authority referred to under sub-regulation (4) shall clearly specify the conditions under which a ventilator or booster fan shall be started, stopped or restarted, the period for which it can be stopped and the procedure for removal, repair, alterations or interference with such fans.

(6) Particulars of every alteration and every stoppage, including any stoppage beyond control, together with the duration thereof shall be recorded by the competent person appointed under this regulation, in a bound paged book kept for the purpose:

Provided that whenever a mechanical ventilator or a booster fan has been stopped for any reason whatsoever, the competent person shall immediately record the time of stoppage in the aforesaid book and send it to the manager or the person authorised in this behalf for his appraisal and the manager, or the person authorised, as the case may be, shall sign the entry with date in the bound paged book in respect of the stoppage.

Provided further that when the stoppage of mechanical ventilator or a booster fan has been brought to the notice of the official other than the manager or person authorised in this behalf, the said official shall immediately inform the fact in writing to the manager or in his absence, to any person authorised in this behalf or the official superior to the manager, about such stoppage and the manager or such person or superior official, as the case may be, shall acknowledge in writing the receipt of such information sent to him and shall, without prejudice to the standing order under regulation 157, take such action as may be expedient for the safety of persons employed in the mine and the details of every action thus taken by him shall be recorded in the aforesaid book.

(7) The manager or the person authorised or the senior official, referred to in the sub-regulation (6), on being informed or coming to know of the stoppage of a mechanical ventilator or a booster fan, shall decide about disconnecting electric supply to the mine and the extent of such disconnection and the details of such disconnection shall be entered in the bound paged book kept for the purpose:

Provided that in the case of stoppage of the mechanical ventilator or the booster fan, the electrical supply or the other source of drive to any auxiliary fan, if installed, shall be disconnected immediately by an arrangement of sequence control, or other effective arrangement.

(8) (a) In every mine in which a mechanical ventilator is in use, the quantity of air shall, once at least in every fourteen days, be measured-

- (i) in every main intake and return airway of every seam or section, as near as practicable to the entrance to the mine;
- (ii) in every split, as near as practicable to the point at which the split commences;
- (iii) in every ventilating district, as near as practicable to the point where the air is sub-divided at the end of a split and also where it enters the first working place; and
- (iv) any other point that the Regional Inspector may, by an order in writing, specify,

(b) The measurements referred to in clause (a) shall be entered in a bound paged book kept for the purpose:

Provided that in a non-fiery seam or a gassy seam of the first degree it shall be sufficient to take the air measurement once in every thirty days.

(9) The measurements referred to in sub-regulation (8) shall also be taken and recorded whenever the system of ventilation is so altered as to substantially affect or likely to affect the ventilation of the mine.

(10) Every such ventilator or fan shall be in charge of a competent person appointed for the purpose, who shall not be entrusted with any other additional duties which may interfere with his duties as in-charge of ventilator or fan, as the case may be.

**157. Standing orders.**— (1) The manager of every mine in which a mechanical ventilator other than an auxiliary fan is installed shall submit, within a period of thirty days of the installation to the Regional Inspector, standing orders specifying the action that shall be taken with respect to the withdrawal of persons from the mine or part thereof in the event of a stoppage of the ventilator.

(2) The Regional Inspector may, by an order in writing, approve the standing orders referred to in sub-regulation (1), either in the form submitted to him or with such additions and alterations as he may think fit and the standing orders so approved shall be enforced at the mine.

(3) A copy of the standing orders in English and other local language understood by majority of the persons employed in the mine shall be displayed at conspicuous places in the mine, both above and belowground.

**158. Splits and airways.**— (1) For the purposes of ventilation, every mine shall be divided into such number of districts or splits as to ensure that separate current of fresh air is made available in every such district or split.

(2) The intake air shall be so arranged as to travel away from all stagnant water.



(3) In every ventilating district there shall be provided two independent intake airways one of which shall be used as a travelling roadway:

Provided that if the Regional Inspector is satisfied that compliance with this regulation is not reasonably practicable, he may, by an order in writing and subject to such conditions as he may specify therein, grant exemption from the provisions thereof.

(4) Every connection between a main intake airway and a main return airway shall, until it is no more required and has been sealed off, be provided with at least two doors so spaced that whenever one door is opened, the other door can be kept closed and steps shall be taken to ensure that at least one of the doors is always closed.

Provided that any such connection which is no more required shall be effectively sealed.

**159. Brattices, doors, stoppings and air-crossings.**— (1) There shall be provided and maintained in every mine, such number of air-crossings, stoppings, doors, brattices and other devices as may be adequate to ensure compliance with the provisions of regulation 153.

(2) In case of any doubt as to the adequacy of such ventilation devices, it shall be referred to the Chief Inspector for decision.

(3) The space between the frame of every ventilation door and the roof and sides of the roadway shall be built up with masonry or concrete, not less than 25 centimeters in thickness.

(4) Every ventilation door shall be self-closing and whenever opened, it shall be closed as soon as possible, and shall not be propped or fixed so as to remain open.

(5) If the ventilation door is required to be frequently kept open for the passage of men or material, there shall be throughout every working shift, a door attendant at the door.

(6) If a door is not in use, it shall be taken off its hinges and placed in such position that it shall not cause any obstruction to the air current.

(7) Every stopping between the main intake and main return airways shall be constructed of masonry or brickwork or of concrete without reinforcement, not less than 25 centimeters in thickness, and if constructed of properly reinforced concrete, not less than 15 centimeter thickness or such greater thickness as may be required by the Regional Inspector, and shall be faced with a sufficient thickness of lime or cement plaster to prevent leakage of air.

(8) In case of a mine having problems of fires or spontaneous heating along with the working of coal seams of degree two or degree three gassiness, the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, require construction of explosion proof ventilation stoppings between the main intake and the main return airways and at such other places as may be specified by him.

(9) Every stopping in use shall be kept accessible for inspection.

(10) The partitions and walls of every air-crossing shall be not less than 25 centimeters in thickness if constructed of masonry or of concrete not properly reinforced, and not less than 15 centimeters in thickness if constructed of properly reinforced concrete.

(11) Every air-crossing, ventilation stopping, door or brattice shall be maintained in efficient working order and good repair.

(12) A competent person shall, once at least in every fourteen days, examine every airway, air crossing, ventilation stopping and door in use, and shall record the result thereof in a bound paged book kept for the purpose, and shall sign the same and date his signature.

**160. Velocity of air current.**— The velocity of air current measured in meters per minute at the place shown in column (2) shall be not less than that shown in column (3) for the different seams shown in column (1) of the Table given below:-

TABLE

Degree of gassiness	Place where velocity of air is to be measured	Velocity of air
(1)	(2)	(3)
First, second or third degree	Immediate outbye ventilation connection from the face.	30
First or second degree	(i) 4.5 meters from any face whether working or discontinued on the intake side of the brattice or partition.	30
	(ii) 7.5 meters outbye of the discharge end of an air pipe.	15 60
	(iii) At the maximum span of a longwall face.	
Third degree	(i) 4.5 meters from any face whether working or discontinued on the intake side of the brattice or partition.	45
	(ii) 7.5 meters outbye of the discharge end of an air pipe.	25 75
	(iii) At the maximum span of a longwall face:	

Provided that if in the opinion of the Chief Inspector or the Regional Inspector the compliance with the above provision is not practicable or not necessary, he may, by an order in writing and subject to such conditions as may be specified therein exempt partially or totally any mine from the provisions of this regulation.

**161. Auxiliary fans.**— (1) Every auxiliary fan:

- (a) shall be installed, located and worked in such a manner that-
  - (i) a sufficient quantity of air shall, at all times, reach it so as to ensure that it does not re-circulate air; and
  - (ii) there is no risk of air, which it circulates, being contaminated by any substantial quantity of inflammable or noxious gases or dust;
- (b) shall, whether driven electrically or otherwise, be efficiently connected with earth so as to avoid the accumulation of an electrostatic charge; and
- (c) shall have an air-duct for conducting the air to or from the face or blind end, which shall be so maintained as to minimise any leakage of air and to ensure an adequate supply of air to within 3.0 meters of the face or blind end.
- (2) No auxiliary fan shall be started, stopped, removed, replaced or in any way altered or interfered with, except by or on the authority of an official.
- (3) No person shall enter or remain in any place which is dependent for its ventilation on an auxiliary fan, unless such fan is operating efficiently:

Provided that whenever the ventilation of any such place has been interrupted, whether by the stoppage of the fan or otherwise, no person shall so enter or remain therein, except for the purpose of restoring the ventilation, unless the place has been examined by a competent person and declared safe.

- (4) In every belowground working, conditions for installation of two or more auxiliary fans in the same ventilating district or split shall be specified by the Chief Inspector in a general order.

**162. Precautions against fire in ventilation appliances.**— (1) Every mechanical ventilator on the surface shall be installed in a suitable fire proof housing.

- (2) In the case of every fan other than an auxiliary fan installed belowground, the coal or other carbonaceous material exposed in the sides, roof and floor shall be covered with masonry or other fire

resistant sealant as protection against fire, for a distance of not less than 5 meters in every direction from the fan.

(3) The covering of every shaft sealed off or covered for ventilation purposes, every fan drift, duct or casing and every part of a mechanical ventilator or fan within such drift, duct or casing, and every air-crossing and ventilation door shall be constructed of fire-proof material:

Provided that this regulation shall not apply to the small lid of a shaft-covering operated by the rope cappel.

**163. Ventilation plans to be brought up-to-date.**— The manager shall ensure that as soon as any alteration is made in the ventilation of a mine involving the erection or removal of an air-crossing or stopping or the alteration in the position or installation of a ventilator or fan belowground, the erection, removal, alteration or installation, as the case may be, is notified to the surveyor who shall forthwith make necessary alterations on the ventilation plan maintained under regulation 65.

**164. Obstructions, interruptions and alterations.**— (1) No material or debris shall be allowed to accumulate in any level, drive, crosscut, roadway or any other part of the workings belowground so as to impede the ventilation.

(2) Every roadway and working belowground which is not adequately ventilated shall be fenced or barricaded so as to effectively prevent persons entering the same.

(3) If any person becomes aware of any obstruction in, or interference with or deficiency of ventilation in any mine or part thereof, he shall,—

- (a) if it falls within his power to remedy such obstruction, interference or deficiency, immediately take steps to do so; or
- (b) cease all work at that place, and shall forthwith inform his superior official of such obstruction, interference or deficiency.

(4) Whenever there is any interruption of ventilation by the stoppage of any mechanical ventilator, including an auxiliary fan installed belowground, the official in charge of the mine or part shall immediately take precautionary measures including withdrawal of men, if necessary, against dangers that may arise out of non-compliance with the provisions of regulation 153, to restore the ventilation in the mine or part thereof.

(5) No person shall alter the general system of ventilation in any mine or part except with the written authority of the manager:

Provided that in case of an emergency, an official of the mine may carry out such alteration as he may deem necessary for the safety of persons, but he shall as soon as possible inform his superior official and the manager about the same in writing.

**165. Precautions against gas during de-watering and re-opening.**— (1) No disused mine or shaft shall be de-watered except under the constant supervision of a competent person and during such de-watering, approved safety lamps or torches shall be exclusively used, and there shall also be kept burning at every place where persons are at work, at least one approved flame safety lamp.

(2) The first inspection of a mine or part which is re-opened after discontinuance of mining operations for a period exceeding seven days and of any part of a mine after being de-watered, shall be made by a competent person with an approved flame safety lamp or other approved apparatus for determining presence of inflammable or noxious gases and deficiency of oxygen and during such inspection, no additional light or lamp other than an approved electric torch or lamp shall be used.

(3) The result of every such inspection shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by the persons making the inspection, and countersigned and dated by the manager.

**166. Precautions against inflammable and noxious gases.**— (1) For the purpose of this regulation, inflammable gas shall be deemed to have been found or detected when it is indicated—

- (i) by a methane detector to be 0.1 per cent. or more in case of mine having degree one gassy seams;
- (ii) by a methane detector to be 0.5 per cent. or more in case of mine having degree two seams;

- (iii) by the lowered flame of a flame safety lamp or, where methane detectors are used, they indicate one and a quarter per cent. or more of inflammable gas in case of mine having degree three gassy seams.

(2) When any person detects the presence of inflammable gas, he shall not brush or waft it out, but shall immediately withdraw from the place and shall inform his superior official about the same.

(3) Where in any place in a mine, inflammable or noxious gas is detected,-

- (a) all persons shall be withdrawn from the place;
- (b) the place shall be immediately fenced off so as to prevent persons inadvertently entering the same,

and the competent person in charge shall, without delay, take steps to remove the gas by improving the ventilation.

(4) During the removal of such gas under sub-regulation (3), all persons, except those necessary for such removal, shall be withdrawn from the return side of the ventilating district in which the gas has been detected unless the quantity of gas is, in the opinion of the competent person, so small that such withdrawal is not necessary:

Provided that where the danger arises from the presence of inflammable gas, no naked light shall be used in the ventilating district in which the gas is detected.

(5) No person shall be re-admitted into the place where the gas was detected until a competent person has examined the place and has reported that the place is free from gas.

(6) Every examination referred to in sub-regulation (5) shall be made with a flame safety lamp or a suitable detector approved by the Chief Inspector and, in the case of noxious gas, also with suitable means of detecting carbon monoxide gas approved by the Chief Inspector.

(7) Particulars of every occurrence referred to in sub-regulation (2) and of every examination made under sub-regulation (5), together with a statement as to where and when the gas was found and when it was removed, and in case of inflammable gas, the percentage thereof shall be recorded in a bound paged book kept for the purpose; and every such entry shall be signed and dated by the competent person making the report and countersigned and dated by the manager.

**167. Inspection of unused working for gas.**— (1) In any fiery seam or gassy seam of the second or third degree or where the Regional Inspector may require by an order in writing, all unused working which have not been sealed off, shall, once at least in every seven days be inspected by a competent person for the presence of inflammable or noxious gas.

(2) A report of every inspection referred to in sub-regulation (1) shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the person who made the inspection.

**168. Safety lamps to be used in belowground mines.**— No lamp or light other than an approved safety lamp or torch or other installation permitted under the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 shall be used or permitted to be used belowground in any mine:

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, exempt any mine or part thereof from the operation of this regulation on the ground that on account of its special character the use of safety lamps is not necessary therein.

**169. Determination of percentage of inflammable gas and of environmental conditions.**—

(1) Where electric energy is used in any ventilating district, determination shall be made of the percentage of inflammable gas present in the general body of air and the following provisions shall apply in respect of such determination, namely:-

- (a) the determination shall be made by a competent person either by means of an apparatus of a type approved for the purpose by the Chief Inspector, or by analysis of samples of air:

Provided that if determinations are made by the analysis of air, the samples shall be analysed within three days of the taking thereof:

Provided further that no apparatus as aforesaid shall be used unless it has been calibrated by its manufacturer or other approved agency within such period of time as specified from time to time by the Chief Inspector;

- (b) the determination shall be made or samples of air taken at suitable point fixed by the manager, on the intake side of the first working place and on the return side of the last working place in the district:

Provided that where the Regional Inspector is of the opinion that the location of any such point is unsuitable, he may, by an order in writing, require the manager to fix some other point or points in substitution thereof;

- (c) the determination shall be made or samples of air taken, as the case may be, once at least in every seven days, so however that –
- (i) if any determination shows the percentage of inflammable gas to exceed 0.8, determination shall be made or samples of air taken at intervals not exceeding twenty-four hours for so long as such content exceeds that percentage and for the seven next following days, unless the Regional Inspector otherwise permits by an order in writing and subject to such conditions as he may specify therein; and
  - (ii) if the determination made during the thirty days immediately preceding any day have shown the percentage of inflammable gas to be below 0.6, it shall be sufficient to make such determination or take such samples, once in every thirty days for so long as such content does not exceed that percentage:

Provided that when any alteration is made in the system of ventilation so as to substantially affect or likely to affect the ventilation of the mine, such determination shall be made within period of twenty-four hours of such alteration;

- (d) particulars of every such determination under this regulation shall be recorded in a bound paged book kept for the purpose; and
- (e) if any determination in any ventilating district shows the percentage of inflammable gas to exceed one and a quarter, the supply of electric energy shall be cut off immediately from all cables and apparatus in the district, and a written report thereof submitted to the Regional Inspector forthwith.
- (2) If the Regional Inspector so requires by an order in writing in respect of any mine having workings belowground, determination shall, once at least in every thirty days, be made of temperature, humidity and such other environmental conditions at such points as the Regional Inspector may specify in the order.

**170. Monitoring devices.**— (1) The Chief Inspector may, if he considers necessary for the safety of persons, require by an order in writing that in any mine or any class of mines belowground, approved environmental monitoring devices to continuously record information regarding environmental conditions, to be installed belowground within such time and subject to such conditions as he may specify therein.

(2) The Chief Inspector may, if he considers necessary for the safety of persons, require by a general or special order in writing analysis of mine air samples by gas chromatography or other equivalent technique.

**171. General precautions in gassy mines.**— (1) In every gassy mine, the precautionary measures as specified in sub-regulations (2) to (7) shall apply.

(2) No working or gallery shall be extended to a distance of more than 3 meters from the nearest ventilation connection unless the current of air is coursed up to a point within 3 meters of the face by means of fire resistant pipes, tubes, brattices or other material.

(3) No narrow main or advance gallery shall be driven more than three meters ahead of the widened gallery.

(4) Every stopping between the main intake and the main return airway shall be substantially built and every air-crossing shall be so constructed and maintained as to withstand the force of an explosion.

(5) The main air current shall be so split and coursed that an air current which ventilates a goaved out area, whether packed or unpacked, or any disused workings shall not, except with the prior permission in writing of the Regional Inspector and subject to such conditions as he may specify therein, ventilate any workings where coal is being extracted.

(6) No major alteration shall be made in the system of ventilation except with the prior permission in writing of the Regional Inspector and subject to such conditions as he may specify therein:

Provided that where the safety of the mine or of the persons employed therein is seriously threatened, the provisions of this sub-regulation shall be deemed to have been complied with, if information of such alteration is sent to the Regional Inspector forthwith.

(7) Except in an emergency, when a major alteration is made in the system of ventilation, only such persons as are engaged in making the alteration shall be present belowground.

**172. Contrabands.**— (1) No person shall have in his possession belowground in a mine any cigar, cigarette, biri, or other smoking apparatus, or any match or mobile phone or other apparatus of any kind capable of producing a light, flame or spark:

Provided that nothing in this sub-regulation shall be deemed to prohibit the use belowground of any apparatus for the purpose of shot firing or of relighting safety lamps, of a type approved by the Chief Inspector.

(2) For the purpose of ascertaining whether any person proceeding belowground into a mine has in his possession any article referred to in sub-regulation (1), a competent person other than the banksman, if any, shall be appointed to search every such person immediately before he enters the mine.

(3) The competent person referred to in sub-regulation (2) shall be on duty throughout the shift, and no duties other than those under this regulation and sub-regulation (2) of regulation 179 shall be entrusted to him.

(4) The competent person so appointed shall make a thorough search for the articles referred to in sub-regulation (1) and in particular shall-

- (a) search or turn out all pockets;
- (b) pass his hand over all clothing; and
- (c) examine any article in possession of the person searched.

Such search shall be made every time a person proceeds belowground notwithstanding that he has been so searched previously also.

(5) If the competent person suspects that the person searched is concealing any article as aforesaid, he shall detain him, and as soon as possible refer the matter to the manager or assistant manager.

(6) No person being suspected under sub-regulation (5) shall be allowed to enter the mine until the manager or other superior official is satisfied that the person has no such article in his possession.

(7) Any person who refused to allow himself to be so searched or who on being searched is found to have in his possession any of the article aforesaid, shall be guilty of an offence against this regulation.

**173. Underground relighting stations.**— (1) In every mine, lamp stations for relighting safety lamps may be fixed by the manager at suitable places belowground and every such station shall be legibly marked RELIGHTING STATION, which shall be situated in a main intake airway, and shall be placed in charge of a competent person.

(2) No person shall be appointed as a competent person under this regulation unless he holds a Gas Testing Certificate.

## CHAPTER XIII

### LIGHTING AND SAFETY LAMPS

**174. Whitewashing.**— The roof and sides of the following places belowground in a mine shall be kept effectively whitewashed, namely:-

- (a) every shaft inset and shaft bottom or siding and every bye-pass which is in regular use;
- (b) the top and bottom of every haulage plane, every regular stopping place, siding, landing, pass-bye and junction, except within 100 meters of the face;
- (c) every travelling roadway;

- (d) every room and place containing any engine, motor or other apparatus; and
- (e) every first aid station belowground.

**175. General lighting.**— (1) Adequate general lighting arrangements shall be provided during working hours—

- (a) on the surface where the natural light is insufficient—
  - (i) in every engine house;
  - (ii) in the vicinity of every working shaft;
  - (iii) at every opencastworking;
  - (iv) at every shunting or marshalling yard;
  - (v) at every place where persons have to work; and
- (b) belowground —
  - (i) at every shaft inset and shaft bottom or landing or siding which is in regular use;
  - (ii) in every travelling roadway normally used by fifty or more persons during any shift:

Provided that the provisions of this sub-clause shall be deemed to have been complied with where electric lamps or lights are provided to every person at work;

- (iii) at the top and bottom of every self-acting incline in regular use;
- (iv) at every place on a haulage roadway, at which tubs are regularly coupled or uncoupled or attached to or detached from a haulage rope;
- (v) at every place at which tubs are regularly filled mechanically;
- (vi) at every room and place containing any engine, motor or other apparatus;
- (vii) at every place where any pillar is under extraction; and
- (viii) at every first aid station belowground:

Provided that the lighting fixtures installed in a gassy seam of the second or third degree and in the blind ends of a gassy seam of the first degree which are not ventilated by a mechanical ventilator shall comply with the provisions of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.

(2) The lighting provided in a mine shall, as far as possible, be so arranged as to prevent glare or eye strain.

(3) Where electric energy is available at the mine, the lighting arrangement made under sub-regulation (1) shall be by electrical means.

(4) Where electric lighting is used, an additional light or lamp having no connection with electric supply shall be kept continuously burning —

- (i) belowground, in every shaft inset and shaft bottom or landing in regular use and in every engine room;
- (ii) on the surface, after dark, at the top of every working shaft and in every engine room; and
- (iii) in travelling roadways and escape routes.

(5) Every electrical lamp-fitting shall be so constructed as to protect it from accidental damage and adequate precaution shall be taken to prevent lamps being damaged from shot-firing.

(6) Fluorescent or luminescent path finder or indicator shall be provided all along the travelling roadway and in the escape route in the mine.

**176. Electric lighting in gassy mines.**— (1) Subject to the provisions of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 relating to the use of electric energy in parts of mines in which inflammable gas is likely to occur in quantity sufficient to be indicative of danger, electric lighting from a source of supply external to the lighting unit may be used—

- (a) on any roadway or place ventilated by intake air; and
- (b) on any other roadway or place not within 270 meters of the nearest face.

(2) In every mine or part thereof to which regulation 168 applies, every electrical lighting apparatus shall be of a type approved by the Chief Inspector:

Provided that electric lighting from a source of electric power enclosed in the lighting unit, electric lights which are fittings or accessories to machinery or electrical plant including signalling apparatus, and any other means of lighting not specifically mentioned in the regulation, may be used in the mine if so permitted by the Chief Inspector by an order in writing and subject to such conditions as he may specify therein.

**177. Every person to carry a light.**— (1) The owner, agent or manager shall provide every person employed belowground with a light or lamp adequate to enable him to perform his duties in a proper and thorough manner and no such person shall proceed or remain belowground without such light or lamp.

Provided that on his return to the surface, every such person shall, unless otherwise directed by the manager by a general or special order in writing immediately return his lamp to the lamp room.

(2) The number of safety lamps at every mine shall be adequate to permit thorough cleaning and checking before they are issued and in case of any doubt as to the sufficiency or otherwise of the safety lamps provided at a mine, it shall be referred to the Chief Inspector for decision.

**178. Standard of lighting.**— (1) If any doubt arises as to whether any lamp or light is of adequate lighting performance or not, it shall be referred to the Chief Inspector for decision.

(2) The Chief Inspector may, from time to time, by a general or special order, specify –

- (a) the type of lamp to be provided to specified categories of persons employed in a mine; or
- (b) the standard of lighting to be provided in specified areas or places in a mine.

**179. Maintenance and examination of safety lamps.**— (1) For ensuring proper maintenance of safety lamps in use in the mines, the provisions of sub-regulations (2) to (7) shall apply.

(2) A competent person appointed for the purpose shall clean, trim, examine and lock securely all such lamps before they are issued for use, and no such lamp shall be issued for use unless it is in safe working order and securely locked.

(3) A competent person appointed for the purpose shall examine every safety lamp at the surface immediately before it is taken belowground for use and shall assure himself, as far as practicable from external observation that such lamp is in safe working order and securely locked:

Provided that the person so appointed shall not perform any other duties, other than those prescribed under sub-regulations (2) and (3) of regulation 172.

(4) A competent person appointed for the purpose shall examine every safety lamp on its being returned after use.

(5) If on an examination made under sub-regulation (4), any lamp is found to be damaged or misused, he shall record the nature of the damage or misuse in a bound paged book kept for the purpose and every such entry shall be countersigned and dated by the manager.

(6) The manager, assistant manager, or a competent person appointed for the purpose shall, once at least in every seven days, examine thoroughly every safety lamp in use, and shall record the results of examination of every such lamp in a bound paged book kept for the purpose.

(7) No person shall be appointed as a competent person under this regulation unless he holds a Manager's, Overman's or Gas testing Certificate.

Provided that, after coming into force of these regulations, a holder of Lamp Checker's Certificate granted under regulation 12 of the Coal Mines Regulations, 1957, shall also be deemed to be a competent person under this regulation.

**180. Use of safety lamps.**— (1) Every safety lamp shall be numbered and so long as the lamp is in use the number thereof shall be maintained in a legible condition.

(2) A competent person appointed for the purpose shall maintain a correct record of the lamps issued from and returned to the lamp-room, and in the record so maintained, the number of the lamp issued to any person shall be entered against his name.



- (3) If any person returns to the lamp-room a lamp other than the one issued to him, he shall explain the cause and circumstances of the change.
- (4) No unauthorised person shall either himself take or give out any safety lamp from the lamp-room.
- (5) Every person who receives a lamp shall satisfy himself that it is complete and in good order and should he find any defect therein, he shall immediately return it to the lamp-room.
- (6) No person shall willfully damage or improperly use, or unlock or open, or attempt to unlock or open any safety lamp.
- (7) Should any person find that the safety lamp in his possession has become defective, he shall at once carefully extinguish the flame, if any, and report the fact to his superior official.

**181. Maintenance and repairs of safety lamps.**— (1) Every safety lamp shall be properly assembled and maintained in good order and if any such lamp is found to be defective or damaged, it shall not be used or issued for use until the defect or damage has been remedied.

- (2) If the wires of any gauge of a flame safety lamp are broken or burnt away, the gauge shall not be reconditioned for further use.
- (3) Damaged and defective gauges, glasses or other parts of a safety lamp shall not be kept or stored in the safety lamp-room.
- (4) No glass of a safety lamp and no bulb of an electric safety lamp shall be replaced except by a glass or bulb of such type as the Chief Inspector may, from time to time specify by a general or special order, and no other part of a safety lamp, other than a wick or battery, as the case may be, shall be replaced except by a part manufactured by the manufacturers of the lamp to approved specifications.

Provided that in the case of an imported safety lamp, a part manufactured indigenously may be used if it is of such design and make as is approved by the Chief Inspector.

- (5) No repaired part shall be used in a safety lamp:
- (6) In every flame safety lamp kept for the purpose of inspection or of testing for or detecting the presence of inflammable gas, no oil other than an oil of a type approved by the Chief Inspector shall be used.
- (7) No electric safety lamp shall be issued for use unless the covers of the battery and of the headpiece are properly assembled, securely locked and sealed, and the battery is properly charged.
- (8) No electric safety lamp shall be hung or held by the cable.

**182. Precautions to be taken in safety lamp-rooms.**— (1) No unauthorised person shall enter the safety lamp room.

- (2) No person shall smoke in the safety lamp-room.
- (3) Where petrol, benzol or any other highly volatile spirit is used in safety lamps, the following precautions shall be observed, namely:—
  - (a) lamps shall be cleaned, refitted and refilled in a separate room;
  - (b) only such quantity of volatile spirit as is required for one working day shall be kept in any such room;
  - (c) internal relighters shall not be taken out of lamps and cleaned, repaired or refitted on the same table where lamps are cleaned, refitted or refilled;
  - (d) adequate number of suitable fire extinguishers shall be provided and kept ready for use in every such room.

## CHAPTER XIV

### EXPLOSIVES AND SHOTFIRING

**183. Type of explosives to be used in mines.**— (1) No explosive shall be used in a mine except that which is provided by the owner, agent or manager which shall be of good quality and in good condition.

(2) No explosive, other than a fuse or a detonator shall be issued for use in a mine, or taken into or used in any part of a mine, unless it is in the form of a cartridge:

Provided that in case of opencast mine, site mixed slurry or emulsion explosives or ammonium nitrate fuel oil may be issued for use or taken into or used in non-cartridge form.

(3) Explosive cartridges shall be used in mine only in the form in which they are received.

(4) No liquid oxygen explosives shall be used in any mine.

**184. Storage of explosives.**— (1) No owner, agent or manager shall store, or knowingly allow any other person to store, within the premises of mine any explosive otherwise than in accordance with the provisions of the rules made under the Explosives Act, 1884 (4 of 1884).

(2) Explosives shall not be taken into or kept in any building except a magazine duly approved by the Licensing Authority under the provisions of the Explosives Act, 1884 (4 of 1884).

(3) Explosives shall not be stored belowground in a mine except with the approval in writing of the Chief Inspector and subject to such conditions as he may specify therein and such storage shall be done only in a magazine or magazines duly licensed in accordance with the provisions of rules made under the provisions of the Explosives Act, 1884 (4 of 1884).

(4) Every license granted by the Licensing Authority under the provisions of the Explosives Act, 1884 (4 of 1884) for the storage of explosives, or a true copy thereof, shall be kept at the office of the mine.

**185. Magazines, stores and premises to store explosives.**— (1) Every magazine, or store or premises, where explosives are stored shall be in charge of a competent person who shall be responsible for the proper receipt, storage and issue of explosives.

(2) Explosives shall not be issued from the magazine unless they are required for immediate use:

Provided that if any explosive is returned to the magazine or store or premises, they shall be re-issued before fresh stock is used.

(3) Explosives shall be issued only to competent persons upon written requisition signed by the shot-firer or by an official authorised for the purpose, and only against their signature or thumb impression, which shall be preserved by the person in charge of the magazine or store or premises.

(4) The person in charge of the magazine or store or premises shall maintain, in a bound paged book kept for the purpose, a clear and accurate record of explosives issued to each competent person and a similar record of explosives returned to the magazine or store or premises.

**186. Cases and containers for carrying explosives.**— (1) No explosive shall be issued from the magazine or taken into any mine except in a case or container of substantial construction which is securely locked:

Provided that cases or containers made of iron or steel shall be heavily galvanised and no case or container provided for carrying detonator shall be constructed of metal or other conductive material.

(2) No detonator shall be kept in a case or container which contains other explosives, materials or tools and two or more types of detonators shall not be kept in the same case or container:

Provided that nothing in this sub-regulation shall restrict the conveyance of primer cartridges fitted with detonators in the same case or container for use in a wet working or in a sinking shaft.

(3) No detonator shall be taken out from a case or container unless it is required for immediate use.

(4) Except as otherwise provided for in regulation 188, no case or container shall contain more than five kilograms of explosives, and no person shall have in his possession at one time in any place more than one such case or container :

Provided that the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the carrying of a larger quantity of explosives in a single case or container, or the use, at one time in one place, of more than one such case or container.

(5) Every case or container shall be numbered and as far as practicable, the case or container shall be issued to the same shot-firer or competent person, as the case may be, every day.

(6) The key of every case or container shall be retained by the shot-firer in his own possession throughout his shift.

**187. Transport of explosives.**— (1) While explosives are being carried on a ladder, every case or container shall be securely fastened to the person carrying it.

(2) No person other than a shot-firer shall carry any priming cartridge into a shaft which is in the course of being sunk and no such cartridge shall be so carried except in a thick felt bag or other container sufficient to protect it from shock.

**188. Transport of explosives in bulk.**— The conditions and other details for transport of explosives in bulk shall be specified by the Chief Inspector in a general order.

**189. Reserve Station.**— (1) No case or container containing explosives shall be left or kept in a mine except in a place appointed by the manager for the purpose and legibly marked “RESERVE STATION”.

(2) The conditions for site selection and other details for establishing a reserve station in a mine shall be specified by the Chief Inspector in a general order.

**190. Shot-firers.**— (1) The preparation of charges and the charging and stemming of holes shall be carried out by or under the personal supervision of a competent person, in these regulations referred to as a “shot-firer”, who shall fire the shots himself.

(2) No person shall be appointed to be a shot-firer unless he holds -

- (a) a Manager’s Certificate or Overman’s Certificate or a Sirdar’s Certificate together with a gas-testing certificate in case of belowground mines; and
- (b) a Manager’s Certificate, Overman’s Certificate or a Sirdar’s Certificate in the case of open cast working;

Provided that, after coming into force of these regulations, shot-firer holding a Shot-firer’s Certificate granted under regulation 12 of the Coal Mines Regulations, 1957, shall also deemed to be a shot-firer under this regulation.

(3) The competent person appointed as shot-firer shall not be given any other duty nor any one performing any other duty shall be allowed to perform shot firing.

(4) No person whose wages depend on the amount of coal, rock or debris obtained by firing shots, shall be appointed to perform the duties of a shot-firer.

(5) The manger shall fix, from time to time, the maximum number of shots that a shot-firer may fire in any one shift and such number shall be based on:

- (a) the time normally require to prepare and fire a shot in accordance with the provisions of these regulations;
- (b) the time required for that shot-firer to move between places where shots are fired;
- (c) the assistance, if any, available to him in the performance of his said duties; and shall not in any case exceed,-
  - (i) in the case of a gassy seam of second or third degree or a fiery seam, forty, if a single shot exploder is used and eighty, if a multi-shot exploder is used;
  - (ii) in the case of other seams, fifty, if a single-shot exploder is used and hundred, if a multi-shot exploder is used;
  - (iii) in the case of opencast mines, sixty, if a single shot exploder is used or if blasting is done with ordinary detonators and one hundred and twenty, if a multi-shot exploder is used;

Provided that where special conditions exist, the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, permit number of shots to be fixed in variance with the aforesaid provisions.

(6) The number of detonators issued to, and in the possession of, a shot-firer during his shift shall not exceed the maximum number of shots that he is permitted to fire under sub-regulation (5).

**191. Shot-firing tools.**— Every shot-firer on duty shall be provided with-

- (a) a suitable shot-firing apparatus;

- (b) a suitable shot-firing cable;
- (c) a suitable electric lamp or torch, a whistle and a stop watch;
- (d) a tool, made entirely of wood, suitable for charging and stemming shot-holes;
- (e) a scraper made of brass or wood suitable for cleaning out shot-holes;
- (f) a pair of suitable crimpers for crimping detonators;
- (g) where detonators are used, a pricker made of wood or of a non-ferrous metal for priming cartridges;
- (h) a suitable tool for detecting cracks;
- (i) a methanometer for detection of inflammable gas in case of solid blasting;
- (j) a circuit tester for checking shot-firing circuits.

(2) No tool or appliance other than that provided under sub-regulation (1) shall be used by a shot-firer.

**192. Drilling, charging, stemming and firing of shot-holes.**— (1) No drill shall be used for drilling a shot-hole unless it allows a clearance of at least 0.3 centimeters over the diameter of the cartridge of explosives, which it is intended to use.

(2) No shot-hole shall be charged before it is thoroughly cleaned.

(3) Before any shot-hole is charged, the direction of the hole shall, where practicable, be distinctly marked on the roof or other convenient place.

(4) No detonator shall be inserted into a priming cartridge until immediately before it is to be used, however that in case of wet workings, priming cartridges may be prepared at the nearest convenient dry place and such primed cartridges shall be carried to the working place in a securely closed case or container.

(5) Detonators once inserted into a priming cartridge shall not be taken out.

(6) In belowground workings the explosive used in any shot-hole shall be of the same type.

(7) In opencast mines, to use two types of explosives in any shot-hole, the manager shall frame and enforce standing orders for the safe use of explosives and a copy of the same shall be submitted to the Regional Inspector.

(8) The shot-firer shall, to the best of his judgment, ensure that no shot-hole is over-charged or under-charged, having regard to the task to be performed.

(9) Shots shall be fired electrically or by any other means or instruments or apparatus as approved by the Chief Inspector.

(10) Every shot-hole shall be stemmed with sufficient and suitable non-inflammable stemming so as to prevent the shot from blowing out.

(11) Only sand loosely filled in, or soft clay lightly pressed home, or a compact but not hard mixture of sand and clay or water shall be used as stemming and in no case, shall coal dust be used for the purpose of stemming.

(12) In charging or stemming a shot-hole, no metallic tool, scraper or rod shall be used and no explosive shall be forcibly pressed into a hole of insufficient size.

(13) No shot shall be fired except in a properly drilled, charged and stemmed shot-hole.

(14) All surplus explosives shall be removed from the vicinity of a shot hole before connecting the shot firing cable to the shot holes.

(15) As far as practicable, a shot shall be fired by the same shot-firer who charged it.

(16) No shot-hole shall be charged except those which are to be fired in that round and all shot-holes which have been charged shall be fired in one round.

(17) Where a large number of shots have to be fired, shot-firing shall, as far as practicable, be carried out between shifts.

(18) No person shall remove any stemming, or pull out any detonator lead, or remove any explosive from a shot-hole either before firing or after a misfire, or bore out a hole that has once been charged, or deepen or tamper with empty holes or sockets.

**193. Use of ammonium nitrate fuel oil.**— Conditions for use of ammonium nitrate fuel oil in a mine shall be specified by the Chief Inspector in a general order.

**194. Deep-hole blasting.**— Conditions for conduct of deep hole blasting in a mine shall be specified by the Chief Inspector in a general order.

**195. Electric shot-firing.**— (1) No shot shall be fired except by means of a suitable shot-firing apparatus of a type approved by the Chief Inspector and the number of shots fired at any one time by the apparatus shall not exceed the number for which it is designed.

(2) Every electrical shot-firing apparatus shall be so constructed and used that –

- (a) it can only be operated by a removable handle or plug;
- (b) the handle or plug shall not be placed in position until a shot is about to be fired and shall be removed as soon as a shot has been fired;
- (c) the firing circuit is made and broken either automatically or by means of a push-button switch.

(3) No shot-firing apparatus shall be used which is defective and every apparatus shall once at least in every three months, be tested by a competent person to ascertain whether it is in safe working order.

(4) If the apparatus fails to fire all the shots in a properly connected circuit, the shot-firer shall return the apparatus to the manager or assistant manager as soon as possible, and it shall not be used again unless it has been tested on the surface and found to be in safe working order.

(5) The result of every test made under sub-regulations (3) and (4) shall be recorded in a bound paged book kept for the purpose and shall be signed and dated by the competent person making the test.

(6) No current from a signalling, lighting or power circuit shall be used for firing shots.

(7) The shot-firer shall-

- (a) retain the key of the firing apparatus in his possession throughout his shift;
- (b) use a well-insulated cable of sufficient length to permit him to take proper shelter and in case of belowground working sufficient to take two right angle turns of pillar, and in no case, shall this cable be less than 50 meters in length;
- (c) before coupling the cable to the firing apparatus, couple up the cable himself to the detonator leads;
- (d) take care to prevent the cable from coming into contact with any power or lighting cable or other electrical apparatus;
- (e) take adequate precautions to protect electrical conductors and apparatus from injury;
- (f) himself couple the cable to the firing apparatus and before doing so, see that all persons in the vicinity have taken proper shelter as provided under regulation 196;
- (g) after firing the shots and before entering the place of firing, disconnect the cable from the firing apparatus.

(8) Where more than one shot are to be fired at the same time,-

- (a) care shall be taken that all connections are properly made;
- (b) all shots, if fired belowground, shall be connected in series;
- (c) the circuit shall be tested, either for electrical resistance or for continuity, before connecting it to the firing apparatus, which shall be made with an apparatus specifically designed for the purpose and only after all persons in the vicinity have taken proper shelter as provided under regulation 196;
- (d) the cable to the shot-firing apparatus shall be connected last;
- (e) detonators of the same electrical resistance shall only be used.

**196. Taking shelter before firing shots.**— (1) The shot-firer shall, before a shot is charged, stemmed or fired, see that all persons other than his assistants, if any, in the vicinity, have taken proper shelter, and he shall also take suitable steps to prevent any person approaching the shot and shall himself take adequate shelter, along with his assistants, if any, before firing the shots.

(2) In the case of an opencast working, the shot-firer shall not charge or fire a shot-

- (a) unless he has taken the precautions laid down in sub-regulation (1);
- (b) unless sufficient warning, by efficient signals or other means approved by the manager, is given over the entire area falling within a radius of 500 meters from the place of firing (hereinafter referred to as the danger zone) and also he has ensured that all persons within such area have taken proper shelter;
- (c) where any part of a public road or railway lies within the danger zone, unless two persons are posted, one each in either direction at the two extreme points of such road or railway which fall within the danger zone who have, by an efficient system of telephonic communication or hooter or loudspeakers or other means intimated clearance of traffic to the shot-firer and have also warned the passersby and whenever possible the vehicle also, if any, which have passed by such road or railway.

(3) In the case of an opencast working, where any permanent building or structure of permanent nature not belonging to the owner lies within the danger zone, the aggregate maximum charge per delay and per round shall not exceed the amount fixed by the Chief Inspector, by a permission in writing granted on the basis of a scientific study, and subject to such other conditions as he may specify therein.

(4) Notwithstanding anything contained in sub-regulation (3), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify, exempt any mine or part thereof from the operation of the provisions of sub-regulation (3), on the ground that the observance of its provisions is not necessary or reasonably practicable on account of the special conditions existing thereat.

(5) Where the workings, either above or belowground, offer insufficient protection against flying fragments or missiles, adequate shelters or other protection shall be provided.

(6) When two working places belowground have approached within 9 meters of each other, the shot-firer shall not fire any shot in any one of the said workings unless all persons have been withdrawn from the other working place and the same has been so fenced off as to prevent persons inadvertently coming in direct line of the shot.

**197. Precautions against dry coal dust.**— No shots shall be fired at any place belowground unless the place itself and all accessible places, including roof and sides, within a distance of 18 meters have been treated in the manner specified in clause (b) of sub-regulation (3) of regulation 144 unless such places are naturally wet as specified in the said regulation.

**198. Conditions requiring use of permitted explosives.**— (1) Notwithstanding anything contained in these regulations, no shots shall be charged or fired in the belowground working if the explosive used is not a permitted explosive, except in—

- (a) a stone-drift, if it does not contain dry coal dust; or
- (b) a shaft which is in the course of being sunk.

(2) In a gassy seam of the second or third degree, no explosive other than the permitted sheathed explosives or other explosives equally safe or any device or apparatus for breaking coal approved by the Chief Inspector shall be used, while in a gassy seam of the first degree, in addition to the above, permitted explosives may also be used:

Provided that the Chief Inspector may by an order in writing and subject to such conditions as he may specify therein, permit, in any gassy seam of the first degree, the use of any explosives other than the permitted explosives.

(3) Notwithstanding anything contained in sub-regulation (1), if blasting is done in any stone drift or sinking shaft within five meters of any coal seam or in coal measure drifts or staple shaft from one seam to another only permitted explosives of such types as may be required by the Chief Inspector shall be used:

Provided that in case of special difficulties, the Chief Inspector may exempt any stone drift or sinking shaft from the provisions of this sub-regulation subject to such conditions as he may specify therein.

**199. Precautions in the use of permitted explosives.**— (1) No detonator shall be used, unless it is of a type approved by the Chief Inspector.

(2) Where more than one shots are charged for firing, the shots shall be fired simultaneously.

(3) The aggregate charge in any shot to be fired in coal shall not exceed such permissible maximum charge, as the Chief Inspector may, by a general or special order, specify for the kind of permitted explosives used.

**200. Approved shot-firing apparatus.**— No shot shall be fired in a mine except by means of a shot-firing apparatus of a type approved by the Chief Inspector and subject to such conditions as he may, from time to time, specify by a general or special order:

Provided that where special conditions exist, the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the use of any other shot-firing apparatus.

**201. Additional precautions in belowground mines.**— (1) If in a ventilating district, presence of inflammable gas is detected in any place, no shot-hole shall be charged, stemmed or fired in that place or in any other place situated on its return side till such place has been cleared of gas and declared safe.

(2) Immediately before charging a shot-hole or a round of shot-holes, and again before firing the shots the shot-firer shall carefully test for inflammable gas at all places within a radius of eighteen meters of the place of firing.

(3) No shot-hole shall be charged if any break is found therein, or if inflammable gas is found issuing therefrom.

(4) If after charging a shot-hole, inflammable gas is found in any place within the radius specified in sub-regulation (2), no shot shall be fired until the place has been cleared of gas and declared safe.

(5) No delay-action detonator shall be used, except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

**202. Blasting in fire areas in opencast mines.**— Conditions for conduct of blasting in fire areas in opencast mines shall be specified by the Chief Inspector in a general order.

**203. Inspections after shot-firing.**— (1) After a shot has been fired, the shot-firer shall not enter or allow any other person to enter the place until the atmosphere in the area is free from dust, smoke or fumes:

Provided that the shot-firer shall before any other person enters the place, make a careful examination and with his assistants, if any, make the place safe.

(2) No other person shall enter the place, and where guards have been posted they shall not be withdrawn, until the examination has been made and the place has been declared safe in all respects.

(3) In the case of opencast working, after shots have been fired, an all-clear signal shall be given except in the case of a misfire.

**204. Misfires.**— (1) After firing the shots electrically, no person shall re-enter or be permitted to re-enter the place until five minutes after the source of electricity has been disconnected from the cable.

(2) In the event of a misfire, the entrance or entrances to the working place shall be fenced so as to prevent inadvertent access and no work other than that of locating or relieving the misfire shall be done therein until the misfire has been located and relieved.

(3) In opencast working, it shall be sufficient to mark the place of the misfire with a red flag.

(4) In the event of a misfire, a second charge shall not be placed in the same hole.

(5) If the misfire contains a detonator, the leads thereof shall be attached by a string to the shot-firing cable or some distinctive marker.

(6) Except where the misfire is due to faulty cable or a faulty connection, and the shot is fired as soon as practicable after the defect is remedied, another shot shall be fired in a relieving hole which shall be so placed and drilled in such a direction that at no point shall it be nearer than thirty centimeters from the misfired hole:

Provided that the new hole shall be bored in the presence of a shot-firer, preferably the same person who fired the shot.

(7) After a relieving shot has been fired, a careful search for cartridges and detonators, if any, shall be made in the presence of the shot-firer, amongst the material brought down by the shot:

Provided that in the case of working belowground if such cartridge or detonator is not recovered, the tubs into which the material is loaded shall be marked and further search made on the surface, and as far as possible, the search for the detonators and cartridges and the loading of any coal, stone or debris which may contain a detonator, shall be carried out without the aid of tools.

(8) If a misfired hole is not dislodged by a relieving shot, the procedure laid down in sub-regulations (6) and (7) shall be repeated.

(9) A misfired hole which cannot be dealt with in the manner so provided, shall be securely plugged with a wooden plug, and no person other than a shot-firer, an official or a person authorised for the purpose shall remove or attempt to remove any such plug.

(10) When a misfired shot is not found, or when a misfired shot is not relieved, the shot-firer shall, before leaving the mine,-

- (a) give information of the failure to such shot-firer or official as may relieve or take over charge from him;
- (b) record, in a bound paged book kept for the purpose, a report on every misfire, whether suspected, and whether the shot-hole is relieved or not relieved;
- (c) sign the report and, to record in the said book the action taken for relieving the misfired shot-hole.

(11) The shot-firer of the next shift shall locate and blast the misfired hole, but if after a thorough examination of the place, the place where the misfire was reported to have occurred he is satisfied that no misfire has actually occurred, he may permit drilling in the place.

(12) In case of opencast mines, the owner, agent and manager of a mine shall draw up a plan which shall instruct all shot-firers the detailed procedure to be followed in the event of a misfired shot.

**205. Special precautions in stone drifts.-** In stone drifts,-

- (a) after shots have been fired, all loose rock shall be removed from the face, and the area lying within a distance of 1.2 meters from the face shall be thoroughly cleaned or washed down with water and carefully examined for presence of misfires or sockets, and without taking such precautions, the next round of shots shall not be fired; and
- (b) if any socket is found, it shall be dealt with in the manner provided in regulation 204.

**206. Duties of shot-firer at the end of his shift.-** Immediately after the end of his shift, the shot-firer-

- (a) shall return all unused explosive to the magazine, or where a store or premises is provided under regulation 184, to such store or premises;
- (b) shall record, in a bound paged book kept for the purpose, the quantity of explosive taken, used and returned, the places where shots were fired and the number of shots fired by him, and misfires, if any, which shall be signed and dated by him.

**207. General precautions regarding explosives.-** (1) No person, whilst handling explosives or engaged or assisting in the preparation of charges or in the charging of holes, shall smoke or carry or use a mobile phone or light other than an enclosed light, electric torch or lamp.

(2) No person shall take any mobile phone or light other than an electric torch or an enclosed electric lamp into any explosive magazine or store or premises.

(3) The owner, agent or manager shall take adequate steps to prevent pilferage of explosives during its storage, transport and use in the mine.

(4) No person shall have explosives in his possession except as provided for in these regulations or hide or keep explosives in a dwelling house.

(5) Any person finding any explosives in or about a mine shall deposit the same in the magazine or store or premises and every such occurrence shall be reported to the manager in writing.

(6) Shot-firers and their helpers shall-

- (a) not use battery operated watches, mobile phone, synthetic clothes and socks;
- (b) use only conductive type of foot-wears; and
- (c) in case of leather shoes or boots, the sole shall also be of leather and without hobnails.



**CHAPTER XV****MACHINERY, PLANT AND EQUIPMENT**

**208. Use of certain machinery, equipment and devices in coal mines.**— (1) No internal combustion engine or steam boiler shall be used belowground in a mine except with the previous permission in writing of the Chief Inspector and subject to such conditions as he may specify therein.

(2) In every gassy seam of the second or third degree, only flame proof electrical apparatus and equipment shall be used belowground unless otherwise provided for under the provisions of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010:

Provided that the Central Government or the Chief Inspector or an Inspector authorised by the Central Government may, subject to such conditions as may be specified, permit the continuance of the use of non-flame proof apparatus or equipment for a specified period, not exceeding one year, in any mine of the first degree gassiness, which has subsequently been classified as second or third degree gassiness.

(3) The Chief Inspector may, from time to time by notification in the Official Gazette, specify appliances, equipment, machinery, or other material, that are or may be used in a mine, which shall be of such type, standard and make as approved by the Chief Inspector by a general or special order, and where any such appliance, equipment, machinery or other material had been specified by the Chief Inspector, any such appliance, equipment, machinery, or material, other than that approved by the Chief Inspector as aforesaid, shall not be used in any mine.

(4) Where in respect of any appliance, equipment, machinery or other material, the Chief Inspector has not made any notification under sub-regulation (3) and any such appliance, equipment, machinery or material is used in any mine, the Chief Inspector or Regional Inspector may, if he is of the opinion that the use of such appliance, equipment, machinery, or material is likely to endanger safety in the mine, by an order in writing, prohibit the use thereof until the same is approved by the Chief Inspector.

(5) The owner, agent or manager of a mine while acquiring any approved type of machinery, equipment, apparatus, device, lamp, light or materials shall ensure that they conform to approved specifications in all respects and shall also be responsible for maintaining them as per the approved standard.

(6) A copy of approval of every approved machinery, equipment and device being used shall be kept at the office of the mine.

(7) Where machinery is used for lifting, pulling, drilling, other than by hand held drill, dinting, ripping, cutting, loading, hauling or dumping, safe code of practices separately for each type of machinery with respect to the method of work, shall be framed by the person authorised for the purpose, containing codes for the control and guidance of persons employed for the erection, installation, operation, repairs, maintenance, dismantling and transportation of such machinery and ancillary equipment as well as for the prevention of accident and to provide for the safety, health, convenience and discipline of the persons so employed and the engineer authorised for the purpose shall be responsible for the implementation of above safe code of practices.

(8) Where surface transportation and handling machinery including coal handling plants, repair sheds or workshops are provided, safe code of practices for their erection, installation, operation, repairs, maintenance, dismantling and transportation of such machinery, plants and ancillary equipment as well as for the prevention of accident and to provide for the safety, health, convenience and discipline of the persons so employed shall be framed by the person authorised for the purpose, and the engineer authorised for the purpose shall be responsible for the implementation of above safe code of practices.

**209. General provisions for construction and maintenance of machinery.**— All parts and working gear, whether fixed or movable, including the anchoring and fixing appliances, of all machinery and apparatus used as or forming part of the equipment of a mine, and all foundations in or to which any such appliances are anchored or fixed shall be of good design, sound construction, suitable material, adequate strength and free from visible defect and shall be properly maintained.

**210. Apparatus under pressure.**— (1) All apparatus, used as or forming part of the equipment of a mine, which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so designed, constructed, installed and maintained as to obviate any risk of fire, bursting, explosion or collapse or the production of noxious gases.

- (2) Every air receiver forming part of a compressing plant shall be fitted with a safety valve and an air gauge which shows pressure in excess of the atmospheric pressure.
- (3) Before an air-receiver is cased in or put in commission, the engineer or other competent person shall subject it to a hydraulic test at a pressure at least one-and-a-half times the maximum permissible working pressure and a similar such test shall be made after every renewal or repair and in any case at intervals of not more than three years.
- (4) The result of every such test under sub-regulation (3) shall be recorded in a bound paged book kept for the purpose duly signed and dated by the person carrying out the test.
- (5) The supply of air for air-compressors shall be drawn from a source free from dust and fumes.
- (6) All apparatus used as or forming part of the equipment in a mine which contains or produces hydraulic fluid or emulsion under pressure shall be so designed, constructed, installed and maintained as to obviate any risk of bursting and fire.

**211. Precautions regarding moving parts of machinery.**— (1) Every winch or wind-lass shall be provided and used with a stopper, pawl or other reliable holder.

- (2) Every drums, fly-wheel and every other dangerous exposed part of any machinery used as, or forming part of the equipment of a mine shall be adequately fenced by suitable guards of substantial construction to prevent danger and such guards shall be kept in position while the parts of the machinery are in motion or in use, but they may be removed for carrying out any examination, adjustment or repair if adequate precautions are taken.
- (3) It shall be the duty of the engineer in-charge, the supervisory officials and other authorised persons to keep all guarding properly maintained in good condition and in the correct position.
- (4) No person shall, or shall be allowed to repair, adjust, clean or lubricate machinery in motion where there is risk of injury.
- (5) No person shall, or shall be allowed to, shift or adjust a driving belt or rope while the machinery is in motion unless a proper mechanical appliance is provided and used for the purpose.
- (6) No person in close proximity to moving machinery shall wear, or be permitted to wear, loose outer clothing.
- (7) No unauthorised person shall enter any engine room or in any way interfere with the engine.

**212. Engine rooms and their exits.**— Every engine, motor, transformer and battery charging room, and every room in which highly inflammable materials are stored on the surface shall be kept clean, and be provided with at least two exits, which shall be properly maintained and kept free from obstruction.

**213. Working and examination of machinery.**— (1) No machinery shall be operated otherwise than by or under the constant supervision of a competent person.

- (2) In a gassy seam of the second or third degree no person shall be appointed to supervise or operate any electrical machinery, apparatus or appliance other than a telephone or signaling device or an electric lamp or light, unless he holds a gas-testing certificate, who shall whilst on duty be provided with and carry an approved flame safety lamp or any other apparatus for determination of inflammable gas as approved by the Chief Inspector and check for presence of inflammable gas in the atmosphere.
- (3) Every person in-charge of any machinery, apparatus or appliance shall, before commencing work, see that it is in proper working order and if he observes any defect therein, he shall immediately report the fact to the manager, engineer or other competent person.
- (4) Every person in-charge of an air-receiver shall see that no extra weight is added to the safety valves and that the permissible pressure of air is not exceeded.
- (5) A competent person or persons appointed for the purpose shall, once at least in every seven days, make a thorough inspection of all machinery and plant in use, and shall record the result thereof in a bound paged book kept for the purpose.
- (6) In respect of electrical machinery and plant, the competent person shall be an engineer or electrician holding qualifications as specified in the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.

**214. Belowground face equipment, continuous mining and coal cutting machines.**— (1) All self propelled face equipment, including shuttle cars, which are used in belowground coal mines shall be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating control of such equipment he shall be protected from falls of roof, face or side.

(2) Methane monitors shall be installed on all roof bolting machines and cutting machines, continuous miners, longwall face equipment, loading machines and other mechanised equipment used to extract or load coal.

(3) Roof bolting machines, continuous miners and coal loading equipments shall be equipped with adequate lighting to illuminate the workplace.

(4) All face equipment used to cut coal or drill holes for roof support shall be equipped with engineering controls such as water sprays, dust collector and air- scrubber system to control respirable coal mine dust.

(5) Where remote controlled devices are used in belowground coal mines and on coal faces to operate continuous mining machines or other such equipment, the owner, agent and manager shall ensure-

- (a) testing of the remote controlled devices to ensure they are all on separate frequencies and will not accidentally cause a machine not been intentionally operated to activate or move;
- (b) proper training of all operators on the use of the remote control device;
- (c) designing of a mining scheme for the use of remote control mining equipment which include the safe location for the machine operators and any other workers in the area to prevent crushing accidents while the machine is in movement, and from respirable dust and noise hazard.

**215. Cranes and lifting gears.**— (1) All machinery used to lift or transport equipment and materials, shall be designed, constructed and erected, inspected, maintained and operated as specified by the manufacturer.

(2) The rated capacity or legible load chart, where appropriate, of a crane, hoist, grab or winch shall be permanently marked on the structure at a clearly visible place and, in any case, such machinery shall not be operated at a capacity in excess of the rated limit.

(3) No person shall load any crane, grab or winch in excess of the safe working load except for the purpose of a test, which shall be carried out by an authorised person and only in a manner specified by the manufacturer.

(4) The rated capacity of a hoist shall not exceed the capacity of the structure supporting the hoist.

(5) The engineer or other competent persons shall regularly inspect and maintain all cranes and hoists to ensure that every component thereof is capable of carrying out its original designed function, who shall also maintain a record thereof, duly signed and dated by him.

(6) A crane or hoist shall not be used until any condition that may endanger safety of any person is remedied.

(7) All installations, modifications and repairs to load-bearing equipment shall be certified by a competent person or authorised organisation in accordance with the original design and safety standard.

(8) All cranes or hoists with a boom that is movable in the vertical plane shall-

- (a) have a device that can be clearly read by the operator, to indicate the boom angle if the rated capacity is affected; and
- (b) be fitted with an automatic load indicator showing the safe working load.

(9) All modifications that affect the rated capacity of a crane or hoist shall be assessed, and the rated capacity shall be adjusted by the original equipment manufacturer or a competent person or authorised organisation.

(10) There shall be a safe means of access and egress to the operator's position and to maintenance locations for all cranes and hoists.

- (11) If a normal means of egress is not always available to the operator, then an alternative safe means shall be provided to get from the operating position to a safe area in the event of a power failure or other emergency.
- (12) Effective audible and visual communications devices shall be installed on a crane or hoist.
- (13) The crane or hoist operator shall sound a warning signal when it is necessary to alert workers.
- (14) All controls on a crane or hoist shall be clearly identified and shall return to neutral when released, and an automatic braking system shall be activated.
- (15) The operator of a crane or hoist shall be protected against hazardous conditions such as airborne contaminants, falling or flying objects and excessive heat or cold.
- (16) The operator's seat on a crane or hoist shall be of an ergonomic design that allows the operator to operate the equipment safely.
- (17) All the hooks, hook guards or latches, wire ropes, chains and other attachments and fittings shall be maintained and inspected on a regular basis.
- (18) The operator of a crane or hoist shall perform a check at the start of each shift and test the limit switch and a report thereof shall be maintained.
- (19) Transport routes for cranes shall be clear of obstructions and transport routes for wheeled or tracked cranes shall, as far as practicable be level.
- (20) Training shall be given to crane operators to ensure proper and safe operation of the crane and rigging loads.

**216. Design, operation and maintenance of heavy earth moving machineries (HEMMs) including trucks, tippers and dumpers.-** (1) Every shovel, dragline, dozer and surface miner shall be so designed as to afford the operator clear and uninterrupted vision all around.

(2) Every heavy earth moving machineries, including trucks and tippers, used in mine shall be fitted with such safety features or devices as the Chief Inspector may, from time to time, specify by a general order in writing.

(3) Truck mounted drill machines designed for tube well drilling for sources of water shall not be used and only proper type of blast hole drill machine, especially designed for mining purpose, shall be used in the mine.

(4) Every heavy earth moving machinery shall be under the charge of a competent person, authorised in writing by the manager, herein called the 'Operator' or 'Driver'.

(5) All persons employed or to be employed to operate heavy earth moving machinery shall be trained and their competency shall be evaluated by a Board constituted by the management, who shall be persons who are not connected with imparting of training:

Provided that the training officer may be co-opted in the Board as observer.

(6) Only such fitters or mechanics possessing driver's or operator's license, shall be allowed to carry out test-run of heavy earth moving machineries.

(7) No person other than the operator or the manager or any person so authorised in writing by the manager shall be allowed to ride on a heavy earth moving machinery.

**217. General precautions.-** (1) All machinery and plant used in connection with working of a mine shall be of good design, sound construction, and suitable material, adequate strength, free from patent defect and properly maintained.

(2) The owner, agent and manager shall provide adequate training facilities and ensure proper training of persons employed for operation and maintenance of machinery and plant.

(3) No person except an engineer or other competent person under his supervision shall undertake any work on machinery and plant in which technical knowledge or experience is required.

**CHAPTER XVI****EXTRACTION OF METHANE FROM WORKING COAL MINE OR ABANDONED COAL MINE**

**218. Notice of Intention or proposal of exploration for methane.-** (1) Whenever there is any proposal or intention to explore for presence of methane, in any coal seam or coal measure strata of any working or abandoned coal mines or part thereof, with an objective to exploit the methane or any other gases for captive, domestic or industrial purposes, the owner, agent and manager of the mine shall, not less than six months prior to the date of start of such exploration work, give notice in writing in the Form and method as may be specified by the Chief Inspector for the purpose, to the Chief Inspector and also to the Regional Inspector:

Provided that in case of an abandoned mine, a notice of reopening shall also be submitted as specified under these regulations.

(2) The notice so required under sub-regulation (1) shall be submitted along with-

- (a) a pre-feasibility report prepared by an agency recognised for the purpose, having knowledge, experience and expertise in the required fields and subjects to explore such presence of methane;
- (b) a report on the manner of exploration work proposed to be undertaken and the details of organisation, agency and any other contractor by which all or the parts of the jobs are proposed to be carried out within such period as planned or proposed;
- (c) details of machinery, equipment, instruments and apparatus along with their specifications, parameters and all relevant information, that are proposed to be used in the exploration work;
- (d) persons and the category of persons including officials, competent persons, officers and staff with organisation structure and chart clearly specifying duties and responsibilities thereof;
- (e) plans and sections of the mine prepared adhering to general requirements under these regulations, clearly showing the coal seams, coal measure strata, target seams and strata or the places of the working or abandoned mines from where the methane is proposed to be extracted, their extent and all other details as required, present and future working from where coal is or shall be extracted; and
- (f) plans and sections of the area prepared adhering to general requirements under these regulations, showing details of exploration work that is proposed to be undertaken indicating the proposed layout of the area over which drilling or any other exploration work are to be undertaken.

(3) The Chief Inspector may by an order in writing and subject to such conditions as may be specified therein require any alteration, modification and additional requirements to be incorporated in the exploration plan or the project.

(4) No exploration plan or project as mentioned in sub-regulation (3) aforesaid shall be started or undertaken unless a written order or approval in that respect is obtained from the Chief Inspector.

(5) The date of starting of the execution of exploration plan or project shall be communicated forthwith to the Chief Inspector and to the Regional Inspector.

**219. Submission of the exploration or abandonment of the exploration report.-** (1) On completion of the exploration work in the mine or part thereof, a detailed exploration report complete in all respects shall be submitted to the Chief Inspector and a copy thereof to the Regional Inspector:

Provided that an interim report, if so required by the Chief Inspector, shall also be submitted from time to time.

(2) If during exploration, it is decided to abandon or discontinue further exploration in the area, mine or part thereof, a notice to that effect in the Form as may be specified by the Chief Inspector for the purpose, enclosing therewith the detailed exploration work carried thereon shall be submitted forthwith to the Chief Inspector and the Regional Inspector.

(3) The plans and sections prepared adhering to general requirements under these regulations, showing the details of all the boreholes drilled, abandoned or incomplete with details such as diameter, depth and

direction of every section of the borehole, extent of water, gas, etc., and any other information, shall be submitted along with the report mentioned under sub-regulation (2).

(4) All the boreholes drilled or excavation made therein during exploration shall be effectively sealed or plugged so as to prevent any leakage of gas therefrom or any other gas or liquid matter flowing there into unless otherwise is required to be used further.

(5) A record of all such boreholes giving details as mentioned in this regulation shall be maintained in a bound paged book kept for the purpose, duly signed and dated by the driller or drilling engineer, assistant manager and countersigned and dated by the manager.

**220. Notice of commencement of extraction of methane.-** (1) Whenever there is any proposal or intention to commence or start extraction of methane from any coal seam or coal measure strata of any working or abandoned mines or part thereof, with an objective to exploit the methane or any other gases for captive, domestic or industrial purposes, the owner, agent and manager of the mine shall, not less than thirty days prior to the date of start of such extraction work, give notice in writing in the Form and method as may be specified by the Chief Inspector for the purpose, to the Chief Inspector and also to the Regional Inspector.

(2) The notice so required under sub-regulation (1) shall be submitted along with a detailed project report prepared by an agency recognised for the purpose having knowledge, experience and expertise in the required fields and subjects incorporating the following, namely:-

- (a) the manner of extraction or exploitation work proposed to be undertaken and the details of organisation, agency and any other contractor by which all or the parts of the jobs are proposed to be carried out within such time period as planned or proposed;
- (b) details of machinery, equipment, instruments and apparatus along with their specifications, parameters and all relevant information, that are proposed to be used;
- (c) persons and the category of persons including officials, competent persons, officers and staff with organisation structure and chart clearly specifying duties and responsibilities thereof;
- (d) plans and sections of the mine prepared adhering to general requirements under these regulations, clearly showing the coal seams, coal measure strata, target seams and strata or the places of the working or abandoned mines from where the methane is proposed to be extracted, their extent and all other details as required, present and future working from where methane as well as coal is or shall be extracted; and
- (e) plans and sections of the area prepared adhering to general requirements under these regulations, showing details of exploration work that is already completed and also the remaining area over which drilling or any other exploration work are yet to be undertaken.

(3) The Chief Inspector may, by an order in writing and subject to such conditions as may be specified therein, require any alteration, modification and an additional requirement to be incorporated in the extraction plan or the project.

(4) No extraction plan or project as mentioned in this regulation shall be started or undertaken unless a written order or approval in that respect is obtained from the Chief Inspector.

**221. Notice of closure, abandonment or discontinuance of extraction of methane.-** (1) Whenever there is any proposal or intention to close or abandon or discontinue extraction of methane from any coal seam or coal measure strata of any working or abandoned mines or part thereof, the owner, agent and manager of the mine shall, not less than sixty days prior to the date of start of such closure, abandonment or discontinuance of extraction work, give notice in writing in the Form and method as may be specified by the Chief Inspector for the purpose, to the Chief Inspector and also to the Regional Inspector.

(2) The notice so required under sub-regulation (1) shall be submitted with the following information, namely:-

- (a) the reasons of closure, abandonment or discontinuance;
- (b) plans and sections of the mine or part thereof prepared adhering to general requirements under these regulations, clearly showing the coal seams, coal measure strata, target seams and strata or the places of the working or abandoned mines from where the methane has already been extracted,

their extent and all other details as required under these regulations, present and future working from where methane as well as coal are likely to be extracted;

- (c) plans and sections of the area prepared adhering to general requirements under these regulations, showing details of extraction work that is already completed and the conditions of all the boreholes and the part of working abandoned or discontinued; and
  - (d) protective work like sealing or isolation of working or any other work already completed and all those work required to be done so as to make the area safe and secure in all respect.
- (3) The Chief Inspector may, by an order in writing and subject to such conditions as may be specified therein, require any other work as required to be completed before closure, abandonment, or discontinuation of such working, by the owner of the mine.
- (4) If owner and agent fails to complete the remaining work required to be done before closure or abandonment or discontinuance of the working in a mine or part thereof, the Chief Inspector may get such protective work done by any other agency and the charges so incurred shall be defrayed from the owner as an arrear of land revenue.

**222. Annual returns.**— (1) On or before 1<sup>st</sup> day of February in every year, the owner, agent or manager shall submit to the Chief Inspector and the Regional Inspector annual returns in respect of the preceding year in the Form and method as may be specified by the Chief Inspector for the purpose.

**223. Manner of extraction of methane.**— (1) Owner, agent and manager of every mine from where methane is extracted, shall prepare a standard manner of extraction of methane from the target seam or the coal measure strata and submit the same to the Chief Inspector for approval.

- (2) If methane is proposed to be extracted from an abandoned or closed mine or part thereof, or from a discontinued working of a mine or part thereof or from an existing working of a mine or part thereof, the owner, agent and manager of such mine shall also prepare a standard manner of extraction of methane from such place and submit the same to the chief Inspector for approval.
- (3) No extraction of methane from coal seam and the coal measure strata of a closed or abandoned or discontinued working of a coal mine or of a working mine or part thereof shall be done without permission in writing and subject to such conditions as may be specified therein is obtained from the Chief Inspector.

**224. Drill machine.**— (1) The drill machine and each of its accessories shall, as far as practicable, be of non-inflammable material and any inflammable material, if used, shall be shrouded with substantial metallic covering to render it non-inflammable.

- (2) Drill machine shall be provided with—
  - (a) an efficient head light capable of showing any obstruction in the working place ahead;
  - (b) an efficient portable fire extinguisher so placed as to be within easy reach of operator and also with an automatic type of fire detection and suppression system; and
  - (c) a seat for operator and a canopy over head shall be provided to protect the operator from falling objects.
- (3) No drill machine shall be operated otherwise than by a competent person appointed in writing by the manager to be the operator of the drill machine:

Provided that for repairs or tests, the drill machine can be operated by a competent person, other than operator, authorized in writing by the manager.

- (4) Drill machine shall not be used at any work place where there is, after allowing for swing of the machine, clear space not less than the following, namely:—
  - (a) below the roof or its support 0.3 meter; and,
  - (b) on the sides 0.6 meter.
- (5) While drill machine is in operation, no person other than the person authorised in writing by the manager, shall be allowed to stay on the machine or in the vicinity thereof.
- (6) Every work place in which drill machine is used shall be placed under the charge of a competent person or persons who shall once at least in every shift, examine every such work place with particular regards to —

- (i) clearance and whether free from any obstruction;
- (ii) the state of roof and sides;
- (iii) ventilation; and
- (iv) general safety

(7) The competent person making the examination under sub-regulation (6) shall record the results thereof in a bound paged book kept for the purpose duly signed by the competent person and countersigned by the manager.

**225. Drilling operation.-** In connection with methane exploration or extraction activities in a belowground mine or part thereof, the conditions and other details for the conduct of drilling operation shall be specified by the Chief Inspector, by a general or special order.

**226. Production drilling and extraction of methane from boreholes.-** (1) While drilling for exploration or extraction of methane through boreholes, all precautions and arrangements shall be made to ensure that no frictional or open spark occurs inside the borehole containing methane gas or likely to contain methane which may cause explosion or blow out in the borehole.

(2) Before commencement of degasification from a hole, necessary arrangements shall be made to control the release of the methane through the degasification hole.

(3) Arrangements shall be made and kept functional to ensure that there is no leakage of gas from the borehole.

(4) Automatic gas and leakage detectors fitted with audio-visual alarm shall be provided at the collar of the borehole to give warning in the event of any leakage of inflammable gas or any other noxious gas from the borehole into the atmosphere.

(5) In addition to the automatic detector mentioned in sub-regulation (4), a competent person shall check for the leakage of inflammable or noxious gases using hand-held gas detector at regular interval during the shift and a record thereof shall be maintained in a bound-paged book kept for the purpose, duly signed and dated by him and countersigned and dated by the assistant manager in-charge of the drilling operations and the manager.

**227. Ventilation plan for methane exploration or extraction belowground.-** (1) A ventilation plan as required under clause (d) of sub-regulation (1) of regulation 65 shall be maintained, showing in addition, the position of each exploration and production borehole and gas transportation pipe lines.

(2) Ventilation planning of the mine shall be done in consultation with the scientific body of repute, and quantity as well as quality of air reaching in each split and gallery through which gas transportation pipe line passes, shall be fixed.

(3) Air measurement stations shall be fixed at each split through which gas transportation pipe line passes in belowground working and air measurement at all such stations shall be taken in each shift and the record thereof maintained in a bound paged book kept for the purpose, duly signed by the ventilation officer and Assistant manager in-charge of the methane exploration or extraction operations and countersigned and dated by the manager of the mine.

(4) Whenever the normal ventilation of the mine is disturbed, all methane exploration or extraction activities shall be stopped forthwith and work shall not be resumed till the normal ventilation of the mine is restored.

(5) A coal barrier of not less than 150 meter in thickness shall be maintained in the same seam from old boreholes and present working of the mine from where exploration or extraction of methane is in progress.

(6) The ventilation plan and section required to be kept maintained under sub-regulation (1) shall be kept updated at specified intervals and shall be signed by the ventilation officer and assistant manager-in-charge of methane exploration or extraction operations, and countersigned and dated by the manager.

**228. Water and gas separation.-** Water separation and removal equipment shall be installed at each degasification hole, at lower points in the main gas pipe line.



**229. Welding, cutting or fusion, etc.-** In connection with methane exploration or extraction activities in a belowground mine or part thereof, a flame or electric welding, cutting or repairing apparatus may be used if prior permission in writing has been obtained from the Regional Inspector and subject to such conditions as he may specify therein.

**230. Methane gas transportation belowground.-** The conditions and other details for methane gas transportation belowground shall be specified by the Chief Inspector, by a general or special order.

**231. Sectionalisation of methane pipe lines.-** (1) The main gas pipelines shall be sectionalised so that in the event of rupture in the pipeline, the methane gas in the general body of the air gets diluted within the permissible limit.

(2) Sectionalisation shall be accomplished with automatic control valves which shall be of spring loaded type and pneumatic valves that fail close.

(3) The tracer tubing shall be connected to pneumatic valve on each degasification hole, which shall be activated (fail close) whenever pressure is lost in tracer tubing and also when the automatic control valves on the pipeline are actuated.

**232. Methane and other gas monitoring system in case of positive pressure in reservoir.-** (1) A proper automatic on line or continuous methane monitoring system fitted with audio visual alarm shall be installed along the gas pipelines.

(2) Methane monitors shall be placed at every five hundred meters interval along the main pipeline in the return air way or at closer interval if so required by the Regional Inspector.

(3) Methane monitors shall be inter-faced to the electrically actuated valves attached to the tracer tubing.

(4) Methane monitoring system shall be provided with uninterrupted power supply arrangement.

(5) All air that cross or passes the pipe-line shall be monitored by methane monitors.

(6) Calibration of each methane monitor and the system so installed shall be done quarterly and record of the same shall be maintained in a bound paged book kept for the purpose duly signed by the competent person and counter signed by assistant manager-in-charge of methane exploration or extraction operations and the manager.

(7) All gas monitors and automatic gas detecting system shall be of a type approved in writing by the Chief inspector and the repairs and calibrations of all such monitors and system shall be undertaken only at an approved laboratory.

**233. Communication.-** Proper means of efficient and effective telephonic communication system shall be installed and maintained in between surface and belowground working and at the strategic points all along gas transportation pipe lines in belowground ground as well as on surface, which shall be of type approved by the Chief Inspector.

**234. Inspection and examination of machinery and equipment for methane exploration and extraction.-** (1) All the installations, pipelines and safety system installed shall be examined daily by competent person authorised for the purpose and the results of all such examinations shall be recorded in bound paged book kept for the purpose duly signed by the competent person and countersigned by assistant manager-in-charge of methane exploration or extraction operations and manager.

(2) Suitable log book shall be maintained wherein shall be recorded the repair or maintenance job in the pipeline and other installations and the record of the same shall be kept in a bound paged book kept for the purpose duly signed by the competent person and countersigned by assistant manager-in-charge of methane exploration or extraction operations and manager.

**235. Responsibility of owner, agents, managers, engineers, competent persons and officials.-** The owner, agents, managers, engineers, competent persons and officials shall each be responsible for securing effective compliance with the provisions relating to exploration or extraction of methane from coal seam, working or abandoned coal mine or part thereof.

**236. General provisions.-** (1) Owner, agent and manager in consultation with the expert agencies, shall frame suitable code of safe practices and standard operating procedures for development, extraction, storage, transport and all other related operations, required for extraction of abandoned mine methane or coal mine methane as the case may be.

- (2) The code of safe practices and standard operating procedures shall be circulated to all the concerned persons and officials who shall ensure their compliance.
- (3) A copy of the code of safe practices and standard operating procedures so framed shall be sent to the Regional Inspector who may examine and modify the same if so require.
- (4) The work persons, staff and officials involved in exploration or recovery of coal mine methane or abandoned mine methane project and activities shall be adequately trained.
- (5) Work persons, staff and officials involved in exploration or recovery of coal mine methane or abandoned mine methane project and activities shall not be changed normally unless replaced with equally trained and competent persons, staff or officials.

## CHAPTER XVII

### MISCELLANEOUS

**237. Fences.-** (1) Every tank or reservoir or other dangerous place in or about a mine, which has been formed as a result of, or is used in connection with, mining operations, shall be kept securely fenced.

(2) Every fence erected on the surface shall, once at least in every seven days, be examined by a competent person and a report of every such inspection shall be recorded in a bound paged book kept for the purpose, duly signed and dated by the person who made the examination.

(3) Any fence, gate or barricade may be temporarily removed for the purpose of repairs or other operations, if adequate precautions are taken.

(4) If any doubt arises as to whether any fence, guard, barrier or gate provided under this regulation is adequate, proper or secure, or as to whether the precautions taken under sub-regulation (3) are adequate, it shall be referred to the Chief Inspector for decision.

**238. Notices.-** Where at any place smoking or unauthorised entry is prohibited, notices to that effect shall be posted at conspicuous places at every entrance to the place.

**239. General safety.-** No person shall negligently or willfully do anything likely to endanger life or limb in the mine, or negligently or willfully omit to do anything necessary for the safety of the mine or the persons employed therein.

**240. Use, supply and maintenance of protective footwear.-** (1) No person shall go into, or work, or be allowed to go into, or work in a mine, unless he wears a protective footwear of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) The protective footwear referred to in sub-regulation (1) shall be supplied free of charge, at intervals not exceeding six months, by the owner, agent or manager of a mine, who shall at all times maintain a sufficient stock of protective footwear in order to ensure immediate supply as and when need for the same arises.

(3) Where a footwear is provided otherwise than as specified in this regulation, the supply shall be made on payment of full cost.

(4) The owner, agent or manager of a mine shall provide at suitable places in the mine dubbing and revolving brushes or make other suitable alternative arrangements for the cleaning of protective footwear by the persons using them:

Provided that it shall be the responsibility of the person supplied with the protective footwear to arrange the repair of the same at his own cost.

**241. Use and supply of helmet.-** (1) No person shall go into, or work, or be allowed to go into, or work in a mine, other than the precincts of a mine occupied by an office building, canteen, crèche, rest shelter, first aid room or any other building of a similar type, unless he wears a helmet of such type as may be approved by the Chief Inspector by a general or special order in writing:

Provided that where the Chief Inspector is of the opinion that due to special circumstances, it is not necessary or reasonably practicable for any person or class of persons going into, or working in a mine to wear a helmet, he may, by a general or special order in writing and subject to such conditions specify therein, exempt such person or class of persons, from the operation of the provisions of this sub-regulation.

(2) The helmet referred to in sub-regulation (1) shall be supplied free of charge, at intervals not exceeding three years or such other intervals as the Chief Inspector may specify by a general or special order in writing by the owner, agent or manager of a mine, who shall at all times maintain a sufficient stock thereof in order to ensure immediate supply as and when need for the same arises:

Provided that when a helmet is accidentally damaged during legitimate use, the owner, agent or manager shall immediately replace the damaged helmet free of cost.

(3) Where a helmet is provided otherwise than as specified in this regulation, the supply shall be made on payment of full cost.

**242. Supply of other personal protective equipment.**— (1) Where it appears to the Regional Inspector or the Chief Inspector that any person or class of persons employed in a mine is exposed to undue hazard by reason of the nature of his employment, he may, by a general or special order in writing, require the owner, agent or manager of the mine to supply to such person or class of persons, free of charge, gloves, goggles, shin guards, respirator or such other protective equipment as may be specified in the order.

(2) The protective equipment provided under sub-regulation (1) shall be replaced free of charge by the owner, agent or manager whenever it is rendered unserviceable by legitimate use:

Provided that in any other event, the replacement shall be made on payment of full cost.

(3) If any dispute arises as to the life of any protective equipment, it shall be referred to the Chief Inspector for decision.

**243. Use, supply and maintenance of self-rescuer.**— (1) No person shall go into, work or be permitted to go into or work belowground in any mine unless he is provided with and carries with him a self-rescuer of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) If such a self-rescuer is accidentally damaged during use or goes out of order or becomes unserviceable or having exceeded its specified life, or has been used, the owner, agent or manager shall immediately replace such self-rescuer.

(3) The owner, agent or manager of every mine where self-rescuers are to be used, shall:-

- (a) at all times keep sufficient stock of self-rescuers so that they are readily available whenever needed;
- (b) provide, at the mine, adequate arrangements for cleaning, maintenance and inspection of self-rescuers;
- (c) ensure that every person who may be required to use self-rescuer under sub-regulation (1) undergoes a course of training in the use of self-rescuer, as may be specified by the Chief Inspector by a general or special order in writing.

**244. Obligation of persons provided with personal protective equipment.**— Whenever any person is supplied by the owner, agent or manager of a mine with any personal protective equipment, he shall use the same while doing the work for which he is supplied with such protective equipment.

**245. Information about sickness.**— Every official or competent person shall, in case of sickness or of lawful absence, give early and sufficient notice thereof to his superior official or the manager, as the case may be, so that a substitute may be arranged.

**246. Manpower distribution plan.**— During the first week of every month, a survey shall be made of the number of persons normally employed in every district and other places belowground in the mine and a sketch plan showing the results of such a manpower survey, signed and dated by the manager shall be kept in the office of the mine and a copy thereof shall be kept with the attendance clerk.

**247. Sirdars and overmen.**— (1) No person shall be appointed as a competent person under regulations 33, 75, 99, sub-regulations (14) and (15) of regulation 137, clause (a) of sub-regulation (4) of regulation 138, sub-regulation (6) of regulation 139, sub-regulations (7) and (8) of regulation 142, sub-regulation (9) of regulation 150, sub-regulation (12) of regulation 159, sub-regulation (3) of regulation 161, sub-regulation (2) of regulation 165, regulations 167, 169 and 195, unless he is the holder of either an Overman's Certificate or a Manager's Certificate.

(2) No person shall be appointed as a competent person under regulations 129, 130, sub-regulation (6) of regulation 135, sub-regulation (7) of regulation 136, regulation 147, sub-regulation (1) of regulation 165

and regulation 166 unless he is the holder of either a Manager's Certificate or Overman's Certificate or a Sirdar's Certificate together with a gas testing certificate:

Provided that, so much of this regulation as requires a person holding a Manager's Certificate or Overman's Certificate or a Sirdar's Certificate to hold gas testing certificate also shall not apply to, persons employed aboveground, or in opencast working, or competent person under sub-regulation (6) of regulation 135.

(3) In case of mines having opencast workings only, nothing in sub-regulations (1) and (2) shall prohibit the appointment under regulations 33, 129, 130, sub-regulation (6) of regulation 135, clause (a) of sub-regulation (4) of regulation 138, sub-regulation (6) of regulation 139 and regulation 195 of a person holding, as the case may be, a Sirdar's Certificate, Overman's Certificate or Manager's Certificate restricted to mines having opencast workings only.

(4) Notwithstanding anything contained in sub-regulation (2), the Chief Inspector may, where special conditions exist, permit or require appointment of any person, not necessarily holding either a Manager's Certificate or Overman's Certificate or a Sirdar's Certificate as a competent person under regulation 130, if such person possess otherwise a suitable qualification and experience for effective supervision of the working places.

**248. Officials to be literate.**— No person shall be appointed as an official of a mine unless he is literate and is conversant with the language of the district in which the mine is situated or with the language understood by a majority of the persons employed in the mine:

Provided that so much of this regulation as requires a person to be conversant with the language of the district or of the majority of persons, shall not apply to managers, assistant managers, engineers and surveyors.

**249. Writing of reports.**— (1) If any person required to make any report is unable to write, the competent person so authorised by the manager shall write the report on his behalf and in his presence, and he shall attach his thumb mark to it or sign on it after the report is read over to him by the competent person.

(2) The competent person writing the report shall certify that it has been read over to the person for whom it was written, and shall sign the certificate and date his signature.

**250. Payment of fees.**— Any fees payable under these regulations shall be paid by means of a crossed Indian Postal Order or Bank Draft or through electronic mode and any other means as specified from time to time by the Chief Inspector.

**251. Place of accident not to be disturbed.**— (1) Whenever an accident occurs in or about a mine causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (1) of section 23 of the Act unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of accident.

(2) Before the place of accident involving a fatal or serious accident is disturbed or altered due to any reason whatsoever, a sketch of the site illustrating the accident and all relevant details shall be prepared in duplicate and such sketch shall be duly signed by the manager or assistant manager, safety officers, surveyor and the workmen's inspector or, where there is no workmen's inspector by a work person present at the place of accident, which shall also be supported by the photographs of the place of accident:

Provided that, if the place is disturbed or altered to prevent further accident or rescue persons from danger before the sketch could be prepared, the same shall be prepared immediately thereafter giving all relevant details as existed before the place was disturbed or altered.

(3) One of the authenticated sketches shall be delivered or sent to the concerned Inspector.

**252. Emergency response and evacuation plan.**— (1) The owner, agent and manager of every mine shall have a comprehensive programme in place to respond to any injury, illness or emergency that may occur at each mine including foreseeable industrial and natural disasters which shall include immediate

first-aid treatment, medical treatment, transportation and evacuation of injured persons procedures to respond to emergencies that arise at the mine and make arrangements for the rescue of persons incapacitated or trapped in coal mines.

(2) The plan referred to in sub-regulation (1) shall cover mine evacuations and include-

- (a) establishment of individual responsibilities for administering actions identified to implement an emergency response;
- (b) establishment of emergency communication systems, procedures and individual responsibilities for carrying out emergency communications;
- (c) a system in place to provide immediate notification to all persons affected by the emergency, including alarms in place which shall be capable of being seen and heard by everyone affected.
- (d) a procedure to allow for the safe, orderly and immediate withdrawal of persons from the mine or area of danger, including training on emergency escape routes and procedures;
- (e) procedures in place to be followed by workers who remain to perform critical operations before they evacuate, which include-
  - (i) the selection of only those personnel who have received special training to respond to critical operations and mine emergencies, including mine fires and explosions;
  - (ii) having procedures in place to ensure the locations that are safe for persons who would not be immediately withdrawn;
  - (iii) having the personnel equipped with the necessary gas-detection equipments and other equipments or tools necessary to respond to the critical operation at hand;
- (f) providing persons with particular risks with the equipment necessary for escape, such as self-contained self-breathing devices, etc.;
- (g) a response team that is trained and equipped and immediately available to respond to fires or other hazards that create mine emergencies;
- (h) procedures to account for all workers after the emergency evacuation is complete;
- (i) providing relevant information and training to all personnel, at all levels, including regular exercises in emergency prevention, preparedness and response procedures and periodic emergency drills;
- (j) mock rehearsals at regular intervals.

(3) The owner, agent and manager shall submit a copy of the emergency response and evacuation plan prepared by him to the regional inspector who may, by an order in writing approve such action plan, either in the form submitted to him or with such additions and alterations as he may think fit, and the action plan so approved shall be enforced at the mine.

(4) On receiving information of any emergency, the owner, agent and manager, and in his absence, the principal official present at the surface shall immediately put emergency action plan in operation.

**253. Taking samples from mine.**— Where for official purposes, an Inspector considers it necessary to take samples of any coal, rope or other material, the owner, agent or manager shall make over to him such samples in such quantities as he may require.

**254. Right of the workers' representative to inspect register maintained under sub-section (1) of section 48 of Act.**— The register maintained under sub-section (1) of section 48 of the Act shall be available for inspection to a workers' representative authorized by the persons employed in the mine on an application made by him in this behalf.

**255. Chief Inspector or authorized Inspector to exercise powers of Regional Inspector.**— Any power granted under these regulations to the Regional Inspector may be exercised by the Chief Inspector or any other Inspector authorised in writing in this behalf by the Chief Inspector.

**256. Plans, sections and records.**— Where special conditions exist, the Chief Inspector may permit preparation and maintenance of plans, sections and records required to be maintained under the provisions of these regulations, subject to the conditions as he may specify, in electronic form within the limits of error of survey and plotting, as specified under sub-regulation (3) of regulation 64.

**257. Publication of orders and instructions.-** Orders and instructions under these regulations shall be published in the Official Gazette and by other suitable means as may be specified by the Chief Inspector.

**258. Appeal to the Chief Inspector.-** (1) An appeal shall lie against an order made by the Regional Inspector under any of these regulations, to the Chief Inspector who may confirm, modify or cancel the order.

(2) Every appeal under sub-regulation (1) shall be preferred within fifteen days of the receipt of the order by the aggrieved person.

**259. Appeal to Committee.-** (1) An appeal against any order made by the Chief Inspector under any of these regulations or against any order passed under regulation 258 shall lie, within twenty days of the receipt of the order by the aggrieved person, to the Committee constituted under section 12 of the Act.

(2) Every order of the Chief Inspector, against which an appeal is preferred under sub-regulation (1) shall be complied with, pending the receipt at the mine of the decision of the Committee:

Provided that the Committee may, on an application by the appellant, suspend the operation of the order appealed against, pending the disposal of the appeal.







**260. Repeal and savings.-** (1) The Coal Mines Regulations, 1957 are hereby repealed.

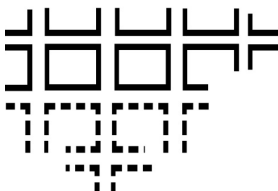






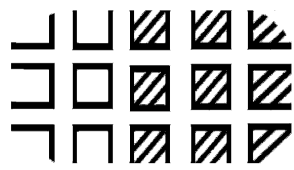

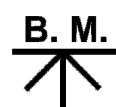
(2) Notwithstanding the repeal referred to in sub-regulation (1), anything done or any action taken under the regulations so repealed including any order or certificate issued, authorisation or permit granted or renewed, any order or direction made thereunder shall be deemed to have been done or taken or issued or granted or renewed or made under the corresponding provisions of these regulations.



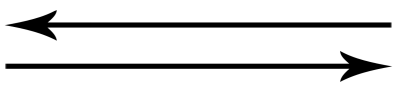
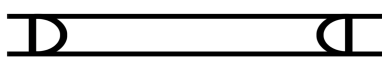



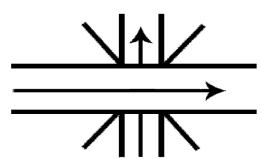
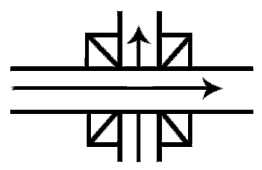


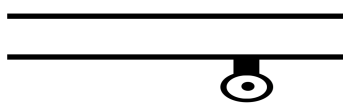
### SCHEDULE

[See sub-regulation (2) of regulation 64]


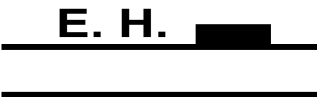

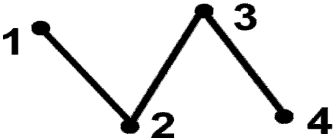
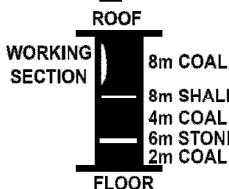
#### CONVENTIONS FOR PREPARING PLANS AND SECTIONS

NAME	SYMBOL	REMARK
BOUNDARY OF LEASE HOLD		In Red
UNDERGROUND COAL BARRIER		In Green
SHAFT		
ABANDONED SHAFT		
INCLINE		
ABANDONED INCLINE		

NAME	SYMBOL	REMARK
PILLARS AND GALLERIES		Workings shown by dotted lines are not surveyed and their extent is not correctly known
DRIFT		In Burnt Sienna showing gradient in Black
QUARTERLY SURVEY LINE		
STAPLE SHAFT		In Red should state distance up and down to all insets
ABANDONED STAPLE SHAFT		In Red
FAULT		In Red showing the amount and direction of throw
DYKE OR OTHER INTRUSION		In Green
GOAF		
SUBSIDENCE		In Red
BENCH MARK		

NAME	SYMBOL	REMARK
SURFACE CONTOUR		In Burnt Sienna
UNDERGROUND SPOT LEVEL	<b>+ 104.94</b>	In Blue
WATER DAM		In Red
DIRECTION OF AIR CURRENT		Intake in Blue Return Red
DOORS		In Red
BRICK/STONE OR CONCRETE VENTILATION STOPPING		In Red
FIRE DAM, SEAL OR STOPPING		In Red
EXPLOSION PROOF STOPPING		In Red
AIR CROSSING		
EXPLOSION PROOF AIR CROSSING		
REGULATOR		In Red
AUXILIARY FAN		In Red
TELEPHONE		In Red



NAME	SYMBOL	REMARK
UNDERGROUND FIRST-AID STATION		Thick cross in Red
ENGINE HOUSE OR ROOM		
BORE HOLE		Should show serial number & diameter
SURVEY LINES & STATIONS		In Red
SECTION OF SEAM		

[F. No. S-29012/01/2006-ISH-II (Vol.4)]

KALPANA RAJSINGHOT, Jt. Secy.

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# THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

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## ARRANGEMENT OF SECTIONS

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### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of competent authority.
4. Preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon.
5. Effect of notification on prospecting licences and mining leases.
6. Compensation for any necessary damage done under section 4.
7. Power to acquire land or rights in or over land notified under section 4.
8. Objections to acquisition.
9. Declaration of acquisition.
- 9A. Special powers in cases of urgency.
10. Vesting of land or rights in Central Government.
11. Power of Central Government to direct vesting of land or rights in a Government company.
12. Power to take possession of land acquired.
13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.
14. Method of determining compensation.
15. Costs.
16. Interest on awards.
17. Payment of compensation.
18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.
- 18A. Payment to State Governments in lieu of royalty.
19. Power to delegate.
20. Appeals.
21. Power to obtain information.
22. Power to enter and inspect.
23. Penalties.
24. Service of notices and orders.
25. Protection of action taken in good faith.
26. Jurisdiction of civil courts.
27. Power to make rules.
28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.

# THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

ACT NO. 20 OF 1957

[8th June, 1957.]

An Act to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Act, 1957.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “competent authority” means any person appointed to be a competent authority under section 3;

(b) “Government company” means a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), in which any land or rights in or over land shall have vested under section 11;

(c) “Mineral Concession Rules” means the rules for the time being in force made under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948);

<sup>2</sup>[(cc) “mining lease” includes a mining sub-lease, and “lessee” shall be construed accordingly;]

(d) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land, or of the acquisition, extinguishment or modification of any rights in or over land, under this Act;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Tribunal” means the Tribunal constituted under section 14.

**3. Appointment of competent authority.**—The Central Government may, by notification in the Official Gazette, appoint any person to be the competent authority for the purposes of this Act; and different persons may be appointed as competent authorities for different provisions of this Act and for different areas.

**4. Preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon.**—(1) Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette, give notice of its intention to prospect for coal therein.

(2) Every notification under sub-section (1) shall give a brief description of the land and state its approximate area.

(3) On the issue of a notification under sub-section (1), it shall be lawful for the competent authority and for his servants and workmen—

(a) to enter upon and survey any land in such locality;

(b) to dig or bore into the sub-soil;

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1. 12th June, 1957, *vide* Notification No. S.R.O. 1931 (E), dated 10th June, 1957, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

2. Ins. by Act 51 of 1957, s. 2 (w.e.f. 12-6-1957).

- (c) to do all other acts necessary to prospect for coal in the land;
- (d) to set out the boundaries of the land in which prospecting is proposed to be done and the intended line of the work, if any, proposed to be made thereon;
- (e) to mark such boundaries and line by placing marks; and
- (f) where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being carried on are situate.

**5. Effect of notification on prospecting licences and mining leases.**—On the issue of a notification under sub-section (1) of section 4 in respect of any land—

- (a) any prospecting licence <sup>1</sup>[which authorises any person] to prospect for coal or any other mineral in the land shall cease to have effect; and
- (b) any mining lease <sup>2\*\*\*</sup> shall, in so far as it authorises the lessee or any person claiming through him to undertake any operation in the land, cease to have effect for so long as the notification under that sub-section is in force.

**6. Compensation for any necessary damage done under section 4.**—(1) Whenever any action of the nature described in sub-section (3) of section 4 is to be taken, the competent authority shall, before or at the time such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, he shall at once refer the dispute to the decision of the Central Government, and the decision of the Central Government shall be final.

(2) The fact that there exists any such dispute as is referred to in this section shall not be a bar to action under sub-section (3) of section 4.

**7. Power to acquire land or rights in or over land notified under section 4.**—(1) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

(2) If no notice to acquire the land or any rights in or over such land is given under sub-section (1) within the period allowed thereunder, the notification issued under sub-section (1) of section 4 shall cease to have effect on the expiration of three years from the date thereof.

**8. Objections to acquisition.**—(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

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1. Subs. by Act 51 of 1957, s. 3, for “granted to any person under the Mineral Concession Rules which authorises him” (w.e.f. 12-6-1957).

2. The words “granted to any person under the Mineral Concession Rules” omitted by s. 3, *ibid.* (w.e.f. 12-6-1957).

*Explanation.*—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, <sup>1</sup>[either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.]

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

**9. Declaration of acquisition.**—(1) When the Central Government is satisfied, after considering the report, if any, made under section 8 that any land or any rights in or over such land should be acquired, a declaration shall be made by it to that effect <sup>2</sup>[, and different declarations may be made from time to time in respect of different parcels of any land, or of rights in or over such land, covered by the same notification under sub-section (1) of section 7, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 8]:

<sup>3</sup>[Provided that no declaration in respect of any particular land, or rights in or over such land, covered by a notification under sub-section (1) of section 7, issued after the commencement of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 (54 of 1971), shall be made after the expiry of three years from the date of the said notification:

Provided further that, where a declaration] relates to any land or to any rights in or over land belonging to a State Government which has or have not been leased out, no such declaration shall be made except after previous consultation with the State Government.

(2) <sup>4</sup>[Every declaration] shall be published in the Official Gazette, and—

(a) in any case where land is to be acquired, shall state the district or other territorial division in which the land is situate and its approximate area; and, where a plan shall have been made of the land, the place where such plan may be inspected;

(b) in any case where rights in or over such land are to be acquired, shall state the nature and extent of the rights in addition to the matters relating to the land specified in clause (a); and

a copy of every such declaration shall be sent to the State Government concerned.

<sup>5</sup>[**9A. Special powers in cases of urgency.**—If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.]

**10. Vesting of land or rights in Central Government.**—(1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government <sup>6</sup>[free from all encumbrances].

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1. Subs. by Act 54 of 1971, s. 2, for certain words (w.e.f. 11-12-1971).

2. Ins. by s. 3, *ibid.* (w.e.f. 11-12-1971).

3. Subs. by s. 3, *ibid.*, for “Provided that, where the declaration” (w.e.f. 11-12-1971).

4. Subs. by s. 3, *ibid.*, for “The declaration” (w.e.f. 11-12-1971).

5. Ins. by Act 51 of 1957, s. 4 (w.e.f. 12-6-1957).

6. Ins. by s. 5, *ibid.* (w.e.f. 12-6-1957).

(2) Where the rights under any mining lease <sup>1</sup>[granted or deemed to have been granted by a State Government] to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules.

**11. Power of Central Government to direct vesting of land or rights in a Government company.**—(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.

(2) Where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Government company, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules; and all the rights and liabilities of the Central Government in relation to the lease or the land covered by it shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

**12. Power to take possession of land acquired.**—The competent authority may, by notice in writing, require any person in possession of any land acquired under this Act to surrender or deliver possession of the land within such period as may be specified in the notice, and if a person refuses or fails to comply with any such notice, the competent authority may enter upon and take possession of the land, and for that purpose may use or cause to be used such force as may be necessary.

**13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.**—(1) Where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of all items of reasonable and *bona fide* expenditure actually incurred in respect of the land, that is to say,—

(i) the expenditure incurred in obtaining the licence;

(ii) the expenditure, if any, incurred in respect of the preparation of maps, charts and other documents relating to the land, the collection from the land of cores or other mineral samples and the due analysis thereof and the preparation of any other relevant records or material;

(iii) the expenditure, if any, incurred in respect of the construction of roads or other essential works on the land, if such roads or works are in existence and in a usable condition;

(iv) the expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land.

(2) Where the rights under a mining lease are acquired under this Act, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items, namely,—

(i) if the lease was granted after prospecting operations had been carried out in respect of the land under a prospecting licence, the sum of all items of reasonable and *bona fide* expenditure actually incurred with respect to the matters specified in clauses (i), (ii), (iii) and (iv) of sub-section (1) before the date of the lease:

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1. Subs. by Act 51 of 1957, s. 5, for “granted by a State Government” (w.e.f. 12-6-1957).

Provided that where two or more leases had been granted in relation to any land covered previously by one prospecting licence, only so much of the expenditure aforesaid as bears to the total expenditure the same proportion as the area under the mining lease in respect of which the rights have been acquired bears to the total area covered by the mining leases shall be payable under this clause;

(ii) any reasonable and *bona fide* expenditure of the nature referred to in clauses (i), (ii) and (iii) of sub-section (1) actually incurred in relation to the lease, together with the *salami*, if any, paid for obtaining the lease;

(iii) the expenditure, if any, incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal;

(iv) interest on any such expenditure referred to in clauses (i), (ii) and (iii) as has actually been incurred <sup>1</sup>[up to] the year in which the rights under the lease are acquired, interest being calculated in the following manner, that is to say,—

interest at the rate of five per centum per annum in respect of the expenditure incurred during each calendar year for the first five years commencing from the year in which such expenditure was incurred *plus* interest at the rate of four per centum per annum in respect of each subsequent year after the expiration of the first five years and ending with the year in which the rights under the lease are acquired:

Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in <sup>2</sup>[clauses (i), (ii) and (iii)].

(3) Where the rights under a mining lease acquired under section 9 relate only to a part of the land covered by the mining lease, the amount of compensation payable shall be such as bears to the total compensation which would have been payable if the rights of the mining lessee in respect of the entire land had been acquired, the same proportion which the area of the land in respect of which the rights are acquired bears to the total area of the land covered by the mining lease.

(4) Where a mining lease ceases to have effect for any period under clause (b) of section 5, there shall be paid by way of compensation for the period during which the lease so ceased to have effect, a sum equivalent to five per centum of any such expenditure as is referred to in clauses (i) and (iii) of sub-section (2) for each year during which the lease remains suspended.

(5) Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4;

*Explanation.*—The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land;

(b) the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the taking possession thereof;

(c) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from other land;

(d) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;

(e) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

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1. Subs. by Act 51 of 1957, s. 6, for “during the period commencing from the date of the lease and ending with” (w.e.f. 12-6-1957).

2. Subs. by s. 6, *ibid.*, for “clauses (ii) and (iii)” (w.e.f. 12-6-1957).



(f) the damage, if any, *bona fide* resulting from diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2) of section 9.

<sup>1</sup>[(5A) In determining the amount of compensation for any land acquired under section 9, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put shall not be taken into consideration.]

(6) Where any operation carried on by or on behalf of the Central Government in the exercise of any powers conferred by this Act causes or is likely to cause damage to the surface of any land or any works thereon and in respect thereof no provision for compensation is made elsewhere in this Act, the competent authority shall pay or tender payment for all such damage, and, in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it is to be paid or tendered, he shall refer the dispute to the decision of the Tribunal.

(7) No compensation under this section in relation to maps, charts and other documents shall be paid unless the person to whom it is payable has delivered to the prescribed authority all the maps, charts and other documents.

**14. Method of determining compensation.**—(1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.

(2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a Judge of a High Court for the purpose of determining the amount.

(3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons interested may also nominate any other person for the same purpose.

(4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.

(5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

(7) Nothing in the Arbitration Act, 1940 (10 of 1940), shall apply to any proceedings under this section.

<sup>2</sup>[(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) reception of evidence on affidavits;
- (iv) requisitioning any public record from any court or office; and
- (v) issuing commissions for examination of witnesses.]

**15. Costs.**—Every award made by the Tribunal shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid.

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1. Ins. by Act 54 of 1971, s. 4 (w.e.f. 11-12-1971).

2. Ins. by s. 5, *ibid.* (w.e.f. 11-12-1971).



**16. Interest on awards.**—If the sum which in the opinion of the Tribunal ought to have been awarded as compensation is in excess of the sum which the Central Government has stated to be a fair amount of compensation, the award of the Tribunal may direct that the Central Government shall pay interest on such excess at the rate of five per centum per annum from the date on which it became payable to the date of payment of such excess.

**17. Payment of compensation.**—(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

<sup>1</sup>[Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.]

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.

**18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.**—Where prospecting is done under this Act by or on behalf of the Central Government in any land situate within the jurisdiction of a State Government or where the Central Government or a Government company has become the lessee of a State Government in respect of any land under this Act, the terms and conditions under which the prospecting can be done or rights under the lease exercised shall, as far as may be, be the same as the terms and conditions applicable to prospecting licences and mining leases under the Mineral Concession Rules; and in case of doubt or dispute, shall be settled by arbitration or in such other manner as the Central Government and the State Government may decide.

<sup>2</sup>[**18A. Payment to State Governments in lieu of royalty.**—Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government (other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government.]

**19. Power to delegate.**—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers or duties which may be exercised or discharged by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or discharged also by any person specified in this behalf in the notification and any such person may, with the previous approval of the Central Government, by order in writing, direct that any power or duty which has been directed to be exercised or discharged by him shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any such person subordinate to him as may be specified therein.

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1. Subs. by Act 54 of 1971, s. 6, for the second proviso (w.e.f. 11-12-1971).

2. Ins. by s. 7, *ibid.* (w.e.f. 11-12-1971).

**20. Appeals.**—(1) Any person aggrieved by any award of the Tribunal under section 14 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the land or some portion of the land which has been acquired or the land or some portion of the land covered by a prospecting licence or by a mining lease in respect of which mining rights have been acquired is situate.

(2) Any person aggrieved by an order made by a competent authority or by any other person in virtue of any powers exercisable by him under this Act may, within twenty-one days from the date of the order, prefer an appeal to the Central Government.

(3) On receipt of an appeal under sub-section (2), the Central Government may, after calling for a report from the competent authority of person concerned, and giving an opportunity to the parties to be heard, and after making such further inquiry as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(4) Where an appeal is preferred under sub-section (2), the Central Government may stay the enforcement of the order of the competent authority or person concerned for such period and on such conditions as it thinks fit.

**21. Power to obtain information.**—The Central Government or any person authorised in writing by it in this behalf may, by order in writing, require any person to furnish to such authority as may be specified in the order such information in his possession as may be required relating to any property in respect of which action is proposed to be taken under this Act.

**22. Power to enter and inspect.**—The competent authority, or any person authorised in writing by it in this behalf, by general or special order, may enter and inspect any property for the purpose of determining whether and, if so, in what manner an order under this Act should be made in relation to any property or with a view to securing compliance with any order made under this Act.

**23. Penalties.**—Whoever wilfully obstructs any person in doing any of the acts authorised by sub-section (3) of section 4 or wilfully fills up, destroys, damages or displaces any mark made under section 4, or wilfully obstructs the lawful exercise of any other power conferred by or under this Act, or fails to comply with any order made or direction given under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**24. Service of notices and orders.**—Subject to any rules that may be made under this Act, every notice or order issued or made under this Act shall—

(a) in the case of a notice or order of a general nature or affecting a number of persons, be notified in the Official Gazette and also published in the locality in such manner as may be prescribed; and

(b) in the case of a notice or order directed to an individual <sup>1</sup>[be served on such individual],—

(i) wherever it is practicable to do so by delivering or tendering it to that individual; or

(ii) if it cannot be so delivered or tendered, by affixing it on the door or some other conspicuous part of the residence in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood; or

(iii) failing service by these means, by post.

**25. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

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1. Ins. by Act 58 of 1960, s. 3 and the Second Schedule (w.e.f. 26-12-1960).

(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**26. Jurisdiction of civil courts.**—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Central Government or the competent authority or any other person is empowered by or under this Act to determine.

**27. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed in making any inquiry under this Act;

(b) the procedure to be followed by the Tribunal in proceedings under section 14;

(c) the form and manner in which appeals to the Central Government may be made under this Act; and

(d) any other matter which has to be, or may be, prescribed.

<sup>1</sup>[(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.**—(1) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 4 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the said Act), in which lands were stated to be needed for the prospecting of coal seams for the development of collieries to be worked by the Union of India shall be deemed to have been issued by the Central Government under section 4 of this Act as if this Act had been in force on the date of the notification.

(2) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 6 of the said Act in which lands were stated to be needed for the development of coal shall be deemed to have been issued under section 9 of this Act as if this Act had been in force on the date of the notification.

(3) Any objection preferred under section 5A of the said Act in respect of any land covered by any notification issued under section 4 of the said Act shall be deemed to be an objection preferred under section 8 of this Act to the relevant competent authority and may be <sup>2</sup>[disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act <sup>3</sup>[in respect of such land] or of any rights in or over such land; and the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part].

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1. Subs. by Act 4 of 2005, s. 2 and the Schedule, for sub-section (3) (w.e.f. 11-1-2005).

2. Subs. by Act 51 of 1957, s. 7, for “disposed of by him accordingly” (w.e.f. 12-6-1957).

3. Subs. by Act 23 of 1969, s. 2, for certain words (w.e.f. 12-8-1969).

<sup>1</sup>[(3A) Where in respect of any land covered by any notification issued under section 4 of the said Act, no objection has been preferred under section 5A thereof within the period specified in that section, then it shall be deemed that a notification had been issued under section 7 of this Act in respect of such land or of any rights in or over such land and that no objection to the acquisition of the land or any rights in or over the land had been preferred under section 8 of this Act, and accordingly the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part.]

(4) Subject to the other provisions contained in this section, the provisions of this Act (including provisions relating to compensation) shall apply in relation to any such notification as is referred to in sub-section (1) or sub-section (2) as they apply in relation to any notification issued under section 4 or section 9, as the case may be, of this Act.

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1. Ins. by Act 23 of 1969, s. 2 (w.e.f. 12-8-1969).

**Central Government Act**  
**The Payment of Wages (Mines) Rules, 1956**

1. Short title, application and extent.—

(1) These rules may be called the Payment of Wages (Mines) Rules, 1956.

(2) These rules apply in respect of the payment of wages to persons employed, either by the owner or by a contractor engaged by the owner, in any mine to which the Mines Act, 1952 (XXXV of 1952), applies 2[or in any oil field].

(3) They extend to the whole of India 3[\*\*\*].

The Payment of Wages (Mines) Rules, 1956

1[1A. The provisions of these rules shall apply in relation to oil fields as they apply in relation to mines.]

The Payment of Wages (Mines) Rules, 1956

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Payment of Wages Act, 1936 (IV of 1936); 1[(aa) “agent” means an agent as defined in clause (c) of section 2 of the Mines Act, 1952 (35 of 1952);]

(b) “authority” means an authority appointed under sub-section (1) of section 15;

(c) “contractor” means a person engaged under a contract, by the owner of the mine for work on the mine and includes a sub-contractor;

(d) “Court” means the Court mentioned in sub-section (1) of section 17;

(e) “deduction for breach of contract” means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;

(f) “deduction for damage or loss” means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7; 2[(ff) “Deputy Chief Labour Commissioner (Central)” means an officer appointed as such by the Central Government;] 3[(g) “employer” means the owner of the mine and includes a contractor, an agent, or manager or any other person responsible under section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representative;]

(h) “Form” means a Form appended to these rules;

(i) “Inspector” means an Inspector referred to in section 14; 4[(ii) “manager” means the person appointed under section 17 of the Mines Act, 1952 (35 of 1952), to discharge the functions of a manager;]

(j) “mine” means a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952); 4[(jj) “oil field” means an oil field as defined in clause (e) of section 3 of the Oil Fields (Regulation and Development) Act, 1948 (53 of 1948);]

(jii) “owner” means the owner as defined in clause (1) of section 2 of the Mines Act, 1952 (35 of 1952);] 3[(k) “person employed” or “employed person” means a person employed in a mine or an oil field to whom the Act applies and includes, in the case of a deceased employed person, his legal representative;] 5[(kk) “Regional Labour Commissioner 6[(Central)]” means an officer appointed as such by the Central Government;]

(l) “section” means a section of the Act; and

(m) words and expressions used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

The Payment of Wages (Mines) Rules, 1956

1[2A. Notice of opening, abandonment, discontinuance, reopening and change in the ownership and addresses, etc.—

(1) When a mine has been opened, the owner, agent or manager shall forthwith communicate the actual date of opening to the Regional Labour Commissioner 2[(Central)] in Form A.

(2) When it is intended to abandon a mine or seam or to discontinue working thereof for a period exceeding 60 days, the owner, agent or manager shall not, less than 40 days before such abandonment or discontinuance, give to the Regional Labour Commissioner 2[(Central)] a notice stating the reasons for the proposed abandonment or discontinuance and the number of persons likely to be affected thereby: Provided that when on account of unforeseen circumstances a mine is abandoned or discontinued before the said notice has been given or when without previous intimation the discontinuance extends beyond a period of 60 days, the notice shall be given forthwith.

(3) When a mine or seam has been abandoned or the working thereof has been discontinued over a period exceeding 60 days, the owner, agent or manager shall within seven days of the abandonment or the expiry of the said period, give to the Regional Labour Commissioner 3[(Central)], notice in Form A.

(4) When it is intended to re-open a mine or seam after abandonment or after discontinuance for a period exceeding 60 days, the owner, agent or manager shall, not less than 30 days before resumption of mining operations, give to the Regional Labour Commissioner 3[(Central)], notice in Form A.

(5) When a mine has been re-opened, the owner, agent or manager of the mine shall forthwith communicate the actual date of re-opening to the Regional Labour Commissioner 3[(Central)].

(6) When a change occurs in the name or ownership of a mine or in the address of the owner, the owner, agent or manager shall, within seven days from the date of change, give to the Regional Labour Commissioner 3[(Central)], a notice in Form A: Provided that where the owner of a mine is a firm or other association of individuals, a change,—

(i) of any partner in the case of a firm;

(ii) of any member, in the case of an association;

(iii) of any director, in the case of a public company; or

(iv) of any shareholder, in the case of a private company; shall be also intimated to the Regional Labour Commissioner 3[(Central)], within seven days from the date of the change.]

The Payment of Wages (Mines) Rules, 1956

3. Register of fines.—

(1) Every employer who has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, shall maintain a Register of Fines in Form I.

(2) The list of acts and omissions in respect of which fine may be imposed, shall be entered in the Register of Fines, at the beginning.

(3) At the beginning of the Register of Fines, there shall also be entered, serially numbered, the approved purpose or purposes on which the amount of the fines realised is to be expended.

(4) At the end of every month, the amounts realised as fines shall be totalled and carried forward, after deduction of disbursement, if any, as per Part II of Form I.

(5) When any disbursements are made from the amounts of the fines realised a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the register. If more than one purpose has been approved, the entry of the disbursement shall also indicate the purpose for which it is made. 1[(6)

The Register of Fines shall be kept at the work spot 2[or where the employer experiences difficulty in keeping it at the work spot, at other suitable place approved by the 3[Regional



Labour Commissioner (Central)] in this behalf] and maintained up-to-date. Where no fine has been imposed on any employee in a wage-period, a 'nil' entry shall be made across the body of the register at the end of the wage-period indicating also in precise terms the wage-period to which the 'nil' entry relates.]

The Payment of Wages (Mines) Rules, 1956

[4.](#) Register of deductions for damage or loss.—The register of deductions for damage or loss referred to in sub-section (2) of section 10 shall be in Form II 1[and shall be kept at the work spot 2[or, where the employer experiences difficulty in keeping it at the work spot, at other suitable place approved by the 3[Regional Labour Commissioner (Central)] in this behalf] and maintained up-to-date. Where no deduction has been made from the wages of any employee in a wage-period, a 'nil' entry shall be made across the body of the register at the end of the wage-period, indicating also in precise terms the wage-period to which the 'nil' entry relates.]

The Payment of Wages (Mines) Rules, 1956

[5.](#) Register of Wages.—A Register of Wages in Form III shall be maintained 1[up-to-date] and kept at the work-spot, 2[or, where the employer experiences difficulty in keeping it at the work-spot, at other suitable place approved by the 3[Regional Labour Commissioner (Central) in this behalf] by every employer in proof of payment of wages. The rates of wages for all classes of workers shall be entered at the beginning of the Register.

The Payment of Wages (Mines) Rules, 1956

1[[5A.](#) The register required to be maintained under the Mines Rules, 1955 in Form B in the First Schedule to those rules shall be deemed to be required to be maintained under these rules also.]

The Payment of Wages (Mines) Rules, 1956

1[[5B.](#) Combined form of registers.—2[Notwithstanding anything contained in these rules, where mechanised pay rolls are introduced for better administration or a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under these rules, may be used with the previous approval of the Central Government.]

The Payment of Wages (Mines) Rules, 1956

1[[6.](#) Preservation and maintenance of registers.—

(1) Every register maintained under the Act or these rules shall be preserved for a period of three years after the date of the last entry made therein 2[at the workspot or where the employer experiences difficulty in keeping them at the work spot, at other suitable place approved by the Regional Labour Commissioner (Central)] in this behalf].

(2) The registers maintained under the Act or these rules shall be maintained in English and in Hindi, or in the language understood by the majority of the persons employed in the mine: Provided that where a register is maintained in Hindi or any other language a true translation thereof in English shall also be maintained.]

The Payment of Wages (Mines) Rules, 1956

1[[6A.](#) Production of registers and other records.—All registers and records required to be maintained by the employer under these rules shall on demand be produced before the Inspector: Provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in his office or such other public place as may be nearer to the employer.]

The Payment of Wages (Mines) Rules, 1956

7. Places for displaying notices.—The Inspector shall specify such place or places in the mine as he thinks fit (hereinafter referred to as the “specified place or places”) for the display of notices, lists and rules under rules 8, 12 and 16.

The Payment of Wages (Mines) Rules, 1956

8. Notices of dates of payment.—

(1) The employer shall display in a conspicuous place outside the office of the mine and at the specified place or places, notices in English and Hindi or in the language, if that not be Hindi, of the majority of the persons employed at such place or places showing,— 1[(i) the wages period for which the wages are payable;] 2[(ii)] for not less than two weeks in advance, the days on which wages are to be paid; and 2[(iii)] the rates of wages and scales of allowances payable to persons employed in the mines concerned in Form IV; 1[and] 1[(iv) the day or days on which unpaid wages are to be paid, indicating the relevant wage period.]

(2) Copies of all such notices and alterations therein shall be sent to the Inspector.

The Payment of Wages (Mines) Rules, 1956

1[8A. Supervision of payment.—Whenever so directed by the Inspector, the employer or his representative at the workspot shall pay wages to the employed persons on the notified date of payment under the supervision of the Inspector.]

The Payment of Wages (Mines) Rules, 1956

9. Prescribed authority.—The 1[Regional Labour Commissioner] 2[(Central)] shall be the prescribed authority competent to approve, under sub-section

(1) of section 8, acts and omissions in respect of which fines may be imposed and under sub-section (8) of section 8, the purposes to which the fines realised may be applied.

The Payment of Wages (Mines) Rules, 1956

10. Application in respect of fines.—Every employer desiring to have the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the 1[Regional Labour Commissioner] 2[(Central)]—

(a) a list, in English in duplicate, clearly defining such acts and omissions;

(b) in cases where the employer himself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing by virtue of office or otherwise, such members of his staff as may pass orders imposing fines and the class of establishment on which any such member may impose a fine.

The Payment of Wages (Mines) Rules, 1956

11. Approval of list of acts and omissions.—The 1[Regional Labour Commissioner] 2[(Central)] may, on receipt of the list referred to in clause

(a) of rule 10, and after such inquiry as he considers necessary, pass orders in respect of the said list either—

(a) disapproving the list, or

(b) approving the list in its original form or as amended by him, in which case such list shall be deemed to have been approved under sub-section (1) of section 8: Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause in writing against such order.

The Payment of Wages (Mines) Rules, 1956

12. Posting of the list.—

(1) The employer shall also display outside the office of the mine and at the specified place or places, notice showing the name and complete address of the Inspector who exercises jurisdiction under the Act over that mine.



[\(2\)](#) The employer shall display outside the office of the mine and at the specified place or places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such mine or place, of the list approved under rule 11.

The Payment of Wages (Mines) Rules, 1956

[13.](#) Persons authorised to impose fines.—

[\(1\)](#) No fine may be imposed upon a person employed in a mine by any person other than the employer or by a person included in the list referred to in clause (b) of rule 10.

[\(2\)](#) In the case of persons employed by a contractor, no fine may be imposed by any person other than the contractor: Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than fifty persons in one locality, may, with the approval of the 1[Regional Labour Commissioner] 2[(Central)], delegate his power to fine to his representative in that locality.

The Payment of Wages (Mines) Rules, 1956

[14.](#) Procedure in imposing fines and deductions.—

[\(1\)](#) No fines shall be imposed on and no deductions shall be made from the wages of any person employed in a mine except in accordance with the procedure laid down in the rules and regulations or certified Standing Orders in force in the mine, and no fine shall be imposed or deduction made from the wages until the employed person has been given an opportunity in writing of showing cause against such imposition or deduction.

[\(2\)](#) No fine shall be imposed on and no deduction for damage or loss shall be made for, the wages of a person employed by a contractor until the person authorised to impose the fine or make the deduction has explained personally to the said person the act or omission, or damage or loss in respect of which the fine or deduction is proposed to be imposed or made and the amount of fine and deduction, which it is proposed to impose or make and has heard his explanation in the presence of at least one other employed person.

The Payment of Wages (Mines) Rules, 1956

[15.](#) Information to the employer.—The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is the employer) at once inform the employer of all particulars necessary for the completion of the register prescribed by rule 3 or rule 4, as the case may be.

The Payment of Wages (Mines) Rules, 1956

[16.](#) Deductions under the proviso to sub-section (2) of section 9.—

[\(1\)](#) No deduction under the proviso to sub-section (2) of section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

[\(2\)](#) No such deduction shall be made from the wages of any employed person unless—

[\(a\)](#) there is a provision in writing in the terms of the contract of employment or in the certified Standing Orders of the employer requiring him to give notice of the termination of his employment;

[\(b\)](#) this rule has been displayed in English and in the language of the majority of the employed persons outside the office of the mine, and at the specified place or places concerned, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and

[\(c\)](#) at least one week before such deduction is made, a notice has been displayed outside the office of the mine and at the specified place or places concerned, giving the names of the persons from whom deduction is proposed to be made, the number of days, wages to be deducted and the condition, if any, on which the deduction will be remitted: Provided that where the deduction is

proposed to be made from all the persons employed in any department or section of the mine, it shall be sufficient, in lieu of giving the names of such persons in the department or section of the mine, to specify the department or section affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment or certified Standing Orders.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

The Payment of Wages (Mines) Rules, 1956

17. Measurement of the amount of work done by piece workers.—

(1) In the case of piece rated work, the employer shall be responsible for arranging, at the end of each day or shift or such longer period not exceeding the wage-period as may be found convenient, for the weighment, measurement or assessment of work done by the workers concerned in their presence or in the presence of their gangman (mistry), if any, and for the recording immediately thereafter of the particulars in register maintained in Form IVA. At the close of the wage-period, the total weighment, measurement or assessment in respect of each worker shall be recorded in a slip and issued to the worker at least a day prior to the disbursement of wages. In case of any dispute regarding weighment, measurement or assessment, the employer shall, as far as possible, have the dispute settled, on the spot in consultation with the worker or his gangman, if any: 1[Provided that where the 2[Deputy Chief Labour Commissioner (Central)] is satisfied that the register or records maintained by an employer will serve the purpose, he may permit such employer to continue to maintain such register or records in lieu of the register required to be maintained in Form IVA.] 3[(1A) The Chief Labour Commissioner (Central) may exempt, from the provisions of sub-rule (1), any mine which has provided weigh-bridge or any other mechanical device for the weighment of the work done by the workers subject to the condition that such weigh-bridge or mechanical device shall be tested and certified by the Inspector or by such other agency and at such intervals as may be specified by the Chief Labour Commissioner (Central).]

(2) All weights, measures and weighing machines which are used for checking or ascertaining the wages of employed persons shall be made available for examination to the Inspector, who may in the event of his not being satisfied with the correctness of the apparatus or the weights, seal and prohibit their future use and report the matter immediately for necessary action to the appropriate authority responsible for the administration of the Standards of Weights and Measures Act, 1956 (89 of 1956).

The Payment of Wages (Mines) Rules, 1956

1[18. Annual Return.—Every employer shall send a return in Form V so as to reach the Regional Labour Commissioner 2[(Central)] not later than the 1st of February following the end of the year to which it relates endorsing simultaneously a copy thereof to the Inspector having jurisdiction under the Act over the mine.]

The Payment of Wages (Mines) Rules, 1956

19. Advances to person employed by an employer.—

(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months' wages of the employed person. In exceptional circumstances, the amount of such advance may, with the previous sanction of the 1[Regional Labour Commissioner] 2[(Central)], be made to the extent of four calendar months' wages.

[\(2\)](#) The advance may be recovered in instalments by a deduction from the wages spread over not more than twelve months in the case of an ordinary advance and twenty-four months in the case of an advance granted in exceptional circumstances. In no case shall the amount of an instalment exceed one-fourth of the wages earned in a wage-period.

[\(3\)](#) The amount of all advances sanctioned and repayments thereof shall be entered in a register in Form VI which shall be maintained in English and in the language spoken by the majority of workers.

The Payment of Wages (Mines) Rules, 1956

[20.](#) Procedure, costs and court-fees.—The procedure to be followed by the authorities appointed under sub-section

[\(1\)](#) of section 15 and the Courts mentioned in sub-section (1) of section 17, the scales of costs which may be allowed in, and the amount of court-fees payable in respect of proceedings under the Act to which these rules apply shall be such procedure, scales and amounts as are, from time to time, prescribed by the State Government in the exercise of its powers under the Act in that behalf for the authority or Court concerned.

The Payment of Wages (Mines) Rules, 1956

[21.](#) Abstracts.—The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form VII.

The Payment of Wages (Mines) Rules, 1956

[1](#)[22.](#) Penalties.—Whoever, being required under these rules to maintain any register or records or to furnish an information or return fails to maintain such register or record or to furnish such information or return or fails to observe provisions of any of these rules shall, for each such offence, be punishable with fine which may extend to five hundred rupees: Provided that an employer who maintains the required register or record or furnishes the required return without making up-to-date entries therein, or fails to display notices shall be punishable with fine which may extend to two hundred rupees: 2[Provided further that no penalty shall be imposed on any person under this rule without giving him a reasonable opportunity, of being heard.]

The Payment of Wages (Mines) Rules, 1956

[23.](#) Rescission and savings.—The Payment of Wages (Mines) Rules, 1949, are hereby rescinded but all acts done and orders issued under the rules so rescinded shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these rules.

The Payment of Wages (Mines) Rules, 1956 Form VII (See rule 21) Abstract of the Payment of Wages Act, 1936 and the rules made thereunder Whom the Act affects 1. The Act applies to the payment of wages to persons in mines receiving less than Rs. 1600 a month. 2. No employed person can give up by contract or agreement, his rights under the Act. Definition of wages 3.

‘Wages’ means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which, would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes— (a) any remuneration payable under any award or settlement between the parties or order of a Court; (b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period; (c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name); (d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of

such sum, whether with or without deductions but does not provide for the time within which the payment is to be made; (e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force. but does not include— (1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court; (2) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a special or general order of the State Government; (3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon; (4) any travelling allowance or the value of any travelling concessions; (5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or (6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d). Responsibility for and method of payment 4. The employer is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs. 5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month. 6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within ten days if 1,000 or more persons are employed). The wages of a person discharged shall be paid not later than the second working day after his discharge. 7. Payment in kind is prohibited. Fines and Deductions 8. No deductions shall be made from wages except those authorised under the Act (See paragraphs 9-15 below). 1[9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Inspector, specify by a notice displayed at or near the main entrance of the work-place or places at the mine and after giving the employed person an opportunity for explanation. (2) Fines,— (a) shall not exceed three paise in the rupee; (b) shall not be recovered by instalments, or later than sixty days of the date of imposition; (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Inspector; and (d) shall not be imposed on any employed person who is under the age of fifteen years.] 10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period as the time he was absent in that period is to the total time he should have been at work. (b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but— (1) No deduction for breaking contract can be made from a person under 15 or a woman; (2) There must be a provision in writing which forms part of the contract of employment or the certified Standing Orders, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice; (3) The above provision must be displayed at or near the main entrance of the work place or places at the mine or work place; (4) No deduction of this nature can be made until

a week's notice that this deduction is to be made has been posted at or near the main entrance of the work place or places at the mine or work place; (5) No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should have given under his contract. 11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default. Such deductions cannot exceed the amount of the damage or loss caused and can be made only after giving the employed persons an opportunity for explanation. 12. Deductions can be made, equivalent to the value thereof for house accommodation supplied by the employer or by the Government or any housing board set up under any law for the time being in force (whether the Government or the board is employer or not) or any other authority engaged in the business of subsidizing house accommodation which may be specified in this behalf by the Central Government, amenities and services (other than tools and raw materials) supplied by the employer: provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the Central Government. 13. (a) Deductions can be made for the recovery of advances or for adjustment of over-payment of wages. (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made of advances given for travelling expenses before employment began. (c) Advances of unearned wages can be made at the employer's discretion during the employment. 14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund. 15. Deductions can be made for payments to co-operative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government. Deductions can also be made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government. 15A. Any loss of wages resulting from withholding of increment or promotion, reduction to a lower post or time scale or to a lower stage in the time scale or suspension does not constitute deduction from wages within the meaning of the Act. For this purpose the rules framed by an employer in relation to his employees in mines for the purpose of any of the aforesaid penalties shall provide that:— (i) any such penalty as aforesaid, except the penalty of suspension, shall not be imposed unless the person concerned,— (a) has been informed of the charges in respect of which it is proposed to impose the penalty; (b) has been given a reasonable opportunity of showing cause why the proposed penalty should not be imposed. (ii) the person concerned is given a right of appeal against any order imposing the penalty. Inspections 16. An Inspector can enter on any premises and can exercise the powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act. Complaints of Deductions or Delays 17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed

person can make an application in the prescribed form within 6 months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown. (2) Any legal practitioner, official of a registered trade union, Inspector under the Act or other person acting with the authority can make the complaint on behalf of an employed person. (3) A single application may be presented by or on behalf of any number of persons belonging to the same mine the payment of whose wages has been delayed. Action by the Authority 18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions. If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer. Appeal against the Authority 19. An appeal against an order dismissing either wholly or in part an application or against a direction may be preferred within thirty days in Calcutta to the Chief Judge, Court of Small Causes and elsewhere to the District Court,— (a) by the employer if the total amount directed to be paid exceeds Rs. 300; (b) by an employed person or any official of a registered trade union authorised in writing to act on his behalf, if the total amount of wages withheld from him or his co-workers, exceeds rupees fifty; (c) by a person directed to pay a penalty for a malicious or vexatious application. Punishments for breaches of the Act 20. Any one tried for delaying the payment of wages beyond the due date, or making any unauthorised deductions from wages is liable to a fine upto Rs. 500, but only if prosecuted with the sanction of the Authority of the Appellate Court. 21. The employer who,— (1) does not fix a wage-period, or (2) makes payment in kind, or (3) fails to display at or near the main entrance of the work place or places at the mine or work place this abstract in English and in the language of the majority of the employed persons, or (4) breaks certain rules made under this Act, is liable to fine not exceeding Rs. 200. A complaint to this effect can be made only by the Inspector, or with his sanction. The Payment of Wages (Mines) Rules, 1956 1[Form A (See rule 2A) Notice of opening, abandonment, discontinuance, re-opening and change in the ownership, address, etc. From ..... To The Regional Labour Commissioner (Central), ..... Sir, I have to furnish the following particulars in respect of\* ..... at..... mine of..... (owner). 1. In the case of change of name of mine: Old name of mine Date of change 2. (a) Situation of the mine: Village Police Station Sub-division (Taluk) District State (b) In the case of new mine, particulars of situation of mine: Post Office Telegraph Office Railway Station Rest House (Give distance therefrom) Means of travelling 3. (a) Name and Postal address of Present/Previous\*\* (i) Owner (ii) Managing Agent, if any (iii) Agent, if any (iv) Manager (v) In case of change, date of change 4. Date on which it is intended to open/reopen/abandon/ discontinue\*\*\* the mine. 5. Actual date of opening/reopening/abandonment/discontinuance\*\*\* of the mine. 6. 2[No. of persons affected.] Yours faithfully, Signature Designation: Owner/ Agent/Manager Date..... Instructions \* Mention the matter to which the notice refers. \*\* To be filled in only when the notice refers to a change, and only against the item in respect of which

notice is given. \*\*\* Delete whatever is not applicable. ————— 1. Ins. by S.O. 794, dated 24th February, 1964. 2. Ins. by S.O. 3844, dated 18th November, 1970.

# Guidelines for implementation of Safety Management Plan in mines.

1. The 9th Conference on Safety in Mines in the year 2000 laid the foundation for self-regulation in mines by promoting risk assessment to formulating and implementing Safety Management Plans (SMP). Since then, there has been a consistent thrust from this Directorate for this purpose by way of issuing several advisory DGMS circulars. However, post the recently notified Coal Mines Regulations, 2017 and the Oil Mines Regulation, 2017, the subject matter of SMP has been accorded a statutory berth with the onus to formulate and implement the same having been vested with the Owner, Agent and Manager. A similar provision has been proposed in the Metalliferous Mines Regulations, 1961 which is under amendment.
2. SMP is in two distinct parts namely, the formulation and the implementation. Consequent upon the notification of DGMS (Tech) S&T Circular No.5 of 2016, the formulation part of SMP in most large mines in both public and private sectors did witness a positive transformation under the active guidance from this Directorate, from a conceptual state to a document form with principal hazards getting identified along with their mitigating control plans in place.
3. However, the experience till date has revealed that all the formulated SMPs have thus far remained only on paper without any auditable documentation on mitigation of the identified principal hazards. Therefore, a technical workshop was organized by this Directorate on the 26<sup>th</sup> and 27<sup>th</sup> of November, 2019 at Ranchi to review the progress made and to strategizing implementation of SMP on an auditable mode. The deliberations of the workshop broadly revealed the



following status report and shortcomings plaguing the mining companies in this regard.

- a. By and large, mines have adopted risk assessments as their preferred vehicle for incorporating consultation in developing and reviewing safety management systems.
- b. In a few cases only, the ownership of the SMP, document at the level of Nominated Owner of the mine(s) was explicitly visible. In many cases, the involvement of the senior and corporate management was left to be assumed.
- c. In some mines, risk assessment was merely as a statutory compliance action without much sensitivity being attached to seriously mitigating the principal hazards.
- d. Initial teething troubles on team composition, number of meetings held, involvement of experts, etc., appear to have been reasonably settled. However, qualitatively, the constituted mine level teams appear unfavorably tilted against the contractual component wherever deployed.
- e. Invariably in all cases, the devised control plans and procedures were vague, without assigning specific responsibility by name and designation and very often with unrealistic time lines for mitigation.
- f. Risk ranking of hazards were often downgraded, without carrying out an objective assessment of existing controls.
- g. The terms 'audit' and 'review' in relation to SMP were loosely and arbitrarily being used without detailing the methodology thereof on an auditable scale. Infact, in some mines, review was stated to be on a fixed time interval irrespective and unmindful of the fact that mitigation time as mentioned in the control plans was much more than the review interval as was envisaged.

- h. In most cases, the facilitation extended by the corporate management of the mining companies towards enhancement of the techniques of perceiving danger, drawing appropriate control measures, sequential proceduring of measures to be adopted, apportioning responsibilities and realistic timelines for executing procedures, etc., was far from satisfactory.
  - i. There was practically no visible sign of any training accorded to the mine level personnel to imbibe the vital ethics of scientifically managing an organization to bringing about the required cultural transformation for SMP to cement its due place in the corporate management policy.
  - j. Unfortunately, all the efforts till date appeared to have been made to merely formulating SMP and NOT implementing the same on an auditable scale. Not a single mine appeared to have completed even one full cycle of SMP from formulation to implementation on an auditable scale.
  - k. Despite the above, the quality of preparing SMP appeared to be upward looking meaning thereby that by repeated cycles of SMP with deployment of latest techniques could further sharpen the skills of the teams engaged on hazard identification.
  - l. Therefore, the entire exercise of preparation and implementation of SMP in mines still is left with huge scopes of improvement.
4. In view of the above findings and to accelerating the introduction of the doctrine of selfregulation in mines through SMP, it would be prudent to continue the process in the right earnest, encompassing the following measures.

#### 4.1 Formulation of SMP:

- a. Corporate management of mines shall initiate immediate necessary steps to enhancing and fine tuning the techniques of perceiving danger, drawing appropriate control measures with framing of sequential proceduring of measures

to be adopted, apportioning responsibilities and realistic time lines for executing procedures, etc.

- b. Corporate management of mines shall hold structured training programmes of regular basis to sensitize the stakeholders (workmen/supervisors/managers) about their role in formulation and management of SMP.
- c. For now, the categorization and/or ranking of risks for hazard identification may be done by using any of the two methods as explained in DGMS (Tech) (S&T) Circular No. 05, dated 2nd April 2016 and DGMS (Tech) Circular (MAMID)/01 dated 10 March 2014. However, this is an area into which, the corporate managements could invest adequate resources to engaging appropriate agencies on a continuous scale for bettering various techniques of hazard identification on a scientifically justified basis.

4.2 Implementation of SMP on an auditable mode: For breaking the current static status of non-implementation of SMP on an auditable scale in mines, the following pre-requisites are to be carefully evaluated.

4.2.1 That, the formulated SMP is on an acceptable scale with various principal hazards having been identified by proper stake holding group(s) from the mine and with the assistance of experts in the field wherever necessary.

4.2.2 That, for each identified principal hazard, there are one or more mechanisms involved in the control plan, which are well detailed in respect of the control(s) and procedure(s).

4.2.3 That, for each procedure or a set of procedures, the name(s) and designation(s) of persons made responsible for execution of the procedure(s) on a unique or shared basis as the case may be, shall be clearly indicated (herein referred to as the 'person responsible').

4.2.4 That, for every procedure detailed as above, the envisaged time of completion shall NOT be shown in DAYS BUT only as a CLEAR DATE.

4.2.5 That, for the formulated SMP.document, a unique number shall be allocated and mentioned at the top of each page for all future reference purposes. The formulated SMP document shall be suitably numbered on each page and also properly indexed item-wise. Care shall be taken to having an appropriate protocol for document numbering and indexing purposes.

4.2.6 That, the formulated SMP document so prepared shall be approved/accepted/vetted in writing at the level of the Nominated Owner of the mine.

4.2.7 That, the approved/accepted/vetted SMP document by the Nominated Owner in writing shall be suitably bound and a copy of the same shall be made out to every stake holder including 'persons 'responsible' in the control plans.

4.3 Initial steps of implementation: For the purpose of implementation, the time-line shall be deemed to commence from the date of approval/acceptance of the SMP document in writing by the Nominated Owner.

4.4 Major steps of implementation of the sonnanalas accepted /agreed SMP:

4.4.1 For every procedure in the control plan, a chronological order of mitigative actions taken shall be created in a document form hereinafter referred to as the 'Workplan'.

4.4.2 The created workplan is essentially a textual document containing one or more pages of various directions, instructions, etc., in writing as may be made at various levels of management hierarchy during the course of proceeding towards the logical conclusion of the completion of the procedure(s).

4.4.3 Every workplan shall be captioned on top of the cover page with a unique reference number. Below the captioned number, the particular procedure of the approved/ accepted/agreed SMP document for which this workplan is being made along

with the page number and the indexed item number as shown thereat, shall be clearly mentioned as the subject of the workplan.

4.4.4 Below the subject, details of the 'person responsible' and the target date as contained in the approved/accepted/ agreed SMP document shall be mentioned.

4.4.5 After this, the 'person responsible' shall initiate in writing, the chronological steps as may be required of him to accomplishing the procedure, by referring the workplan to appropriate levels in the management hierarchy for decisions, sanctions, approvals, etc. From this point onwards, the workplan may take a journey through various levels of the management hierarchy in accordance with the notings contained thereat. At no point in time can anyone participating in the journey of the workplan take any plea of missing the caption as mentioned above with a clear time line. Therefore, all such involved levels in the journey are morally and officially bonded to the outcome of the procedure in respect of the time involved at individual levels and the delivery made.

4.4.6 The final outcome of the workplan shall be the statement of completion of the procedure by the 'person responsible', presented in writing to the authority which can accept the outcome as such or order appropriate modifications, etc., in writing.

4.4.7 After completion of the procedure as acknowledged by the accepting authority in writing in the workplan, a mention to this effect shall be made in the control plan of the approved/accepted/agreed SMP clearly indicating the date of completion and the reference number of the workplan.

4.4.8 The workplan so made shall be preserved for.audit/examination, at a later date.

4.4.9 Likewise, similar sets of workplans shall be prepared in respect of all other procedures in the control plan of approved/accepted/agreed SMP for each identified principal hazard and appropriate entries to this effect as mentioned at para 4.4.7 are made in the approved/accepted/agreed SMP document.

4.4.10 After all workplans as above are completed for all the identified principal hazards and appropriate entries made in the approved/accepted/agreed SMP document, the first cycle of the journey of SMP may be considered as ready for audit.

4.4.11 Complete internal audit of the SMP shall then be taken-up initially by the ISO of the company by constituting a team appropriately for the purpose. The scope of the audit shall include both formulation and implementation of SMP, along with examination of all supporting documents, workplans, etc. After satisfactory internal audit, any external audit may also be conducted as may be deemed fit by the management.

4.4.12 If not accepted by the audit team, various queries as may be raised by the audit team shall have to be addressed accordingly within a justified time frame as may be fixed by the audit team, to enabling re-audit.

4.4.13 On satisfactory completion of audit, the SMP may be classified as having completed one complete cycle. The audit team shall accordingly certify in writing, affixing signatures with date of the audit team members.

4.4.14 The management shall then commence review of the SMP in the second cycle in which, the earlier identified hazards are generally not expected to get repeated. -

4.4.15 All such audited and certified SMP shall be carefully preserved for future references, scrutiny, etc.

5.0 Outcome of each cycle of SMP: After each cycle, the following vital information will be available for critical review and further process refinement in the subsequent cycles.

5.1 Mismatch, if any, on the assessment of time for completion of various procedures at the time of formulation of control plans, with the actual time taken.

5.2 Areas of any generic procedures as may have been decided while formulating SMP, to be appropriately improved with finer detailing.

5.3 Apportioning of responsibilities to appropriate person(s) for easier and effective completion of the allocated procedure(s) in the control plan of the SMP.

5.4 Adequate scope of better understanding' of the intricacies of various mining processes, thereby, enhancing managerial/supervisory/functioning skills amongst various stake holders.

## 6.0 Conclusions:

6.1 With repeated cycles of SMP accomplished in serious earnest, various mining systems/ processes/work procedures will automatically get refined to better both process safety and efficiency while also proactively empowering all stake holders.

6.2 However, the true essence of SMP will be realized only by appropriately digitizing the entire SMP implementation methodology as mentioned above, leading to radical transformation and irreversible betterment of the safety status and various mining systems/processes/work procedures in place in mines.

7.0 Therefore, all Owners, Agents and Managers of coal and metalliferous mines are requested to

- a) use the aforementioned guidelines to ensure that SMP is carried out meaningfully at the mines for overall enhancement of safety in mines,
- b) take steps to removing various shortcomings as mentioned above and to qualitatively improving the required skills for SMP formulation,
- c) introduce appropriate digital/IT mechanisms for SMP implementation,
- d) submit a return as per the enclosed format, on the 1\* day after each quarter of calendar year in respect of the progress made into mitigating the identified principal hazards, to the respective Regional Inspector of Mines, and:

e) monitor the progress made in implementation of SMP in mines on a measureable scale in a internal forums including the meetings of the Board of Directors of the company.



## **COLLIERY CONTROL ORDER, 2000**

In exercise of the powers conferred by section 3 read with section 5 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the Colliery Control Order, 1945, except as respects things done or omitted to be done before such supersession, the Government of India has issued a Gazette Notification on 1.1.2000 to publish the Colliery Control Order, 2000. The content of the Colliery Control Order, 2000 is given below.

**1. Short title and commencement.**\_ (1) This Order may be called the Colliery Control Order, 2000.

(2) It shall come into force on the 1<sup>st</sup> day of January, 2000.

**2. Definitions.**\_ In this Order, unless there is anything repugnant in the subject or context, -

(a) 'coal' includes anthracite, bituminous coal, lignite, peat and any other form of carbonaceous matter sold or marketed as coal and also coke;

(b) 'Coal Controller' means the person appointed as such by the Central Government under the provisions of the Coal Controller's Organisation (Group 'A' Posts) Recruitment Rules, 1986;

(c) 'colliery' means any mine or open working where winning or extraction of coal is the principal object of the mining, quarrying or any other operation carried on therein, and includes a plant for the production of coke or for the washing of coal;

(d) 'disposal' includes agreeing or offering to dispose of, and the disposal of ownership or any proprietary interest, the right of possession and possession whether or not accompanied by any disposal of ownership or of any proprietary, interest or of the right to possession;

(e) 'agent', 'manager' and 'owner' when used in relation to a colliery shall have the meanings respectively assigned to them in the Mines Act, 1952;

(f) 'size' when used in relation to coal shall have the same specification as given, from time to time, by the Bureau of Indian Standards in their specification number IS:437-1979.

**3. Categorisation of coal.**\_ The Central Government may, by notification in the Official Gazette, prescribe the classes, grades and sizes into which coal may be categorised and the specifications for each such class, grade or size of coal.

**4. Procedure for categorisation of coal.**\_ (1) On the basis of the categorisation notified by the Central Government under clause 3, the Coal Controller shall lay down the procedure and method of sampling and analysis of coal for the purpose of declaration and maintenance of grades of coal mined in a colliery.

## Colliery Control Order

(2) The owner, agent or manager of a colliery shall declare the classes, grades or sizes of the coal of any seam or section of a seam in a colliery in accordance with the procedure specified in sub-clause (1).

(3) The owner, agent or manager of the colliery shall allow the inspection of the colliery undertaken by the Coal Controller or any officer authorised by him in this regard so as to ensure the correctness of the class, grade or size declared. During inspection if the Coal Controller or the officer authorised by him decides to draw sample, the owner, agent or manager of the colliery shall provide all reasonable facilities and assistance for drawing such sample.

(4) If after inspection or from the sample drawn, the Coal Controller is satisfied that the grade as declared by the owner, agent or the manager of the colliery does not conform to the grade notified under clause 3, the owner, agent or manager of the colliery shall be bound to revise the grade as per the directions issued by the Coal Controller.

(5) If any dispute arises between a consumer and a owner of a colliery regarding the declaration of grades of coal, the same may be referred to the Coal Controller whose decision shall be binding on the owner of the colliery. A memorandum of reference to the Coal Controller regarding such dispute shall be accompanied by a fee of rupees two thousand and five hundred and in such manner as may be specified by the Coal Controller, from time to time.

**5. Submission of returns and information to Coal Controller.**\_ Every owner of a colliery and every person engaged in the business of production, supply and distribution of, or trade and commerce in coal, on being directed to do so by the Coal Controller shall submit such returns and other information, within such time, as may be specified in the direction.

**6. Directions to regulate the disposal of coal stocks.**\_ The Central Government may, from time to time, issue such directions as it may deem fit to any owner of a colliery regulating the disposal of stocks of coal or of the expected output of coal in the colliery during any period.

**7. Power of the Coal Controller for quality surveillance.**\_ The Coal Controller or any other officer authorised by him in writing shall be competent to.-

(a) cause the owner, agent or manager of a colliery or any person engaged in or incharge of the loading of coal in wagons, trolleys or trucks in a colliery, to adjust the loading according to the procedure laid down by the Coal Controller regarding grades and size of coal and to remove impurities like shales and stones from the wagons, trolleys or trucks loaded with coal;

(b) detain the wagons, trolleys or trucks at the colliery or weighbridge for adjustment of loading after inspection; and

(c) return the wagons, trolleys or trucks to the colliery from weighbridge for unloading and reloading with the specified quantity and quality of coal.

**8. Power to prohibit or limit the mining or production of coal.**\_ The Central Government may issue such directions as it may deem fit to any colliery

## Colliery Control Order

owner prohibiting or limiting the mining or production of any grade of coal and the colliery owner shall comply with such directions.

**9. Requirement of prior permission to open a coal mine, seam or section of a seam.**\_ (1) No owner of a colliery shall open a coal mine, seam or a section of a seam without the prior permission in writing of the Central Government.

(2) No owner of a colliery shall also commence mining operations in a colliery or seam or a section of a seam, in which the mining operation has been discontinued for a period exceeding one hundred and eighty days, without the prior permission in writing of the Central Government.

**10. Notice of suspension or closure.**\_ If the mining operations in a coal mine or seam or a section of a seam is suspended or closed temporarily or permanently, as the case may be, for any reason whatsoever, then, a notice of such suspension or closure shall be given by the owner, agent or manager of the colliery within a period of thirty days from the date of such suspension or closure to the Coal Controller.

**11. Power to restrict sub-division of a coal mine.**\_ No owner of a colliery or a group of collieries which has been permitted under clause 9 to work as a single mining unit or which has been working as a single unit at the time of commencement of this order, shall be allowed to sub-divide his mining unit or to work as a separate unit without the prior permission of the Central Government.

**12. Power to inspect collieries.**\_ The Coal Controller or any other Officer authorised by him in writing , may with a view to securing compliance of this Order,-

(i) require any owner or agent or manager of a colliery to give any information in his possession relating to the production of coal in the coal mine or seam or section of a seam showing full boundaries of the leasehold area and plan of abandoned area, flooded area and area which has been or is on fire,

(ii) ask for production of any document, register and working plan,

(iii) inspect any mine plan in the possession of owner or agent or manager of a colliery, and

(iv) enter and inspect any colliery.

**13. Delegation of powers to Coal Controller.**\_ The powers of the Central Government specified under clauses 6, 9, and 11 may be delegated by notification in the Official Gazette to the Coal Controller.

**14. Power to exempt.**\_ Notwithstanding anything contained in this Order, the Central Government may, if it deems proper for avoiding any hardship or for any other just and sufficient reason, by notification in the Official Gazette, exempt any colliery owner or any class or category of person.

## ***The Colliery Control Rules, 2004***

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***Last Updated 11th August, 2021 [16/752]***

**G.S.R. 540(E), dated 25th August, 2004.** - In exercise of the powers conferred by sub-sections (1) and (2) of section 18 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement.** - (1) These rules may be called The Colliery Control Rules, 2004.

(ii) These rules shall come into force from the date of their publication in the Official Gazette.

**[2. Definitions.** - (1) In these rules, unless the context otherwise requires, -

(a) 'Act' means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);

(b) 'agent', 'manager' and 'owner' when used in relation to a colliery shall have the meanings respectively assigned to them in Mines Act, 1952;

(c) 'coal' includes anthracite, bituminous coal, lignite, peat and any other form of carbonaceous matter sold or marketed as opal and also coke;

(d) 'Coal Controller' means the person appointed as such by the Central Government under the provisions of the Coal Controller's Organisation (Group ?A' Posts) Recruitment Rules, 1986;

(e) 'colliery' means any mine or open working where winning or extraction of coal is the principal object of the mining, quarrying or any other operation carried on therein and includes a plant for production of coke or for the washing of coal;

(f) 'disposal' includes agreeing or offering to dispose of, and the disposal of ownership or any proprietary interest, the right of possession and possession whether or not accompanied by any disposal of ownership or any other proprietary interest;

(g) 'safety in coal mines' includes the safety of any railway situated on the surface above coal mine;

(h) 'size' when used in relation to coal shall have the same specifications as given, from time to time, by the Bureau of Indian Standards in their specifications number IS: 437-1979;

(i) 'stowing' means operation of filling with sand or any other material, or with both, spaces left underground in a coal mine by extraction of coal;

(j) 'washing' means such process or combination of processes as may be approved in this behalf by the Central Government by which the whole or any part of the shale and minerals matter found in the coal is removed therefrom.

(2) The words, expressions used in these rules but not defined herein shall have the same meaning as referred to them in the Act or rules made thereunder.]

**3. Categorisation of coal.** - The Central Government may, by notification in the Official Gazette, prescribe the classes, grades and sizes into which coal may be categorised and the specifications for each such class, grade or size of coal.

**4. Procedure for categorisation of coal.** - (1) On the basis of the categorisation notified by the Central Government under rule 3, the Coal Controller shall lay down the procedure and method of sampling and analysis of coal for the purpose of declaration and maintenance of grades of coal mined in a colliery.

(2) The owner, agent or manager of a colliery shall declare the classes, grades or sizes of the coal of any seam or section of a seam in a colliery in accordance with the procedure specified in sub-rule (1).

(3) The owner, agent or manager of the colliery shall allow the inspection of the colliery undertaken by the Coal Controller or any officer authorised by him in this regard so as to ensure the correctness of the class, grade or size declared. During inspection, if the Coal Controller or the officer authorised by him decides to draw sample, the owner, agent or manager of the colliery shall provide all reasonable facilities and assistance for drawing such sample.

(4) If after inspection or from the sample drawn, the Coal Controller is satisfied that the grade as declared by the owner, agent or the manager of the colliery does not conform to the grade notified under rule clause (3) the owner, agent or manager of the colliery shall be bound to revise the grade as per the directions issued by the Coal Controller.

(5) If any dispute arises between a consumer and a owner of a colliery regarding the declaration of grades of coal, the same may be referred to the Coal Controller whose decision shall be binding on the owner of the colliery. A memorandum of reference to the Coal Controller regarding such dispute shall be accompanied by a fee of rupees two thousand and five hundred and in such manner, as may be specified by the Coal Controller, from time to time.

**[5. Submission of returns and information to Coal Controller.** - (1) Every owner, agent or manager of a colliery and every person engaged in the business of production, supply and distribution of, or trade and commerce in coal, on being directed to do so by the Coal Controller shall submit such returns and other information including information regarding production of dispatch of coal, washery products from his mines, washery and process products, working methods and conditions in his mine or mines, within such time, as may be specified in the direction.

(2) Every owner, agent or manager shall furnish to the Coal Controller such other information regarding opening, re-opening, closure of mine, seam or section of seam and any other information as may be required by the Coal Controller in respect of prescribed media for transfer.]

**6. Directions to regulate the disposal of coal stocks.** - The Central Government may, from time to time, issue such directions as it may deem fit to any owner of a colliery regulating the disposal of stocks of coal or of the expected output of coal in the colliery during any period.

**7. Power of the Coal Controller for quality surveillance.** - The Coal Controller or any other officer authorised by him in writing shall be competent to.

(a) cause the owner, agent or manager of a colliery or any person engaged in or in charge of the loading of coal in wagons, trolleys or trucks in a colliery, to adjust the loading according to the procedure laid down by the Coal Controller regarding grades and size of coal and to remove impurities like shales and stones from the wagons, trolleys or trucks loaded with coal;

(b) detain the wagons, trolleys or trucks at the colliery or weighbridge for adjustment of loading after inspection; and

(c) return the wagons, trolley or trucks to the colliery from weighbridge for unloading and reloading with the specified quantity and quality of coal.

**8. Power to prohibit or limit the mining or production of coal.** - The Central Government may issue such directions as it may deem fit to any colliery owner prohibiting or limiting the mining or production of any grade of coal and the colliery owner shall comply with such directions.

**9. Requirement of prior permission to open a coal mine, seam or section of a seam.** - (1) No owner of a colliery shall open a coal mine, seam or a section of a seam without the prior permission in writing of the Central Government.

(2) No owner of a colliery shall also commence mining operations in a colliery or seam or a section of a seam, in which the mining operation has been discontinued for a period exceeding one hundred and eighty days, without the prior permission in writing of the Central Government.

**10. Notice of suspension or closure.** - If the mining operations in a coal mine or seam or a section of a seam is suspended or closed temporarily or permanently, as the case may be, for any reason whatsoever, then a notice of such suspension or closure shall be given by the owner, agent or manager of the colliery within a period of thirty days from the date of such suspension or closure to the Coal Controller.

**[10A. Power to Monitor Mine Closure and operate the escrow account formed for funding Mine Closure Activity.** - The Coal Controller or any other officer authorised by him in writing may with a view to securing compliance of this rule, -

(a) require any owner or agent or manager of a colliery to give any information in his possession regarding to implementation of approved mine closure plan;

(b) inspect the closure activities being conducted at the mine and direct for any additional jobs to be carried out to fulfil the conditions of Mine Closure Plan;

(c) Coal Controller shall issue Mine Closure Compliance Certificates based on which the reclaimed leasehold area or any structure thereon which is not to be utilised by the mine owner shall be surrendered to the State Government following a laid down procedure which are in vogue at that point of time.]

**11. Power to restrict sub-division of a coal mine.** - No owner of a colliery or a group of collieries which has been permitted under rule 9 to work as a single mining unit or which has been working as a single unit at the time of commencement of these rules shall be allowed to sub-divide his mining unit or work as a separate unit without the prior permission of the Central Government.

**12. Power of inspect collieries.** - The Coal Controller or any other officer authorised by him in writing may with a view to securing compliance of these rules.

(i) require any owner or agent or manager of a colliery to give any information in his possession relating to the production of coal in the coal mine or seam or section of a seam showing full boundaries of the leasehold area and plan of abandoned area, flooded area and area which has been or is on fire;

(ii) ask for production of any document, register and working plan;

(iii) inspect any mine plan in the possession of owner or agent or manager of a colliery; and

(iv) enter and inspect any colliery.

**[12A. Power of Central Government in respect of conservation of coal and development of coal**

**mines.** - (1) The Central Government may, for the purpose of conservation of coal and for the development of coal mines, exercise such powers and take, or cause to be taken, such measures as it may deem necessary or proper.

(2) Without prejudice to the generality of the foregoing power, the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of conservation of coal or for development of coal mines, including -

(a) in any coal mine, stowing for safety; or

(b) the prevention of any factor which may adversely affect the conservation of coal or development of coal mine; or

(c) washing of coal with a view to beneficiating and reducing the ash-contents of coal.

(3) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-rule (1) or sub-rule (2) in relation to a coal mine is justified, recover such cost from the owner, agent or manager of the coal mine, either wholly or partly, in the same manner as an arrear of land revenue.

**12B. Duty of owner, agent or manager to take steps for the conservation and development of coal**

**mine.** - (1) The owner, agent or manager of a coal mine shall take, in relation to each coal mine owned by him, such steps as may be necessary to ensure the conservation of coal and development of the coal mine.

(2) Without prejudice to the generality of the provisions of sub-rule(1), the owner, agent or manager of a coal mine shall -

(a) execute such stowing and other operations as may be necessary to be taken in furtherance of the objects of the Act in so far as such objects relate to the conservation of coal or development of the coal mine or the utilisation of coal obtained from the coal mine;

(b) acquire such stowing and other materials as may be necessary for ensuring the conservation of coal, and safety in, the coal mine;

(c) undertake research in relation to conservation of coal, development of coal mines and utilisation of coal;

(d) plan and undertake development of the coal mines in a scientific manner.

**12C. Coal Conservation and Development Advisory Committee.** - (1) For the purpose of determining the procedure for the disbursement of sums of the credit of the Coal Mines Conservation and Development Account, the Central Government may constitute an Advisory Committee, to be called the 'Coal Conservation and Development Advisory Committee' to advise the Government.

(2) The Advisory Committee shall consist of the following members, namely: -

(i) Additional Secretary (Coal), Ministry of Coal, ex-officio who shall be the Chairman;

(ii) Financial Adviser and Joint Secretary, Ministry of Coal, ex-officio -member;

(iii) Advisor (Projects), Ministry of Coal- member;

- (iv) Director General of Mine Safety, Ministry of Labour, ex-officio member;
- (v) Sr. Advisor (Energy), Niti Aayog- member;
- (vi) Chairman-cum-Managing Director, BCCL- member;
- (vii) Chairman-cum-Managing Director, ECL-member;
- (viii) Chairman-cum-Managing Director, Central Mine Planning and Design Institute- member;
- (ix) Director (Technical), Coal India Ltd. - member;
- (x) Director (Technical), SCCL-member;
- (xi) Director, Central Institute of Mining & Fuel Research, Dhanbad, ex-officio member;
- (xii) Coal Controller, Ministry of Coal - member secretary;
- (xiii) Two representatives of private or captive coal producing organisations to be nominated by the Central Government.

(3) Without prejudice to the generality of the provisions contained in sub-rule (1), the Coal Conservation and Development Advisory Committee shall -

- (a) advise the Central Government regarding the formulation and implementation of a national policy in relation to the conservation, development and scientific utilization of the coal reserves of the country keeping in view the recommendation that may be made in this regard by the Central Mine Planning and Design Institute or any other authority specified on its behalf;
- (b) recommend measures which should be taken for -
  - (i) ensuring the conservation of the coal resources,
  - (ii) undertaking the development of the coal mines in a scientific manner,
  - (iii) undertaking research in relation to conservation of coal, development of coal mines and utilisation of coal,
  - (iv) undertaking formulation and implementation of national policy on Mine Closure Plan of Coal (including Lignite) mines; and
  - (v) better utilisation of coal;
- (c) recommend the classes, grade or sizes into which coal or coke may be categorised;
- (d) advise the Central Government on the disbursement of funds under financial assistance scheme to the owners, agents or managers of coal mines or to any other person for specified purposes;
- (e) advise the Central Government on the manner in which and the condition, subject to which financial assistance shall be granted;
- (f) advise the Central Government regarding the procedure that should be adopted for carrying out examination, inquiries and inspection in order to ascertain whether the financial assistance is being or has been utilised for the purpose for which it was sanctioned, as also to ascertain whether the provision made thereunder are being complied with;



(g) recommend to the Central Government the action that should be taken against those who make any default in complying with the provisions, and also in implementing the schemes and measures for conservation and development of coal mines.

(4) The Coal Conservation and Development Advisory Committee shall meet as and when required by the Central Government to do so and shall have the power to regulate its own procedure.

(5) The non-constitution of the Coal Conservation and Development Advisory Committee or the existence of any vacancy therein shall not render invalid the disbursement or application of any amounts out of the sums standing to the credit of the Coal Mines Conservation and Development Account.

**12D. Purposes for which funds may be disbursed.** - The Central Government may, having regard to the recommendations of the Coal Conservation and Development Advisory Committee, make disbursements to the owners, agents or manager of coal mines or to any other person, for the purposes, one or more of the following, namely : -

(1) Conservation and safety -

(a) Stowing operations.

(b) Protective Works, including -

(i) blanketing with incombustible materials;

(ii) filling up of subsidence;

(iii) cutting of branch trenches;

(c) Surface protection measures including vacation of buildings and structures over areas of subsidence and rehabilitation of affected persons;

(d) Installation of stowing plants, blending plants and plants for the beneficiation of coal;

(e) Schemes for recovery and transportation of sand.

(2) Scientific Development of Coal Mines -

(a) Development of new coal mining methods, development and utilisation of explosives;

(b) Techno-economic studies of various underground and surface transport systems in mines;

(c) Investigation into problems of rock burst in deep mines;

(d) Investigation into roof bolting under different mining conditions;

(e) Introduction of man riding system;

(f) IT and other electronic aids for application in mining.

(3) Research and Development -

(a) Transportation of stowing material;

(b) Investigations into suitability of waste materials for stowing in mines;

(c) Investigation into problems of mines fires and efficacy of different methods of dealing with them;

- (d) Assessment of ventilation and other environmental condition in mines;
- (e) Problems relating to Methane emission and drainage from highly gassy coal seams;
- (f) Research on surface pollution and environmental control in mining areas;
- (g) Any other activity for furtherance of conservation as directed by the Central Government;
- (4) Meeting the expenses in connection with the work of Advisory Committee
- (5) Development of roads and creation of rail infrastructure.

**12E. Application For Assistance.** - Every owner, agent or manager of a coal mine or group of coal mines or any other person, desirous of obtaining financial assistance for purposes mentioned in rule 12D, shall submit his application to the Coal Controller in the form as may be specified by the Coal Conservation and Development Advisory committee.

**12F. Quantum of Assistance.** - The Assistance shall be granted by the Central Government with due regard to the circumstances of each case.

**12G. Acceptance of Conditions Attaching to the Grant of Assistance.** - Before granting assistance under these rules, the Central Government may specify the conditions to be fulfilled by the owner, agent or manager of a coal mine or any other person to whom assistance is proposed to be granted and secure the acceptance in writing by such owner, agent or manager of the coal mine or any other person of such conditions.

**12H. Submission of Annual Reports.** - Every person to whom the money has been disbursed shall submit to the Coal Controller by 30th September in each year an Annual Report regarding the utilisation of the assistance received by him during the previous financial year along with a copy of the statement of Receipts and Payments, together with the Auditor's Report in respect of the Coal Mines Conservation and Development Account and the Statement of Receipts and Payments in the form as may be specified by the Coal Controller.]

**13.** Whoever contravenes any of the provisions of these rules shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both, and in case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after the first such contravention.

**14.** No suit, prosecution or other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith under these rules.

**15. Delegation of powers to Coal Controller.** - The powers of the Central Government specified under rules 6, 7 and 11 may be delegated by notification in the Official Gazette to the Coal Controller.

**16. Power to exempt.** - Notwithstanding anything contained in these rules, the Central Government may, if it deems proper for avoiding any hardship or for any other just and sufficient reasons, by notification in the Official Gazette, exempt any colliery owner or any class or category of person from the provisions of any of these rules.

# THE LAND ACQUISITION (MINES) ACT, 1885

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## ARRANGEMENT OF SECTIONS

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### SECTIONS

1. Short title and local extent.
2. Saving for mineral rights of the Government.
3. Declaration that mines are not needed.
4. Notice to be given before working mines lying under land.
5. Power to prevent or restrict working.
6. Mode of determining persons interested and amount of compensation.
7. If appropriate Government does not offer to pay compensation, mines may be worked in a proper manner.
8. Mining communications.
9. Appropriate Government to pay compensation for injury done to mines.
10. And also for injury arising from any airway or other work.
11. Power to officer of appropriate Government to enter and inspect the working of mines.
12. Penalty for refusal to allow inspection.
13. If mines worked contrary to provisions of this Act, appropriate Government may require means to be adopted for safety of land acquired.
14. Construction of Act when land acquired has been transferred to a local authority or Company.
15. [*Repealed.*].
16. Definition of local authority and Company.
17. This Act to be read with Land Acquisition Act, 1870.

## THE LAND ACQUISITION (MINES) ACT, 1885

ACT NO. 18 OF 1885<sup>1</sup>

[16th October, 1885.]

An Act to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870<sup>2</sup>.

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870<sup>2</sup> (10 of 1870); It is hereby enacted as follows: —

**1. Short title and local extent.**—This Act may be called the Land Acquisition (Mines) Act, 1885; and

<sup>3</sup>[(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It applies in the first instance to the territories which, immediately before the 1st November, 1956, were comprised in the States of Madras, Andhra, West Bengal, Bihar, Assam and Orissa; but any State Government may, from time to time, by notification in the Official Gazette, bring this Act into force in the whole or any specified part of the territories to which this Act extends, under its administration.]

**2. Saving for mineral rights of the Government.**— Except as expressly provided by this Act, nothing in this Act shall affect the right of the Government to any mines or minerals.

**3. Declaration that mines are not needed.**—(1) When the appropriate Government makes a declaration under section 6 of the Land Acquisition Act, 1870<sup>4</sup> (10 of 1870); that land is needed for a public purpose or for a Company, it may, if it thinks fit, insert in the declaration a statement that the mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

(2) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section 6 of the Land Acquisition Act, 1870<sup>4</sup> (10 of 1870), and the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may—

(a) when he makes an award under section 14<sup>5</sup> of that Act, insert such a statement in this award;

(b) when he makes a reference to the Court under section 15<sup>6</sup> of that Act, insert such a statement in his reference; or

(c) when he takes possession of the land under section 17<sup>7</sup> of that Act, publish such a statement in such manner as the appropriate Government may, from time to time, prescribe.

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1. Extended to Goa, Daman and Diu by reg. 11 of 1963, s. 3 and the Schedule.

2. See now the Land Acquisition Act, 1894 (1 of 1894).

3. Subs. by the Adaptation of Laws (No.2) Order, 1956, for sub-sections (2) and (3).

4. See now s. 6 of the Land Acquisition Act, 1894 (1 of 1894).

5. See now s. 11, *ibid.*

6. See now s. 19, *ibid.*

7. See now s. 17, *ibid.*

(3) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, iron-stone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in the Government when the land so vests under the said Act.

**4. Notice to be given before working mines lying under land.**—If the person for the time being immediately entitled to work or get any mines or minerals lying under any land so acquired is desirous of working or getting the same, he shall give the appropriate Government notice in writing of his intention so to do sixty days before the commencement of working.

**5. Power to prevent or restrict working.**—(1) At any time or times after the receipt of a notice under the last foregoing section, and whether before or after the expiration of the said period of sixty days, the appropriate Government may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(2) If it appears to the appropriate Government that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the appropriate Government may publish <sup>1\*\*\*</sup> a declaration of its willingness, either—

(a) to pay compensation for the mines or minerals still unworked or ungotten, or that part thereof, to all persons having an interest in the same; or

(b) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restrictions as the appropriate Government may in its declaration specify.

(3) If the declaration mentioned in case (a) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(4) If the declaration mentioned in case (b) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person save in the manner and subject to the restrictions specified by the appropriate Government.

<sup>2</sup>[(5) Every declaration made under this section shall be published in such manner as the appropriate Government may direct.]

**6. Mode of determining persons interested and amount of compensation.**—When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them, respectively shall, subject to all necessary modifications, be ascertained in the manner provided by the Land Acquisition Act, 1870<sup>3</sup> (10 of 1870), for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

**7. If appropriate Government does not offer to pay compensation, mines may be worked in a proper manner.**—(1) If before the expiration of the said sixty days the appropriate Government does not publish a declaration as provided in section 5, the owner, lessee or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(2) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require.

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1. The words “in such manner as the Governor-General in Council may, from time to time, direct” omitted by Act 38 of 1920, s. 2 and the First Schedule.

2. Added by s. 2 and the First Schedule, *ibid*.

3. See now the Land Acquisition Act, 1894 (1 of 1894).

(3) If the repair or removal is not at once effected, or, if the appropriate Government so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the appropriate Government may execute the same and recover from the owner, lessee or occupier the expense occasioned thereby.

**8. Mining communications.**—If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines, if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or water-levels through the mines, measures or strata, the working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or section than may be prescribed by the appropriate Government in this behalf, and, where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

**9. Appropriate Government to pay compensation for injury done to mines.**—The appropriate Government shall, from time to time, pay to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the surface or works, and for any minerals not acquired by the appropriate Government which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the appropriate Government and the owner, lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the Land Acquisition Act, 1870<sup>1</sup> (10 of 1870).

**10. And also for injury arising from any airway or other work.**—If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reason of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of the mines having been so prevented or restricted as aforesaid, the appropriate Government shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

**11. Power to officer of appropriate Government to enter and inspect the working of mines.**—For better ascertaining whether any mines lying under land acquired in accordance with the provisions of this Act are being worked, or have been worked, or are likely to be worked so as to damage the land or the works thereon, an officer appointed for this purpose by the appropriate Government may, after giving twenty-four hours' notice in writing, enter into and return from any such mines or the works connected therewith; and for that purpose the officer so appointed may make use of any apparatus or machinery belonging to the owner, lessee or occupier of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the parts of the mines which have been, are being, or are about to be worked.

**12. Penalty for refusal to allow inspection.**—If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the appropriate Government for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

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1. See now the Land Acquisition Act, 1894 (1 of 1894).

**13. If mines worked contrary to provisions of this Act, appropriate Government may require means to be adopted for safety of land acquired.**—If it appears that any such mines have been worked contrary to the provisions of this Act, the appropriate Government may, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired, and the works thereon, and preventing injury thereto; and if, after such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works necessary for making safe the land acquired and the works thereon, the appropriate Government may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

**14. Construction of Act when land acquired has been transferred to a local authority or Company.**—When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to or has vested by operation of law in a local authority or Company, then sections 4 to 13, both inclusive, shall be read as if for the words “the appropriate Government”, wherever they occur in those sections, <sup>1</sup>[except in section 5, sub-section (5) and section 8], the words “the local authority or Company, as the case may be, which has acquired the land,” were substituted.

**15.** *[Pending cases.] Rep. by the Repealing and Amending Act, 1937 (20 of 1937), s. 3 and the Second Schedule.*

**16. Definition of local authority and Company.**—In this Act—

(a) “local authority” means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund; and

(b) “Company” means a company registered under any of the enactments relating to Companies from time to time in force in <sup>2</sup>[India], or formed in pursuance of an Act of Parliament <sup>3</sup>[of the United Kingdom] or by Royal Charter or Letters Patent;

<sup>3</sup>[(c) “appropriate Government” means in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government].

**17. This Act to be read with Land Acquisition Act, 1870.**—This act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act, 1870<sup>4</sup> (10 of 1870).

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1. Ins. by Act 38 of 1920, s. 2 and the First Schedule.

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “Part A States and Part C States”.

3. Ins. by the A. O. 1950.

4. See now the Land Acquisition Act, 1894 (1 of 1894).

**THE LAND ACQUISITION  
ACT, 1894  
(1 OF 1894)**

(As modified up to the 1st September, 1985)  
Subordinate legislation – being published separately)

GOVERNMENT OF INDIA  
MINISTRY OF Law and Justice

THE LAND ACQUISITION ACT, 1894

ARRANGEMENT OF SECTIONS

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- 5A. Hearing of objections.

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## THE LAND ACQUISITION ACT, 1894

### **PART 1:**

#### Preliminary

1. Short title, extent and commencement-

(1) This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of India except (the state of Jammu and Kashmir).

(3) It shall come into force on the first day of March 1894.

2. [Repeal and Saving] Rep. Partly by the Repealing and Amending Act, 1914 (10 of 1914), s.3 and Sch. II, and partly by the Repealing act, 1938 (1 of 1938) s.2 and Sch.

3. Definitions. - In this Act, unless there is something repugnant in the subject or context, -

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

[(aa) the expression “local authority” includes a town planning authority (by whatever name called) set up under any law for the time being in force];

(b) the expression “person interested” includes all persons claiming an interest in compensation to be made on

account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression “Collector” means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the [appropriate Government] to perform the functions of a Collector under this Act;

[(cc) the expression “corporation owned or controlled by the “State” means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), a society registered under the Societies Regulation Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, being a co-operative society in which not less than fifty-one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments].

(d) the expression “Court” means a principal Civil Court of original jurisdiction unless, the [appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform functions of the Court under this Act;

[(e) the expression “Company” means -

(i) a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), other than a Government company referred to in clause (cc);

(ii) a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, other than a society referred to in clause (cc);

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause (cc);]

[(ee) the expression “appropriate Government” means, in relating to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government;]

[(f) the expression “public purpose” includes-

(i) the provision of village-sites, or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a state, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

(vii) the provision of land for any other scheme of development sponsored by Government or with the prior approval of the appropriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office, but does not include acquisition of land for companies;]

(g) the following persons shall be deemed person “entitled to act” as and to the extent hereinafter provided (that is to say)-

trustees for other persons beneficially interested shall be deemed the person entitled to act with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability.

a married woman, in cases to which the English law is applicable, shall be deemed the persons, so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that –

(i) no person shall be deemed “entitled to act” whose interest in the subject matter shall be shown to the satisfaction of the Collector or court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of [Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall, mutatis mutandis, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(iv) no person “entitled to act” shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

## **PART II**

### **Acquisition**

#### **Preliminary investigation**

#### **4. Publication of preliminary notification and power of officers thereupon. -**

(1) Whenever it appears to the [appropriate Government] the land in any locality [is needed or] is likely to be needed for any public purpose [or for a company], a notification to that effect shall be published in the Official Gazette [and in two daily newspapers circulating in that locality of which at least one shall be in the regional language], and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality [(the last of the dates of such publication and the giving of such public notice , being hereinafter referred to as the date of the publication of the notification)].

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workman, -

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. Payment for damage. - The officer so authorized shall at the time of such entry pay or tender payment for all necessary damaged to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

#### [Objections]

5A. Hearing of objections. - (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company may, [within thirty days from the date of the publication of the notification], object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard [in person or by any person authorized by him in this behalf] or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, [either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the [appropriate Government] on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

#### Declaration of intended acquisition

6. Declaration that land is required for a public purpose. - (1) Subject to the provision of Part VII of this Act, [appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub-section (2)], that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders [and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1) irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub-section (2)];

[Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1)-

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of one year from the date of the publication of the notification:]

Provided further that] no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

[Explanation 1. - In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2. - Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) [Every declaration] shall be published in the Official Gazette [and in two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is situate, the purpose for which It is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the [appropriate Government] may acquire the land in manner hereinafter appearing.

7. After declaration, Collector to take order for acquisition. - Whenever any land shall have been so declared to be needed for public purpose, or for a Company, the [appropriate Government], or some officer authorized by the [appropriate Government] in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. Land to be marked out, measured and planned. - The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof), a plan to be made of the same.

9. Notice to persons interested. - (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post



in letter addressed to him at his last known residence, address or place or business and [registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898)].

10. Power to require and enforce the making of statements as to names and interests. -

(1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code (45 of 1860).

Enquiry into measurements, value and claims, and award by the Collector

11. Enquiry and award by Collector. - [(1)] On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objection (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land [at the date of the publication of the notification under section 4, sub-section (1)], and into the respective interests of the persons claiming the compensation and shall make an award under his hand of-

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him :

[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in this behalf:

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.

[(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.]

[11A. Period shall be within which an award shall be made. - The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceeding for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the award shall be made within a period of two years from such commencement.

Explanation - In computing the period of two years referred to in this section, the period during which any action or

proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

12. Award of Collector when to be final. - (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the appointment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

13. Adjournment of enquiry. - The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

[13A. Correction of clerical errors, etc. - (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction, which is likely to affect prejudicially any person, shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.]

14. Power to summon and enforce attendance of witnesses and production of documents. - For the purpose of enquiries under this Act the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the 1[Code of Civil Procedure 1908 (5 of 1908)].

15. Matters to be considered and neglected. - In determining the amount of compensation, the collector shall be guided by the provisions contained in section 23 and 24.

[15A Power to call for records, etc. - The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.]

#### Taking Possession

16. Power to take possession. - When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon [vest absolutely in the [Government]], free from all encumbrances.

17. Special powers in case of urgency. - (1) In cases of urgency whenever the [appropriate Government], so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section 1). [take possession of any land needed for a public purpose]. Such land shall thereupon [vest absolutely in the [Government]], free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the

maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or accesses to any such station, [or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity,] the Collector may immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the [appropriate Government], enter upon and take possession of such land, which shall thereupon [vest absolutely in the [Government]] free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at that time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and from any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

3[(3A) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3)-

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the person interested entitled thereto, and

(b) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (2),

and where the Collector is so prevented, the provisions of section 31, sub-section (2), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

(3B) The amount paid or deposited under section (3A), shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of Collector's award, be recovered as an arrear of land revenue].

[(4) In the case of any land to which, in the opinion of the [appropriate Government], the provisions of sub-section (1) or sub-section (2) are applicable, the [appropriate Government] may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time [after the date of the publication of the notification] under section 4, sub-section (1).]

### **PART III**

#### **Reference to Court and Procedure Thereon**

18. Reference to Court. - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19. Collector's statement to the court. - (1) In making the reference, the Collector shall state for the information of the court, in writing under his hand -

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11;

[(cc) the amount paid or deposited under sub-section (3A) of section 17; and]

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested respectively.

20. Service of notice. - The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely: -

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. Restriction on scope of proceedings. - The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

22. Proceedings to be in open Court. - Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plea and

act (as the case may be) in such proceeding.

23. Matters to be considered on determining compensation. - (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration-

first, the market-value of the land at the date of the publication of the [notification under section 4, sub-section (1)];

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of serving such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change, and

sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

[(1A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation. - In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.]

(2) In addition to the market value of the land as above provided, the Court shall in every case award a sum of [thirty per centum] on such market value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation. - But the Court shall not take into consideration -

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the [notification under section 4, sub-section (1); [or]

[eighthly, any increase to the value of the land on account of its being put to any use, which is forbidden by law or opposed to public policy.]

[25. Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector. - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.]

26. Forms of awards. - [(1)] Every award under this part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

[(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2. clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure 1908 (5 of 1908).]

27. Costs. - (1) Every such award shall also state the amount of costs incurred in the proceeding under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Court shall be opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. Collector may be directed to pay interest on excess compensation. - If the sum, which the Collector did award as compensation, the award of the Court may direct that the collector shall pay interest on such excess at the rate of [nine per centum] per annum from the date on which he

took possession of the land to the date of payment of such excess into Court:

[Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.]

[28A. Re-determination of the amount of compensation on the basis of the award of the Court. -

(1) where in an award under this part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, required that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

#### **PART IV**

##### **Appointment of Compensation**

29. Particulars of apportionment to be specified. - When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment. - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court.

#### **PART V**

## Payment

31. Payment of compensation or deposit of same in Court. - (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the [appropriate Government] instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. Investment of money deposited in respect of lands belonging to person incompetent to alternate. - (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall-

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said



land, and such moneys shall remain so deposited and invested until the same be applied-

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely: -

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. Investment of money deposited in other cases. - When any money shall have been deposited in Court under this Act for any cause other than mentioned in the last proceeding section, the court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit the reform as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

34. Payment of interest - When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of [nine per centum] per annum from the time of so taking possession until it shall have been so paid or deposited:

[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]

## **PART VI**

### **TEMPORARY OCCUPATION OF LAND**

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists. - (1) Subject to the provisions of Part VII of this Act, whenever it appears to the [appropriate Government] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the [appropriate Government] may direct the Collector to procure the occupation and use of the same for such term as it

shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken there from, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. Power to enter and take possession and compensation on restoration. - (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the [appropriate Government] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. Difference as to condition of land. - In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

## **PART VII**

### **Acquisition of Land for Companies**

38. [Company may be authorized to enter and survey]. Rep. by the Land Acquisition (Amendment) Act, 1984 (68 of 1984), s.21.

[38A. Industrial concern to be deemed Company for certain purposes. - An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in [sections 4, 5A, 6, 7 and 50] shall be interpreted as references also to such concern]

39. Previous consent of appropriate Government and execution of agreement necessary. - The provisions of [sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)] shall not be put in force in order to acquire land for any company [under this Part], unless with the previous consent of the [appropriate Government], not unless the Company shall have executed the agreement hereinafter mentioned.

40. Previous enquiry. - (1) Such consent shall not be given unless the [appropriate Government] be satisfied. [either on the report of the Collector under section 5A, sub-section (2), or] by an enquiry held as hereinafter provided, -

[(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

[(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, or]

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public].

(2) Such enquiry shall be held by such officer and at such time and place as the [appropriate Government] shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the [Code of Civil Procedure, 1908 (5 of 1908)] in the case of a Civil Court.

41. Agreement with appropriate Government. - If the [appropriate Government] is satisfied [after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an inquiry under section 40] that [the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40], it shall require the Company to enter into an agreement [with the [appropriate Government]], providing to the satisfaction of the [appropriate Government] for the following matters, namely :-

(1) the - [payment to the [appropriate Government]] of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the Company.

(3) the terms on which the land shall be held by the Company,

[(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided;

[(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and]

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained and the terms on which the public shall be entitled to use the work.]

42. Publication of agreement. - Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies. - The provisions of sections 39 to 42, both inclusive, shall not apply and the corresponding sections of Land Acquisition Act, 1870 (10 of 1870), shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, [under any agreement with such Company, the secretary of State for India in Council, the Secretary of State, [the Central Government or any State Government] is or was bound to provide land].

44. How agreement with Railway Company may be proved. - In the case of the acquisition of land for the purpose of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

[44A. Restriction on transfer, etc. - No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

44B. Land not to be acquired under this Part except for certain purpose for private companies other than Government companies. - Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company, which is not a Government company.

Explanation. - "Private company" and "Government company" shall have the meaning respectively assigned to them in the Companies Act, 1956 (1 of 1956).]

## **PART VIII**

### **MISCELLANEOUS**

45. Service of notices. - (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice section 4, by the officer therein mentioned, and, in the case of any notice, by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and 6[registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898), and service of it may be proved by the production of the addressee's receipt.

46. Penalty for obstructing acquisition of land. - Whoever willfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding 1[five hundred rupees], or to both.

47. Magistrate to enforce surrender. - If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed. - (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings there under, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provision of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. Acquisition of part of house or building. - (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not be take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken, is reasonably require for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested, on account of the severing of the land to be acquired from his other land, the [appropriate Government] is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the [appropriate Government] to the person interested, and shall thereafter proceed to make his award under section 11.

50. Acquisition of land at cost of a local authority or Company. - (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation.

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. Exemption from stamp duty and fees. - No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

[51A. Acceptance of certified copy as evidence. - In any proceeding under this Act, a certified copy of a document registered under the Regulation Act, 1908 (16 of 1908), including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document].

52. Notice in case of suits for anything done in pursuance of Act. - No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceedings before Court - Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the [Code of Civil Procedure, 1908 (5 of 1908)], shall apply to all proceedings before the Court under this Act.

[54. Appeals in proceedings before Court. - Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to 4[the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.]

55. Power to make rules. - (1) The [appropriate Government] shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made:

[Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments:

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, [before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule :]

[Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the conditions of the rules, being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall be published in the Official Gazette, and shall thereupon have the force of law.

## **ANNEXURE**

Exact from the Land Acquisition (Amendment) Act, (1962)

(31 of 1962)

7. Validation of certain actuations.- Notwithstanding any judgment ,decree per order of any court, every actuation of land for a company made or purporting to have been made under part VII of the principle Act before the 20th day of July 1962 , shall,in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the

provisions of section 40 and 41 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation - In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act as amended by this Act.

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The Land Acquisition (Amendment) Act, 1984 - Extract of Section 30 - Transitional provisions.

30(1) The provisions of sub-section (1A) of section 23 of the principal Act, as inserted by Clause (a) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to and in relation to-

(a) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill in the House of people) in which no award has been made by the Collector before that date;

(b) every proceeding for the acquisition of any land under the principal Act commenced after that date, whether or not an award has been made by the Collector before the commencement of this Act.

(2) The provisions of sub-section (2) of section 23 and section 28 of the principal Act, as amended by clause (b) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and relation to, any award made by the Collector or Court or to any order passed, by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April 1982 (the date of introduction of the Land Acquisition (Amendment) Bill 1982, in the House of the People and before the commencement of this Act.

(3) The provisions of section 34 of the principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,

(a) every case in which possession of any land acquired under the principal Act had been taken before the 30th of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill 1982, in the House of the People ), and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the principal Act until such date, with effect on and from that date; and

(b) every case in which such possession had been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31 with effect on and from the date of taking such possession.



# THE EXPLOSIVES ACT, 1884

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## ARRANGEMENT OF SECTIONS

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### SECTIONS

1. Short title.  
Local extent.
2. Commencement.
3. [*Repealed.*].
4. Definitions.
5. Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.
- 5A. Persons already in business in respect of certain explosives to carry on such business without licence for a certain period.
6. Power for Central Government to prohibit the manufacture, possession or importation of specially dangerous explosives.
- 6A. Prohibition of manufacture, possession, sale or transport of explosives by young persons and certain other persons.
- 6B. Grant of licences.
- 6C. Refusal of licences.
- 6D. Licensing authority competent to impose conditions in addition to prescribed conditions.
- 6E. Variation, suspension and revocation of licences.
- 6F. Appeals.
7. Power to make rules conferring powers of inspection, search, seizure, detention and removal.
8. Notice of accidents.
9. Inquiry into accidents.
- 9A. Inquiry into more serious accidents.
- 9B. Punishment for certain offences.
- 9C. Offences by companies.
10. Forfeiture of explosives.
11. Distress of aircraft or vessel.
12. Abetment and attempts.
13. Power to arrest without warrant persons committing dangerous offences.
14. Saving and power to exempt.
15. Saving of Arms Act, 1959.
16. Saving as to liability under other law.
17. Extension of definition of “explosive” to other explosive substances.
- 17A. Power to delegate.
18. Procedure for making, publication and confirmation of rules.

# THE EXPLOSIVES ACT, 1884

ACT NO. 4 OF 1884<sup>1</sup>

[26th February, 1884.]

An Act to regulate the manufacture, possession, use, sale,<sup>2</sup>[transport, import and export] of explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale,<sup>2</sup>[transport, import and export] of explosives; It is hereby enacted as follows:—

**1. Short title.**—(1) This Act may be called the <sup>3\*\*\*</sup> Explosives Act, 1884; and

(2) Local extent.—It extends to whole India <sup>4\*\*</sup>

**2. Commencement.**—(1) This Act shall come into force on such day,<sup>5</sup>as the Central Government, by notification in the Official Gazette, appoints.

<sup>6\*</sup> \* \* \* \*

**3.** [*Repeal of portions of Act 12 of 1875.*] *Rep. by the Indian Ports Act, 1889 (10 of 1889), s. 2 and the Second Schedule.*

<sup>7</sup>[**4. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “aircraft” means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface, and includes balloons, whether fixed or free, airships, kites, gliders and flying machines;

(b) “carriage” includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled,

(c) “District Magistrate”, in relation to any area for which a Commissioner of Police has been appointed, means the Commissioner of Police thereof and includes—

(a) any such Deputy Commissioner of Police, exercising jurisdiction over the whole or any part of such area, as may be specified by the State Government in this behalf in relation to such area or part: and

(b) an Additional District Magistrate;

(d) “explosive” means gunpowder, nitoglycerine, nitroglycol, gun-cotton, di-nitro-toluene, tri-nitro-toluene, picric acid, di-nitro-phenol, tri-nitro-resorcinol (styphnic acid), cyclo-trime-

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1. This Act has been declared, under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Districts of Hazaribagh, Lohardaga (now called the Ranchi District—see Calcutta Gazette, 1899, Pt. I, p.44) Palamau and Manbhum and in Pargana Dhalbhum and the K.olhan in the Singhbhum District of the Chota Nagpur Division—See Gazette of India, 1896, Pt. I.p. 972.

It has been applied to the Sonthal Parganas under s. 3 of the Sonthal Parganas Settlement Regulation (3 of 1872), as amended by the Sonthal Parganas Laws Regulation, 1886 (3 of 1886), and by s. 3 of Regulation 3 of 1899, and to Porahat Estate by Bihar Regulation (2 of 1946).

For the law relating to explosive substances, see also the Explosive Substances Act, 1908 (6 of 1908).

The Act has been extended to Goa, Daman and Diu with modifications, by Reg. 12 of 1962, s. 3 and Sch., extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. (w.e.f. 1-7-1965) and to the whole of the Union territory of Lakshadweep by Reg. 8 of 1965, s. 3 and Sch. I (w.e.f. 1-10-1967).

The Act comes into force in Pondicherry on 1-10-1963 vide Reg. 7 of 1963, s. 3 and Sch. I.

2. Subs. by Act 32 of 1978, s. 2, for “transport and importation” (w.e.f. 2-3-1983).

3. The word “Indian” omitted by s. 3, *ibid.* (w.e.f. 7-3-1983).

4. The words and letter “except Part B States” omitted by Act 3 of 1951, s. 3 and the Schedule (w.e.f. 1-4-1951).

5. 1st July, 1887—see Gazette of India, 1887, Pt. I, p. 307

6. Sub-section (2) rep. by Act 12 of 1891, s. 2 and the First Schedule.

7. Subs. by Act 32 of 1978, s. 4, for section 4 (w.e.f. 2-3-1983).

thylene-trinitramine, penta-erythritol-tetranitrate, tetryl, nitro-guanidine, leadazide, lead styphnate, fulminate of mercury or any other metal, diazo-di-nitro-phenol, coloured fires or any other substance whether a single chemical compound or a mixture of substances, whether solid or liquid or gaseous used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect; and includes fog-signals, fireworks, fuses, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as defined in this clause;

(e) “export” means taking out of India to a place outside India by land, sea or air;

(f) “import” means to bring into India from a place outside India by land, sea or air;

(g) “master”,—

(a) in relation to any vessel or aircraft means any person, other than a pilot, harbour master, assistant harbour master or berthing master, having for the time being the charge or control of such vessel or aircraft, as the case may be; and

(b) in relation to any boat belonging to a ship, means the master of that ship;

(h) “manufacture” in relation to an explosive includes the process of—

(1) dividing the explosive into its component parts or otherwise breaking up or unmaking the explosive, or making fit for use any damaged explosive; and

(2) re-making, altering or repairing the explosive;

(i) “prescribed” means prescribed by rules made under this Act;

(j) “vessel” includes any ship, boat, sailing vessel, or other description of vessel used in navigation whether propelled by oars or otherwise and anything made for the conveyance, mainly by water, of human beings or of goods and a caisson.]

**5. Power to make rules as to licensing of the manufacture, possession, use, sale, transport, import and export of explosives.**—(1) The Central Government may, for any part of <sup>1</sup>[India], <sup>2\*\*\*</sup> make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a licence granted as provided by those rules, the manufacture, possession, use, sale. <sup>3</sup>[transport, import and export] of explosives, or any specified class of explosives.

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say:—

(a) the authority by which licenses may be granted;

(b) the fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses;

(c) the manner in which applications for licenses must be made, and the matters to be specified in such applications;

(d) the form in which, and the conditions on and subject to which, licenses must be granted;

(e) the period for which licenses are to remain in force; <sup>4\*\*\*</sup>

<sup>5</sup>[(ee) the authority to which appeals may be preferred under section 6F, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees

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1. Subs. by Act 3 of 1951, s. 3 and Schedule, for “Part A States and Part C States” (w.e.f. 1-4-1951).

2. The words “and each Local Government, with the previous sanction of the Governor, General in Council, may for any part of the territories under its administration” omitted by the A.O. 1937.

3. Subs. by Act 32 of 1978, s. 5, for “transport and importation” (w.e.f. 2-3-1983).

4. The word “and” omitted by s. 5, *ibid.* (w.e.f. 2-3-1983).

5. Ins. by s. 5, *ibid.* (w.e.f. 2-3-1983).

to be paid in respect of such appeals and the circumstances under which such fees may be refunded:

(*eea*) the total quantity of explosives that a licensee can purchase in a given period of time;

(*eeb*) the fees to be charged by the Chief Controller of Explosives or any officer authorised by him in this behalf, for services rendered in connection with the manufacture, transport, import or export of explosives;]

(*f*) the exemption absolutely or subject to conditions of any explosives <sup>1</sup>[or any person or class of persons] from the operation of the rules.

<sup>2</sup>\* \* \* \* \*

<sup>3</sup>[**5A.** Persons already in business in respect of certain explosives to carry on such business without licence for a certain period.—Notwithstanding anything in section 5 or in the rules made thereunder where, immediately before the commencement of the Indian Explosives (Amendment) Act, 1978 (32 of 1978), any person was carrying on the business of manufacture, sale, transport, import or export of any explosive (for which no licence was required under this Act before its amendment by the Indian Explosives (Amendment) Act, 1978, then, such person shall be entitled to continue to carry on such business without licence in respect of such explosive—

(*a*) for a period of three months from the date of such commencement; or

(*b*) if before the expiry of the said period of three months, such person has made an application for grant of licence under this Act for such business in such explosive, until the final disposal of his application,

whichever is later.]

**6. Power for Central Government to prohibit the. manufacture, possession or importation of specially dangerous explosives.**—(*1*) Notwithstanding anything in the rules under the last foregoing section, the Central Government may, from time to time, by notification in the Official Gazette,—

(*a*) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of the Central Government, it is expedient for the public safety to issue the notification. <sup>4</sup>\*\*\*\*.

<sup>5</sup>\* \* \* \* \*

<sup>6</sup>[(2) The Customs Act, 1962 (52 of 1962) shall have effect in relation to any explosive with regard to the importation of which a notification has been issued under this section and the vessel, carriage or aircraft containing such explosive as that Act has in relation to any article the importance of which is prohibited or regulated thereunder and the vessel, carriage or aircraft containing such article.

<sup>7</sup>\* \* \* \* \*

<sup>8</sup>[**6A.** Prohibition of manufacture, possession, sale or transport of explosives by young persons and certain other persons.—Notwithstanding anything in the foregoing provisions of this Act,—

(*a*) no person,—

(*i*) who has not completed the age of eighteen years, or

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1. Ins. by Act 32 of 1978, s. 5 (w.e.f. 2-3-1983).

2. Sub-section (3) omitted by s. 5, *ibid.* (w.e.f. 2-3-1983).

3. Ins. by s. 6, *ibid.* (w.e.f. 2-3-1983).

4. The word “and” and cl. (*b*) rep. by Act 10 of 1914, s. 3 and the Second Schedule.

5. Clause (*b*) rep. by s. 3 and the Second Schedule, *ibid.*

6. Subs. by Act 32 of 1978, s. 7, for sub-section (2) (w.e.f. 2-3-1983).

7. Sub-section (3) omitted by s. 7, *ibid.* (w.e.f. 2-3-1983).

8. Ins. by s. 8, *ibid.* (w.e.f. 2-3-1983).

(ii) who has been sentenced on conviction of any offence involving violence or moral turpitude for a term not less than six months, at any time during a period of five years after the expiration of the sentence, or

(iii) who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) a bond for keeping the peace or for good behaviour, at any time during the term of the bond., or

(iv) whose licence under this Act has been cancelled, whether before Or after the commencement of the Indian Explosives (Amendment) Act, 1978 (32 of 1978), for contravention of the provisions of this Act or of the rules made thereunder, at any time during a period of five years from the date of cancellation of such licence, shall,—

(1) manufacture, sell, .transport, import or export any explosive, or

(2) possess any such explosive as the Central Government may, having regard to the nature thereof, by notification in the Official Gazette, specify;

(b) no person shall sell, deliver or despatch any explosive to a person whom he knows or has reason to believe at the time of such sale, delivery or despatch,—

(i) to be prohibited under clause (a)to manufacture, sell, transport, import, export or possess such explosive, or

(ii)to be of unsound mind.

**6B. Grant of licences.**—(1) Where a person makes an application for licence under section 5, the authority prescribed in the rules made under that section for grant of licences (hereinafter referred to in this Act as the licensing authority), after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing either grant the licence or refuse to grant the same.

(2) The licensing authority shall grant a licence—

(a) where it is required for the purpose of manufacture. of explosives if the licensing authority is satisfied that the person by whom license is required—

(i) possesses technical know-how and experience in the manufacture of explosives;  
or

(ii) has in his employment or undertakes to employ a person or persons possessing such technical know-how and experience; or

(b) where it is required for any other purpose, if the licensing authority is satisfied that the person by whom licence is required has a good reason for obtaining the same.

**6C. Refusal of licences.**—(1) Notwithstanding anything contained in section 6B, the licensing authority shall refuse to grant a licence—

(a) where such licence is required in respect of any prohibited explosive; or

(b) where such licence is required by a person whom the licensing authority has reason to believe—

(i) to be prohibited by this Act or by any other law for the time being in force to manufacture, possess, sell, transport import or export any explosive, or

(ii) to be of unsound mind, or

(iii) to be for any reason unfit for a licence under this Act; or

(c) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of opinion that it will not be in the public interest to furnish such statement.

**6D. Licensing authority competent to impose conditions in addition to prescribed conditions.**—A licence granted under section 6B may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

**6E. Variation, suspension and revocation of licences.**—(1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the holder of licence by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may, by order in writing, suspend a licence for such period as it thinks fit or revoke a licence,—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force to manufacture, possess, sell, transport, import or export any explosive, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for the licence; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) where the licensing authority makes an order varying the conditions of a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke a licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(7) An order of suspension or revocation under sub-section (6) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(8) The Central Government may, by order in the Official Gazette, suspend or revoke, or direct any licensing authority to suspend or revoke, all or any licences granted under this Act throughout India or any part thereof.

(9) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation.

**6F. Appeals.**—(1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority suspending or

revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against an order made by, or under the direction of, the Central Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (36 of 1963), with respect to the computation of periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.]

**7. Power to make rules conferring powers of inspection, search, seizure, detention and removal.**—(1) The Central Government <sup>1\*\*\*</sup> may make rules consistent with this Act authorising any officer, either by name or in virtue of his office.—

(a) to enter, inspect and examine <sup>2</sup>[any place, aircraft, carriage or vessel] in which an explosive is being manufactured, possessed, used, sold, <sup>3</sup>[transported, imported or exported] under a license granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, <sup>3</sup>[transported, imported or exported] in contravention of this Act or of the rules made under this Act;

(b) to search for explosives therein;

(c) to take samples of any explosive found therein on payment of the value thereof; and

<sup>4</sup>[(d) to seize, detain and remove any explosive or ingredient thereof found therein and, if necessary, also destroy such explosive or ingredient.]

(2) The provisions of the <sup>5</sup>[Code of Criminal Procedure, 1973 (2 of 1974)] relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorised by rules under this section.

**8. Notice of accidents.**—<sup>6</sup>[(1)] Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or <sup>7</sup>[any aircraft, carriage or vessel] either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or

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1. The words “or the Local Government with the previous sanction of the Governor-General in Council” omitted by the A.O. 1937.

2. Subs. by Act 32 of 1978, s. 9, for “any place, carriage or vessel” (w.e.f. 2-3-1983).

3. Subs. by s. 9, *ibid.*, for “transported or imported” (w.e.f. 2-3-1983).

4. Subs. by s. 9, *ibid.*, for clause(d) (w.e.f. 2-3-1983).

5. Subs. by s. 9, *ibid.*, for “Code of Criminal Procedure (10 of 1882)” (w.e.f. 2-3-1983).

6. Section 8 renumbered as sub-section (1) thereof by 18 of 1945, s. 2.

7. Subs. by Act 32 of 1978, s. 10, for “any carriage or vessel” (w.e.f. 2-3-1983).

property, or of a description usually attended with such loss or injury, the occupier of the place, or<sup>1</sup>[the master of the aircraft or vessel], or the person in charge of the carriage, as the case may be, shall<sup>2</sup>[within such time and in such manner as may be by rule prescribed give notice thereof and of the attendant loss of human life or personal injury, if any, to the<sup>3</sup>[Chief Controller of Explosives] and] to the officer in charge of the nearest police-station.

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<sup>5</sup>[**9. Inquiry into accidents.**—(1) Where any accident such as is referred to in section 8 occurs in or about or in connection with<sup>6</sup>[any place, aircraft, carriage or vessel] under the control of any of<sup>7</sup>[Armed Forces of the Union], an inquiry into the causes of the accident shall be held by the naval, military, or air force authority concerned, and where any such accident occurs in any other circumstances, the District Magistrate<sup>8</sup>\* \* \* shall, in cases attended by loss of human life, or may, in any other case, hold or direct a Magistrate subordinate to him to hold, such an Inquiry..

(2) Any person holding an inquiry under this section shall have all the powers of a Magistrate in holding an inquiry into an offence under the<sup>9</sup>[Code of Criminal Procedure, 1973 (2 of 1974)], and may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(3) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances.

(4) The Central Government may make rules—

(a) to regulate the procedure at inquiries under this section;

(b) to enable the<sup>10</sup>[Chief Controller of Explosives] to be present or represented at any such inquiry;

(c) to permit the<sup>10</sup>[Chief Controller of Explosives] or his representative to examine any witnesses at the inquiry;

(d) to provide that where the<sup>10</sup>[Chief Controller of Explosives] is not present or represented at any such inquiry, a report of the proceedings thereof shall be sent to him;

(e) to prescribe the manner in which and the time within which notices referred to in section 8 shall be given.

**9A. Inquiry into more serious accidents.**—(1) The Central Government may, where it is of opinion, whether or not it has received the report of an inquiry under section 9, that an inquiry of more formal character should be held into the causes of an accident such as is referred to in section 8, appoint the<sup>11</sup>[Chief Controller of Explosives] or any other competent person to hold such inquiry, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) Where the Central Government orders an inquiry under this section, it may also direct that any inquiry under section 9 pending at the time shall be discontinued.

(3) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every

1. Subs. by Act 32 of 1978, s. 10, for “the master of vessel” (w.e.f. 2-3-1983).

2. Subs. by 18 of 1945, s. 2, for “forthwith give notice thereof”.

3. Subs. by Act 32 of 1978, s. 10, for “Chief Inspector of Explosives in India” (w.e.f. 2-3-1983).

4. Sub-section (2) omitted by s. 10, *ibid.* (w.e.f. 2-3-1983).

5. Subs. by 18 of 1945, s. 3, for section 9.

6. Subs. by Act 32 of 1978, s. 11, for “any place, carriage or vessel” (w.e.f. 2-3-1983).

7. Subs. by s. 11, *ibid.*, for “the Indian Forces” (w.e.f. 2-3-1983).

8. The brackets and words “(or in a Presidency-town, the Commissioner of Police)” omitted by s. 11, *ibid.* (w.e.f. 2-3-1983).

9. Subs. by s. 11, *ibid.*, for “Code of Criminal Procedure, 1898” (w.e.f. 2-3-1983).

10. Subs. by s. 11, *ibid.*, for “Chief Inspector of Explosives in India” (w.e.f. 2-3-1983).

11. Subs. by s. 12, *ibid.*, for “Chief Inspector of Explosives in India” (w.e.f. 2-3-1983).



person required by such person as aforesaid to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (45 of 1890).

(4) Any person holding an inquiry under this section may exercise such of the powers conferred on any officer by rules under section 7 as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(5) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make; and the Central Government shall cause every report so made to be published at such time and in such manner as it may think fit.

(6) The Central Government may make rules for regulating the procedure at inquiries under this section]

<sup>1</sup>[**9B. Punishment for certain offences.**—(1) Whoever, in contravention of rules made under section 5 or of the conditions of a licence granted under the said rules—

(a) manufactures, imports or exports any explosive shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;

(b) possesses, uses, sells or transports any explosive shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both; and

(c) in any other case, with fine which may extend to one thousand rupees.

(2) Whoever in contravention of a notification issued under section 6 manufactures, possesses or imports any explosive shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both; and in the case of importation by water, the owner and master of the vessel or in the case of importation by air, the owner, and the master of the aircraft, in which the explosive is imported shall, in the absence of reasonable excuse, each be punishable with fine which may extend to five thousand rupees.

(3) Whoever,—

(a) manufactures, sells, transports, imports, exports or possesses any explosive in contravention of the provisions of clause (a) of section 6A; or

(b) sells, delivers or despatches any explosive in contravention of the provisions of clause (b) of that section, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both; or

(c) in contravention of the provisions of section 8 fails to give notice of any accident shall be punishable,—

(i) with fine which may extend to five hundred rupees, or

(ii) if the accident is attended by loss of human life, with imprisonment for a term which may extend to three months or with fine or with both.

**9C. Offences by companies.**—(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

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1. Ins. by Act 32 of 1978, s. 13.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means anybody corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, Means a partner in the firm.]

**10. Forfeiture of explosives.**—When a person is convicted of an offence punishable under this Act, or the rules made under this Act, the court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

<sup>1</sup>[**11. Distress of aircraft or vessel.**—Where the owner or Master of any aircraft or vessel is adjudged under this Act to pay a fine for any offence committed with, or in relation to, that aircraft or vessel, the Court may, in addition to any power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of,—

(a) the aircraft and its furniture or so much of the furniture, or

(b) the vessel and the tackle, apparel and furniture of such vessel or so much of the tackle, apparel and furniture thereof,

as is necessary for the payment of the fine.]

**12. Abetment and attempts.**—Whoever abets, within the meaning of the Indian Penal Code (45 of 1860), the commission of an offence punishable under this Act, or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence.

**13. Power to arrest without warrant persons committing dangerous offences.**—Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage,<sup>2</sup>[aircraft or vessel], may be apprehended without a warrant by a Police-officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or<sup>3</sup>[conservator of the port or officer in charge of the air port], and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

<sup>4</sup>[**14. Saving and power to exempt.**—(1) Nothing in this Act, except sections 8,9 and 9A shall apply to the manufacture, possession, use, transport or importation of any explosive—

(a) by any of the<sup>5</sup>[Armed Forces of the Union, and ordnance factories or other establishments of such Forces) in accordance with rules or regulations made by<sup>6</sup>\*\*\*the Central Government;

(b) by any person employed under<sup>7</sup>[the Central Government or under a State Government] in execution of this Act.

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1. Subs. by Act 32 of 1978, s. 14, for s. 11 (w.e.f.2-3-1983).

2. Subs. by s. 15, *ibid.*, for “ship or boat” (w.e.f. 2-3-1983).

3. Subs. by s. 15, *ibid.*, for “conservator of the port” (w.e.f. 2-3-1983).

4. Subs. by 18 of 1945, s. 4, for section 14.

5. Subs. by Act 32 of 1978, s. 16, for “Indian Forces” (w.e.f. 2-3-1983).

6. The words “His Majesty’s Government in the United Kingdom or” omitted by the A.O. 1950.

7. Subs. by the A.O. 1948, for “any Government in British India”.

(2) The Central Government may by notification in the Official Gazette exempt, absolutely or subject to any such conditions as it may think fit to impose,<sup>1</sup>[any explosive and any person or class of persons from all or any of the provisions of this Act or the rules made thereunder.]

**15. Saving of Arms Act, 1959.**—Nothing in this Act shall affect the provisions of the <sup>2</sup>[Arms Act, 1959 (4 of 1959)]:

Provided that an authority granting a license under this Act for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written on the license that it shall have the effect of a like license granted under the said <sup>3</sup>\*\*\*\* Arms (4 of 1959) Act, 1959.

**16. Saving as to liability under other law.**—Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules:

Provided that a person shall not be punished twice for the same offence.

**17. Extension of definition of “explosive” to other explosive substances.**—The Central Government may, from time to time, by notification in the Official Gazette, declare that any substance which appears to the Central Government to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act; and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term “explosive” in this Act.

<sup>4</sup>[**17A. Power to delegate.**—The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under sections 5, 6, 6A, 14 and 17 may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government.]

**18. Procedure for making, publication and confirmation of rules.**—(1) An authority making rules under this Act shall before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Central Government, from time to time, by notification in the Official Gazette prescribes.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

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1. Subs. by Act 32 of 1978, s. 16, for certain words (w.e.f. 2-2-1983).

2. Subs. by s. 17, *ibid.*, for “Indian Arms Act, 1878” (w.e.f. 2-3-1983).

3. The word “Indian” omitted by s. 17, *ibid.*, (w.e.f. 2-3-1983).

4. Ins by s. 18, *ibid.* (w.e.f. 2-3-1983).

(5) A rule made under this Act shall not take effect <sup>1\*\*\*</sup> until it has been published in the Official Gazette <sup>2\*\*\*</sup>

(6) The publication in the Official Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made, and, if it, requires sanction, that it has been duly sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

<sup>3</sup>[(8) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

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1. The words "if it is made by the Governor-General in Council" omitted by the A.O.1937.

2. The words "and if it is made by the Local Government until it has been published in the local Official Gazette" omitted, *ibid*.

3. Ins. by Act 32 of 1978, s. 19 (w.e.f. 2-3-1983).

# RESETTLEMENT AND REHABILITATION POLICY



May-08

# **RESETTLEMENT AND REHABILITATION POLICY OF COAL INDIA LTD.**

## **Preamble**

1. The location and quality of coal reserves, and their distance from major consumers determine to a great extent the selection of mine sites. For reserves that are close to the surface, opencast mining has proven to be the most efficient mining method. While relatively inexpensive, opencast mines require large areas of land. Population growth, particularly in India's eastern region, make it increasingly difficult for the subsidiary coal companies (subsidiaries) to acquire the land they need for expanding their operations.

2. In the past, subsidiaries found it relatively easy to acquire land, if they were able to offer jobs. Partly because of this practice, subsidiaries have built up their labour force beyond their needs. This has contributed to the heavy losses many mines incur and eroded the competitiveness of the coal industry. The subsidiaries may still need to hire people in selected locations and continue to give preference to those whose livelihood will be affected by coal mining operations. However, increasingly subsidiaries will need to develop other ways and means to compensate land owners and others adversely affected by their projects. Only proper resettlement and rehabilitation will elicit the cooperation of project affected people, and make it possible for Coal India to acquire the land it needs.

3. The purpose of this statement is to set out the basic principles for the resettlement and rehabilitation of people affected by coal mining projects (PAPs). As such, this statement attempts to streamline the different resettlement and rehabilitation practices that are being followed by subsidiaries and to modify them in a way that allows subsidiaries to deal more effectively with resettlement and rehabilitation issues.

4. While Coal India's basic philosophy for compensating land-losers and other project-affected people remains substantially unchanged, the statement emphasizes the need to cultivate and maintain good relationships with the people affected by Coal India's projects starting as early as possible; it also underscores that the subsidiaries have a responsibility towards the landless, whose livelihood is often taken away. On the other hand, subsidiaries need to protect themselves more effectively against unjustified claims. To this end, the statement proposes that subsidiaries prepare detailed resettlement and rehabilitation action plans (RAPs) that clearly identify, at an early stage, the entitlements of the people affected by coal projects.

5. The resettlement and rehabilitation policies followed by the subsidiaries have evolved over time and undergone numerous changes in response to changing circumstances. As and when the Central or State Governments issue new guidelines for resettlement and rehabilitation, Coal India will review and modify its resettlement and rehabilitation policy taking into account the changing conditions in coal producing areas. However, as a matter of principle, the

compensation and benefits offered to the people affected by coal projects of Coal India will be at least equal to and not less than those prescribed by the laws and guidelines of the Central and State Governments.

### **Objective of Coal India's Resettlement and Rehabilitation Policy**

6. In light of the growing difficulties many subsidiaries face in land acquisition highest priority will be given to avoiding or minimizing disturbance of the local population. In their decisions to open new mines or expand existing ones, subsidiaries will explore alternative sites and project designs in order to minimize the need for resettlement. Wherever people are likely to be adversely affected by a project, the subsidiaries will prepare resettlement and rehabilitation action plans for the project.

7. Through the preparation of resettlement and rehabilitation action plans subsidiaries will safeguard that project-affected people improve, or at least regain, their former standard of living and earning capacity after a reasonable transition period. The transition period is to be kept to a minimum. However, the involvement of subsidiaries in resettlement and rehabilitation activities will continue until all the actions specified in the rehabilitation plan have been completed.

8. Involuntary resettlement is conceived and executed as a development programme with project-affected people being provided sufficient resources and opportunities to share in a project's benefits. The efforts of subsidiaries are complementary to government schemes in rural development. To the extent that this is necessary, the concurrence, approvals and support from concerned Government authorities will be sought. In parallel, subsidiaries will work closely with non-governmental organizations, which are legally recognized and constituted and also have the confidence of the project-affected people, in the preparation and implementation of rehabilitation plans.

9. Corporate Social Responsibility (CSR) : Apart from the above, CSR activities shall be intensified in and around the villages where land is being acquired. A separate provision shall be made and a separate institution created to closely monitor such activities. Possibility of creating a Foundation with branches in all the subsidiaries may also be considered.

While taking up CSR projects, overriding priority should be given to villagers being displaced as a result of acquisition of land by coal companies. It is absolutely essential that involvement of project affected people, particularly land losers, be ensured in the process of making decisions for utilization of the allocated funds.

10 Actual implementation of R&R package must follow a detailed survey of the project-affected villages to formulate the list of persons/families affected by the project, nature of the affect, the likely loss of income, etc. For this purpose, if necessary, the services of a reputed NGO with an impressive record of integrity and performance may be engaged.

## 11. Definition of Project Affected Family (PAF)

**“affected family”** means:

- (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement for any other reason; or
- (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area or other wise, has been involuntarily displaced from such land or other property; or
- (iii) any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person, who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.

**“family”** includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or here and dependent on him or her for their livelihood; and includes **“nuclear family”** consisting of a person, his or her spouse and minor children;

12. It is Coal India’s policy to recognize adult individuals as the unit of entitlement. In their rehabilitation efforts subsidiaries deal with a wide range of project-affected people. They fall into the following categories as shown in the table below:

<u>Recommended eligibility criteria</u>
<p><b>1. Eligibility Criteria for Economic Rehabilitation Benefits.</b></p> <p>This benefit shall accrue only to Entitled Project Affected Person. Entitled Project Affected Person shall be one from the following categories.</p> <ul style="list-style-type: none"><li>(i) Persons from whom land is acquired including tribals cultivating land under traditional rights.</li><li>(ii) Persons whose homestead is acquired</li><li>(iii) ,Sharecroppers, land lessees , tenants &amp; day labourers.</li><li>(iv) Tribal dependent on forest produce</li></ul>



## **2. Eligibility Criteria for Resettlement Benefits:**

2.1 Only a 'Displaced' family/person shall be eligible for resettlement benefits.

2.2 A family/person shall be termed 'displaced' and hence eligible for resettlement benefits if such family/person has been a permanent resident and ordinarily residing in the project area on the date of publication of notification U/S 4(1) of LA Act, 1894 or notification U/S 7(1) of C.B.A. (Acquisition and Development) Act. 1957. Or both and

(a) on account of acquisition of his/her homestead land / structure is displaced from such areas or

(b) He/she is a homesteadless or landless family/person who has been/is required to be displaced.

### **NOTE:**

(i ) The 'project area' means the land which is acquired for the mining projects.

(ii )The person/family who does not ordinarily reside in the homestead land acquired for the project can be termed "Displaced" but he will be eligible for compensation only for homestead land / structure.

## **3.Census & Identification of displaced families:**

3.1 Within two months of publication of notice U/S 4(1) of the Land Acquisition Act or U/S 7(1) of CBA (A.D) Act 1957 for acquisition of land for the project a census would be undertaken in the manner to be decided by the Collector / project authority for identification of displaced families and for preparing their socio-economic profile.

3.2 A photo identity card to each Entitled Project Affected Person shall be issued under the signature of the Collector / project authority concerned indicating the following particulars:

(a) Name of the village/GP/PS :

(b)Name, Father's name and address  
of the head of the family :

(c)Category of entitlement :

(d)Whether S.C./S.T./O.B.C./General :

(e)Age, Sex, educational qualification  
of the members of the family :

## **Eligibility and Compensation**

13. The table below shows the compensation and rehabilitation efforts subsidiaries will offer for each person or family affected by one of their projects. Evidence to the effect that a person is a legitimate PAP will need to be provided in the form of a written legal document, or reference to a record, such as a revenue officer certificate, electoral roll, ration card or school record.

<i>Category of Persons affected by the Project</i>	<i>Compensation and Rehabilitation entitlement option</i>
	<b>Provisions</b>
(i) Persons (including tribals cultivating land under traditional rights) from whom land is acquired.	<p>All land owners with titles will receive monetary compensation for the land acquired from them. The value of the land is determined on the basis of prevailing legal norms. <i>In respect of tribals cultivating land under traditional rights, authentication of land held under traditional rights by state authorities will be necessary.</i> In addition to above the following shall apply.</p> <p>(i) Subject to suitability and availability of vacancies and further subject to approval of the Board of Directors of the subsidiary company concerned, coal companies shall offer employment at the rate of one employment for every two acres of land acquired. The employment shall be released to actual land losers or their dependant as prescribed in R&amp;R Policy notified by Ministry of Rural Development (MORD). The dependants shall be taken in at a consolidated stipend of Rs.5550/- per month for a period of two years. The list of persons to be given employment shall be vetted and concurred by all land losers in presence of the District officials and officials of the coal companies. Actual land losers or their dependants as prescribed in the R.R.Policy notified by MORD shall either take employment or a cash compensation as prescribed below:-</p> <ol style="list-style-type: none"> <li>1. The subsidiary companies shall offer monetary compensation/one time cash grant/financial package as announced by the concerned State Government.</li> <li>2. In case there is no policy of the State Government for monetary compensation/financial package in lieu of employment against land, the monetary compensation shall be paid on the following basis: <ol style="list-style-type: none"> <li>i) Rs.200000/-(two lakhs) only for first acre of land on pro-rata basis subject to a minimum Rs.50000/-only.</li> <li>ii) Rs.150000/- (One and half lakhs) only on pro-rata basis for 2<sup>nd</sup> and 3rd acre of land.</li> <li>iii) Rs.100000/- (one lakh) only on pro-rata basis for land beyond 3 acres.</li> </ol> </li> </ol>

Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
	Provisions
	<p><b>Note:</b>  <i>A person receiving a job forgoes all claims to above compensation and a person receiving above compensation forgoes all claims to employment.</i></p> <p>(I) Priority for release of employment to land losers shall be based, normally, on the quantity of land lost. In other words, the list of land losers should be prepared in the descending order of land lost and employment released in that order upto the cut-off determined on the basis of availability of vacancy, suitability of candidate and the package concept of 1 employment for every 2 acres of land acquired. Any deviation in the priority for release of employment can be made only with full justification to be recorded in writing and accepted by Company Officials, District Officials as well as the concerned local leaders and specially the person(s) whose claim is superseded.</p> <p>(ii) Post employment, the employee shall be posted where the need is, including underground duties. Land losers not eligible for employment shall be offered cash compensation at the rates prescribed in the new R&amp;R Policy notified by MORD.</p> <p>(iii) In case of direct recruitment from outside, the project affected persons shall be encouraged to apply and they shall be entitled to a preference. The project affected persons, who are not land losers, shall be entitled to preference vis-à-vis outsiders – other things being equal. In case of land losers not considered for employment, preference shall be given by allowing him/her the advantage of 5 marks out of 100 in the overall marking system. This preference shall apply over and above the cash compensation offered to such land losers.</p>
(ii) Person whose homestead is acquired	<p><b>A.</b> alternate house site measuring 100 Sq. mtr per family(ii) assistance in designing the new house if so desired by the Displaced family and</p> <p>Compensation for shifting etc. shall be as per the rate prescribed in the new R&amp;R Policy notified by MORD as below:-</p> <p>- Each affected family that is displaced and has cattle, shall get financial assistance of fifteen thousand rupees, for construction of cattle shed.</p>

<i>Category of Persons affected by the Project</i>	<i>Compensation and Rehabilitation entitlement option</i>
	<b>Provisions</b>
	<ul style="list-style-type: none"> <li>- Each affected family that is displaced shall get a one-time financial assistance of ten thousand rupees, for shifting of the family, building materials, belongings and cattle.</li> <li>- Each affected person who is a rural artisan, small trader or self-employed person and who has been displaced shall get a one-time financial assistance of twenty-five thousand rupees, for construction of working shed or shop</li> <li>- Each affected displaced family will get subsistence allowance 25 days MAW per month for one year.</li> </ul> <p><b>OR</b></p> <p>A. One time lump sum payment of Rs.100,000/- (one lakh)</p>
(iii) Sharecroppers, land lessees, tenants and day labourers	<p>The subsidiary will assist PAP to establish non farm self employment through the provision of infrastructure, petty contracts or formation of cooperatives</p> <p><b>OR</b></p> <p>Jobs with contractors. Contractors will be persuaded to give job to eligible PAPs on a preferential basis, where feasible.</p>
(iv) Landless tribals, Tribal dependent on forest produce	<p>The subsidiary will assist PAP to establish non farm self employment through the provision of infrastructure, petty contracts or formation of cooperatives.</p> <p><b>OR</b></p> <p>Jobs with contractors. Contractors will be persuaded to give jobs to eligible PAPs on preferential basis, where feasible.</p> <ul style="list-style-type: none"> <li>- In addition, the subsidiaries will shift the tribal community as a unit and provide facilities to meet the specific needs of the tribal community that will allow them to maintain their unique cultural identity.</li> <li>- Tribal affected family will be given one time financial assistance of 500 days of MAW for loss of customary right or usages of forest produce. Loss of customary rights needs to be authenticated by the district authority.</li> <li>- Tribal affected families resettled out of the district shall be given 25% higher rehabilitation and resettlement benefit.</li> </ul>

### **Rehabilitation Efforts**

14. During the last 13 years of operation of CIL's earlier R & R policy enunciated in 1994, it has been CIL's experience that the dependence of PAFs on CIL for mine jobs continues unabated irrespective of land being surrendered. This pressure on job is further aggravated due to different minimum requirement of land being surrendered for provision of job. This makes possession of acquired land very difficult and projects get held up. This waiting for mine jobs also kills whatever little drive or initiative PAFs possess.

15 To mitigate if not eliminate PAFs' dependence on CIL for provision of mine job a provision of monetary compensation additional to the value of land has been conceived to be offered to those PAFs who forego any claim – perceived or otherwise – on mine job. Besides, as a policy, mine job would be offered only in exceptional circumstances with the approval of subsidiaries' Board and PAPs getting jobs under such circumstances would not get such additional monetary compensation in lieu of employment.

16. A PAP choosing this option i.e. additional monetary compensation in lieu of employment or getting employment in exceptional circumstances will not be entitled to any other rehabilitation benefit.

17. Jobs with contractors/ Non farm self employment : - This provision is open to only those who are sharecroppers, land lessees, tenants, day labourers or landless tribals or tribals dependant on forest produce.

18. Resettlement Benefits :- Compensation for homestead whether in the category of land owner or landless category is same and provides for one time lump sum payment in lieu of (i) alternate house site measuring 100 sq.m. per family, (ii) assistance in designing the new house if so desired by the displaced family and (iii) shifting allowance to cover cost of transporting PAFs belongings to relocation site, (iv) assistance for construction of cattle shed, working shed; and (v) substance allowance for one year.

19. Women:- Special attempts will be made to ensure that women will be given adequate access to income generating opportunities offered under this policy.

### **Community Facilities**

20. The subsidiary will provide at the resettlement site a school, road with street light, pucca drain, pond, dugwell and/or tubewell for drinking water supply, community center, place of worship, dispensary, grazing land for cattle and play ground. Similar infrastructural facility, if necessary, will be extended to the host locality. The community facilities and services would be available to all residents of the area, including PAPs and the host population.

21. The approach for operation of community facilities would be flexible and all efforts will be made to involve the State and local self Government/Panchayat for operating the facilities. To achieve this, subsidiaries will pursue with these agencies to ensure the same. The planning of the community facilities and their construction should be undertaken in consultation with the affected community.

## **Implementation, Monitoring and Evaluation, Dispute Mechanism**

22. The rehabilitation action plan will address the following:

- i) The project design, including an analysis of alternative designs aimed at avoiding or minimizing resettlement;
- ii) socio-economic survey and activities to ensure restoration of incomes of PAPs in line with Coal India's resettlement and rehabilitation policy;
- iii) description of the institutional and other mechanisms for provision of entitlements;
- iv) time table for the acquisition and preparation of the resettlement site(s);
- v) the cost and budgets for the resettlement and rehabilitation of PAFs;
- vi) project-specific arrangements to deal with grievances of PAFs; and
- vii) time tables, benchmarks and arrangements for monitoring the resettlement and rehabilitation effort.

## **Socio-Economic Survey**

23. A baseline socioeconomic survey will be carried out to identify the PAPs to ensure restoration of incomes of PAPs in line with Coal India's Resettlement and Rehabilitation Policy. This survey will be conducted, within two months of notification under the relevant land acquisition Acts, by the subsidiaries with the help of reputed outside independent institutional agencies, who are well versed with the social matrix of the area.

24. The basic objective of the socio-economic study will be to generate baseline data on the social and economic status of the population who are likely to lose their means of livelihood or homestead due to the acquisition of the land for the project. The data base will be used to formulate a viable and practical RAP for the affected persons in line with their entitlements.

## **Schedule of the Census and Formulation of the Resettlement and Rehabilitation Action Plan (RAP)**

25. Once the demographic and socio-economic data is available, the RAP will be formulated in consultation with the PAPs and the State Government. The RAP will be formulated as a simultaneous activity with the land acquisition process.

## **Monitoring and Evaluation**

26. The RAP will be monitored and evaluated periodically after the completion of the land acquisition process.

- i) The resettlement and rehabilitation activities are the responsibility of a separate group, both at the projects and corporate level, which will be constituted for planning, implementation, monitoring and evaluation of the RAP. At the corporate level the group will be headed by a senior manager, whereas at the project, an executive of the rank of manager will head the group. The project group should have at least one member with social science experience and/or skills.

ii) The project group will closely interact with the state authorities during the implementation of the RAP. Although the subsidiaries will develop the plots and infrastructural facilities in the resettlement colony and actively implement the RAP, assistance of State authorities will be taken for administrative services such as allotment of land. Implementation will be planned, monitored and corrective measures will be incorporated in the RAP, if needed. In addition to the State Government, the PAPs, the village leaders including the Pradhans and NGOs will be consulted and associated with the implementation of the RAP.

iii) The Resettlement and Rehabilitation Cell at the corporate level will evaluate the implementation of the RAP after its completion.

### **Mechanism for dealing with disputes**

27. A committee comprising nominee(s) of the State Government, nominee(s) of the project general manager of the subsidiaries, a representative of the PAP and an independent party, such as a respected community leader, a retired judge or principal of a reputed local institution of higher education, will be constituted to examine the grievances of the PAP and propose corrective actions as required. The subsidiaries will make arrangements for establishing the Committee and bear the cost.

## **28. Corporate Social Responsibility (CSR)**

(i) Budgetary provision shall be created to intensify CSR activities in and around the villages where land is being acquired. Initially a provision @ of 1% of retained earnings of CIL shall be created as corpus to support intensification of CSR activities in ECL and BCCL. In other companies a provision varying from 1 to 2.5% of retained earnings be made initially depending upon the requirement.

(ii) While taking up the CSR projects, overriding priority be given to the persons displaced as a result of acquisition of land by coal companies. Involvement of project affected people, particularly the land losers, in the process of making decision for utilisation of allocated fund must be ensured. The funds should be utilised to offer facilities such as -

(a) Creation of social assets such as Community Centre, Educational Institution, Medicare facilities, arrangement for drinking water etc.

(b) Developing infrastructure for better quality of life such as roads, sewerage system, rain-water harvesting.

(c) Creating institutions to impart vocational training for acquiring and upgrading technical skills with a view to enhance employability.

(d) Conduct programmes relevant for women, etc. Nevertheless, it is reiterated that the actual package to be implemented in individual cases must be decided after taking the beneficiaries fully on board. Role of the coal companies or the separate institution as and when created shall be initially to facilitate interaction amongst various groups to decide the package and thereafter implement the same in a time bound manner.

(The above list is only indicative and not exhaustive)