

THE MINES LEGISLATIONS – A BRIEF SUMMERY

Contributed by

DR. P. S. PAUL

**Department of Mining Engineering
Indian Institute of Technology (Indian School of Mines),
Dhanbad**

THE OCCUPATIONAL SAFETY ,HEALTH AND WORKING CONDITIONS CODE 2020



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| <ol style="list-style-type: none">1. The Factories Act 19482. The Mines Act, 1952;3. The Dock Workers (Safety, Health and Welfare) Act, 1986;4. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;5. The Plantations Labour Act, 1951;6. The Contract Labour (Regulation and Abolition) Act, 1970;7. The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979; | <ol style="list-style-type: none">8 . The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955;9. The Working Journalist (Fixation of Rates of Wages) Act, 1958;10. The Motor Transport Workers Act, 1961;11 The Sales Promotion Employees (Conditions of Service) Act, 1976;12. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; and13. The Cine Workers and Cinema Theatre Workers Act, 1981. |
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This has resulted in reduction of 622 sections to 143 sections in the code which has made it simple

What does the OSHWC Code envisage?

- Occupational Safety standards for different sectors.
- Health and Working Conditions - ventilation, drinking water, etc.
- Hours of Work, overtime Hours, Leave, Holiday, etc.
- Welfare Provision - Canteen, Crèche, Rest Rooms, First Aid, etc.
- Duties of Employers, Employees, Manufacturers, etc.
- Registration of Establishments including deemed Registration.
- Licence for Contract Workers, Factories, Beedi and Cigar Workers, etc.

Salient features of the Code

- ✓ Broad legislative framework with enabling provisions for framing rules, regulations, standards etc .
- ✓ **One registration for establishment** instead of multiple registrations. At present, separate registration is required to be obtained under 6 Acts namely: Factories Act, Contract Labour Act, BOCW Act, Motor Transport Workers Act, Plantation Act and Inter-State Migrant Workers Act.
- ✓ **The provisions of online and deemed registration** have been incorporated





Appropriate Government

Central Government

in relation to an establishment carried on by or under the authority of the Central Government or the establishment of, railways, mines, oil field, major ports, air transport service, telecommunication, banking and insurance company or a corporation or other authority established by a Central Act or a central public sector undertaking or subsidiary companies set up by the central public sector undertakings or autonomous bodies owned or controlled by the Central Government

State Government

in relation to any factory, motor transport undertaking, plantation, newspaper establishment and establishment relating to beedi and cigar including the establishments not specified in clause

MAJOR CENTRAL ACTS, RULES AND REGULATIONS APPLICABLE TO MINING (EXCLUDING THOSE SOLELY APPLICABLE TO OIL MINING)

The main Central Acts, Rules and Regulations as applicable to mining (Except those which are solely applicable to oil mining) are as under:

The Mines and Minerals (Development and Regulation) Act, 1957

- The Mineral Concession Rules, 1960
- The Mineral Conservation and Development Rules, 1988
- The Granite Conservation and development Rules, 1999
- The Marble Conservation and development Rules, 2002
- The Colliery Control Rules, 2004

The Mines Act, 1952

- The Mines Rule, 1955
- The Mines Rescue Rules, 1985
- The Mines Vocational Training Rules, 1966
- The Mines Creche Rules, 1966
- The Mines Pithead Bath Rules, 1959
- The Coal Mines Regulation, 1957 and 2017 (Latest)
- The Metalliferous Mines Regulations, 1961

MAJOR CENTRAL ACTS, RULES AND REGULATIONS APPLICABLE TO MINING (EXCLUDING THOSE SOLELY APPLICABLE TO OIL MINING)

- The Coal Mines (Conservation and Development) Act, 1974
- The Coal Bearing Areas (Acquisition and Development) Act, 1957
- Explosives Act, 1884; Explosive Substance Act, 1908 ; Explosive Rules, 1983
- Contract Labour (Regulation and Prevention) Act, 1970 and Rules, 1971
- Payment of Wages (Mines) Rules, 1956 [Under Payment of Wages Act, 1936]
- The Coal Mines (Nationalisation) Act, 1973
- The Coal Mines Nationalisation (Amendment) Act, 1993
- Indian Electricity Rules [Under Indian Electricity Act]
- Environment Protection Act , 1974 and Rules made thereunder
- Air (Prevention and Control of Pollution) Act, 1981 and Rules, 1982
- Water (Prevention and Control of pollution) Act, 1974 and Rules, 1975
- Workmen's Compensation Act, 1923 and Rules thereunder.
- Forest Act, 1927; The Forest (Conservation) Act, 1980 and Rules, 2003
- Atomic Energy Act, 1962 and Atomic Energy (Working of Mines, Minerals and Handling of Prescribed Substance) Rules, 1984

**SALIENT FEATURES OF
NATIONAL MINERAL POLICY, 2008
(For non-fuel and non-coal minerals)**

1. PREAMBLE:

- Minerals are vital raw materials for infrastructure, capital goods and basic industries. Therefore the extraction and management of mineral resources have to be integrated into the overall strategy of country's economic development. The National Mineral Policy has also to be dynamic and responsive to the changing needs of industry in the context of the domestic and global economic environment.

2. BASIC FEATURES:

- 2.1** It will be ensured that regional and detailed exploration is carried out in the entire mineral bearing area of the country using state-of-art techniques in a time bound manner. Extraction of the located mineral resources has to be maximised through scientific methods of mining, beneficiation and economic utilisation. Zero waste mining will be the national goal and mining technology will be upgraded to ensure extraction and utilisation of entire run-of-mine production.

**SALIENT FEATURES OF
NATIONAL MINERAL POLICY, 2008
(For non-fuel and non-coal minerals)**

- 2.2 To achieve the above goals of prospecting and mining, large investments will be required together with the latest technologies of prospecting and mining. The regulatory environment will be improved to make it more conducive to technology and investment flow. Transparency in allocation of concessions will be ensured. Development of a proper inventory of resources and reserves, a mining tenement registry and a mineral atlas will be given priority. For these purposes, the GSI, the IBM and the State Directorates of Mining and Minerals will be strengthened and their skill sets upgraded.
- 2.3 A significant part of the nation's mineral reserves occur under forest cover. A framework of sustainable development will be designed to take care of biodiversity issues and to ensure that mining activities are carried out with suitable measures for restoration of ecological balance. Special care will be taken to protect the interest of the host and indigenous (tribal) population based on international best practice. Project affected people will be protected as per the National R&R Policy.

**SALIENT FEATURES OF
NATIONAL MINERAL POLICY, 2008
(For non-fuel and non-coal minerals)**

- 2.4** Value addition by processing of minerals into metals for downstream industries will be encouraged. However, a downward curve in an industrial sector using a particular mineral within the country need not be allowed to effect the growth of mining activity for that mineral. Hence employment from both value addition and mining activity will be encouraged to maximise contribution of mineral sector to the country's GDP.
- 2.5** Thrust will be put on developing infrastructure for evacuation of minerals from pit mouth to user point/port/rail head. Innovative structures will be devised for financing such infrastructure like assistance through viability gap funding or through Private Public Participation.
- 2.6** The revenues from the minerals will be rationalised so that mineral bearing states get a fair share of the value of the minerals mined in the state. New sources of revenue will be developed and state agencies involved in mineral sector will be encouraged to modernize in the areas of prospecting and regulation. The states will be helped to overcome the problem of illegal mining through operational and financial support of IBM.

SALIENT FEATURES OF NATIONAL MINERAL POLICY, 2008 (For non-fuel and non-coal minerals)

2.7 A comprehensive institutional framework will be developed to promote R&D, educational and training facilities for use of state-of-art techniques in the mineral sector.

3.0 REGULATION OF MINERALS:

- ✓ The existing MMDR Act, 1957; the MC Rules, 1960 and the MCD Rules, 1988 will be amended as per the National Mineral Policy, 2008.
- ✓ Procedures for grant of all types of concessions will be made transparent and seamless. Security of tenure shall be guaranteed to all concessionaires. The first-in-time principle in case of sole applicants and the selection criteria in case of multiple applicants will be elaborated.
- ✓ Prospecting and mining shall be recognised as independent activities with transferability of concessions.

4.0 ROLE OF STATE IN MINERAL DEVELOPMENT:

- ✓ The core function of the State in mining will be to facilitate and regulate exploration and mining activities, provision of infrastructures and collection of tax. There shall be transparency and fair play in reservation of ore bodies to state agencies (i.e, to PSUs).

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Basic Objective

- Mines Act provides general principles regarding regulation of the following aspects, by the central government :
 - ✓ Operation and management of mines
 - ✓ Health and safety of miners
 - ✓ Employment of miners including hours of work, overtime wages and leave
- Mines Act also prescribes the following:
 - ✓ Functions and powers of mine Inspectors and system of inspection of mines
 - ✓ Powers of central government to make rules, regulation and bye laws
 - ✓ Penalties and procedures in case of contraventions of provisions of this Act.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

CONTENTS OF MINES ACT,1952

CHAPTER I : PRELIMINARY

[Deals mainly with Definitions of terms and Act not to apply in certain cases]

CHAPTER II : INSPECTORS AND CERTIFYING SURGEONS

[Deals mainly with powers and functions of mine Inspectors , appointment of qualified medical practitioners and their functions and also facilities to be provided to miners for occupational health survey]

CHAPTER III : COMMITTEES

[Deals with constitution of committee and powers & function of the committee]

CHAPTER IV : MINING OPERATIONS AND MANAGEMENT OF MINES

[Notices of mining operations to be given, appointment of Manager and duties of Owner , Agent and Manager]

CHAPTER V : PROVISIONS AS TO HEALTH AND SAFETY

[Provision of drinking water, conservancy , arrangement of first aid , powers of inspector to stop employment in mines when danger exists, notice of accidents to be given and appointment of court of enquiry , notice of occupational disease to be given and its investigation]

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

CHAPTER VI: HOURS AND LIMITATION OF EMPLOYMENT

[Deals with hours of work, overtime wages, weekly rest day, limitation of daily hours of work, restrictions of employment, register of persons employed]

CHAPTER VII: LEAVE WITH WAGES

[Deals with annual leave with wages, wages during leave , payment of advance etc.]

CHAPTER VIII: REGULATIONS, RULES AND BYE-LAWS

[Deals with the procedure of framing regulations, rules and bye-laws under the Act]

CHAPTER IX: PENALTIES AND PROCEDURES

[Specifies punishments for violations of different provisions of the Act, prosecution of owner, agent and manager , reference to Committee in lieu of prosecution etc.]

CHAPTER X : MISCELLANEOUS

[Deals with miscellaneous matters]

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **Section 2 (Main Definitions) :**
- ‘Agent’ is one who acts on behalf of owner and takes part in management, control, supervision or direction of any mine or part thereof.
- ‘Owner’ means a person who is –
 - proprietor, lessee or occupier of the mine or part thereof
 - liquidator or receiver, in case of mine where business is being carried out by such liquidator or receiver
 - contractor or sub-lessee of the mine or part thereof (but lesser will not be exempt from any liability as owner)

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **Section 2 (Main Definitions) contd. :**

However, a person who merely receives the royalty , rent or fine or is proprietor by virtue of grant of lease or license of working the mine or a person who has the land right only of the mine site and not of the mineral, will not be treated as owner.

- ‘Chief Inspector’ means the Chief Inspector of Mines appointed under this Act.
- ‘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 as he has been empowered by this Act.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Section 2 (Main Definitions) contd...

- ‘Mine’ means any excavation for the purpose of searching for or obtaining in others and includes-
 - (i) All boreholes, oil wells, crude conditioning plant and oil pipeline within oilfield.
 - (ii) All shafts belonging to a mine including those being sunk.
 - (iii) All levels and inclined planes being driven.
 - (iv) All opencast workings.
 - (v) All conveyors or aerial ropeways to and from a mine.
 - (vi) All adits, levels, planes, machinery, works, railways, tramways, siding of a mine.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **SECTION 2 (Main Definitions Contd.):**

(VII) All protective works being carried out in a mine.

(VIII)All workshops and stores within the precincts of mine and under the mine management and used primarily for the mines under the mine management.

(IX) All power stations, substations etc. for supplying electricity to a mine/group of mines belonging to same management.

(X) Any premises being used for depositing sand or other material for a mine or waste from the mine.

(XI) Any premises belonging to a mine where any ancillary operation or preparation of mineral or coke is being carried on.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Section 2 (Main Definitions) contd...

- ‘Minerals’ means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicing, quarrying or by any operations and includes mineral oil and natural gas.
- ‘Reportable Injury’ means any injury other than a serious bodily injury which involves or in probability will involve enforced absence of the injured person from work for 72 hours or more.
- ‘Serious Bodily Injury’ means any injury which involves or in all probability will involve the permanent loss of any part of a body or use of any part of a body or permanent loss of sight or hearing or any permanent physical incapacity or fracture of any bone or of any phalanges of hand or foot.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- Act not to apply in certain cases (Section 3)
- Provisions of the Act, except those relating to the powers of Inspector and employment of adolescents and women, shall not apply to the following:
 - (a) Any mine where excavation is being made for prospecting purposes only, provided that –
 - (i) Not more than 20 persons are employed in any one day
 - (ii) The depth of excavation nowhere exceeds 6 m or in case of coal exceeds 15 m.
 - (iii) No part of excavation extends below superjacent ground.
 - (b) Any mine engaged in extraction of kankar, murram, 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, earth, fullers earth, marl, chalk and lime stone, provided that-
 - (i) The workings do not extend below superjacent ground , or
 - (ii) Where it is an opencast working –
 - (a) The depth of excavation does not exceed 6m
 - (b) Not more than 50 persons are employed in any one day
 - (c) Explosive are not used for excavation.

Notwithstanding anything contained above, Central Govt. may declare that any of the provisions of the Act will be applicable to any of the above mine or part thereof.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **Committees (Section 12)**
- Central Govt. by Notification in Official Gazette constitute under this Act, a Committee consisting of –
 - (a) A person in the service of the government (other than Chief Inspector or Inspector) to Act as Chairman
 - (b) Chief Inspector of Mines
 - (c) Two persons to represent the interest of miners (including at least one representative of miners of coal mines)
 - (d) Two persons to represent the interest of mine owners (including at least one representative of owners of coal mines)
 - (e) Two qualified mining engineers not directly employed in the mining industry
- Central Govt. may constitute one or more such committees to deal with specific matters.
- Proceeding of a Committee will not be invalid on the ground of existence of any vacancy among its members or due to defect in the constitution thereof.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **Functions of the Committees (Section 13)**
- To consider proposals for making rules & regulations under this Act and to make appropriate recommendations to Central Govt.
- To enquire into accidents or other matters referred to it by Central Govt. and to make reports thereon
- To hear and decide appeals or objections against orders under this Act or the rules, regulations or bye- laws thereunder as referred to it .

The Chief Inspector shall not take part in the proceedings of the committee in respect of appeal or objection against any order issued by him or act in relation to any matter pertaining to such appeal or objection.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

- **Section 14 (Powers, etc. of the Committees):**
 - A committee formed under Section 12 may exercise such powers of an Inspector as it thinks necessary for the purpose of discharging its functions.
 - The committee have the same powers of a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters-
 - (a) Discovery and inspection
 - (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.
- **Section 15 (Recovery of expenses):**
 - The expenses of any inquiry conducted by a committee will be borne wholly or partly by the owner or agent of mine concerned. If such expenses is not paid within six weeks after receiving notice of payment, the amount may be recovered by the District Magistrate through sale of any movable property belonging to owner or agent.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Mining Operations and Management of Mines

- **Section 16:** The owner, agent or manager of mine shall give notice of commencement of mining operations to the Chief Inspector of Mines, The Controller, Indian Bureau of Mines and The District Magistrate so that the notice reaches them at least one month before commencement of mining operations.
- **Section 17:** Owner or agent of every mine shall appoint a manager having prescribed qualification. Provided that owner or agent may appointment himself as manager if he possesses the prescribed qualifications.

The manager shall be responsible for management, control, supervision and direction of the mine subject to any instruction of owner or agent. All such instruction given by owner or agent shall be confirmed in writing forthwith.

Except in emergency, owner or agent shall not give any instructions other than through manager regarding statutory matters to any person responsible to manager.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Mining Operations and Management of Mines (Contd.)

- **Section 18 (duties and responsibilities of owners, agents and managers):**
 - The owner and agent shall be responsible for making financial and other provisions as may be necessary for compliance with the provisions of this Act and the Rules, Regulations and bye- laws made thereunder.
 - It shall be the responsibility of owner or agent to provide for creche, pithead bath and canteen as per the provision of the Rules made under this Act.
 - If any instruction is given other than through manager results in contravention of provision of this Act or of the Rules, Regulation and bye- laws made thereunder, the persons giving such instruction shall be liable for such contravention.
 - Subject to the provisions of this Act mentioned above under Section 18; owner, agent and manager of every mine shall each be responsible to see that all operations carried on in mines are as per the provision of this Act or of the Rules, Regulations and bye- laws made thereunder.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Mining Operations and Management of Mines (contd.)

- In the event of any contravention, each of the following persons, other than the persons who contravenes, shall also be deemed to be guilty of such contravention unless he proves that he exercised due diligence and took all reasonable measures to prevent such contraventions:
 - i. The official(s) whose duty was to supervise the provision contravened
 - ii. The manager of the mine
 - iii. The owner and agent of the mine
 - iv. Any person who was entrusted by owner or agent to carry out certain specific job as per the provision of the Act.
- It shall not be the defense in any proceedings against owner or agent, that the manager and other officials have been appointed in accordance with the provisions of this Act.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety

- **Section 19 (drinking water):** In every mine cool and wholesome drinking water shall be provided to all employees at conveniently located points. In case of persons employed below ground, the Chief Inspector may permit any other effective arrangements will made for water supply.
- **Section 20 (conservancy):** Separate latrines and urinals of prescribed types any provided for in specified number for males and females.
- **Section 21 (medical appliances):**
 - In every mine, first aid boxes or cupboards equipped with prescribed contents shall be maintain so as to be readily accessible during all working hours.
 - Every first air box or cupboard shall be kept under the charge of a person trained in first-aid treatment and who shall be readily available during all workings hours.
 - In every mine, arrangements as prescribed shall be readily available for conveyance of injured or sick persons to hospital or dispensary.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- Where more than 150 persons are employed in a mine, a first-aid room with such equipment and medical and nursing staff as prescribed shall be maintained.
- Section 22 (Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous):
- If in respect of any matter for which no specific position exists under this Act, the Chief Inspector/ Inspector thinks that any mine/ part thereof or any matter/ thing/ practice of a mine or the supervision/ management of a mine is dangerous or defective for safety of workers, he may give notice to owner, agent or manager to remedy/ rectify the situation within such time as he may specify in the notice.
- If the owner, agent or manager fails to comply with the terms of the notice within specified time, Chief Inspector/ Inspector, may prohibit employment of persons in the mine/ part thereof (except those required to be employed for securing compliance of the terms of notice).

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- Chief Inspector/Inspector may prohibit extraction on reduction of pillars if such depillaring or stopping operations are likely to cause crushing of pillars or premature collapse of any part of workings or, if adequate provisions have not been made against outbreak of fire or flooding and for restricting area that might be affected by such fire or flooding.
- If the Chief Inspector/ any other Inspector authorised by Chief Inspector, is of the opinion that there is immediate danger to the life or safety of persons employed in the mine/ part thereof he may, until he is satisfied that the danger has been removed, prohibit employment in or about the mine/ part thereof of any person except those persons whose employment is necessary for removing the danger.
- Every person whose employment has been prohibited for reasons of safety under the order of Chief Inspector/ Inspector shall be entitled to full wages for period of his absence. However, owner/ agent/ manager may employ such person during this period alternation employment at the same wages.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- Owner, Agent or Manager may appeal to Chief Inspector against any such notice/ of stopping employment of persons in mine/ part thereof which has been issued by an Inspector, within 10 days of receipt of notice.
- If an appeal is to be made against the notice issued by CIM, it is to be made to Central Govt. within 20 days of receipt of other stating the grounds thereof. The Central Govt. on receipt of such objection shall refer the matter to Committee usually within two months.
- Notices/ orders issued under Section 22 (other than and order of cancellation in appeal) shall be reported to Central Govt. forthwith by CIM.
- Section 22A (power to prohibit employment in certain cases) :
This section provides similar power to Chief Inspector/ Inspector for prohibiting employment of persons in mine/ part thereof in case of any matter relating to safety for which express provisions exist under this Act.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

Similar provisions as in Section 22 for appeal against such notices and reference to Committee also exist in Section 22A.

Section 23 (Notice to be given of accidents):

- **Information to be given to authorities by Owner, Agent or Manager of a mine in specific format within stipulated time [see note] whenever any of the following occurs in a mine:**
 - (a) accident causing loss of life or serious bodily injury, or**
 - (b) explosion , ignition, spontaneous heating, fire, inrush of water or other liquid matter, or**
 - (c) influx of inflammable or noxious gas, or**
 - (d) breakage of ropes, chains or other man-winding gear in a shaft or incline**
 - (e) Over-winding of cages or other means of conveyance in a shaft during man-winding**

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- (f) premature collapse of any part of working
- (g) Any other accident which may be prescribed

[Note:

- ✓ *Inform RIM forthwith by telephone, express telegram or special messenger, and*
- ✓ *Within 24 hrs give a notice in form IV-A to the DM, CIM, RIM and*
- ✓ *Post a copy of the notice in special notice board and ensure that it is kept for not less than 14 days]*
- In case of every fatal accident, the Inspector must conduct an enquiry within 2 months of receiving the notice.
- In case of reportable accident, the occurrence has to be entered in Form J and a copy of such entries has to be sent to CIM and Concerned Inspector once in 3 months.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- In case of minor accidents (involving injury resulting in workmen's absence for 24 hrs or more) when Central Govt. so directs through a gazette notification, particulars are to be entered in Form K and a copy of entries to be sent to CIM on or before 20th January of the following year.
- Except for preventing further accident or for saving life or for recovering dead bodies, the place of accident shall not be disturbed or altered before arrival or without the consent of CIM or other Inspector or before the expiry of 72 hours therefrom whichever is earlier.
- **Section 24 (Power of Govt. to appoint Court of Enquiry):**
- When any accident of the nature referred to in Section 23 occurs in a mine, the Central Govt. may appoint a competent person and may also appoint one or more person having legal or special knowledge as assessors to enquire into the causes of and circumstances attending the accident.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- The person appointed to hold any such enquiry shall have all the power of a civil court for the purpose of enforcing attendance and compelling production of documents etc.
- Any person holding enquiry under this Section may exercise any power of Inspector as he may think necessary.
- The person holding the enquiry shall make a report to the Central Govt. stating the causes and circumstances leading to the accident and may add any observations which he or any of the assessors may think fit.
- **Section 25 (notice of certain diseases) :**
- When any person employed in mine contract any diseases notified by Central Govt. as diseases connected with mining operations, the owner agent or manager shall sent notice thereof to CIM and other authorities in specified form and within specified time.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter V : Provisions as to health and safety (contd.)

- When any medical practitioner attending a person is of the opinion that the person is suffering from such notified diseases, he shall send a report to CIM stating the name and address of the patient, the name and address the mine where he is employed/ was last employed and the diseases from which he is believed to be suffering.
- Where the report of the medical practitioner is confirmed by a certified surgeon to the satisfaction of CIM, the CIM shall pay the medical practitioner such fees which will be recovered from the mine owner.
- If any medical practitioner fails to report the matter of contracting notified diseases to CIM, the medical practitioner is punishable by a fine.

[Note: The following diseases have been notified as diseases connected with mining operations – Silicosis, Pneumoconiosis, Manganese Poisoning-Nervous Type, Asbestosis, Cancer of Lung or Stomach or Pleurae and Peritoneum (i.e. Mesotheliomas).]

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VI : Hours & Limitation of Employment

- **Section 28:**
 - No person shall work for more than 6 days in any week in a mine
- **Section 29:**
 - A person can be deprived of his weekly days of rest under any of the following eventualities –
 - (i) An emergency involving serious risk to the safety of the mine or of the persons employed therein.
 - (ii) An accident, whether actual or apprehended.
 - (iii) Any Act of God.
 - (iv) Any urgent work to be done to machinery, plant or equipment.

When under above situations, weekly day of rest could not be given to a person, he shall be given compensatory day(s) of rest within the same month or next two months.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VI : Hours & Limitation of Employment

- **Section 30:**
 - No persons shall work above ground in a mine for more than 48 hours in a week or more than 9 hours in a day and he shall have at least half hour rest after working for not more than 5 hours. The spread-over of work period shall not normally exceed 12 hours.
- **Section 31:**
 - No person shall work below ground in a mine or more than 48 hours in week or normally for more than 8 hours in a day. Duration of one shift should not exceed 9 hours.
- **Section 33:**
 - When a person works above ground for more than 9 hours in a day or works below ground for more than 8 hours in a day or works more than 48 hours in any week whether above ground or below ground, he shall get overtime wages for the extra period of work at a rate of twice his ordinary rate. The period of overtime work shall be calculated on daily basis or weekly basis which ever his more favourable to him.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VI : Hours & Limitation of Employment (contd.)

- **Section 35:**
 - Except in case of an emergency involving serious safety risk of the mine or of persons or when engaged in work which for technical reasons must be carried on continuously, no person shall be allowed to work in a mine for more than 10 hours in a day inclusive of overtime.
- **Section 38:**
 - The manager may permit employment of persons in a mine in contravention of the restrictions relating to weekly day of rest, hours of work etc. under the following circumstances.
 - (i) An emergency involving serious risk to the safety of the mine or of the persons employed therein.
 - (ii) An accident, whether actual or apprehended.
 - (iii) Any Act of God.
 - (iv) Any urgent work to be done to machinery, plant or equipment.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VI : Hours & Limitation of Employment (contd.)

- **Section 38 (contd.):**

However such employment can not be permitted in contravention of orders under Section 22 or 22 A. Also , such contravention is permitted only to the extent allowed by rules made under Section 39.

- **Section 39:**

- The Central Govt. may make rules providing for exemption from restrictions and limitations of employment to such extent as may be specified in the rules under the following circumstances.

- (a) an emergency involving serious risk to the safety of the mine or of the persons employed therein.
- (b) an accident, actual or apprehended
- (c) work which must be carried on to avoid serious interference with the normal working of the mine
- (d) urgent repairs, and
- (e) work which must be carried on continuously for technical reasons.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VI : Hours & Limitation of Employment (contd.)

- **Section 40:**

- **No person below 18 years of age shall be allowed to work in any mine or part thereof.**
- **However, apprentices and other trainees not below 16 years of age may be allowed by the manager to work under proper supervision in a mine or part thereof.**

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

- **Section 46:**

- **No women shall be employed in any part of a mine which is below ground or in any mine above ground except between 6 a.m. and 7 p.m.**
- **Every women employed above ground shall be allowed an interval of not less than 11 hours between termination of employment on any one day and commencement of the next period of employment.**

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VIII : Regulations, Rules and Bye-Laws

- **Section 59 & 61A (Procedure for making Regulations and Rules):**
- Central Govt. can make rules and regulations under any of the Sections of this Act. The procedure for making such rules and regulations are as follows:
 - (i) A draft of the proposed regulations or rules, prepared by the Central Government, is published for general information. Objections and suggestions are invited from all persons likely to be affected thereby. The draft can be taken into consideration only on the expiry of a period of at least three months from the date of its publication. All objections or suggestions received within the said three months have to be considered.
 - (ii) The draft of the proposed regulations or rules has also to be referred to the Committee constituted under section 12(1). The Committee must get a reasonable opportunity of examining the draft and of reporting as to the expediency of making the same and as to the suitability of its provisions.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VIII : Regulations, Rules and Bye-Laws (contd.)

- **Section 59 & 61A (Procedure for making Regulations and Rules) contd.:**
 - (iii) After taking into consideration all objections and suggestions received, and the views of the Committee, the Government may finalise the regulations or rules and then publish them in the Official Gazette. On such publication, the regulations or rules become effective.
 - (iv) As soon as possible, the regulations or rules so made have to be laid before each House of Parliament while it is in session for a total period of 30 days. (This period of 30 days may be comprised in one session or in two or more successive sessions). The Parliament can modify or annul the said regulations or rules in the session(s) in which the 30 days period is completed or in the next following session. Thereafter the regulations or rules have effect only in such modified form or be of no effect, as the case may be.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VIII : Regulations, Rules and Bye-Laws (contd.)

- **Section 60:**
 - This section empowers Central Govt. to make temporary regulations without previous publication and without reference to the Committee constituted under Section 12 and bring such regulations to affect forthwith if it is satisfied that immediate enforcement of such regulations is necessary for the prevention of apprehended danger or for speedy removal of danger.
- **Section 61 & 61A (procedure for making bye-laws):**
 - Sometimes bye-laws are framed in a mine to provide for safe working of special type of machinery or method of working in a mine.
 - These steps involved in framing bye-laws are summarised below:
 - (i) The owner, agent or manager of mine, either on his own initiative or when asked by the Chief Inspector or an Inspector, shall frame draft bye-laws and submit them to the Chief Inspector.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VIII : Regulations, Rules and Bye-Laws (contd.)

- **Section 61 & 61A (procedure for making by laws) contd.:**
 - (ii) If the draft bye-laws are not submitted within two months of being asked or having been submitted are considered insufficient, the Chief Inspector or the Inspector may himself propose draft bye-laws or propose such amendments in the bye-laws submitted as will render them sufficient and send them to the owner, agent or manager for consideration.
 - (iii) If the owner, agent or manager and Chief Inspector or Inspector are unable to agree as to the terms of the draft bye-laws within two months, the Chief Inspector or the Inspector shall refer them to the Committee constituted under section 12(1) for settlement.
 - (iv) When the owner, agent or manager and the Chief Inspector or Inspector have agreed to the draft bye-laws or the differences have been settled by the Committee, the Chief Inspector or the Inspector shall send a copy of the draft bye-laws to the Central Government for approval. The Government may make such modification of the draft bye-laws as it thinks fit.

SALIENT PROVISIONS OF MINES ACT,1952

(Abridged version of the salient features of the Act given below. Consult bare Act for complete details)

Chapter VIII : Regulations, Rules and Bye-Laws (contd.)

▪ Section 61 & 61A (procedure for making bye-laws) contd.:

- (v) Before approving the draft bye-laws the Government shall publish them suitably for informing the persons affected and shall set a time of at least 30 days within which objections may be sent to the Government. The Government shall consider the objections and approve the bye-laws with or without any amendments.
- (vi) The bye-laws when so approved shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall post a copy of the bye-laws, in English and in other local languages at conspicuous places so that the bye-laws can be read by the persons employed in the mine.
- (vii) The bye-laws so made shall be laid before each House of Parliament while it is in session for a total period of 30 days. (This period of 30 days may be comprised in one session or in two or more successive sessions). The Parliament can modify or annul the said bye-laws in the session(s) in which the 30 days period is completed or in the next following session. Thereafter the bye-laws have effect only in such modified form or be of no effect, as the case may be.