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# **THE MINES RULES, 1955**

In exercise of the powers conferred by section 58 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following rules the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:—

## **CHAPTER I**

### **PRELIMINARY**

**1. Short title and application. —**

(1) These rules may be called the Mines Rules, 1955.

(2) Except as otherwise expressly provided, the rules shall apply to every mine of whatever description to which the Act applies.

**2. Definitions.** — In these rules, unless there is anything repugnant in the subject or context—

- (a) “The Act” means the Mines Act, 1952 (35 of 1952);
- (b) “Court of inquiry” means a court of inquiry appointed under section 24 of the Act;
- (c) “Form” means a form as given in the First Schedule;
- (d) “Section” means a section of the Act;
- (e) “Schedule” means a schedule appended to these rules;
- (f) “Manager” includes Mine Superintendent who is appointed by the owner or agent of mine under section 17 of the Act and as such, responsible for the control, management, supervision and direction of a mine;
- (g) “Certifying surgeon” means a qualified medical practitioner appointed to be a certifying surgeon under section 11;
- (h) “Calendar year” means a year from the first day of January to the thirty-first day of December;
- (i) “Ordinarily employed” with reference to any mine or part thereof, means the average number of persons employed per day in the mine or part of mine during the preceding calendar year (obtained by dividing the number of mandays worked by the number of working days excluding rest days and other non-working days);

## CHAPTER II

## MINING BOARD

**3. Mine owners' representatives.** — The two members referred to in clause (d) of sub-section (1) of section 12 shall be nominated from time to time in the manner specified by the Central Government by notification in the Official Gazette.

**4. Miners' representatives.** —

(1) Where in any part of the territories to which the Act extends, or for any group or class of mines, a Mining Board is constituted—

(a) If there is one registered trade union of miners entitled to nominate one or two members in accordance with sub-clause (i) or sub-clause (ii) of clause (e) of sub-section (1) of section 12, the Central Government shall call such trade union to nominate one or two persons as the case may be;

(b) If there are two or more registered trade unions of miners entitled to nominate one or two members in accordance with the said provisions of the Act, the Central Government shall, for each vacancy, call on such registered trade unions, in rotation in such order of priority as it may deem fit, to nominate a person to fill in the vacancy.

**5. Power to co-opt members.** —

(1) The Board may at any time and for such period as it thinks fit, co-opt as members of the Board any person or persons possessing a Mine Manager's first class Certificate of Competency or a degree or diploma in mining or special knowledge in mining affairs.

(2) A member co-opted under sub-rule (1) shall exercise all the powers and functions of a member of the Board except that he shall not be entitled to vote on any question coming before the Board.

**6. Term of office.** — A person appointed under clause (c) or nominated under clause (d) or clause (e) of sub-section (1) of section 12 shall, unless he resigns his office or dies at an earlier date, hold office for a period of three years from the date of the notification appointing or, as the case may be, nominating him a member of the Board and shall be eligible for reappointment or renomination:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor is appointed or, as the case may be, nominated.

## **7. Resignation. —**

(1) A member other than the Chairman may resign his office by writing under his hand addressed to the Chairman.

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation referred to in sub-rule (1) or sub-rule (2) above shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation whichever is earlier, by the Chairman of the Central Government as the case may be.

## **8. Absence from India. —**

(1) Before a member leaves India—

(a) He shall intimate to the Chairman the date of his departure from and the date of his expected return to India; and

(b) If he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any member leaves India without taking the action required by sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

## **9. Notification of vacancies. —**

(1) The Chairman shall inform the Central Government as soon as a vacancy occurs in the membership of the Board by the resignation or death of a member.

(2) In case such a vacancy occurs by the death of the Chairman, information shall be furnished to the Central Government by the Chief Inspector or the Inspector appointed to the Board by the Central Government, as the case may be.

## **10. Disposal of business. —**

(1) All questions which the Board is required to consider shall be considered either at its meeting or by circulation of papers as the Chairman may direct:

Provided that papers need not be circulated to any member who is absent from India at the time.

(2) When a question is referred by circulation of papers, any member may request that the question be considered at a meeting of the Board, and thereupon the Chairman may direct that it be so considered:

Provided that if three or more members make such a request, the Chairman shall direct that it be so considered.

**11. Time and place of meetings. —** The Board shall meet at such places and times as may be appointed by the Chairman.

## **12. Notice of meetings. —**

(1) The Secretary to the Board shall give at least fourteen days' notice to every member of the Board present in India of the time and place fixed for each meeting and shall send to every such member agenda of business to be disposed of at that meeting, not less than seven days before the meeting:

Provided that when an emergent meeting is called, at least two days' clear notice shall be given.

(1A) If a member is unable to attend a meeting of the Board, the Central Government may nominate, or the body which the member represents may, by notice in writing signed on its behalf and by the said

member addressed to the Chairman depute, a substitute in his place to attend that meeting. Such nominated or deputed member shall have all the rights of a member in respect of that meeting.

(2) No business which is not on the agenda shall be considered at a meeting without the permission of the Chairman.

**13. Presiding at meetings.** — The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent from any meeting, the members present shall elect one of them to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

**14. Quorum.** — No business shall be transacted at a meeting of the Board unless atleast four members are present:

Provided that at any meeting in which less than four members present, the Chairman may adjourn the meeting to a date not less than fourteen days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum, and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

**15. Decision by majority.—**

(1) Every question referred to the Board by circulation of papers shall, unless the Chairman, in pursuance of sub-rule (2) of rule 10 reserves it for consideration at a meeting, be decided in accordance with the opinions of the majority sending their opinions within the time allowed.

(2) All questions referred to a meeting of the Board shall be decided by a majority of votes of the members present and voting on that question.

(3) In the case of an equal division of votes or opinions the Chairman shall exercise an additional vote or opinion.

(4) Any member disagreeing with a decision of the Board may enter a note of dissent which shall form part of the record of the proceedings.

**16. Minutes of the meetings. —**

- (1) The Secretary of the Board shall circulate the proceedings of each meeting to all members of the Board present in India, and thereafter record the proceedings in a minute book which shall be kept for permanent record.
- (2) The record of the proceedings of each meeting shall be signed by the Chairman.

**17. Allowances to non-official members. —** Travelling and daily allowance to non-official members of the Board shall be regulated in accordance with the orders regarding allowances to non-official members of Committees, Commissions and Boards of Enquiry issued by the Central Government from time to time.

**18. Correspondence and accounts. —** The Secretary of the Board shall conduct all the correspondence of the Board and keep its accounts.

**19. Appearance at hearings.—** Any appearance required to be made by a party before the Board, except for purposes of being examined as a witness, may be made either in person or by his agent duly authorised in writing, or by a legal practitioner on his behalf.

**20. Proceedings to be in camera. —** Unless the Chairman otherwise directs, the proceedings of the Board shall be conducted in camera and shall be regarded as confidential in nature.

### ***CHAPTER III***

## **COURT OF INQUIRY**

**21. Court of inquiry to the public. —** The person appointed to hold inquiry under section 24 of the Act shall hold the inquiry in public in such manner and under such conditions as the Court thinks most effectual for ascertaining the causes and circumstances of the accident or other occurrences and for enabling the Court to make the report.

## **22. Recovery of expenses. —**

(1) If a court of inquiry finds that the accident was due to any carelessness or negligence on the part of the management, the court may direct the recovery of the expenses of such court, including any other expenses connected with the inquiry, from the owner, of the mine concerned, in such manner and within such time as the court may specify.

(2) The amount directed to be recovered under sub-rule (1) may, on application by the Chief Inspector or Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner is for the time being resident, be recovered by attachment and sale of any movable property within the limits of the Magistrate's jurisdiction belonging to such owner.

**Explanation:** —For the purpose of this sub-rule, the term 'management' means the owner, agent or manager of the mine and includes all officials superior to the manager.

## **CHAPTER IV**

### **CERTIFYING SURGEONS**

**23. Powers of Certifying Surgeons. —** A Certifying Surgeon may within the local limits of his jurisdiction or in respect of mines or class or description of mines assigned to him make such inspection, examination or inquiry as he thinks fit for the purpose of the Act, and it shall be the duty of owner, agent or manager of the mine concerned to afford the Certifying Surgeon all reasonable facilities for carrying out such inspection, examination or inquiry as the case may be.

## **24. Duties of Certifying Surgeon. —**

(1) For the purposes of examination and certification of young persons who desire to obtain a certificate of fitness, the Certifying Surgeon shall arrange a suitable time and place for the attendance of such persons, and shall give previous notice in writing of such arrangements to the managers of mines concerned within the local limits of his jurisdiction or mines or class or description of mines assigned to him.

(2) The Certifying Surgeon shall, upon a request being made to him by the Chief Inspector, carry out



such examination and furnish him with such report as he may indicate in respect of any mine or class or description of mines in which operations involve any risk of injury to the health of any person or class of persons employed therein.

(3) Every certificate of fitness granted by the Certifying Surgeon shall be prepared by filling up the foil and the counterfoil of the certificate, on both of which shall be impressed the left thumb mark of the adolescent in whose name the certificate is granted.

(4) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein sign the foil and initial the counterfoil of the certificate and shall deliver the foil to the applicant unless the adolescent has been examined in pursuance of the provision of sub-section (5) of section 41, in which case the Certifying Surgeon shall deliver the foil to the manager of the mine in which the adolescent desires to be employed.

(5) A Certifying Surgeon revoking a certificate under sub-section (2) of section 41 shall write the word “Revoked” in red ink on the foil and the counterfoil of the certificate.

**25. Certificate of fitness.** — A certificate of fitness granted or renewed in Form K shall be deemed to be a certificate duly granted or renewed as the case may be, in the manner provided for the purposes of sections 40 and 43.

**26. Duplicate certificate.** —

(1) If the Certifying Surgeon is satisfied that a certificate of fitness granted under these rules has been lost or otherwise mislaid, he may on application, after such verification as he deems fit, grant a duplicate certificate to the applicant. The word “Duplicate” shall be clearly written in red ink across any such duplicate certificate and initialled by him. The counterfoil of the certificate shall be simultaneously marked “Duplicate” and initialled.

(2) For every duplicate certificate granted under sub-rule (1), a fee not exceeding one rupee shall be payable by the applicant. The Certifying Surgeon shall maintain a register of all duplicate certificates so issued and shall initial each entry thereon.

(3) No duplicate certificate shall be granted to any adolescent otherwise than in accordance with the provision of this rule.

**27. Re-examination. —**

- (1) Every adolescent in respect of whom a certificate of fitness has been issued, so long as he remain employed in a mine, shall be re-examined by the Certifying Surgeon within twelve months of the date of the examination immediately preceding.
- (2) The Certifying Surgeon shall upon making such re-examination make necessary entries in the said certificate both on the foil and counterfoil, and deliver the foil to the manager of the mine.

**28. Fresh examination. —**

- (1) If any person sent up for medical examination in pursuance of section 40 or section 43 is not certified to be fit by the Certifying Surgeon, he shall not without the permission in writing of an Inspector, be sent for another medical examination unless a period of six months has elapsed from the time when he was last sent up for medical examination.
- (2) Any certificate obtained in contravention of sub-rule (1) shall be void.

**29. Metal tokens. —**

- (1) The Certifying Surgeon shall issue to every adolescent to whom a certificate of fitness is granted, a metal token stamped with the letter “P” and bearing the same serial number as the certificate.
- (2) The person to whom such token is issued shall so long as the corresponding certificate remains in force, retain such token in his immediate possession and shall not transfer it or dispose of it. In the event of the corresponding certificate being revoked, the token shall be returned to the Certifying Surgeon.
- (3) A duplicate token may be obtained for the reasons, in the manner and subject to the condition specified in rule 26.
- (4) A record of every token so issued and the person to whom it is issued shall be maintained by the

Certifying Surgeon.

## CHAPTER IVA

### **MEDICAL EXAMINATION OF PERSONS EMPLOYED or TO BE EMPLOYED IN MINES**

**29A. Applicability of this Chapter.** — Nothing in this Chapter shall apply to persons who are employed purely on temporary or casual basis for a continuous period not exceeding six months.

**29B. Initial and periodical medical examinations.** — After such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf, the owner, agent or manager of every mine shall make arrangements—

(a) (i) For the initial medical examination of every person employed in the mine, within a period of five years of the date so notified and the said examination shall be so arranged over a period of five years that one-fifth of the persons employed at the mine undergo the examination every year:

Provided that in the case of a mine where a system of carrying out of such medical examination (of a comparable standard as determined by the Chief Inspector) is already in existence before the date aforesaid, a person who has undergone a medical examination under such a system on a date not earlier than five years before the date aforesaid, shall be deemed to have undergone an initial medical examination under this sub-clause and the last date of his medical examination under the said system shall be taken to be the date of his initial medical examination under these rules;

(ii) For the initial medical examination of every person seeking employment in a mine, unless such person has already undergone within the preceding five years, a medical examination under these rules while in employment at another mine; and

(b) For the periodical medical examination thereafter of every person employed in the mine at intervals of not more than five years:

Provided that, for the persons who are engaged in the process of mining or milling of asbestos ore, periodic medical examination shall be done at least once in every twelve months and every such examination shall include all the tests specified in Form “P” of the First Schedule except the X-ray

examination, which shall be carried out once in every three years:

Provided further that the periodic medical examination or the X-ray examination or both, shall be conducted at more frequent intervals if the examining authority deems it necessary to confirm a suspected case of dust-related disease.

**29C. Examining authorities.** — The medical examination aforesaid shall be carried out by a Medical Officer appointed for the mine or a Medical Officer in the employment of the owner of the mine, if any, or by any medical officer employed in the Coal Mines Welfare Fund Organisation or any other mines welfare organisation, failing which by any State or Central Government medical officer not below the rank of the Assistant Civil Surgeon.

**29D. Notice of medical examination.** —

(1) In respect of every medical examination under rule 29B, the manager of the mine concerned shall give at least twenty days' prior notice in writing to the person to be examined, in Form 'M', provided that in case of the initial medical examination of a person seeking employment at a mine, the period of notice may be shorter.

(2) A copy of every such notice issued shall be sent by the manager to the examining authority and in the case of periodical medical examination of a person, the copies of the previous medical certificate issued in Form O, pertaining to the persons concerned shall also be sent to the examining authority by the manager.

(3) A person, who for any reasonable cause, fails to submit himself for a medical examination in accordance with the notice issued to him under sub-rule (1), shall be given a second notice of a minimum period of ten days in Form N, by the manager and a copy of every such notice shall be sent by the manager to the examining authority.

(4) The examining authority shall inform the manager whether the person concerned has submitted himself for medical examination or not.

**29E. Failure to undergo medical examination.** — A person who, without reasonable cause, fails to submit himself for medical examination in accordance with a notice issued to him under sub-rule (3) of rule 29D, shall be liable to be discharged from service:

Provided that a person who renders himself so liable to be discharged for failure to submit himself for medical examination shall be required to show cause why he could not comply with the notice within the time specified therein. If his explanation is found satisfactory by the management, he shall be given another chance to appear for medical examination. In case his explanation is not found satisfactory by the management, his service shall be terminated by the management:

Provided further that in case of any dispute, the same shall be referred to the Chief Inspector for his decision within 60 days of the order communicated by the owner, agent or manager of the mine to the said person.

**29G. Retention and transfer of medical certificates. —**

(1) All medical certificates including all medical examination records with medical history and job details to depict the occupational dust exposure profiles of persons employed or to be employed in a mine shall be retained in the possession of the manager of the mine so long as the person is employed in the mine and for a period of ten years thereafter:

Provided that the manager of a mine where such person is or was employed shall, if so requested by the manager of any other mine where the person is to be employed, send to him all medical certificates with respect to such person.

(2) If the examining authority who conducts medical examination of persons employed or to be employed in any mine, is relieved of his duties regarding medical examination, the medical practitioner shall transfer all records on medical examination in his possession to the manager of the mine concerned.

**29H. Identity of candidates. —**

(1) Every candidate for medical examination under clause (a) of rule 29B shall, at the time of examination handover three unmounted photographs (passport size) of himself to the examining authority. The examining authority, after satisfying itself that each photograph is a likeness of the candidate, shall endorse each of them with the name and father's name or husband's name of the candidate.

(2) The examining authority, shall also record the left hand thumb impression or the signature of

every candidate appearing before it for medical examination on the copies of the medical certificate in Form O.

**29I. Medical examination of women.** — No woman shall, without her consent, be medically examined by a male medical practitioner except in the presence of another woman.

**29J. Appeal for re-examination.** —

(1) Where as a result of an initial medical examination under clause (a), or of a periodical medical examination under clause (b) of rule 29B, a person has been declared unfit for employment in mines or in a particular category of mine or in any specified operations in mine, he may, within thirty days of the receipt by him of a copy of the Certificate referred to in sub-rule (2) of rule 29F, file an appeal with the manager of the mine against declaration aforesaid, and request for a medical re-examination by an Appellate Medical Board constituted under rule 29K.

(2) (a) The manager shall arrange to have the appellant medically re-examined by the Appellate Medical Board within thirty days of the receipt of the appeal, and shall give to the Appellant fifteen days' prior notice of the medical re-examination by the Appellate Medical Board in Form Q.

(b) A person, who for any reasonable cause, fails to submit himself for a medical re-examination in accordance with the notice given to him under clause (a), shall be given another notice in Form R in similar manner.

(c) A person who without reasonable cause, fails to submit himself for a medical re-examination in accordance with a notice given to him under clause (b) shall cease to be in employment at the time or in a particular category of mines or in any specified operations in mine, as the case may be, after the expiry of thirty days from the last date notified for his medical re-examination.

(3) In respect of every medical re-examination by the Appellate Medical Board, the appellant shall pay such fees and the medical examination shall be conducted in such manner as may be determined by the Appellate Medical Board. In case the Appellate Medical Board finds him fit for employment in mines, the fees shall be reimbursed in full to the appellant by the owner of the mine where he is employed.

**29K. Constitution of Appellate Medical Board.** — For the purpose of medical re-examination on

appeal the Appellate Medical Board shall consist of the following officers namely: —

- (a) One duly qualified Medical Officer in the employment of the Directorate General of Mines Safety who shall also act as the Governor of the Board.
- (b) One Medical Officer duly qualified in allopathic system of medicine to be nominated by the Chief Inspector in consultation with the Welfare Organisation set up by the Central Government for the persons employed in the mine.
- (c) One Medical Officer duly qualified in allopathic system of medicine employed in the State or Central Government or a Government Undertaking and not below the rank of Assistant Civil Surgeon:

Provided that if a Medical Officer under clause (b) or clause (c) is not available, the Appellate Medical Board shall be constituted with two persons only.

**29L. Standard and report of medical re-examination by the Appellate Medical Board.** — The Appellate Medical Board shall medically examine the appellant in accordance with the standard laid down in Form P for initial medical examination of workers already in employment as well as periodical medical examination and in accordance with the standard laid down in Form P1 for initial medical examination of the persons to be employed and shall issue to the manager of the mine concerned and to the appellant a medical certificate in Form S.

**29M. Unfit persons not to be employed.** —

(1) Where, as a result of an initial medical examination made under clause (a), or of a periodical medical examination under clause (b) of rule 29B a person has been declared unfit for employment in mines or in a particular category of mines or in any specified operations in mines, he shall not be employed or continue to be employed in mine or in the category of mine or on the operations specified, after the expiry of thirty days from the date of his medical examination unless he has filed an appeal under sub-rule (1) of rule 29J against the declaration.

(2) Where the person concerned has filed an appeal under sub-rule (1) of rule 29J, but has been declared by the Appellate Medical Board, after a medical re-examination, to be unfit for employment in mines or in a particular category of mines or on any specified operations in mines, he shall not be employed or continue to be employed in mine or in the category of mines or on the operations specified, after the expiry of thirty days from the date of his medical re-examination by the Appellate Medical Board:

Provided that, if the Medical Officer carrying out the initial medical examination under clause (a), or the periodical examination under clause (b) of rule 29B, or the Appellate Medical Board carrying out the medical re-examination of persons already in employment is of the opinion that the disability of the person examined is of such a nature and degree that it will not seriously affect or interfere with the normal discharge of his duties, it may recommend his continuation in employment in the mine for a period not exceeding six months during which such person may get his disability cured or controlled and submit himself for another medical examination and be declared fit.

**29N. Compensation for industrial disease.** — If as a result of any medical examination under these rules or under the regulations, a person is found to have contracted any disease specified in Part C of Schedule III to the Workmen's Compensation Act, 1923, the provision of section 3 of the Act shall become applicable in respect of that person.

**29O. Cost of medical examination.** — Subject to the provisions of sub-rule (3) of rule 29J full cost of every medical examination under these rules, shall be borne by the owner of the mine concerned.

**29P. Annual returns.** —

(1) On or before the 20th day of February every year, the manager of every mine shall submit to the Chief Inspector annual returns in respect of the preceding calendar year in Form T.

(2) If a mine is abandoned or working 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-rule (1) shall be submitted within thirty days of abandonment or change of ownership or within ninety days of discontinuance, as the case may be.

## ***CHAPTER V***

### **HEALTH AND SANITATION PROVISIONS**

**30. Quantity of drinking water.** —



- (1) The quantity of drinking water to be provided in a mine or any part thereof shall be on a scale of at least two litres for every person employed at any one time and such drinking water shall be readily available at conveniently accessible points during the whole of the working shift.
- (2) Where 100 persons or more are employed, either above ground or in open cast working, at any one time, an Inspector may by order in writing require the drinking water to be effectively cooled by mechanical or other means available.
- (3) No charge shall be made for the drinking water so supplied.

### **31. Storage of drinking water. —**

- (1) If drinking water is not provided from taps connected with constant water supply system, it shall be kept cool in suitable vessels sheltered from weather and such vessels shall be emptied, cleaned and refilled every day. Steps shall be taken to preserve the water, the storage vessels and the vessels used for drinking water in a clean and hygienic condition.
- (2) If the source of drinking water is not from a public water supply system, an Inspector may by order in writing require the owner, agent or manager of the mine to submit with the least possible delay a certificate from a competent health authority or analyst as to the fitness of the water for human consumption.

**32. Decision of Chief Inspector final. —** If any question arises as to whether water supply arrangements are satisfactory and in accordance with the requirements of section 19 and rules 30 and 31, the decision of the Chief Inspector shall be final.

### **33. Surface latrines and urinals. —**

- (1) On the surface at every mine, adequate latrine and urinal accommodation shall be provided at conveniently accessible places separately for the use of males and females employed in the mine.
- (2) The scale of latrine accommodation shall be at least one seat for every 50 males and at least one seat for every 50 females employed at only one time:

Provided that where sanitary latrines are maintained in bathing places, the number of latrines to be provided under this rule may include such sanitary latrines.

**Note.** —In calculating latrine accommodation, any fraction less than 50 shall be reckoned as 50.

**34. Standards of construction.** — Every latrine on the surface provided for the use of persons employed in a mine shall conform to the following standards of construction: —

- (a) It shall be on a site approved of in writing by an Inspector;
- (b) It shall be built of brick or other suitable building material;
- (c) It shall be adequately drained and properly ventilated and afforded effective protection from the weather;
- (d) It shall be of a type approved of in writing by an Inspector;
- (e) The floor and any interior surface of walls up to a height of 1.25 metres shall be cement punned or otherwise so finished as to provide a smooth impressive surface;
- (f) It shall be partitioned off so as to secure privacy and shall have a proper door and fastenings; and where a latrine intended for the use of one sex adjoins a latrine intended for the use of other sex, the approaches shall be separate;
- (g) Where a latrine is of the service type, the service chamber shall be provided with an efficient trap door and the receptacles for night-soil shall be of galvanised iron;
- (h) The interior walls, ceilings and partitions shall be white-washed once at least in every four months, and the date of such white-washing shall be recorded in a book kept at the mine for the purpose:

Provided that this requirement regarding white-washing shall not apply to those parts of walls, ceilings or partitions which are laid in glazed tiles or otherwise finished so as to provide a smooth polished and

impervious surface but all these parts shall be washed with suitable detergents and disinfectants at least once in every seven days.

**35. Sign-boards to be displayed.** — Where persons of both sexes are employed, there shall be displayed outside each latrine a signboard in the language understood by the majority of workpersons “For Males” or “For Females” as the case may be. Each signboard shall also have the figure of a man or a woman as the case may be.

**36. Provision of water for washing, *etc.*—**

(1) Where a piped water supply is available, a sufficient number of water taps, conveniently accessible, shall be provided in or near such latrines.

(2) If piped water supply is not available, a sufficient quantity of water shall be kept stored in suitable receptacles near such latrines.

**37. Underground latrines.** — If in any mine more than fifty persons are employed underground at any one time, latrines shall be provided underground on a scale approved by an Inspector at convenient points near the working shafts and at entrances to the districts or sections of the mine. The latrines shall be of a type approved of in writing by an Inspector.

**38. Sanitation. —**

(1) At every mine all underground working places and travelling roadways shall be kept clean from excreta.

(2) All latrines and urinals in or about a mine shall be kept in a clean and sanitary condition.

(3) Receptacles for night-soil shall be cleaned and disinfected at least once in every day.

(4) Proper arrangements shall be made on the surface for the disposal of night-soil and urine. Such arrangements shall comply with the requirements of any health authority or Mines Board within whose jurisdiction the mine is situated.

**39. Obligation of workpersons. —**

(1) No person shall wantonly misuse or damage the latrines provided either on the surface or underground.

(2) No person shall pollute the underground working of a mine with excreta. All persons employed underground shall acquaint themselves with the sanitary arrangements provided from time to time in the section of the mine in which they have to work or pass.

***CHAPTER VI***

**FIRST-AID AND MEDICAL APPLIANCES**

**40. Arrangements for training persons in first-aid *etc.*—**

(1) It shall be the duty of the owner, agent or manager of a mine to see that adequate and suitable arrangements are made for the training of persons in first-aid and the provision of such equipments as is prescribed in these rules.

(2) (a) It shall be the duty of the owner, agent or manager to see that adequate and suitable arrangements are made for the speedy removal from the mine to a dispensary or hospital, of persons employed in the mine who while on duty suffers from serious bodily injury or illness of a serious nature.

(b) Unless otherwise approved by an order in writing of the Chief Inspector or an Inspector and subject to such conditions as may be specified therein, the arrangements for the purposes of clause (a) shall be by means of a proper ambulance van, and in case such ambulance van is not readily available in spite of proper and timely requisition, it may be by other suitable motor vehicle in which the person can be taken in a supine condition on a stretcher.

**41. First-aid qualifications. —** No person other than a qualified nurse, dresser, compounder-cum-dresser or medical practitioner shall be appointed to render first-aid or to be in charge of a first-aid station referred to in rule 44 unless he is the holder of a valid first aid certificate of the

standard of St. John's Ambulance Association (India).

**42. First-aid personnel. —**

- (1) The owner, agent or manager of a mine shall see that every first-aid station provided under rule 44 is placed, during every working shift, in charge of a person holding qualifications specified in rule 41. The person in charge of a first-aid station in any shift should be readily available throughout the shift.
- (2) The name and designation of every person appointed to be in charge of a first-aid station shall be prominently displayed at every first-aid station.
- (3) An up-to-date list of persons appointed to be in charge of first-aid stations in the mine shall be kept in the office of the mine and also displayed prominently at the first-aid room.

**43. First-aid rooms. —**

- (1) At every mine employing more than 150 persons on any one day of the preceding calendar year, there shall be provided and maintained in good order a suitable first-aid room.
- (2) The first-aid room shall be situated at a convenient place on the surface of the mine and shall be used only for first-aid work.
- (3) The first-aid room shall have a floor space of not less than 10 square metres and shall contain at least the equipment specified in the Second Schedule.
- (4) (a) The first-aid room shall be in charge of a qualified medical practitioner, where the number of persons ordinarily employed in a mine is more than 1000, such medical practitioner shall be a whole time employee at the mine.  
  
(b) The medical practitioner referred to in clause (a) shall be assisted by a nurse and a dresser or a compounder and a dresser who are qualified in the Allopathic system of medicine. Whenever the Chief

Inspector feels it necessary, he may require by an order in writing that such number of additional nurses or compounders or dressers shall be appointed to assist the medical practitioner as may be specified by him.

(c) The nurse, compounder or dresser referred to in clause (b) shall be whole time employee of the mine and shall be readily available at the first-aid room throughout the period when persons work at the mine:

Provided that where in conformity with any other law in force, or otherwise an adequately equipped hospital or dispensary belonging to the owner of the mine or to any Mines Welfare Organisation is provided and maintained at or in the immediate vicinity of the mine, the Chief Inspector or an Inspector authorised by him in this behalf may grant exemption from the provision of this sub-rule subject to such conditions as he may specify in writing.

(5) Every person who suffers an injury during the course of work shall report for examination or treatment at the first-aid room, hospital or dispensary, as the case may be, before leaving the mine, irrespective of first-aid having been rendered at or near the place of work.

#### **44. First-aid stations. —**

(1) At every mine there shall be provided and maintained first-aid equipment as prescribed in the Third Schedule, at conveniently accessible stations where injured persons may receive first-aid treatment, as follows:

(a) Above ground, a first-aid station—

(i) At the top of every shaft or incline where men or material are normally wound or hauled;

(ii) In every workshop;

(iii) At every screening plant and loading place; and

(iv) At every other place where more than 50 persons are employed at any one time.

- (b) In every opencast working, one first-aid station for every 50 persons or part thereof, employed at any one time; and
- (c) Below ground, one first-aid station—
  - (i) At the bottom of every shaft where men or material are normally wound, and at or near every plant;
  - (ii) Near the drive and of every haulage;
  - (iii) In or at the entrance to every district or section of the mine:

Provided that nothing in this sub-rule shall be construed to require the provision of a first-aid station within 300 metres of another first-aid station.

- (2) It shall be the duty of the person appointed to be in charge of first-aid station under rule 42, to see that the equipment provided at the station is kept in good order and that it is replenished whenever necessary.
- (3) An up-to-date list of all first-aid stations provided in the mine shall be kept in the office of the mine and also displayed prominently at the first-aid room.

**45. Carrying of first-aid outfit by officials.** — Notwithstanding anything contained in rule 42, every overman, foreman, sirdar, mate, shot-firer, blaster, electrician and mechanic in a mine shall hold the first-aid qualifications specified in rule 41 and shall carry, while on duty, a first-aid outfit consisting of one large sterilized dressing, one small sterilized dressing and an ampule of tincture of iodine or other suitable antiseptic, and such outfit shall be securely packed to protect it against dirt and water.

**45A. Medical attention in case of injury.** —

- (1) Every person receiving an injury in the course of his duty shall, as soon as possible, report the

same to an official. Where the person receiving an injury is not in a position to report the same to an official, it shall be the duty of the person who first comes to know of it, to report the same to an official. The official shall make such arrangements for rendering first aid to the injured as may be required. If in the opinion of the official the injury is of such a nature as to require immediate attention by the medical practitioner he shall arrange for the medical practitioner to be called.

(2) If an official who is required to carry a first-aid outfit under rule 45 receives information about injury to a workperson, he shall himself attend to the injured person.

(3) It shall be the duty of the person in charge of the nearest first-aid station provided under rule 44 to render such first-aid to the injured person as may be necessary.

## CHAPTER VII

### EMPLOYMENT OF PERSONS

**46. Persons holding positions of supervision or management *etc.***— For the purpose of section 37, the following shall be deemed to be persons holding position of supervision or management or employed in a confidential capacity: —

- (a) Manager, undermanager, underground manager, assistant manager, ventilation officer and safety officer;
- (b) Mining, electrical and mechanical engineer;
- (c) Overman, foreman, sirdar, and mate;
- (d) Mechanical and electrical foreman and electrical supervisor;
- (e) Surveyor and assistant surveyor;
- (f) Medical officer, chemist, assayer, metallurgist and welfare or personnel officer;



(g) Any other person who in the opinion of the Chief Inspector holds a position of supervision or management.

**47. Weekly day of rest. —**

(1) For the purpose of sections 28 and 29, a day of rest for any person shall mean a period of rest of at least 24 consecutive hours.

(2) There shall be posted up in a conspicuous place outside the office of every mine a notice showing the weekly day of rest. Where the weekly day of rest is not the same day for all persons employed in the mine, the notice shall show the day of rest allowed to each relay, or set of persons, or individual.

**48. Notice regarding hours of work. —**

(1) The notice of hours of work referred to in sub-section (1) of section 36 shall be maintained in Form A.

(2) In addition to the particulars specified in sub-sections (1) and (3) of section 36, the notice shall also show the particulars of the system in which periodical changes of shifts are made for all or each set of persons employed in the mine.

(3) A copy of the notice shall be affixed on the first page in the registers maintained in Forms B, C, D and E.

**49. Compensatory days of rest. —**

(1) The compensatory days of rest to be allowed under sub-section (1) of section 29 shall be so spaced that in any one week not more than two such days shall be allowed to any one person.

(2) On or before the last day of every month, there shall be displayed on a notice board outside the office of the mine a list of all persons who have not been allowed compensatory days of rest during that

month, and the dates on which compensatory days of rest will be allowed to them in the following two months.

(3) In the event of a person being discharged or dismissed, such number of compensatory days as are due to him shall not be reckoned as part of any period of notice to which he is entitled under any rule, award, agreement or contract of service, and he shall be allowed all such compensatory days of rest before the date of his discharge or dismissal.

(4) There shall be maintained at every mine a register of compensatory days of rest in Form F.

**50. Exemption from hours and limitation of employment.** — For the purpose of section 39 of the Act, male adults employed in a mine on any work specified in column 1 of the Fourth Schedule shall be exempted from the provisions of the sections of the Act specified in column 2, subject to such conditions as are specified in column 3.

**51. Termination of employment.** — When the employment of a person in a mine is terminated, whether by way of dismissal, discharge or otherwise, or where such person leaves the employment, the date of such termination or leaving shall be entered against his name in the register maintained in Form B.

**52. Employment of adolescents.** — No adolescent shall be employed in a mine—

(a) Below ground where the dust produced in mining operations is known to constitute a hazard to health; or

(b) In close proximity to any machinery for crushing, screening or preparing mineral or rock for use or sale, where the concentration of dust in the atmosphere constitutes a hazard to health; or

(c) In any operation connected with any machinery involving risk of injury from any moving part either of the machine or any adjacent machine; or

(d) In any work which is unduly arduous; or

- (e) In any apprenticeship or vocational training except under the immediate supervision of a competent adult person: or
- (f) Alone in a place remote from other workpersons.

## ***CHAPTER VIII***

### **LEAVE WITH WAGES AND OVERTIME**

#### **53. Register of leave with wages. —**

- (1) The owner, agent or manager of every mine shall maintain in respect of every employee thereof a record of leave with wages in Forms G and H:

Provided that if the Chief Inspector or an Inspector is of opinion that any muster roll or register maintained in accordance with any other rules for the time being in force contains all the particulars required for the observance of the provisions contained in Chapter VII of the Act, he may, by order in writing, permit the maintenance of such muster roll or register in place of the register in Forms G and H:

Provided further that in the case of a mine exempted under section 56, the Chief Inspector or an Inspector may permit the maintenance of records of leave with wages in such manner as he may approve by order in writing.

- (2) The registers mentioned in sub-rule (1) shall be preserved for a period of two years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been certified by an Inspector that the leave account therein has been properly transferred to the new registers.

#### **54. Information regarding leave with wages. —** On or before the 20th day of February every year the owner, agent or manager of a mine shall exhibit on the notice board at the office of the mine information regarding leave with wages due to each person employed in the mine calculated upto the 1st of January of that year giving the particulars specified in Form L.

**59. Overtime register.** — The register required by sub-section (4) of section 33 shall be maintained in Form I.

**60. Extra wages for overtime.** —

(1) For the purpose of section 33, overtime shall be paid at the end of each wage-period.

(2) In calculating overtime on any day, a fraction of an hour less than 30 minutes shall be ignored and a fraction of 30 minutes or more shall be counted as one hour.

(3) In calculating the ordinary rate of wages or earnings in the case of a person paid by the month, the daily wages shall be  $\frac{1}{26}$ th of his monthly rate of wages, and in the case of any other person it shall be the ordinary rate of his daily wages or earnings as the case may be.

**61. Cases of exemption under section 56.** —

(1) Where an exemption is granted under section 56, the manager shall display at the main entrance of the mine, a notice giving full details of the system established in the mine for leave with wages and shall send a copy of it to the Inspector.

(2) No alteration shall be made in the scheme approved by the Central Government at the time of granting exemption under section 56 without its previous sanction.

## ***CHAPTER IX***

### **WELFARE AMENITIES**

**62. Provision of shelters.** — At every mine where more than 50 persons are ordinarily employed, there shall be provided adequate and suitable shelter at or near loading wharves, opencast workings, workshops and mine entrances where 25 or more persons are ordinarily employed, for taking food and rest:

Provided that any canteen maintained in accordance with these rules may be regarded as part of the requirements of this rule.

**63. Standards of shelters. —** Every shelter shall—

- (a) Have a floor area of not less than 14 square metres; and
  - (i) In the case of a flat roof, a height of not less than 2.5 metres to the lowest part of the roof; and
  - (ii) Where the roof is a sloping one, a height of not less than 1.8 metres to the lowest part of the roof and not less than 2.5 metres to the highest part of the roof;
- (b) Be so constructed as to afford effective protection from the weather;
- (c) Be constantly provided with adequate supply of cool and wholesome drinking water during the working hours of the mine;
- (d) Be kept in a clean and tidy condition.

**64. Provision of Canteens. —**

- (1) At every mine wherein more than 250 persons are ordinarily employed, if the Chief Inspector or an Inspector so requires, there shall be provided and maintained in or adjacent to the precincts of the mine a canteen for the use of all persons employed:

Provided that where the conditions at any mine so require the Chief Inspector or an Inspector may direct that other suitable arrangements approved by him for serving food, drink and other items to the persons employed be provided and maintained in addition to the canteen required under this sub-rule.

- (2) If in any case, the Chief Inspector or Inspector is satisfied that no inconvenience will be caused to the employees concerned if a single canteen is provided to serve neighbouring mines, he may, by an order in writing and subject to such conditions as he may specify therein, authorise the owners, agents or

managers of such mines to provide jointly a single canteen.

**65. Standards of canteen. —**

(1) Every canteen shall—

- (a) Be constructed in accordance with plans and specifications approved by the Chief Inspector or an Inspector;
- (b) Be situated not less than 15 metres from any latrine, urinal, boiler house, engine room, coal heap, ash heap or heap of other material and any other source of dust or smoke;
- (c) Be sufficiently lighted during all hours when open for use;
- (d) Be provided with a washing place for females, suitably separated or screened to secure privacy;
- (e) Be white-washed or colour-washed inside the rooms and passages at least once a year, and woodwork and structural iron or steel work shall be varnished or painted at least once every three years:

Provided that the inside walls of the kitchen shall be white-washed or colour- washed once every four months.

(f) Be provided with receptacles for garbage and have drains to carry away waste water.

(2) The canteen or any part thereof shall not be used or allowed to be used for any other purpose which tends to interfere with the normal or efficient functioning of the canteen.

**66. Furniture and equipment. —** In every canteen there shall be provided and maintained—

(a) Sufficient furniture, utensils and other equipment necessary for its efficient operation;

- (b) An adequate supply of cool and wholesome drinking water;
- (c) Suitable clean clothes for persons cooking and serving food, drink *etc.*

**67. Cleanliness. —**

- (1) The canteen and its precincts shall be kept in a sanitary condition.
- (2) An adequate supply of hot water shall be provided for cleansing utensils and equipment; and all furniture, utensils and other equipment shall be kept clean and in a hygienic condition.

**68. Maintenance of canteens and provision of staff. —**

- (1) Every canteen provided under these rules shall be run by the owner, agent or manager thereof who shall appoint supervisory and other staff sufficient for the proper working of the canteen.
- (2) Notwithstanding anything contained in sub-rule (1), where the workers offer to run the canteen themselves and for this purpose organise a Co-operative Society, they shall be permitted to do so with financial assistance from the management.
- (3) In every such canteen, such food, drink or other articles shall be made available as may be recommended by the Canteen Managing Committee appointed under rule 69.

**69. Canteen Managing Committee. —**

- (1) The owner, agent or manager shall appoint a Canteen Managing Committee, which shall be consulted from time to time, but not less than once a month, as to the management and working of the canteen.
- (2) (a) The Committee shall consist of an equal number of members nominated by the owner,

agent or manager and elected by the persons employed in the mine. The number of elected members shall be on a scale of one for every 1,000 persons employed, provided that the number shall not be more than 5 or less than 2.

(b) The term of office of the elected members shall be two years commencing from the date of the last election, no account being taken of a bye-election.

(c) The owner, agent or manager shall determine the procedure for and supervise the elections to the Committee.

(3) The owner, agent or manager shall appoint either himself or his nominee as ex-officio Chairman of the Committee, and the Chairman shall preside at every meeting of the Committee.

(4) The proceedings of every meeting of the Committee shall be recorded in a minute book and shall be signed by the Chairman.

**70. Prices to be charged.** — Food, drink and other items served in a canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Management Committee. A list of approved prices shall be conspicuously displayed in the canteen in English, Hindi and in the language of the district in which the mine is situated.

**Explanation.** — In calculating the cost of food, drink and other items served in a canteen, expenditure on the following items shall not be taken into account: —

(a) The cost of utensils, including cooking vessels and utensils necessary to serve food to the workmen;

(b) The cost of furniture;

(c) The cost of coal, fuel and electricity; and

(d) The salaries of supervisory and other staff.



**71. Accounts.** — Proper accounts pertaining to the canteen shall be maintained. Such accounts shall be audited once every twelve months by a chartered accountant or auditor, and a balance-sheet shall be submitted to the Canteen Management Committee not later than two months after the date of closing of the accounts.

Provided that the accounts pertaining to the canteen in a mine owned and worked by Government having its own Accounts Department, may be audited by such Department.

**72. Welfare Officers.** —

(1) For every mine wherein 500 or more persons are ordinarily employed, the owner, agent or manager shall appoint a suitably qualified person as Welfare Officer, and where the number of persons so employed in a mine exceeds 2,500, such Welfare Officer shall be assisted by one suitably qualified additional Welfare Officer for every additional 2,000 persons or part thereof employed.

(2) No person shall act as a Welfare Officer of a mine unless he possesses—

(a) A university degree;

(b) A degree or diploma in social science, or social work or labour welfare recognised by the Government for the purpose of this rule, and preferably practical experience of handling labour problems in any industrial undertaking for at least three years; and

(c) A knowledge of the language of the district in which the mine is situated or the language understood by the majority of persons employed in the mine:

Provided that in case of a person already in service as a Welfare Officer in a mine the above qualifications may, with the approval of the Chief Inspector, be relaxed.

(2A) Notwithstanding anything contained in sub-rule (2), the Labour Officers included in the Central Pool under the provisions of the Labour Officers (Central Pool) Recruitment and Conditions of Service Rules, 1951, shall be eligible for appointment as a Welfare Officer in a mine.

(3) Where by reason of temporary absence, illness or any other similar cause, the Welfare Officer is unable to perform his duties, the owner, agent or manager shall authorise in writing a person whom he considers competent, to act in his place:

Provided that no such authority shall have effect for a period in excess of 30 days except with the previous consent of the Chief Inspector or Inspector.

(4) A written notice of every appointment, authorisation, discharge, dismissal, resignation or termination of service of every Welfare Officer and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within seven days from the date of such appointment, authorisation, discharge, dismissal, resignation or termination of service.

(5) The post of Welfare Officer shall be advertised in a newspaper having a wide circulation in the State.

### **73. Duties of Welfare Officer. —**

(1) The duties of Welfare Officer shall be—

(i) To establish contacts and hold consultations with a view to maintain harmonious relations between the management and persons employed in the mine;

(ii) To bring to the notice of the management the grievances of employees, individual as well as collective, with a view to securing their expeditious redressal;

(iii) To promote relations between management and employees, which will ensure productivity efficiency as well as amelioration in the working conditions, and to help workers to adjust and adapt themselves to their working environments;

(iv) To assist in the formation of Works and Joint Production Committees, Co-operative Societies and Safety-First and Welfare Committees and to supervise their work;

(v) To help the management in regulating the grant of leave with wages and explain to the workers

the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of applications for grant of leave for regulating authorised absence;

- (vi) To advise on welfare provisions such as housing facilities, food-stuffs, social and recreational facilities, sanitation, individual personnel problems and education of children;
- (vii) To supervise welfare activities, statutory or otherwise, including education and training of employees;
- (viii) To suggest measures which will tend to raise the standard of living of workers and in general promote their well-being; and
- (ix) To perform any other duty connected with the welfare of the persons employed in the mine.

(2) Notwithstanding anything contained in sub-rule (1), no Welfare Officer shall deal with any disciplinary case against a person employed in a mine, or appear before a Conciliation Officer, Court or Tribunal on behalf of the management of a mine against a person or persons employed in the mine, except when he is required by the Conciliation Officer, Court or Tribunal to appear as an independent witness:

Provided that nothing in this sub-rule shall be deemed to prohibit a person employed in a mine from approaching the Welfare Officer in respect of a grievance arising out of any case of disciplinary action against him.

(3) Every Welfare Officer shall keep the record of his day-to-day work and shall at the end of every year forward to the Chief Inspector through the manager of the mine concerned, a summary of the report of his work during the year.

#### **74. Conditions of service. —**

(1) A Welfare Officer shall be given appropriate status corresponding to the status of the other executive heads of the mine.

(2) The conditions of service of a Welfare Officer shall be the same as of other members of the staff or corresponding status in the mine:

Provided that before the owner, agent or manager discharges or dismisses a Welfare Officer who has satisfactorily completed a probationary period of six months, he shall consult the Chief Inspector or an Inspector authorised in this behalf by the Chief Inspector.

(3) A Welfare Officer shall not be given less than two hundred rupees as his basic pay per mensem.

## ***CHAPTER X***

### **REGISTERS, NOTICES AND RETURNS**

**75. Maintenance and production of reports, registers and other records.** — All reports, registers and other records maintained in pursuance of the regulations, rules or bye-laws, unless otherwise provided for, shall—

- (a) Be kept at an office or the nearest convenient building within the precincts of the mine;
- (b) Be legibly entered in ink in English, Hindi or either the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine;
- (c) Be preserved in original for a period of one calendar year after the date of the last report or entry:

Provided that when the original record is lost or destroyed before the expiry of one year's period, true copies thereof, if available, shall be preserved for the prescribed period;

- (d) Be produced on demand before the Chief Inspector or Inspector or any person authorised in that behalf by the Central Government.

**76. Register of minor accidents.** — The register required by sub-section (3) of section 23 shall be maintained in Form J.

**77. Register of employees.** —The register required by sub-section (1) of section 48 shall be maintained in Form B, keeping separate page for each person employed in the mine.

**77A. Identity tokens.** —

(1) (a) The owner, agent or manager of a mine shall issue, free of cost, to every person employed in the mine, a metal token (hereinafter referred to as token), bearing a number and other particulars by which such person may be identified:

Provided that if any other equally effective system of identification is in force in any mine and Chief Inspector is satisfied of the same he may exempt such mine from the operation of this rule, subject to such conditions as he may deem fit to impose.

(b) No person employed in a mine shall enter or be permitted to enter for work in any part of a mine unless he carries on his person the token issued to him.

(c) The token shall be of such durable and strong material as cannot be easily damaged or defaced.

(d) The token shall be carried by an employee on his person during the time he is on duty.

(e) Where a token is damaged, defaced or lost, due to reasons other than the fault or negligence of the employee concerned a duplicate token shall be issued forthwith to such employee free of charge and such duplicate token shall be stamped **“DUPLICATE”**.

(f) Where a token is damaged, defaced or lost due to the fault or negligence of the employee concerned, a duplicate token stamped **“DUPLICATE”**, shall be issued forthwith and such employee shall be liable to pay fifty per cent of the cost of the duplicate token issued to him.

(2) The token number and other particulars by which the employee may be identified, together with a passport size photograph, shall be entered in the register in Form B prescribed under rule 77.

**78. Register of daily attendance. —**

- (1) The registers required by sub-section (4) of section 48 of persons employed in the mine (a) below ground, (b) in open-cast workings and (c) above ground shall be maintained if Forms C, D, and E respectively.
- (2) The entries in the register maintained in Form C shall be made at the entrance or entrances to the mine, at the time when a person against whose name the entry is made enters or leave the mine.
- (3) The entries in the registers maintained in Forms D and E shall be made at suitable points on the premises of the mine with reasonable despatch, at the commencement and end of the period of work.

**79. Postings of abstracts, bye-laws and notices. —**

- (1) The abstracts of the Act as given in the Fifth Schedule shall be posted up outside the office of every mine in English, Hindi and either the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.
- (2) The bye-laws shall be posted up in the manner required by sub-section (5) of section 61, in English, Hindi and either the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine:

Provided that the Chief Inspector may require the abstracts and the bye-laws to be posted up in any Indian language other than the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.

- (3) Every notice required to be posted up under these rules shall be in English, Hindi and either the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.
- (4) The abstracts, bye-laws and notices required to be posted up by the Act, regulations and rules shall be maintained in a clear and legible condition.

## ***CHAPTER XI***

### **MISCELLANEOUS**

**80. Observance of local time.** — For the purpose of section 4, the local mean time that shall ordinarily be observed in any class or group of mines situated in any local area, specified in column 1 of the Sixth Schedule shall be as specified in column 2 thereof.

**81. Intoxicating drugs and drinks.** —

(1) No intoxicating drink or drug shall be carried or permitted to be carried below ground into the workings of a mine or part.

(2) No person shall, during the course of his employment in or about a mine, possess, carry or consume any intoxicating drink or drug or remain in a state of intoxication or drunkenness.

**82. Occupational diseases—Fees of medical practitioner.** —A medical practitioner making an examination in accordance with sub-section (2) of section 25, shall be paid as follows:

(a) A fee not exceeding rupees sixteen for each clinical examination.

(b) A fee not exceeding rupees sixteen for each x-ray examination.

**83. Mode of payment of fees *etc.*** -The fees or other expenses payable by the owner, agent or manager under these rules shall be paid directly into the treasury or a branch of the State Bank of India, and the receipt of the treasury or bank shall be sent to the Chief Inspector along with the particulars to which the fees or other expenses relate.

**83A. Appeals to the Chief Inspector.** — Against an order made by the Inspector under any of these rules, an appeal shall lie to the Chief Inspector who may confirm or modify or cancel the order. Every such appeal shall be preferred within 30 days of the receipt of the order by the appellant.

## ***CHAPTER XII***

### **RESCISSION AND SAVINGS**

#### **84. Rescission and Savings. —**

(1) All rules framed by State Government under section 30 of Indian Mines Act, 1923, those contained in Chapter II, III and VI of the Mysore Gold Mines Rules, 1953, and those issued *vide* the Government of India notification No. S.R.O. 2403, dated the 12th July, 1954, are hereby rescinded, but all acts done, orders issued and certificates granted or renewed under any rule so rescinded shall, so far as they are not inconsistent with these rules, be deemed to have been respectively done, issued, granted or renewed under these rules.

(2) The rules contained in Chapter IV and V of the Mysore Gold Mines Rules, 1953, shall continue to apply to gold mines in the State of Mysore in addition to these rules.

#### **ANNEXURE I**

##### ***Classification of Accident by Place of Work (Column 5)***

#### **1 *Below Ground***

- 1.1 Development face
- 1.2 Other Development area
- 1.3 Longwall face
- 1.4 Other Depillaring/stopping area
- 1.5 Trammimg roadway
- 1.6 Other rope haulage roadways
- 1.7 Shafts and sinking shafts (including inclined shafts)



1.8 Inclines and Winze

1.9 Others (Specify)

## **2      *Opencast Workings***

2.1 Bottom Bench

2.2 Top of the quarry

2.3 Other benches

2.4 Rope haulage roadways

2.5 Other Transportation roadways

2.6 Others (Specify)

## **3      *Aboveground (Excluding Opencast Workings)***

3.1 Aerial Ropeway-site

3.2 Rope Haulage Roadways

3.3 Other Transportation Roadways

3.4 Railway line belonging to the mine

3.5 Site of ore handling plants (including Screening Plants, Dressing Plants, Crushing Plants, etc.)

3.6 Workshop, Powerhouse and other engine rooms

3.7 Depot

3.8 Others (Specify)

## ***ANNEXURE II***

### ***Classification of Accidents by Cause (Column 6)***

## **1      *Ground movement***

- 1.1 Fall of roof
- 1.2 Fall of sides (other than overhang)
- 1.3 Fall of overhang
- 1.4 Rock Burst or Bump
- 1.5 Air Blast
- 1.6 Premature collapse of workings/pillars
- 1.7 Subsidence
- 1.8 Landslide
- 1.9 Collapse of shaft

## **2      *Transportation Machinery (Winding in shafts)***

## **3      *Transportation Machinery (other than winding in shaft)***

- 3.1 Aerial Ropeway
- 3.2 Rope Haulage
- 3.3 Other Rail Transportation
- 3.4 Mechanical conveyors
- 3.5 Dumpers & other heavy earth movers
- 3.6 Other wheeled trackless means of transportation (Trucks, lorries, *etc.*)

## **4      *Machinery other than Transportation Machinery***

- 4.1 Drills
- 4.2 Coal Cutting Machines
- 4.3 Coal Coaling Machines
- 4.4 Haulage Engine

- 4.5 Winding Engine
- 4.6 Shovels, Draglines, Excavators etc.
- 4.7 Ore Handling Plants (including crushing and screening plants).
- 4.8 Pumps
- 4.9 Others (Specify)

## **5      *Explosives***

## **6      *Electricity***

## **7      *Dust, Gas and other combustible material***

- 7.1 Occurrence of gas
- 7.2 Influx of gas
- 7.3 Suffocation by gases
- 7.4 Explosion or ignition of gas/dust *etc.*
- 7.5 Outbreak of fire or spontaneous heating
- 7.6 Others (Specify)

## **8      *Falls (other than falls of ground)***

- 8.1 Falls of persons from height or into depths
- 8.2 Falls of persons on the same level
- 8.3 Falls of objects other than falls of ground
- 8.4 Other falls (Specify)

## **9      *Other Causes***

- 9.1 Irruption of water
- 9.2 Flying pieces
- 9.3 Extremity caught in between objects
- 9.4 Unclassified (Specify).

## FORM B

***See rules 48(3), 51, 77 and 77A(2)***

- 1. Serial No.
- 2. Name and surname of the employee.
- 3. Father's or Husband's name.
- 4. Age and sex.
- 5. No. and date of the certificate, if any, held under the Mines Vocational Training Rules, 1966.
- 6. (a) Designation of the employee.  
(b) Nature of employment (whether above or below ground, and if above ground whether in open cast working or otherwise).  
(c) Whether employment is permanent or temporary or casual.
- 7. Home Address of the employee, giving Village, Thana, Post Office and District.
- 8. Date of commencement of employment.
- 9. Date of first appointment, with the present owner.
- 10. Date of termination or leaving of employment.
- 11. In case of adolescent reference to certificate of fitness granted under section 40.
- 12. Mark of identification on the body.
- 13. Name, address, relationship of person to be informed in case of accident/emergency.
- 14. Token number and other particulars by which the employee may be identified.
- 15. Passport size photograph of the person employed. Photo
- 16. Signature or Thumb impression of the employee.

17.      Remarks

Signature of Manager.

## FORM M

*See rule 29D (1)*

*Notice of initial/periodical medical examination under rule 29B.*

No.   Date.

Shri/Shrimati ..... Nature of employment \*\* ..... Serial number from Form B Register \*\* son/daughter/wife of\* ....., is hereby notified that he/she\* should present himself/herself\* for an initial periodical\* medical examination, under rule 29B of the Mines Rules, 1955, before ..... (give name of the examining authority) at ..... (give exact description of place) on ..... (give date) at ..... (give time).

Shri/Shrimati \* ..... may note that if he/she\* fails, without reasonable cause, to submit himself/herself\* for the medical examination aforesaid he/she shall not be eligible for appointment/continuance in employment in the mine from .....

Shri/Shrimati \* ..... may further note that he/she\* should bring with him/her\* three unattested photographs of himself/herself\* and the previous medical certificates in Form O if any, issued to him/her\* under rule 29F.

Signature of Manager

..... Mine.

\* Delete whatever is not applicable.

\*\* Necessary only in case of a person already employed in the mine.

In respect of the initial medical examination of a person already employed in a mine and in respect of every periodical medical examination, at least twenty days, prior notice is to be given. In respect of the initial medical examination of a person seeking employment at a mine the period of notice may be shorter.

**Note.**— A copy of the notice shall be sent to the examining authority concerned. In the case of periodical medical examination the copy of medical certificate in Form O shall also be sent.

## FORM N

*See rule 29D (S)*

*Second and final notice of initial/periodical\* medical examination under rule 29B.*

No. Date

Shri/Shrimati\* ....., Nature of employment \*\* ..... Serial number from Form B Register ..... son/daughter/wife of ..... failed to present himself/herself\* for an initial periodical\* medical examination on..... in respect of which he/she\* had been given a notice on .....

He/She\* is hereby again notified that he/she\* should present himself/herself\* for an initial/periodical\* medical examination under rule 29B of the Mines Rules, 1955, before ..... (give name of the examining authority) at ..... (give date) at ..... (give time).

Shri/Shrimati \* ....., may note that if he/she\* fails to submit himself/herself\* for the medical examination aforesaid he/she\* shall not be employed/retained in employment in the mine from .....

Shri/Shrimati \* ..... may further note that he/she\* should bring with him/her\* three unmounted photographs of himself/herself\* and the previous medical certificate in Form O if any, issued to him/her\* under rule 29F.

Signature of Manager

## FORM O

*See rules 29F (2), and 29L*

Report of medical examination under rule 29B

(Issued in triplicate)\*\*

Certificate No.

Certified that Shri/Shrimati\* employed as ..... in ..... mine, Form B No. has been examined for an initial/periodical\* medical examination. He/she\* appears to be ..... years of age. The findings of the examining authority are given in the attached sheet. It is considered that Shri/Shrimati\* .....

- (a) \* Is medically fit for any employment in mines.
- (b) \* Is suffering from ..... and is medically unfit for
  - (i) Any employment in mine; or
  - (ii) Any employment below ground; or
  - (iii) Any employment or work .....
- (c) \* is suffering from ....., should get this disability\* cured/controlled and should be again examined within a period of ..... months. \*He/she will appear for re-examination with the result of test of ..... \*and the opinion of ..... Specialist from ..... He/She\* may be permitted/not\* permitted to carry on his duties during this period.

Space for affixing Passport  
size Photograph of the  
candidate.

Signature of the examining authority

.....

Name and designation in block letters.

Place :

Date :

*Report of the examining authority*

(To be filled in for every medical examination whether initial or periodical or re-examination or after cure/control of disability).

Annexure to Certificate No. .... as a result of medical examination on  
..... Identification Mark.....

Left thumb impression of the candidate.

1. General development. Good/Fair/Poor

2. Height .....Cms.

3. Weight .....Kg.

4. Eyes:

(i) Visual acuity—Distant vision (with or without glasses).

Right eye ..... Left eye.....

(ii) Any organic disease of eyes

\*(iii) Night blindness.



\*(iv) Colour blindness.

\*(v) Squint.

(\*To be tested in special cases)

5. Ears:

(i) Hearing Right ear ..... Left ear .....

(ii) Any organic disease.

6. Respiratory system.

Chest measurement:

(i) After full inspiration ..... cms.

(ii) After full expiration ..... cms.

7. Circulatory system:

Blood pressure.

Pulse.

8. Abdomen:

Tenderness.

Liver.

Spleen.

Tumour.

9. Nervous system:

History of fits or epilepsy.

Paralysis.

Mental health.

10. Locomotor system

11. Skin.

12. Hernia.

13. Hydrocele.
14. Any other abnormality.
15. Urine:

Reaction

Albumin.

Sugar.

16. Skiagram of chest.
17. Any other test considered necessary by the examining authority.
18. Any opinion of specialist considered necessary.

Signature of the examining authority

Place :

## FORM P

*See rules 29F (i) and 29L*

Medical Standard of Fitness for Persons Employed. -

1. The person should be in good mental and bodily health and free from any physical defect likely to interfere with his efficient employment in a mine.
2. ***Skeletal nervous system:*** The limbs should be well formed and developed, and the function of all the limbs should be within normal limits. Any deformity should be recorded. There should be no deformity or paralysis which may interfere with his efficient employment in a mine.
3. ***Skin:*** —There should be no evidence of extensive and chronic skin disease or ulceration. In case of infective type of skin disease, the candidate could be made fit after he has undergone a treatment. All occupational skin diseases should be noted.
4. ***Eye vision should be not less than the following standard:*** —

(1) Better eye 6/12

(2) Worse eye 6/18

(b) There should be no night blindness for persons employed below ground and for persons employed in open cast working in shifts other than in morning shifts.

(c) A person having only one eye which functions normally should not be employed below ground. For employment on surface the vision of such a person in the other eye should be 6/18 with or without glasses.

5. Hearing should be good. Any progressive disease affecting hearing/or occupational deafness should be recorded.

6. Speech must be without serious impediment. Unless this is also accompanied by generalised partial paralysis this should not be a reason for declaring unfit.

7. (a) Respiratory system should be sound and free from any chronic bronchial or laryngeal disease. This however alone should not be a reason to make unfit.

A full sized postero-anterior chest radiograph (large enough to include thoracic inlet and both costophrenic angles) obtained by an X-ray machine of at least 300 mA (A Milli-Ampere) strength shall be evaluated in the manner specified by the Chief Inspector and Lung function tests (spirometry) to record forced vital capacity (FVC) and forced expiratory volume in one second (EFVI) shall be made. There should not be any evidence of active pulmonary disease. If there are evidences of active pulmonary tuberculosis he may be permitted to work if his sputum is negative on repeated examination and on production of a certificate that he is taking treatment from a qualified medical practitioner/Hospital.

8. **Circulatory system:** —There should be no evidence of any heart or vascular disease which may interfere with his efficient employment in a mine.

9. In case the candidate has hernia he may be declared fit after he has been successfully operated for the same.

10. Hydrocele if present should not be large enough to impede the normal activities of the candidate. In such cases he may be declared fit after being successfully operated.

11. The medical examination should include examination of urine and of other system for evidence of disease. Mere presence of albumin and sugar in the urine without any gross organic disease producing signs and symptoms should not be considered as a disability.

## FORM PI

**See rules 29F(1) and 29L**

**Medical standard of fitness for reasons to be employed in mines**

1. The person should be in good mental and bodily health and free from any physical defect likely to interfere with his efficient employment in a mine. Due allowance in the standard should be made for the age of a candidate.
2. **Locomotor system:** —The limbs should be well formed and developed and the function of all the limbs should be within normal limits. Any deformity should be recorded. There should be no deformity or paralysis, which may interfere with his efficient employment in a mine. Any deformity noted should be recorded.
3. **Skin:** —There should be no evidence of extensive and chronic skin disease or ulceration.
4. (a) Distant vision of eye with or without glasses should be not less than the following standard :—

For workers employed For workers employed on surface and in below ground opencast workings

1. Better eye . . . . . 6/12 6/6
2. Worse eye . . . . . 6/18 6/9

- (b) Night blindness should be tested in special cases only in underground workers where the examining authority considers it necessary.
- (c) A person having only one eye which functions normally should not be employed below ground. For employment on surface, the vision of such a person in the other eye should be 6/12 with or without glasses. A person will be considered uniocular when there is physical loss of one eye or when there is functional loss of vision of one eye.
- (d) Colour blindness will be tested only in special cases, where the job requires good colour discrimination. Only low-grade colour perceptions will be tested with Edridge Green's lantern.

- (e) There should not be squint where binocular vision is essential.
  - (f) There should not be any organic disease of the eyes which is likely to affect the distant vision within a period of five years.
5. Hearing should be good. Any progressive disease effecting hearing should be recorded. The candidate should be able to hear conversational voice from a distance of 3 metres.
6. Speech must be without serious impediments.
7. (a) Respiratory system should be sound and free from any chronic laryngeal bronchical pulmonary disease. Tuberculosis of lungs if not active should not be a disqualification.
- (b) A full sized postero-anterior chest radiograph (large enough to include thoracic inlet and both costophrenic angles) obtained by an X-ray machine of at least 300 mA strength shall be evaluated in the manner specified by the Chief Inspector and Lung function tests (spirometry) to record forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) should be made and there should not be any evidence of active pulmonary disease.
8. **Circulatory system:** — There should be no evidence of cardiac or vesicular disease which may interfere with his efficient employment in a mine.
9. There should not be any evidence of disease of abdominal organs, which is likely to affect his efficient discharge of duty in a mine.
10. In case the candidate has hernia he may be declared fit after he has been successfully operated for the same.
11. Hydrocele if present should not be large enough to impede the normal activities of the candidate. In such cases he may be declared fit after being successfully operated.
12. The nervous system should be sound. Persons with history of epilepsy or any other type of organic or historical fits should not be declared fit for employment in a mine.
13. The medical examination should include examination of urine. Mere presence of albumin and sugar in the urine without any gross organic disease producing signs and symptoms should not be a disability.
14. Skiagram of the chest should also be obtained. If it is necessary the medical officer may direct the candidate to obtain the result of special tests or/and the opinion of a specialist from recognised institution/hospital.

**FORM Q**

***See rule 29J(2) (a)***

Notice of medical re-examination by Appellate Medical Board

No. Date

**MEMORANDUM**

Shri/Shrimati\* ....., Nature of employment ..... Serial number from Form B Register ..... son/daughter/wife\* of ....., who has appealed for a re-examination against the findings of a medical examination under rule 29-B of Mines Rules, 1955, that he/she is unfit for:

(a) \*Any employment in mines.

(b) \*Any employment below ....., ground.

(c) \*Any employment on work ..... (specify in detail) is hereby notified that he/she\* should present himself/herself\* for a medical re-examination by the Appellate Medical Board at ..... (give exact description of place) on\*\* ..... (give date) at ..... (give time).

Shri/Shrimati \* ..... may note that if he/she\* fails, without reasonable cause, to submit himself/herself\* for the medical re-examination aforesaid, he/she\* shall not be retained in employment in the mine.

Signature of Manager

.....Mine.

**FORM R**

***See rule 29J(2) (b)***

*Second and final notice of medical re-examination by Appellate Medical Board*

No. Date

**MEMORANDUM**

Shri/Shrimati\* ....., Nature of employment ..... Serial number from Form B Register ..... son/daughter/wife\* of ....., failed to present himself/herself\* for medical re-examination on ..... in respect of which he/she\* had been given a notice on .....

He/She\* is hereby again notified that he/she\* should present himself/herself\* for a medical re-examination by the Appellate Medical Board at ..... (give exact description of place) on\*\* ..... (give date) at ..... (give time).

Shri/Shrimati \* ..... may note that if he/she\* fails to submit himself/herself\* for the medical re-examination aforesaid, he/she\* shall not be retained in employment in the mine.

Signature of Manager

.....mine.

**FORM S**

**(See rule 29L)**

Report of medical re-examination by Appellate Medical Board

\*\**(To be issued in triplicate)*

We do hereby certify that we have examined Shri/Shrimati\* ....., Nature of employment ....., Serial number from Form B Register..... of..... mine, who has been declared medically unfit for

- (a) \*Any employment in mine.
- (b) \*Any employment below ground.
- (c) \*Any employment or work .....

(Specify in detail)

As a result of a medical examination under rule 29B. Our Report is given overleaf.

We consider that—

- 1. He/She\* is medically fit for any employment in mine.
- 2. He/She\* is suffering from ..... and is medically unfit for
  - (a) \*Any employment in mine, or
  - (b) \*Any employment below ground, or
  - (c) \*Any employment or work .....

(Specify in detail)

- 3. He/She is suffering from ..... and should get this disability cured/controlled\* and should be again examined within a period of ..... months. He/she will appear for re-examination within a period of ..... months. He/she will appear for re-examination with the result of test of .....\* and the opinion of ..... specialist from ..... He/she may be permitted/not permitted \*to carry on his/her duties during this period.

(Signature of members of Appellate Medical Board)

Place: 1. .... (Convenor)

Date: 2. .... 3. ....

**REPORT OF THE APPELLATE MEDICAL BOARD**

Annexure to certificate No.....as result of Medical examination identification mark:



On .....

Left thumb impression of the candidate

1. General Development: Good/Fair/Poor
2. Height Cms.
3. Weight Kg.
4. Eyes.

Distant vision (with or without glasses)

Visual acuity

- (ii) Any organic disease of eyes.
- \*(iii) Night blindness.

Right eye ..... Left eye.....

- \*(iv) Colour blindness.
- (v) Squint.

(\*To be tested in special cases)

5. Ears:
  - (i) Hearing ..... Right ear ..... Left ear .....
  - (ii) Any organic disease.
6. Respiratory system.

Chest measurement:

- (i) After full inspiration ..... cms.
- (ii) After full expiration ..... cms.

7. Circulatory system:

Blood pressure.

Pulse.

8. Abdomen:

Tenderness.

Liver.

Spleen.

Tumour.

9. Nervous system:

History of fits or epilepsy.

Paralysis.

Mental health.

10. Locomotor system

11. Skin.

12. Hernia.

13. Hydrocele.

14. Any other abnormality.

Urine:

Reaction

Albumin.

Sugar.

15. Skiagram of chest.

16. Any other test considered necessary by the examining authority.

17. Any opinion of specialist considered necessary.

Place : Signature of the Appellate Medical Board.

## **FORM T**

***See rule 29P(1)***

Annual Return for the year ending on the 31st December

1. Name of Mine .....
2. Postal address of Mine .....
3. Date of opening .....
4. Date of closing (if closed) .....
5. Situation of Mine (District/State)
6. Name of Owner, Postal address of owner
7. Number of persons required to be medically examined .....
8. Number of persons medically examined
9. Number of persons declared medically unfit
10. Categorisation of the persons declared unfit .....

Certified that the information given above is correct to the best of my knowledge.

Signature .....

Designation .

Date

***SECOND SCHEDULE***

***See rule 43(3)***

Equipment of a first-aid room

- (a) A stretcher and a table of convenient height 0.75 metres large enough to place the stretcher on;
- (b) A bench or chairs, and one screen;
- (c) A glazed sinks; with water readily available;
- (d) Soap, towel and nail brush;
- (e) A supply of suitable sterilized dressings, cotton wool, bandages and adhesive plaster;
- (f) A supply of tincture of iodine (2 per cent alcoholic solution) or other antiseptic solution;

- (g) Blankets and hot-water bottles;
- (h) Sets of splints 1.40 metres, 0.90 metre and 0.3 metre, with necessary triangular bandages for applying them;
- (i) A supply of drinking water and a drinking vessel;
- (j) A tourniquet, scissors and safety pins;
- (k) A pair of artery forceps;
- (l) One eyebath;
- (m) Two clinical thermometers;
- (n) One record syringe (5 c.c.)
- (o) An adequate supply of anti-tetanus serum and morphine ampules;
- (p) First-aid boxes or cupboards not less than one for every 150 persons employed in the mine marked with requisites specified in Third Schedule; and
- (q) Stove or other apparatus for boiling water.

### ***THIRD SCHEDULE***

***See rule 44(1)***

#### Requisites of a first-aid station

- (a) A stretcher with two blankets;
- (b) Sets of splints 1.40 metres, 0.90 metre and 0.3 metre, with necessary triangular bandages for applying them;
- (c) First-aid boxes or cupboards not less than one for every 150 persons employed containing at least—
  - (i) A sufficient supply of large and small sterilized dressings and burn dressings;
  - (ii) A sufficient supply of sterilized cotton-wool and of adhesive plaster;
  - (iii) A supply of roller bandages;
  - (iv) A supply of tincture of iodine or other antiseptic solution;
  - (v) A tourniquet, scissors and safety pins; and

- (vi) A piece of carbolic soap.

**Note.**—Each first-aid box or cupboard shall be distinctly marked with the sign of Red Cross and with the words “FIRST-AID”, and nothing except appliances or requisites for first-aid shall be kept in it.

#### ***FOURTH SCHEDULE***

**(See rule 50)**

Exemption from hours and limitation of employment

Not reproduced

#### ***FIFTH SCHEDULE***

**See rule 79(1)**

### **ABSTRACTS OF THE ACT**

#### **Inspectors**

1. Any Inspector may enter and inspect any mine (by day and night) and make such examination and enquiry as may be necessary to determine the condition of the mine and to ascertain whether the provisions of this Act and of the Regulations, Rules and Bye-laws are being observed. If he has reason to believe that these provisions have been or are being contravened, he may search any place and take possession of any material, plan, section, register or other record concerning the mine. (Section 7)
2. Any Government servant, duly authorised by the Chief Inspector or an Inspector may enter any mine for the purpose of surveying, levelling and measuring after giving at least 3 days, notice to the manager. (Section 8)
3. Every owner, agent and manager of a mine shall afford every Inspector and every person

authorised under section 8 all reasonable facilities for making an entry, inspection, survey, measurement, examination or enquiry under this Act. (Section 9)

## **Management of Mines**

4. Every mine shall be under the control, management supervision and direction of one manager having the prescribed qualifications. (Section 17)

5. The owner, agent and manager of every mine shall be responsible 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 and Bye-laws and any order made thereunder. (Section 18)

### **Provision of drinking water, ambulance appliances and latrines**

6. In every mine, both above and below ground—

(a) A sufficient supply of cool and wholesome drinking water shall be provided and maintained at suitable points conveniently situated for all persons employed in the mine. (Section 19)

(b) A sufficient number of first-aid boxes shall be provided and maintained (Section 21)

(c) A sufficient number of latrines and urinals, separately for males and females, shall be provided in every mine at suitable places accessible at all times to all persons employed in the mine. All latrines and urinals shall be maintained in a clean and sanitary condition. (Section 20)

## **Accidents**

7. Where there occurs in or about a mine an accident causing loss of life or serious bodily injury on any dangerous occurrence, a notice in the prescribed form shall be sent to the prescribed authorities and simultaneously a copy of such notice shall be posted at the mine on a special notice board and kept posted for not less than fourteen days from the date of such posting. (Section 23)

8. Where any person employed in a mine contracts any disease connected with mining operations, the owner, agent or manager shall send notice thereof to the Chief Inspector and to such other authorities as may be prescribed. (Section 25)

## **Hours of Limitation of Employment**

9. No person shall work in a mine on more than six days in any one week. (Section 28)
  10. If any person works, as provided under this Act, on any day of rest fixed for him, he should be given a compensatory day of rest within that or the following two months. (Section 29)
  11. No adult shall work above ground in a mine for more than forty-eight hours in any week or normally for more than nine hours in any day and he shall have at least half an hour's rest after working for not more than five hours. The spread-over of the period of work including rest interval shall not normally be more than 12 hours. Consecutive shifts for the same type of workers employed above ground shall not overlap. (Section 30)
  12. No adult shall work below ground in a mine for more than forty-eight hours in any week normally or for more than eight hours in any day . (Section 31)
  13. Where in a mine a person works above ground for more than nine hours or works below ground for more than eight hours on any day, or works for more than forty-eight hours in any week, whether above ground or below ground, he shall get, for such overtime work, wages at the rate of twice his ordinary rate of wages
- “Ordinary rate of wages”, means the basic wages plus any dearness allowance and compensation in cash, including such compensation, if any, accruing through free issue of foodgrains etc., but not including bonus. (Section 33)
14. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding 12 hours. (Section 34)
  15. Except as may be permitted under clauses (a) and (e) of section 39, no person employed in a mine shall be required or allowed to work for more than ten hours in any day, inclusive of overtime. (Section 35)
  16. The manager of every mine shall post outside the office a notice of working hours, and no person shall be allowed to work otherwise than in accordance with the notice. (Section 36)
  17. The provisions regarding weekly day of rest, hours of work above and below ground and of section 36 shall not apply to supervising staff. (Section 37)
  18. In case of an emergency, the manager may permit in accordance with the rules made under section 39, persons to be employed in contravention of the provisions regarding hours of work. (Section 38)

## **Employment of adolescents**

19. No person below 16 years of age shall work underground in a mine. No person aged between 16 and 18 years shall work underground in mine unless he has been certified as fit for work as an adult by a Certifying Surgeon and carries, while at work, token giving a reference to such certificate and he shall

have rest for at least half an hour after not more than four and a half hours of continuous work. He shall not be employed between 6 P.M. and 6 A.M. (Section 40).

20. A certificate of fitness granted or renewed for the purpose of section 10 shall be valid for only 12 months and may be conditional regarding employment in general or regarding the nature of work, and may be revoked by a Certifying Surgeon if the holder of a certificate is no longer fit for the work specified in the certificate. Where a certificate or the renewal of a certificate is refused, a Certifying Surgeon shall state his reason for refusal if the person concerned so requires. The adolescent or his parents shall not be liable to pay any fees for medical examination under section 40 in all cases where he is sent by the manager of the mine in which he will be employed if found fit. (Section 41)

21. An adolescent granted a certificate of fitness and working in a mine shall be considered to be an adult for the purposes of this Act. (Section 42)

22. Where an Inspector is of opinion that any person working in a mine is a child, or is an adolescent without a certificate of fitness, or is an adolescent with a certificate of fitness but no longer fit to work in the capacity stated in the certificate, he may ask the manager not to employ such person till such person has been examined or re-examined as the case may be, by a Certifying Surgeon and declared by him to be an adult or if an adolescent, declared fit. (Section 43)

23. (1) No adolescent who has not been granted a medical certificate certifying that he is fit for work as an adult, shall be employed or permitted to be employed above ground or in a mine—

- (a) For more than four and a half hours in any day, and
- (b) Between the hours of 6 P.M. and 6 A.M.

(2) The period of work of all such adolescents employed in a mine shall be limited to two shifts which shall not be spread over more than five hours each and there shall be no change of shifts except once in a period of thirty days and with the previous permission in writing of the Chief Inspector. (Section 44)

## **Employment of women and children**

24. No person below the age of fifteen years shall be employed in any mine or allowed to be present in any part of a mine, which is below ground or in any opencast working in which any mining work is being done. (Section 45)

25. (1) No woman shall be employed in any part of a mine, which is below ground.

(2) No woman shall be employed in any mine above ground except between the hours of 6 A.M. and 7 P.M.

(3) 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. (Section 46)

## **Registration of workers**

26. (1) For every mine there shall be kept a register of employees showing in respect of each person his or her name with the name of his father or of her husband as the case may be, age, sex, nature of employment, date of commencement of employment, and in case of an adolescent, reference to the certificate of fitness. The entries in the register shall be authenticated by the signature or thumb impression of the person concerned.

(2) There shall also be kept separate attendance register for employees working—

- (a) Below ground;
- (b) Above ground in opencast working; and
- (c) Above ground in other cases;

Showing in respect of each person the name, class or kind of his employment and the hours of shift and the shift to which he belongs. The register of persons employed below ground shall show at any moment the name of every person who is then present below ground in the mine.

(3) No unauthorised person shall enter any opencast working or any working below ground. (Section 48)

## **Leave with wages**

27. (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 sixteen 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-clause (1) shall be deemed to have been 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-clause—

- (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 days on which the employee has worked in a mine for the purpose of computation of the attendance, 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 clause (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-clause (1) or sub-clause (3) shall be added to the leave to be allowed to him under sub-clause (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 that any such person who has applied for leave with wages but has not been given such leave in accordance with sub-clause (6), shall be entitled to carry forward the unavailed leave without any limit.

- (5) Any such person may apply in writing to the manger 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-clauses (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-clause (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 shall 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 is not made within the time specified in sub-clause (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 upto 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 clause 28, 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 a mine shall not be taken into consideration in computing the period of any notice required to be given before the termination of his employment.

**Explanation:—**For the purposes of sub-clauses (1) and (3), any fraction of leave of half a day or more shall be treated as one full day and fraction of less than half a day shall be omitted. (Section 52)

28. For the leave allowed to a person, he shall be paid at a rate equal to the daily average of his total full-time earnings during the month immediately preceeding his leave, exclusive of 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. If figures for his average earnings are not available, the average shall be computed on the basis of the daily average of the total full-time earnings of all persons similarly employed for that month. (Section 53)

29. Any person who has been allowed leave for not less than four days shall be paid wages due for the period of leave allowed before his leave begins. (Section 54)

## **Penalties**

30. Any person obstructing an inspector in the execution of his duties may be punished with imprisonment up to three months or fine up to Rs. 500 or both. (Section 63)

31. Whoever 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, may be punished with imprisonment up to three months or a fine up to Rs. 1,000 or both. (Section 64)

32. Whoever knowingly uses for himself a certificate of fitness granted (under section 40) to some other person or allows a certificate of fitness granted to him to be used by any other person, may be punished with imprisonment up to one month or a fine up to Rs. 200 or both. (Section 65)

33. If any person below 18 years of age is employed in more than one mine on any day, his parents, guardian or custodian may be punished with a fine upto Rs. 50. (Section 68)

34. If any mine is run without a manager, the owner or agent may be punished with imprisonment upto three months or with a fine up to Rs. 2500 or both. (Section 69)

35. Whoever fails to give notice of any accidental occurrence or to post a copy of the notice on a special notice board, may be punished with imprisonment upto three months or a fine upto Rs. 500 or both. (Section 70)

36. No person shall interfere with, misuse or wilfully neglect to make use of any appliance provided for the purpose of health, safety or welfare of the workers, or wilfully do anything likely to endanger himself or others. (Section 2)

37. Whoever contravenes any provision of any regulation or bye-law or of any order made thereunder relating to matters specified in clauses (d), (i), (m), (n), (o), (p), (r), (s) and (u) of section 57 shall be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 2,000 or with both. (Section 72A)

38. Whoever contravenes any order issued under sub-section (1A), or sub-section (2) or sub-section (3) of section 22 shall be punished with imprisonment upto two years and fine up to Rs. 5,000 (Section 72B)

39. Whoever contravenes any provision of the Act or of any regulation, rule or bye-law or of any order made thereunder (other than an order made under sub-section (1A) or sub-section (2) or sub-section (3) of section 22) 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 Rs. 5,000 or with both; or

(b) If such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to Rs. 3,000 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 Rs. 1,000 or with both. (Section 72C)

40. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law, or of any order made thereunder, for which no penalty is expressly provided may be punished with imprisonment upto three months, or a fine up to Rs. 1,000 or both. (Section 73)

41. If any person who has been convicted for any offence other than an offence mentioned in clause 38 or 39 is again convicted for the same offence within two years of the previous conviction, he shall be

punished, for each subsequent conviction, with double the punishment to which he would have been liable for the first contravention of such provisions. (Section 74).

### ***SIXTH SCHEDULE***

**(See rule 80)**

All mines situated in the an hour in advance of Indian  
District of Lakhimpur in the Standard Time.  
State of Assam.