

THE MINES ACT, 1952

(Act No. 35 of 1952)

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THE MINES ACT, 1952

(Act No. 35 of 1952) 1

[15th March, 1952]

An Act to same and consolidate the law relating to the regulation of labour and safety in mines

Be it enacted by Parliament as follows:

1. This Act has been extended to Goa, Daman and Diu with modifications by Regulation 12 of 1962, Sec. 3 and Schedule (w.e.f. 1st October 1963) and to Pondicherry by Act 26 of 1968, Sec. 3 and Schedule (w.e.f. 1st January 1970).

CHAPTER I

Preliminary

1. Short title, extent and commencement. -

(1) This Act may be called the Mines Act, 1952.

(2) It extends to the whole of India 1[* * *].

(3) It shall come into force on such date² or dates as the Central Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States but not later than 31st December, 1953.

1. The words “except the State of Jammu and Kashmir” omitted by Act 25 of 1968, Sec. 2 and Schedule (w.e.f. 15th August, 1968).

2. 1st July, 1952, vide Notifn. No. S.R.O. 967, dated the 27th May 1952, published in the Gazette of India, Pt. II, Sec. 3, p: 869.

2. Definitions. –

1[(1)] In this Act, unless the context otherwise requires, -

2[(a) * * *]

(b) “Adult” means a person who has completed his eighteenth year:

3[(c) “Agent” when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control. supervision or direction of the mine or of any part thereof;]

(d) “Chief Inspector” means the Chief Inspector of Mines appointed under this Act;

3[(e) “Committee” means a committee constituted under Sec. 12;]

(f) “Day” means a period of twenty-four hours beginning at midnight;

(g) “District Magistrate” means, in a Presidency-town, the person appointed by the Central Government

to perform the duties of a District Magistrate under this Act in that town;

3[(h) A person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager whether for wages or not-

(i) In any mining operation (including the concomitant operations of handling and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine);

(ii) In operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations,

(iii) In operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(iv) In operations, within the premises of the mine, of loading for despatch of minerals-,

(v) In any office of the mine:

(vi) In any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or

(vii) In any kind of work whatsoever which is preparatory or incidental to, or connected with, mining operations;].

(i) “Inspector” means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform;

4 [(ii)***]

5[(j) “Mine” means any excavation where any operation for the purpose of searching for or obtaining

minerals has been or is being carried on and includes:

- (i) All borings bore, holes, oil wells and accessory, crude conditioning plants, including the pipe conveying mineral oil within the oilfields,
- (ii) All shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;
- (iii) All levels and inclined planes in the course of being driven;
- (iv) All open cast workings;
- (v) All conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse there from;
- (vi) All adits, levels, planes, machinery, works, railways, tramways, and sidings in or adjacent to and belonging to a mine;
- (vii) All protective works being carried out in or adjacent to a mine;
- (viii) All workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the management;
- (ix) All power stations, transformer Substations, convertor stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
- (x) Any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;
- (xi) Any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;]

(jj) “Minerals” means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicing, quarrying or by any other operation and includes mineral oils (which in turn include natural gas and petroleum)

6[(jjj)* * * *]

(k) 7[“Office of the mine” means an office at the surface of the mine concerned;]

8[(kk) “open cast working” means a quarry, that is to say, an excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground;]

(1) “Owner”, when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver 7[* * *]; but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely proprietor of the mine, subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but 9[any contractor or sub- lessee] for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so As to exempt the owner from any liability;

(m) “Prescribed” means prescribed by rules, regulations or bye-laws, as the case may be;

10[(n) “Qualified medical practitioner” mean a medical practitioner who possesses any recognised medical qualification as defined in Cl. (h) of Sec. 2 of the Indian Medical Council Act, 1956 (102 of 1956), and who is enrolled on a State medical register as defined in Cl. (k) of that section;]

(o) “Regulations”, “rules” and “bye-laws” mean respectively regulations, rules and bye-laws made under this Act;

(p) Where work of the same kind is carried out by two or more sets of persons working during different periods of the day each of such sets is called a “relay” 11[and each of such periods is called a “shift”];

12[(pp) “Reportable injury” means any injury other than a serious bodily injury which involves, or in all probability will involve, the enforced absence of the injured person from work for a period of seventy-two

hours or more ;]

13[(q) “Serious bodily injury” means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot-,

(r) “Week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector or an Inspector.]

11[(2) A person working or employed in or in connection with a mine is said to be working or employed-

(a) “Below ground” if he is working or employed-

(i) In a shaft which has been or is in the course of being sunk; or

(ii) In any excavation which extends below superjacent ground; and

(b) “Above ground” if he is working in an open cast working or in any other manner not specified in Cl.

(a).]

1. Re-numbered as sub-section (1) by Act 62 of 1959, Sec. 2 (w.e.f. 16th January 1960).

2. Clause (a) omitted by Act 42 of 1983, Sec. 2 (w.e.f. 31st May 1984).

3. Subs. by *ibid*.

4. Clause (ii) omitted by Act 42 of 1983, Sec. 2 (w.e.f. 31st May, 1984).

5. Subs. by *ibid*.

6. Clause (jjj) omitted by *ibid*.

7. The words “and in the case of a mine owned by a company, the business whereof is being carried on by a managing agent” omitted by Act 42 of 1983, Sec. 2 (w.e.f. 31st May, 1984).

8. Ins by Act 62 of 1959, Sec. 2 (w.e.f. 16th January, 1960).

9. Subs. by Act 42 of 1983, Sec. 2 for the words “any contractor” (w.e.f. 31st May, 1984).

- 10. Subs. by *ibid.* Sec. 2 for Cl. (n) (w.e.f. 31st May, 1984).**
- 11. Ins. by Act 62 of 1959, Sec. 2 (w.e.f. 16th January, 1960).**
- 12. Ins. by Act 42 of 1983, Sec. 2 (w.e.f. 31st May, 1984).**
- 13. Subs. by Sec. 3, *ibid* (w.e.f. 31st May, 1984).**

1[3. Act not to apply in certain cases. -

- (1) The provisions of this Act except those contained in 2[Secs. 7, 8, 9, 40, 45 and 46] shall not apply to-
 - (a) Any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale:

Provided that-

- (i) Not more than twenty persons are employed on any one day in connection with any such excavation;
- (ii) The depth of the excavation measured from Its highest to its lowest point nowhere exceeds six metres or, in the case of an excavation for coal, fifteen metres; and
- (iii) No part of such excavation extends below superjacent ground; or
- (b) Any mine engaged in the extraction of kankar murrum, laterite, boulder, gravel, shingle, ordinary sand (excluding moulding sand, glass sand and other mineral sands), ordinary clay (excluding kaolin, china clay, white clay or fire clay), building stone 3[Slate], road metal, earth, fullers earth 3[marl chalk] and lime stone:

Provided that-

- (i) The workings do not extend below superjacent ground, or
- (ii) Where it is an open cast working-

- (a) The depth of the excavation measured from its highest to its lowest point nowhere exceeds six metres;
- (b) The number of persons employed on any one day does not exceed fifty; and
- (c) Explosives are not used in connection with the excavation.

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

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

1. Subs. by Act 62 of 1959, Sec. 3, for Sec. 3 (w.e.f 16th January, 1960).

2. Subs. by Act 42 of 1983, Sec. 3 (w.e.f. 31st May, 1984).

3. Ins. by *ibid*.

4. References to time of day. -In this Act, references to time of day are references to Indian Standard Time, being five and a half hours ahead of Greenwich Mean Time:

Provided that, for any area in which Indian Standard Time is not ordinarily observed, the Central Government may make rules, -

- (a) Specifying the area;

- (b) Defining the local mean time ordinarily observed therein; and
- (c) Permitting such time to be observed in all or any of the mines situated in the area.

CHAPTER II

Inspectors and Certifying Surgeons

5. Chief Inspector and Inspectors. -

(1) The Central Government may, by notification in the official Gazette, appoint such a person as possesses the prescribed qualification to be Chief Inspector of Mines for all the territories to which this Act extends and such persons as possess the prescribed qualifications to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders¹ of the Central Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by ²[Sec. 22 or Sec. 22-A] or Sec. 61.

(4) The Chief Inspector and all Inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860 (45 of 1860).

1. For such orders, see Gazette of India, 1953, Pt. II, Sec. 3, p. 1530.

2. Subs. by Act 42 of 1983, Sec. 4, for the words and figures “Sec. 22” (w.e.f. 31st May, 1984).

1[6. Functions of Inspectors. -

- (1) The Chief Inspector may, with the approval of the Central Government and subject to such restrictions or conditions as he may think fit to impose, by order in writing, authorise any Inspector named or any class of Inspectors specified in the order to exercise such of the powers of the Chief Inspector under this Act (other than those relating to appeals) as he may specify,
- (2) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named or any class of Inspectors specified in the order of any power conferred on Inspectors under this Act.
- (3) Subject to the other provisions contained in this section, the Chief Inspector shall declare the local area or areas within which or the group or class of mines with respect to which Inspectors shall exercise their respective powers.]

1. Subs. by Act 62 of 1959. Sec. 4, for Sec. 6 (w.e.f. 16th January, 1960).

7. Powers of Inspectors of Mines. –

- (1) The Chief Inspector and any Inspector may-
 - (a) Make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;
 - (b) With such assistants, if any, as he thinks fit, enter, inspect and examine any mine or any part thereof at any time by day or night:

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

- (c) Examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the health, safety and welfare of the persons employed in the mine, and take whether on the precincts of the mine or elsewhere, statements of any person

which he may consider necessary for carrying out the purposes of this Act;

(d) Exercise such other powers as may be prescribed by regulations made by the Central Government in this behalf-

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself

(2) The Chief Inspector and any Inspector may, if he has reason to believe, as a result of any inspection, examination or inquiry under this section, that an offence under this Act has been or is being committed, search any place and take possession **1**[of any material or any plan, section, register or other record] appertaining to the mine, and the provisions of the **2** [Code of Criminal Procedure, 1973 (2 of 1974)] shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under **2**[Sec. 94] of that Code.

1. Subs. by Act 62 of 1959, Sec. 5, for “of any register or other record” (w.e.f. 16th January, 1960).

2. Subs. by Act 42 of 1983, Sec. 5 (w.e.f. 31st May, 1984).

8. Powers of special officer to enter, measure, etc.-Any person in the service of the Government duly authorised in this behalf by a special order in writing of the Chief Inspector or of an Inspector may, for the purpose of surveying, levelling or measuring any mine **1**[or any output therefrom) after giving not less than three days notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof **2**[or any output therefrom), at any time by day or night :

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

1. Ins. by Sec. 6 ibid (w.e.f. 31st May, 1984).

2. 1957 S.C.R.51.

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

1[9-A. Facilities to be provided for occupational health survey. -

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

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

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

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

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

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

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

behalf:

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

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

1. Ins. by Act 42 of 1983, Sec. 7 (w.e.f. 31st May, 1984).

10. Secrecy of information obtained. -

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

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

(a) Any Court;

~~2~~[(b) A Committee or Court of inquiry constituted or appointed under Sec. 12 or Sec. 24, as the case may be];

(c) An official superior or the owner, agent or manager of the mine concerned;

(d) A Commissioner for workmen's compensation appointed under the Workmen's Compensation Act, 1923 (8 of 1923)

3[(e) The Controller, Indian Bureau of Mines

(f) Any registered or recognised trade union

(g) Such other officer, authority or organisation as may be specified in this behalf by the Central Government;]

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

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

1. Ins. by Sec. 8, *ibid*, (w.e.f. 31st May, 1984).

2. Subs. by Act 42 of 1983, Sec. 8 (w.e.f. 31st May, 1984).

3. Sub-clause (ii) omitted by *ibid*.

11. Certifying surgeon. -

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

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

(3) No person shall be appointed to be, or authorised to exercise the power of, a certifying surgeon, or having been so appointed or authorised, continue to exercise such powers, who is or becomes the owner, agent or manager of a mine, or is or becomes directly or indirectly interested therein, or in any process or

business carried on therein or in any patent or machinery connected therewith, or is otherwise in the employment of the mine.

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

1[(a) * * * *]

(b) The examination of persons engaged in a mine in such dangerous occupation of- processes as may be prescribed;

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

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

2[(ii) * * *]

1. **Clause (a) omitted by Sec. 9, *ibid.***

2. **Sub-clause (ii) omitted by *ibid.***

CHAPTER III

1[Committees

1. **Subs. by Act 42 of 1983, Sec. 10, for the heading and Secs. 12, 13 and 14 (w.e.f. 31st May, 19⁸³).**

12. Committees. -

(1) The Central Government shall, with effect from such date as that Government may, by notification in the official Gazette, specify in this behalf, constitute for the purpose of this Act, a Committee consisting of-

- (a) A person in service of the Government, not being the Chief Inspector or an Inspector, appointed by the Central Government to act as Chairman
- (b) The Chief Inspector of Mines;
- (c) Two persons to represent the interests of miners appointed by the Central Government;
- (d) Two persons to represent the interest of owners of mines appointed by the Central Government;
- (e) Two qualified mining engineers not directly employed in the mining industry appointed by the Central Government:

Provided that one at least of the persons appointed under Cl. (c) shall be for representing the interests of workers in coal mines and one at least of the persons appointed under Cl. (d) shall be for representing the interests of owners of coal mines.

(2) Without prejudice to the generality of sub-section (1), the Central Government may constitute one or more Committees to deal with specific matters relating to any part of the territories to which this Act extends or to a mine or a group of mines and may appoint members thereof and the provisions of sub-section (1) (except the proviso thereto) shall apply for the constitution of any Committee under this sub-section as they apply for the constitution of a Committee under that sub-section.

(3) No act or proceeding of a Committee shall be invalid by reasons only of the existence of any vacancy among its members or any defect in the constitution thereof.

13. Functions of the Committee. -

- (1) The Committee constituted under sub-section (1) of Sec. 12 shall-
 - (a) Consider proposals for making rules and regulations under this Act and make appropriate recommendations to the Central Government;

- (b) Enquire Into such accidents or other matters as may be referred to it by the Central Government from time to time and make reports thereon: and
- (c) Subject to the provisions of sub-section (2), hear and decide such appeals or objections against notices or orders under this Act or the regulations, rules or bye-laws thereunder, as are required, to be referred to it by this Act or as may be prescribed.
- (2) The Chief Inspector shall not take part in the proceedings of the Committee with respect to any appeal or objection against an order or notice made or issued by him or act in relation to any matter pertaining to such appeal or objection as a member of the Committee.

14. Powers, etc. of the Committees. -

- (1) A Committee constituted under Sec. 12 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purposes of discharging its functions under this Act.
- (2) A Committee constituted under Sec. 12 shall, for the purposes of discharging its functions, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely:
 - (a) Discovery and inspection
 - (b) Enforcing the attendance of any person and examining him on oath:
 - (c) Compelling the production of documents; and
 - (d) Such other matters as may be prescribed.]

15. Recovery of expenses. -The Central Government may direct that the expenses of any inquiry conducted by 1[a Committee constituted under Sec. 12] shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate have in Jurisdiction at the place where the mine is situated or where such owner or agent in for the time being resident, be recovered by the distress and sale of any movable

property within the limits of the Magistrate's jurisdiction belonging to such owner or agent:

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

1. Subs. by Act 42 of 1983, Sec. 11, (w.e.f. 31st May, 1984), for the words and figures “a Mining Board constituted under Sec. 12 or by a Committee appointed under Sec. 13”.

CHAPTER IV

Mining Operations and Management of Mines

16. Notice to be given of mining operations. -

(1) The owner, agent or manager of a mine shall before the commencement of any mining operation, give to the Chief Inspector, the 1[Controller,] Indian Bureau of Mines and the District Magistrate of the district in which the mine is situate, notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

(2) Any notice given under sub-section (1) shall be so given as to reach the persons concerned at least one month before the commencement of any mining operation.

1. Subs. by Sec. 12, *ibid*, for the word “Director” (w.e.f. 31st May, 1984).

1[17. Manager. –

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

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

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

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

1. Subs. by Sec. 13, ibid. For Secs. 17 and 18 (w.e.f. 31st March, 1984)

18. Duties and responsibilities of owners, agents and managers. -

(1) The owner and agent of every mine shall each be responsible for making financial and other provisions and for the taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made thereunder.

(2) The responsibility in respect of matters provided for in the rules made under Cls. (b) (e) and (p) of Sec. 58 shall be exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions.

(3) If the carrying out of any instructions given under sub-section (2) or given otherwise than through the manager under sub-section (3) of Sec. 17, results in the contravention of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules, bye-laws and order made thereunder.

(5) In the event of any contravention by any person whosoever of any of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder except those which specifically require any person to do any act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used the due diligence to secure compliance with the provisions and has taken reasonable

means to prevent such contravention :

- (i) The official or officials appointed to perform duties of supervision in respect of the provisions contravened
- (ii) The manager of the mine -
- (iii) The owner and agent of the mine;
- (iv) The person appointed, if any, to carry out the responsibility under sub-section (2)

Provided that any of the persons aforesaid may not be preceded against if it appears on inquiry and Investigation, that he is not prima facie liable.

(6) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of as Act or that a person to carry the responsibility under sub-section (2) has been appointed.]

CHAPTER V

Provisions as to Health and Safety

19. Drinking water.

1[(1) In every mine effective arrangements shall be made to provide and maintain at suitable points conveniently situated a sufficient supply of cool and wholesome drinking water for all persons employed therein:

Provided that in the case of persons employed below ground the Chief Inspector may, in lieu of drinking water being provided and maintained at suitable points permit any other effective arrangements to be made for such supply.]

(2) All such points shall be legibly marked “DRINKING WATER” in a language understood by a majority of the persons employed in the mine and no such point shall be situated within 2[six metres] or any

washing place, urinal or latrine unless a shorter distance is approved in writing by the Chief Inspector.

(3) In respect of all mines or any class or description of mines, the Central Government may make rules for securing compliance with the provisions of sub-sections (1) and (2) and for the examination by prescribed authorities of the supply and distribution of drinking water.

1. Subs. by Act 62 of 1959, Sec. 10, for sub-section (1) (w.e.f. 16th January, 1960).

2. Subs. by Act 42 of 1983, Sec. 14, for the words “twenty feet” (w.e.f 31st May, 1984).

20. Conservancy. -

(1) There shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to persons employed in the mine at all times.

(2) All latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition.

(3) The Central Government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations in this regard of persons employed in the mine) as It may consider necessary in the interests of the health of the persons so employed.

1[21. Medical appliances. –

(1) In every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed.

(2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room.

(3) Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first-aid treatment as may be prescribed and who shall always be readily available during the working hours of the mine.

(4) In every mine there shall be made so as to be readily available such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine, suffer bodily injury or become ill.

(5) In every mine wherein more than one hundred and fifty persons are employed, there shall be provided and maintained a first-aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed.

1. Subs. by Act 62 of 1959, Sec. 11, for Secs.21 and 22 (w.e.f.16th January, 1960).

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

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

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

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

(3) If the Chief Inspector, or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector, is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by order in writing containing a statement of the grounds of his opinion, prohibit, **1**[until he is satisfied that the danger is removed), the employment in or about the mine or any part thereof of any person whose employment is not In his opinion reasonably necessary for the purpose of removing the danger.

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

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

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

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

(6) If the owner, agent or manager of the mine objects to a notice sent under sub-section (1) by the Chief Inspector or to an order made by the Chief Inspector under sub-section (1 -A) or sub-section (2) or sub-section (3) or sub-section (4), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision on appeal, as the case may be, send his objection in writing stating the grounds thereof to the Central Government **3**[which shall, ordinarily within a period of two months from the date of receipt of the objection, refer] the same to a Committee.

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

Provided that the Committee may on the application of the owner, agent or manager, suspend the operation of a **4**[notice] under sub- section (1), pending its decision on the objection.

(8) Nothing in this section shall affect the powers of a Magistrate under Sec. 144 of the Code of Criminal Procedure, 1898 (5 of 1898). 5]

1. Subs. by Sec. 15, *ibid.* (W.e.f 31st May, 1984), for the words “until the danger is removed”.
2. Ins. by Act 42 of 1983, Sec. 15 (w.e.f 31st May, 1984).
3. Subs. by *ibid.*
4. Subs. by Sec. 16, *ibid.* For the word “requisition”
5. See now the Code of Criminal Procedure, 1973 (2 of 1974).

1[22-A. Power to prohibit employment in certain cases. -Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with such provisions, the Chief Inspector may give notice in writing requiring the same to be' complied with within such time as he may specify in the -notice or within such extended period of time as he may, from time to time, specify thereafter.

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

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

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

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

1. Ins. by Act 42 of 1983, Sec. 16 (w.e.f. 31st May, 1984).

23. Notice to be given of accidental –

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

- (a) An accident causing loss of life or serious bodily injury, or
- (b) An explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or
- (c) An influx of inflammable or no²dous gases, or
- (d) A breakage of ropes, chains or other gear by which persons or materials -are lowered or raised in shaft or an incline, or
- (e) An over winding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or
- (f) A premature collapse of any part of the workings, or
- (g) Any other accident, which may be prescribed,

The owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.]

2[(1-A) Whenever there occurs in or about a mine an accident causing reportable injury to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once In a quarter.]

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

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

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

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

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

- 1. Subs. by Act 62 of 1959, Sec. 12, for sub- section (1) (w.e.f. 16th January, 1960).**
- 2. Ins. by Act 42 of 1983, Sec. 17 (w.e.f 31st May, 1984)**
- 3. Subs. by *ibid*.**
- 4. Subs. by Act 62 of 1959, Sec. 12, for certain words (w.e.f. 16th January, 1960).**

24. Power of Government to appoint Court of inquiry in cases of accidents. –

1[(1) When any accident of the nature referred to in any of the clauses of sub-section (1) of Sec. 23 occurs in or about a mine, the Central Government, if it is of opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and

may also appoint one or more persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.]

(2) The person appointed to hold any such inquiry shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects 2[* * * * *].

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

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

1. Subs. by Act 62 of 1959, Sec. 13, for sub-section (1) (w.e.f. 16th January, 1960).

2. Certain words omitted by *ibid*.

25. Notice of certain diseases. –

(1) Where any person employed in a mine contracts any disease¹ notified by the Central Government in official Gazette as a disease connected with mining operations, the owner, agent or manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities, in such form and within such time as may be prescribed.

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

(a) The name and address of the patient.

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

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

(3) Where the report under sub-section (2) is confirmed to the satisfaction to the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief-Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.

(4) If any medical practitioner fails to comply with the provisions of sub-section (2) he shall be punishable with fine, which may extend to fifty rupees.

1. Silicosis and Pneumoconiosis declared as such diseases vide S.R.O. 1306 (21-7-52) published in 1952 Gazette of India Pt. II, Sec. 3, and Manganese Poisoning as such disease vide S.R.O No. 3109(18-12-1956) published in Gazette of India 1956 Pt. II, Sec. 3 and also “(1) Asbestos is and (2) Cancer of lung or stomach or pleura and Peritoneum i.e. mesothelioma” vide S.O. 2521 dt. 26-6-1995.

26. Power to direct investigation of causes of disease. -The Central Government may, if it considers it expedient to do so, appoint a competent person to inquire in to and report to it on any case where a disease notified under sub-section (1) of Sec. 25 has been or is suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The provisions of sub-sections (2) and (3) of Sec. 24 shall apply to an inquiry under this section in the same manner as they apply under that section.

27. Publication of reports. -The Central Government may cause an report submitted by a Committee under 1[Sec. 12] or any report or extracts from any report submitted to it under Sec. 26, and shall cause every report submitted by a Court of inquiry under Sec. 24 to be published at such time and in such manner as it may think fit.

1. Subs. by Act 42 of 1983, Sec. 18 (w. e.f. 31st May, 1984).

CHAPTER VI

Hours and Limitation of Employment

28. Weekly day of rest. -No person shall be allowed to work in a mine on more than six days in any one week.

29. Compensatory days of rest. –

(1) Where in pursuance of action under Sec. 38 or as a result of exempting any mine or the persons employed therein from the provisions of Sec. 28, any person employed therein is deprived of any of the weekly days of rest for which provision is made in Sec. 28, he shall be allowed, within the month in which such days of rest were due to him or within the two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived.

(2) The Central Government may prescribe the manner in which the days of rest for which provision is made in sub- section (1) shall be allowed.

30. Hours of work above ground. –

(1) No adult employed above ground in a mine shall be required or allowed to work for more than forty-eight hours in any week or for more than nine hours in any day:

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

(2) The periods of the work of any such adult shall be so arranged that, along with his interval for rest, they shall not in any day spread-over more than twelve hours, and that he shall not work for more than five hours continuously before he has had an interval for rest of at least half an hour:

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

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

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

1. **Proviso added by Act 62 of 1959, Sec. 14 (w.e.f. 16th January, 1960).**
2. **Subs. by *ibid*, for the proviso.**
3. **Subs. by *ibid*, for sub-section (3).**

1[31. Hours of work below ground. –

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

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

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

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

1. **Subs. by Act 62 of 1959, Sec. 15, for Sec. 31 (w.e.f. 16th January, 1960).**

1[32. Night shift. -Where a person employed in a mine works on a shift, which extends beyond midnight-

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

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

1. Subs. by Sec. 16, *ibid*, for Sec. 32 (w.e.f. 16th January, 1960).

33. Extra wages for overtime. –

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

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

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

Explanation. -For the purpose of this section “ordinary rate of wages” shall have the same meaning as in the Explanation to sub-section (3) of Sec. 9-A.]

3[(3) * * * *]

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

1. Subs. by Sec. 17, *ibid*, for subsection (1) (w.e.f. 16th January, 1960).

2. Subs. by Act 42 of 1983, Sec. 19 (w.e.f. 31st May, 1984), for sub-sections (2) and (3) of the principal Act.

3. Sub-section (3) omitted by *ibid*.

1[**34. Prohibition of employment of certain person.** -No Person shall be required or allowed to work in a

mine if he has already been working in any other mine within the preceding twelve hours]

1. Subs. by Act 62 of 1959, Sec.18, Sec, 34 (w.e.f. 16th January, 1960).

1[35. Limitation of daily hours of work including overtime work. - Save in respect of cases falling within Cls. (a) and (e) of Sec. 39 no person employed in a mine shall be required or allowed to work in the mine for more than ten hours in any day inclusive of overtime.)

1. Subs, by Sec, 29, ibid, for sec. 35 (w.e.f. 16th January, 1960).

36. Notices regarding hours of work. –

(1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of relays, the time of the commencement and of the end of work for each relay.

(2) In the case of a mine at which mining operations commence after the commencement of this Act, the notice referred in sub-section (1) shall be post not less than seven days before the commencement of work.

(3) The notice referred to in sub-section (1) shall also state the time of commencement and of the intervals for the rest for persons employed above ground and a copy thereof shall be sent to the Chief Inspector, if he so requires.

(4) Where it is proposed to make any alternation on the time fixed for the commencement or for the end of work in the mine generally or for any relay or in rest intervals fixed for persons employed above ground, an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change is made, and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change.

(5) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1).

37. Supervising staff. -Nothing in Sec. 28, Sec. 30, Sec. 31, Sec. 34 or 1[sub-section (5) of Sec. 361

shall apply to person, who may be rules by defined to be persons holding positions of supervision or management or employed in a confidential capacity.

1. Subs. by Act 42 of, 1983, Sec. 4, Sch. III for the words and figures “sub-section (4) of Sec. 36”.

38. Exemption from provisions regarding employment. –

(1) In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, or in case of an accident whether actual or apprehended, or in case of any act of God or in case of any urgent work to be done to machinery, plant or equipment, of the mine as the result of breakdown of such machinery, plant or equipment, the manager may, subject to the provisions of Sec. 22 **1**[and Sec. 22-A] and in accordance with the rules under Sec. 39, permit persons to be employed in contravention of Sec. 28, Sec. 30, Sec. 31, Sec. 34 or **2**[sub-section (5) of Sec. 36] on such work as may be necessary to protect the safety of the mine or of the persons employed therein:

Provided that, in case of any urgent work to be done to machinery, plant or equipment under this section the manager may take the action permitted by this section, although the production of **5**[mineral] would thereby be incidentally effected, but any action so taken shall not exceed the limits necessary for the purpose of avoiding serious interference with the ordinary working of the mine.

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

1. Ins. by Act 42 of 1983, sec. 20 (w.e.f 31st May, 1984).

2. Subs. by Act 42 of, 1983, Sec. 4, Sch. III for the words and figures “sub-section (4) of Sec. 36”.

1[39. Power to make exempting rules. -2[The Central Government] may make rules providing for the exemption to such extent, in such circumstances and subject to such conditions as may be specified, from the provisions of Secs, 28, 30, 31, 34 or sub-section (5) of Sec. 36, -

(a) Of all or any of the Persons employed in a mine, where an emergency involving serious risk to the safety of the mine or of the persons employed therein is apprehended;

(b) Of all or any of the persons so employed, in case of an accident, actual or apprehended;

(c) Of all or any of the persons engaged in work of a preparatory or complementary nature, which must necessarily be carried on for the purpose of avoiding serious interference with the ordinary working of the mine;

(d) Of all or any of the persons engaged in urgent repairs; and

(e) Of all or any of the persons employed in any work which for technical reasons must be carried on continuously.]

1. Subs. by Sec. 21 *ibid*, for sec. 39 (w.e.f. 16th January, 1960).

2. Subs. by Act 42 of 1983, Sec. 21, for the words “Save in respect of adolescents, the Central Government” (w.e.f. 31st May, 1984).

1[40. Employment of persons below eighteen year of age. - After the Commencement of the Mines (Amendment) Act, 1983, no person below eighteen. years of age shall be allowed to work in any mine or part thereof.

(2) Notwithstanding anything contained in sub-section (1) apprentices and other trainees, not below sixteen years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager:

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

Explanation. -In this section and in Sec. 43 “apprentice” means an apprentice as defined in Cl. (a) of Sec. 2 of the Apprentices Act, 1961 (52 of 1961)),

1[41. * * * *]

1. Subs. by Act 42 of 1983, sec. 22 (w.e.f. 31st May, 1984).

1[42. * * * *]

1. Section 41 and 42 omitted by sec. 23 *ibid.* (w.e.f. 31st May 1984)

1[43. Power to require medical examination. —

(1) Where an Inspector is of opinion that an person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that an person employed in a mine as an apprentice or other trainee is either below sixteen years of age is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a certifying surgeon and such person shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee, that he is not below sixteen years of age and is fit to work.

(2) Every certificate granted by a certifying, surgeon on a reference under subsection (1) shall, for the purpose of this Act, be conclusive evidence of the matters referred therein.]

1. Subs. by sec. 24, *ibid.* (w.e.f. 31st May 1984).

1[44. * * *]

1. Section 44 omitted by sec 25 *ibid.*, (w.e.f. 31st May, 1984).

1[45. Prohibition of the presence of persons below eighteen years of age in a mine. -Subject to the provisions of sub-section (2) Sec. 40 after such as the Central Government may, by notification in the official Gazette, appoint in this behalf no person below -eighteen years of age shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to, any mining operation is being carried on.]

1. Subs. by sec26, *ibid.*

1[46. Employment of women. -

(1) No woman shall, notwithstanding anything contained in any other law, be employed-

(a) In any part of a mine which is below ground,

(b) In any mine above ground except between the hours of 6 a.m. and 7 p.m.

(2) Every woman employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any one day and the commencement of the next period of employment.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, by notification² in the official Gazette, vary the hours of employment above ground of women in respect of any mine or class or description of mine, so however that no employment of any woman between the hours of 10 p.m. and 5 a.m. is permitted thereby.]

1. Subs, by Act 62 of 1959, sec, 27, for sec. 46 (w.e.f. 16th January, 1960).

2. For such notification see Gazette of India, 1953, Pt. II, Sec. 3, p. 308.

47. Disputes as to age. -Rep. by the Mines (Amendment) Act, 1959 (LXII of 1959), Sec. 28, w.e.f 16th January 1960.]

48. Registers of persons employed. –

1[(1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing in respect of each such person, -

(a) The name of the employee with the name of his father or, of her husband, as the case may be, and such other particulars as may be necessary for purposes of identification;

(b) The age and sex of the employee:

(c) The nature of employment (whether above or below ground and if above ground, whether in open-cast workings or otherwise) and the date of commencement thereof,

2[(d) * * * *;]

(e) Such other particulars as may be prescribed;

And the relevant entries shall be authenticated by the signature or the thumb impression of the person concerned.]

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register.

3[(4) For every mine other than a mine which, for any special reason to be recorded, is exempted by the Central Government by general or special order, there shall be kept in the prescribed form and place separate registers showing each person employed in the mine-

(a) Below ground;

(b) Above ground in open-cast workings; and

(c) Above ground in other cases-

(i) The name of the employee

(ii) The class or kind of his employment;

(iii) Where work is carried on by a system of relays, the shift to which he belongs and the hours of the shift.]

(5) The register of persons employed below ground referred to in sub-section (4) shall show at any moment the name of every person who is then present below ground in the mine.

4[(6) No person shall enter any open-cast working or any working below ground unless he has been permitted by the manager or is authorised under this Act or any other law to do so.]

1. Subs. by Act 62 of 1959, Sec. 29, for sub-section (1) (w.e.f. 16th January, 1960).
2. Clause (d) omitted by Act 42 of 1983, Sec. 27 (w.e.f. 31st May, 1984).
3. Subs. by Act 62 of 1959, Sec. 29, for sub-section (4) (w.e.f. 16th January, 1960).
4. Ins. by *ibid*.

CHAPTER VII

Leave with Wages

1[49. Application of Chapter. -The provisions of this Chapter shall not operate to the prejudice of any right to which a person employed in a mine may be entitled under any other law or under the terms of any award, agreement or contract of service:

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

1. Subs. by Act 62 of 1959, Sec. 30, for “Secs 49 to 56”(w.e.f. 16th January, 1960).
2. Subs. by Act 42 of 1983, Sec. 28 (w.e.f. 31st May, 1984).

50. Leave defined. -For the purposes of this Chapter, leave shall not include weekly days of rest or holidays for festivals or other similar occasions whether occurring during or at either end to the period of

leave.

51. Calendar year defined. -For the purposes of this Chapter, a calendar year shall mean the period of twelve months beginning with the first day of January in any year.

52. Annual leave with wages. -

(1) Every person employed in a mine who has completed a calendar year's service therein shall be allowed, during the subsequent calendar year, leave with wages, calculated, -

(a) In the case of a person employed below ground, at the rate of one day for every 1[fifteen days] of work performed by him, and

(b) In any other case, at the rate of one day for every twenty days of work performed by him.

(2) A calendar year's service referred to in sub-section (1) shall be deemed to have 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-section-

(a) Any days of lay-off by agreement or contract or as permissible under the standing order;

(b) In the case of a female employee, maternity leave for any number of days not exceeding twelve weeks; and

(c) The leave earned in the year prior to that in which the leave is enjoyed; shall be deemed to be the days on which the employee has worked in a mine for the purpose of computation of the attendances, but he shall

not earn leave for these days.

(3) A person whose service commences otherwise than on the first day of January shall be entitled to leave with wages in the subsequent calendar year at the rates specified in sub-section (1), if-

(a) In the case of a person employed below ground in a mine, he has put in attendances for not less than one-half of the total number of days during the remainder of the calendar year; and

(b) In any other case, he has put in attendances for not less than two-thirds of the total number of days during the remainder of the calendar year.

(4) Any leave not taken by a person to which he is entitled in any one calendar year under sub-section (1) or sub-section (3) shall be added to the leave to be allowed to him under sub-section (1) during the succeeding calendar year:

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

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

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

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

(6) An application for such leave made in accordance with sub-section (5) shall not be refused unless the authority empowered to grant the leave is of opinion that owing to the exigencies of the situation the leave should be refused.

(7) If a person employed in a mine wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application for leave is not in made within the time specified in sub-section (5).

(8) If the employment of a person employed in a mine is terminated by the owner, agent or manager of the mine before he has taken the entire leave to which he is entitled up to the day of termination of his employment, or if such person having applied for and having not been granted such leave, quits his employment before he has taken the leave the owner, agent or manager of the mine shall pay him the amount payable under Sec. 53, in respect of the leave not taken, and such payment shall be made, where the employment of the person is terminated by the owner, agent or manager, before the expiry of the second working day after such termination, and where a person himself quits his employment, on or before the next pay day.

(9) The unveiled 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.

2[(10) Where a person employed in a mine is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or his nominee, as the case may be, shall be entitled to wages in lieu of leave due to him calculated at the rate specified in sub-section (1), if-

(a) In the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death, and

(b) In any other case, he has put in attendance for not less than two-thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death,

And payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in Sec. 53, where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge, dismissal, quitting of employment or superannuation, as the case may be, and where the person employed dies while in service, within a period of two months of his death.]

Explanation. -For the purposes of 3[sub-sections (1), (3) and (10)], 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.

1. **Subs. by Sec. 29, ibid for the words “sixteen days”(w.e.f. 31st May, 1984).**
2. **Ins. by Act 42 of 1983, Sec. 29 (w.e. f. 31st May, 1984).**
3. **Subs. by ibid, for the words, brackets and figures “sub-sections (1) and (3)” (w.e.f. 31st May, 1984).**

53. Wages during leave period. -For the leave allowed to a person employed in a mine under Sec. 52, he shall be paid at a rate equal to the daily average of his total full-time earnings for the days on which he was employed during the month immediately preceding his leave, exclusive of any overtime wages and bonus but inclusive of any dearness allowance and compensation in cash including such compensation if any, accruing through the free issue of foodgrains and other articles as persons employed in the mine may, I-or the time being, be entitled to:

Provided that if no such average earnings are available, then the average shall be computed on the basis of the daily average of the total full-time earnings of all persons similarly employed for the same month.

54. Payment in advance in certain cases. -Any person employed in a mine who has been allowed leave for not less than four days, shall, before his leave begins, be paid the wages due for the period of the leave allowed.

55. Mode of recovery of unpaid wages. -Any sum required to be paid by the owner, agent or manager of a mine under this Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the Payment of Wages Act, 1936 (4 of 1936).

56. Power to exempt mines. -Where the Central Government is satisfied that the leave rules applicable to persons employed in any mine provide benefits which in its opinion are not less favourable than those provided for in this Chapter, it may, by order in writing and subject to such conditions as may be specified therein, exempt the mine from all or any of the provisions of his Chapter].

CHAPTER VIII

Regulations, Rules and Byelaws

57. Power of Central Government to make regulations. -The Central Government may, by notification in the official Gazette, make regulations¹ consistent with this Act for all or any any of the following purposes, namely:

- (a) For prescribing the qualifications required for appointment as Chief Inspector or Inspector:
- (b) For prescribing and regulating the duties and powers of the Chief Inspector and of Inspector in regard to the inspection of mines under this Act;
- (c) For prescribing the duties of owners, agents and managers of mines and of persons acting under them, and for prescribing the 2[qualifications (including age) of agents and managers] of mines and of persons acting under them;
- (d) For requiring facilities to be provided for enabling managers of mines and other persons acting under them to (efficiently discharge their duties;
- (e) For regulating the manner of ascertaining, by examination or other-wise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency:
- (f) For fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates;
- (g) For determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications;
- 3[(h) For providing for inquiries to be made under this Act, including any inquiry relating to misconduct or incompetence on the part of any person holding a certificate under this Act and for the suspension or cancellation of any such certificate and for providing, wherever necessary, that the person appointed to hold an inquiry shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects:]
- (i) For regulating, subject to the provisions of the Indian Explosives Act, 1884 (4 of 1884), and of any rules made thereunder, the storage, conveyance and use of explosives:
- 4[(j) For prohibiting, restricting or regulating the employment women of 5[* * *] in mines or in any class of mines or on particular kind of labour which are attended by danger to the life, safety or health of such persons and for limiting the weight of any single load that may be carried by any such person;]

(k) For providing for the safety of the persons employed in a mine, their means of entrance there into and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidence;

(l) For prohibiting the employment in a mine either as manager or in any other specified capacity of any person except persons paid by the owner of the mine and directly answerable to the owner or manager of the mine;

6[(m) For providing for the safety of the roads and working places in mines, including the siting, maintenance and extraction or reduction of pillars or blocks of minerals and the maintenance of sufficient barriers between mine and mine;

(n) For the inspection of workings and scaled off fire-areas in a mine, and for the restriction of workings in the vicinity of the sea or any lake or river or any other body of surface water whether natural or artificial, or of any public road or building, and for requiring due precaution to be taken against the irruption or inrush of water or other liquid matter into, outbreak of fire in or premature collapse of, any workings;]

(o) For providing for the ventilation of mines and the action to be taken in respect of dust, fire, and inflammable and noxious gases, including precautions against spontaneous combustion, underground fire and coal dust;

7[(p) For regulating, subject to the provisions of the Indian Electricity Act, 1910 (9 of 1910), and of any rules made thereunder, the generation, storage, transformation transmission and use of electricity in mines and for providing for the care and regulation of the use of all electrical apparatus and electrical cables in mines and of all other machinery and plant therein;]

8[(q) For regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage road) and for restricting the use of certain classes of locomotives underground;

(r) For providing for proper lighting of mines and regulating the use of safety lamps therein and for the search of persons entering a mine in which safety lamps are in use;

(s) For providing against explosions or ignitions **9**[of inflammable gas or dust] or irruptions of or accumulations of water in mines and against danger arising therefrom and for prohibiting, restricting or

regulating the extraction of minerals in circumstances likely to result in the premature collapse of **9**[workings] or to result in or to aggravate the collapse of **9**[workings] or irruptions of water or ignitions in mines;

(t) **10**[or prescribing under Cl. (g) of sub-section (1) of Sec. 23, the types of accidents had for prescribing the notices) of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted;

11[(u) **12** [for requiring owners, agents and managers of mines, to have fixed boundaries for the mines, for prescribing plans and sections and field notes connected therewith to be kept by them) and the manner and places in which such plans, sections and field notes are to be kept for purposes of record and for the submission of copies thereof to the Chief Inspector; and for requiring the making of fresh surveys and plans by them, and in the event of non-compliance, for having the survey made and plans prepared through any other agency and for the recovery of expenses thereof in the same manner as an arrear of land revenue;]

(v) For regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines **13**[for dealing effectively with the situation];

(w) For prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under Sec. 16;

(x) For prescribing the notice to be-given by the owner, agent or manager of a Mine before mining operations are commenced at or extended to any point within **14**[forty five metres] of any railway subject to the provisions of the Indian Railways Act, 1890 (9 of 1890), or of any **15**[public roads or other works, as the case may be, which are maintained by the Government or any local authority);

(y) For the protection from injury, in respect of any mine when the workings are discontinued, of property vested in the Government or any local authority or railway company as defined in the Indian Railways Act, 1890);

16[(yy) For requiring protective works to be constructed by the owner, agent or manager of a mine before the mine is closed, and in the event of noncompliance, for getting such works executed by any other agency and for recovering the expenses thereof from such owner in the same manner as an arrear of land revenue;]

(z) For requiring the fencing of any mine or part of a mine or any quarry, incline, shaft, pit or outlet, whether the same is being worked or not, or any dangerous or prohibited area, subsidence, haulage, tramline or pathway, where such fencing is necessary for the protection of the public; and

(Zz) Any other matter which has to be or may be prescribed.

1. For the Mysore Gold Mines Regulations 1953, see Gazette of India, 1953 Pt. II, Sec. 3 p. 1504, and for the Coal Mines Regulations, 1957 see Act 42 of 1983 Sec. 29, 1957, Pt. II, Sec. 3, p. 2569.
2. Subs. by Act 62 of 1959, Sec. 31, for the word “qualifications of managers” (w.e.f. 16th January, 1960).
3. Subs. by *ibid*, for Cl. (It) (w.e.f. 16th January, 1960).
4. Subs. by Act 62 of 1959, Sec. 31 for Cl. 0) (w.e.f. 16th January 1960).
5. The words “adolescents and” omitted by Act 42 of 1983, Sec. 30 (w.e.f. 31st May, 1984).
6. Subs. by Act 62 of 1959, Sec. 31, for Cls. (m) and (n) (w. e. f. 16th January, 1960).
7. Subs. by *ibid*, for Cl. (p), (w.e.f. 16th January, 1960).
8. Subs. by Act 42 of 1983, Sec. 30 (w. e. f. 31st May, 1984).
9. Ins. by Act 62 of 1959, Sec. 31 (w.e.f. 16th January, 1960).
10. Subs. by Act Sec. 32, *ibid*, for the words “for prescribing the notices” (w.e.f. 16th January, 1960).
11. Subs. by Sec. 31 Act 62 of 1959, for Cl. (u) (w.e.f. 16th January, 1960).
12. Subs. by Act 42 of 1983, Sec. 30, for certain words (w.e.f. 31st May, 1984).
13. Ins. by *ibid*.
14. Subs. by *ibid*, for the words “fifty-yards” (w.e.f. 31st May, 1984).
15. Subs. by Act 62 of 1959, Sec. 31, for certain words (w. e. f 16th January, 1960).
16. Ins. by Sec. 32, *ibid*.

58. Power of Central Government to make rules. -The Central Government may, by notification in the official Gazette, make rules¹ consistent with this Act for all or any of the following purposes, namely :

2[(a) For providing the term of office and other conditions of service of and the manner of filling vacancies among the members of a Committee and for regulating the procedure to be followed by a Committee for transacting its business];

- (b) For prescribing the form of the register referred to in sub-section (3) of Sec. 23;
- (c) For providing for the appointment of Courts of inquiry under Sec. 24, for regulating the procedure and powers of such Courts for the payment of travelling allowance to the members and for the recovery of the expenses of such Courts **3**[including any other expenses connected with the enquiry] **4**[in the same manner as an arrear of land revenue] from the manager, owner or agent of the mine concerned;
- 5**[(cc) For providing for inspection of mines to be carried out on behalf of the persons employed therein by a technical expert (not less than an overman in status), the facilities therefor, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made:]
- (d) For requiring the maintenance in mines wherein any women are employee or were employed on any day of the preceding twelve months of suitable rooms to be reserved for the use of children tinder the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women employed in the mine, the number and standards of such rooms, and the nature and extent of the amenities to be provided and the supervision to be exercised therein;
- (e) For requiring the maintenance at or near pitheads of bathing places equipped with shower baths and of locker-rooms for the use of men employed in mines and of similar and separate places and rooms for the use of women in mines where women are employed, and for prescribing, either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms;
- (f) For prescribing for the standard of sanitation to be maintained and the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking water **6**[* * *];
- 7**(ff) For providing for the supply and maintenance of medical appliances and comforts and for prescribing the contents and number of first-aid boxes and cupboards, the training in first-aid work, the size and equipment of first-aid rooms and staff in charge thereof and the arrangements for conveyance of injured persons to hospitals or dispensaries;
- (m) For requiring the imparting of practical instruction to, or the training of, persons employed or to be employed in mines otherwise than in a position of supervision or management and for prescribing schemes for such instruction and training;]

- (g) For prohibiting the possession or consumption of intoxicating drinks or drugs in a mine and the entry or presence therein of any person in a drunken state ;
- (h) For prescribing the forms of notices required under Sec. 36, and for requiring such notices to be posted also in specified languages :
- (i) For defining the persons who shall, for the purpose of Sec. 37, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity;
- (j) For prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;

8[(k) * * *]

9[(kk) For requiring persons employed or seeking employment at mines to submit themselves for medical examination and for prohibiting on medical grounds the employment of any person at a mine either absolutely or in a particular capacity or in particular work;]

10[(I) For prescribing the form of registers required by Sec. 48 and the maintenance and form of registers for the purpose of Ch. VII;]

(m) For prescribing **11** abstracts of this Act and of the regulations and rules and the language in which the abstracts and byelaws, shall be posted as required by Sees. 61 and 62;

(n) For requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities To whom they are to be furnished, the particulars to be contained in them, and the times, i6thin which they are to be submitted;

(o) For requiring the provision and maintenance in mines, wherein more than **12**[* * *] fifty persons are ordinarily employed, of adequate and suitable shelters for taking food with provision for drinking water;

(p) For requiring the provision and maintenance in any mine specified in this behalf by the Chief Inspector or Inspector, wherein more than two hundred and fifty persons are ordinarily employed, of a canteen or canteens for the use of such persons;

(q) For requiring the employment in every mine wherein five hundred or more persons are ordinarily employed, of such number of welfare officers as may be specified and for Prescribing the qualifications and the terms and conditions of, and duties to be performed by, such welfare officers;

13[(r) For requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;

(s) For providing for the management of rescue stations;

(sa) For providing for the standards of physical fitness and other qualifications of the persons constituting rescue brigades;

(Sb) Prescribing the places of residence of the persons constituting rescue brigades];

(t) For prescribing the position, equipment, control, maintenance and functions of **14**[* * *] rescue stations;

15[(u) for providing for the levy and collection of a duty of excise (at a rate not exceeding twenty-five paise per tonne) on coke and coal produced in and despatched from mines specified under Cl.

(r), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund shall be utilised and the administration of such fund ;]

(v) For providing for the formation, training, composition and duties of rescue brigades **16**[* * *]; and generally for the conduct of rescue work in mines; **17**[* * *].

18[(vv) For providing for the constitution of safety committees for specified mine or groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety committees; and]

(w) Generally to provide for any matter not provided for by this Act or the regulations, provision for

which is required in order to give effect to this Act.

1. For the Mysore Gold Mines Rules, 1953, see Gazette of India, 1953, Pt. II, Sec. 3: for the Mines Rules, 1955, see *ibid*, 1955, Pt. II, Sec. 3 (i) for the Coal Mines Rescue Rules, 1959, see *ibid*, 1959 Pt. II, Sec. 3 (O); for the Coal Mines Pithead Bath Rules, 1959, see *ibid*, 1959, Pt. II, Sec. 3 (i), for the Mines Vocational Training Rules, 1966, see *ibid*, 1966, Pt. II, Sec. (0, p. 548 and for the Mines Rules. 1966, see *ibid*, 1966, Pt. II, Sec. 3 (i).
2. Subs. by Act 42 of 1983, Sec. 31, for Cl. (a) (w.e.f. 31st May, 1984).
3. Ins. by Act 62 of 1959, Sec. 32 for certain words (w.e.f. 16th January, 1960).
4. Ins. by Act 42 of 1983, Sec. 31 (w.e.f. 31st May, 1984).
5. Ins. by Act 42 of 1983, Sec. 31 (w.e.f. 31st May 1984).
6. Omitted by Act 62 of 1959, Sec. 32 (w.e.f. 16th January, 1960).
7. Ins. by Sec. 32, *ibid*. (w.e.f. 16th January 1960).
8. Clause (k) omitted by Act 42 of 1983, Sec. 31 (w.e.f. 31st May, 1984).
9. Ins. by Act 62 of 1959, Sec. 32 (w.e.f. 16th January, 1960).
10. Subs. for Cl. (1) by *ibid*.
11. For the mines (Posting up of abstracts) Rules, 1954, see Gazette of India, Pt. II1, Sec.3 p. 1787.
12. The words “one hundred and” omitted by Act 62 of 1959, Sec. 3.2 (w. e.f.16th January, 1960).
13. Subs. by Act 42 of 1983, Sec. 31 for Cls. (r) and (s) (w.e.f 31st May 1984).
14. The word “central” omitted by *ibid*. (w.e.f. 31st May 1984).
15. Subs. by *ibid*, for Cl. (u) (w.e.f. 31st May, 1984).
16. The words “and for the terms and conditions of service of persons trained in rescue work employed in mines” omitted by *ibid*.
17. The word “and” omitted by *ibid*.
18. Ins. by *ibid*.
59. Prior publication of regulations and rules. -

(1) The power to make regulations and rules conferred by Secs. 57 and 58 is subject to the condition of the regulations and rules being made after previous publication.

(2) The date to be specified in accordance with Cl. (3) of Sec. 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

1[* * *]

2[(4) No regulation or rule shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (1) of Sec. 12 and unless that Committee has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions].

(5) Regulations and rules shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act.

(6) The provision of sub sections (1), (2) and (4) shall not apply to the first occasion on which rules referred to in Cl. (d) or Cl. (e) of Sec. 58 are made.

3[(7) * * *]

1. Sub-section (3) omitted by Act 62 of 1959, Sec. 33 (w.e.f 16th January, 1960).

2. Subs. by Act 42 of 1983. Sec. 32 (w.e.f 31st May, 1984).

3. Sub-section (7) omitted by *ibid*.

60. Power to make regulation without previous publication. -Notwithstanding anything contained in sub-sections (1), (2) and 1[(4)] of Sec. 59, regulations under 2[* * *] Sec. 57 may be made without previous publication and without 3[* * *] reference to 4[the Committee constituted under sub-section (1) of Sec. 12], if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference:

Provided that any regulations so made 5[shall be sent to the said Committee for information and] shall not remain in force for more than 6[one year] from the making thereof.

1. Subs. by Act 62 of 1959, Sec. 34, for “(3) “ (w.e.f. 16th January 1960)

2. The words, brackets and letters “clause (o and clauses (k) to (s) excluding clause (V” omitted by Sec. 34, [bid. (w.e.f. 16th January 1960)
3. The word “previous” omitted by ibid. (w.e.f. 16th January 1960)
4. Subs. by Act 42 of 1983, Sec. 33, for the words “Mining Boards” (w.e.f. 31st May 1984).
5. Ins. by Sec. 33 ibid. (w.e.f. 31st May 1984)
6. Subs. by 62 of 1959. Sec 34, for “two years” (w.e.f. 16th January 1960)

61. Bye-laws. -

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

(2) If any such owner, agent or manager-

(a) Fails to submit, within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(b) Submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient, the Chief Inspector or Inspector may-

(i) Propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) Propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws

for settlement to the 2[Committee constituted under sub-section (1) of Sec. 12.]

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

1. Subs. by Act 42 of 1983, Sec. 34, for certain words (w.e.f. 31st May, 1984).
2. Subs. by Act 42 of 1983, Sec. 34, for certain words (w.e.f. 31st May, 1984).

1[61-A. Laying of regulations, rules and bye-laws before Parliament. - Every regulation made under Sec. 57, every rule made under Sec. 58 and every bye-law made under Sec. 61 shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, rule or bye-law or both Houses agree that the regulation rule or bye-law should not be made, the regulation, rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation, rule or bye-law as the case may be.]

1. Ins. by Sec. 35, *ibid*, (w.e.f. 31st May 1984)

62. Posting up of abstracts from Act, Regulations, etc, -There shall be kept posted up at or near every mine in English and in such other language or languages as may be prescribed, the prescribed abstracts of the Act and to the regulation and rules.

CHAPTER IX

Penalties and Procedure

63. Obstruction. -

(1) Whoever obstructs Chief Inspector, an Inspector, or any person authorised under Sec. 8 in the discharge of his duties under this Act, or refuses or willfully neglects to afford the Chief Inspector, Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

64. Falsification of records, etc.-Whoever-

- (a) Counterfeits, or knowingly makes a false statement in any certificate, or any official copy of a certificate, granted under this Act, or
- (b) Knowingly uses as true any such counterfeit or false certificate, or
- (c) Makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or
- 1**[(d) Falsifies any plan, section, register or record, the maintenance of which is required by or under this Act or produces before any authority such false plan, section, register or record. knowing the same to be false, or]
- (e) Makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

Shall be punishable with imprisonment for a term, which may extend to three months, or with fine, which may extend to **2**[one thousand rupees], or with both.

- 1. Subs. by Act 62 of 1959, Sec. 35, for Cl. (d) (w.e.f. 16th January, 1960).**
- 2. Subs. by Act 62 of 1959, Sec. 35 for “five hundred rupees” (w.e.f. 16th January, 1960).**

65. Use of false certificate of fitness. -Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under **1**[Sec. 43] a certificate granted to another person under that section, or, having been granted a certificate of fitness to himself under that section, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to **2**[two hundred] rupees, or with both.

- 1. Subs. by Act 42 of 1983, Sec. 36, for the word and figure “Sec. 40” (w.e.f. 3 1st May, 1984).**
- 2. Subs. by Act 62 of 1959, Sec. 36, for “fifty” (w.e.f. 16th January, 1960).**

66. Omission to furnish plan, etc.-Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, 1[section,] return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to 2[one thousand] rupees.

1. Ins. by Sec. 37, *ibid.* (w.e.f. 16th January, 1960).
2. Subs. by *ibid.* for “two hundred” (w.e.f. 16th January, 1960).

67. Contravention of provisions regarding employment of labour. -Whoever, save as permitted by Sec. 38, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to 1[one thousand] rupees, or with both 2[* * *].

1. Subs. by Act 62 of 1959, Sec. 38, for “five hundred” (w.e.f. 16th January, 1960).
2. Omitted by *ibid.* (w.e.f. 16th January 1960)

1[68. Penalty for employment of persons below eighteen years of age. - If a person below eighteen years of age is employed in a mine in contravention of Sec. 40, the owner, agent or manager of such mine shall be punishable with fine, which may extend to five hundred rupees.]

1. Subs. by Act. 42 of 1983 Sec. 37, for Sec. 68 (w.e.f. 31st May. 1984).

69. Failure to appoint manager. -Whoever, in contravention of the provisions of Sec. 17, fails to appoint a manager shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to 1[two thousand and five hundred] rupees, or with both 2[* * *].

1. Subs. by Act 62 of 1959, Sec. 39, for the words “five hundred” (w.e.f. 16th January, 1960).
2. Omitted by Sec. 39, *ibid.*

70. Notice of accidents. -

(1) Whoever in contravention of the provision of sub-section (1) of Sec. 23 fails to give notice of any accidental occurrence or to post a copy of the notice on the special notice board referred to in that sub-section and to keep it there for the period specified shall be punishable with imprisonments for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever in contravention of a direction made by the Central Government under sub-section (3) of Sec. 23 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

71. Owner, etc. to report to Chief Inspector in certain cases. - Where the owner, agent or manager of a mine, as the case may be, has taken proceedings under this Act against any person employed in or about a mine in respect of an offence under this Act, he shall within twenty-one days from the date of the judgment or order of the Court report the result thereof to the Chief Inspector.

72. Obligation of persons employed in a mine. -No person employed in a mine shall-

(a) Willfully interfere with or misuse any appliance, convenience or other thing provided in a mine for the purpose of securing the health, safety or welfare of the persons employed therein;

(b) Wilfully and without reasonable cause do anything likely to endanger him self or others;

(c) Wilfully neglect to make use of any appliance or other thing provided in the mine for the purpose of securing the health, or safety of the persons employed therein.

1[72-A. Special provision for contravention of certain regulations. -Whoever contravenes any provision of any regulation or of any bye-law or of any order made thereunder relating to matters specified in Cls. (d), (i), (m), (n), (o), (p), (r), (s) and (u) of Sec. 57 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

1. Subs. by Act 62 of 1959, Sec. 40, for Secs. 73 and 74 (w.e.f. 16th January, 1960)

72-B. Special provision for contravention of orders under Sec. 22. -Whoever continues to work in a mine in contravention of any order issued under sub-section (I -A), sub-section (2) or sub-section (3) of Sec. 22 2 for under sub-section (2) of Sec. 22-A1 shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five thousand rupees:

1[Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the Court, such fine shall not be less than two thousand rupees.]

1. Ins. by Act 42 of 1983, Sec. 38 (w.e.f. 31st May, 1984).

72-C. Special provision for contravention of law with dangerous results. -

(1) Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder [other than an order made under sub-section (1-A) or sub-section (2) or sub-section (3) of Sec. 22] **1**[or under sub-section (2) of Sec. 22-A] shall be punishable-

(a) If such contravention results in loss of life, with Imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or

(b) If such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to three thousand rupees, or with both, or

(c) If such, contravention otherwise causes injury, or danger to persons employed in the mine or other persons in or about the mine, with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

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

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

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

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

1. Ins. by Act 42 of 1983, Sec. 39 (w.e.f. 31st May, 1984).

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

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

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

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

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

1. Ins. by Act 42 of 1983, Sec. 40 (w.e. f. 31st May, 1984).

2. Subs. by ibid, for the words “Provided that” (w.e.f. 31st May, 1984).

1[76. Determination of owner in certain cases. -Where the owner of a mine is a firm or other association

of individuals, all or any of the partners or members thereof or where the owner of a mine is a company, all or any of the directors thereof or where the owner of a mine is a Government or local authority, all or any of the officers or persons authorised by such Government or local authority, as the case may be, to manage the affairs of the mine, may be prosecuted and punished under this Act for any offence for which the owner of a mine is punishable:]

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

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

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

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

- 1. Subs. by Act 62 of 1959, Sec. 41, for Sec. 76 (w.e.f. 16th January, 1960).**
- 2. Subs. by Act 42 of 1983, Sec. 41, for the proviso (w.e.f. 31st May, 1984).**

77. Exemption of owner, agent or manager from liability in certain cases. -Where the owner, agent or manager of a mine accused of an offence under this Act, alleges that another person is the actual offender, he shall be entitled, upon complaint made by him in this behalf **1**[and on his furnishing the known address of the actual offender and on giving to the prosecutor not less than three clear days' notice in writing of his

intention to do so, to have that other person brought before the Court on the date appointed for the hearing of the case: and if after the commission of the offence has been proved, the owner, agent or manager of the mine, as the case may be, proves to the satisfaction of the Court-

- (a) That he has used due diligence to enforce the execution of the relevant provisions of this Act, and
- (b) That the other person committed the offence in question without his knowledge, consent or connivance,

The said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, agent or manager of the mine, and the owner, agent or manager, as the case may be, shall be acquitted

Provided that-

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

1. Ins. by Act 62 of 1959, Sec. 42 (w.e.f. 16th January, 1960).

78. Power of Court to make orders. -

(1) Where the owner, agent or manager of mine is convicted of an offence punishable under this Act, the Court may, in addition to awarding him any punishment, by order in writing, require him within a period specified in the order (which may be extended by the Court from time to time on application made in this behalf) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the owner, agent or manager of the mine, as the case may be, shall not be liable under this Act in respect of the continuance of the offence during the period or extended period, if any, but if on the expiry of such period or extended period the order of the Court has not been fully complied with, the owner, agent or manager, as the case may be, shall be deemed to have committed a further offence and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or with both.

79. Limitation of prosecutions. -No Court shall take cognizance of any offence under this Act, unless complaint thereof has been made-

(i) Within six months of the date on which the offence is alleged to have been committed, or

(ii) Within six months of the date on which the alleged commission of the offence came to the knowledge of the Inspector, or

1[(ii-a) In any case in which the accused is or was a public servant and previous sanction of the Central Government or of the State Government or of any other authority is necessary for taking cognizance of the offence under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector, or]

(iii) In any case where a Court of inquiry has been appointed by the Central Government under Sec. 24, within **2**[one year] after the date of the publication of the report referred to in sub-section (4) of that section, whichever is later.

3[**Explanation.** -For the purposes of this section, -

(a) In the case of continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues;

(b) Where for the performance of any act time has been extended under this Act, the period of limitation shall be computed from the expiry of the extended period.]

1. Ins. by Act 42 of 1983, Sec. 42 (w.e. f. 31st May, 1984).

2. Subs. by ibid. For the words “six months” (w.e.f. 31st May, 1984)

3. Added by Act 62 of 1959, Sec. 43 (w.e.f. 16th January, 1960).

80. Cognizance of offences. -No Court inferior to that of a 1[Metropolitan Magistrate or Magistrate of the first class) shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

1. Subs. by Act 42 of 1983, Sec. 43, for the words “Presidency Magistrate of the first class” (w.e.f. 31st May, 1984)

1[80-A. * * * *].

1. Omitted by Sec. 44 ibid. (w.e.f 31st May, 1984)

81. Reference to Mining Board or Committee in lieu of prosecution In certain cases. -

(1) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to 2[* * *] a Committee it may stay the criminal proceedings, and report the matter to the Central Government with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the Central Government may refer the case to 1[***] a Committee, or may direct the Court to proceed with the trial.

1. The words “a Mining Board or” omitted by Sec. 45 ibid, (w.e.f. 31st May, 1984).

2. S.K. Banerjee v. State of Bihar, 1996-II B.L.J. 209 at p. 212.

CHAPTER X

Miscellaneous

82. Decision of question whether a mine is under this Act. -If any question arises as to whether any excavation or working 1[or premises in or adjacent to and belonging to a mine, on which any process

ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on] is a mine within the meaning of this Act, the Central Government may decide the question, and a certificate signed by a Secretary to the Central Government shall be conclusive on the point.

1. Ins. By Act 62 of 1959, Sec. 45 (w.e.f. 16th January, 1960)

83. Power to exempt from operation of Act. –

1[(1)] The Central Government may, by notification in the official Gazette, exempt either absolutely or subject to any specified conditions any local area or a mine or group or class of mines or any part of a mine or any class of persons from the operation of **2**[all or any of the provisions of this Act or the regulations, rules or bye-laws]:

Provided that no local area or mine or group or class of mines shall be exempted from the provision of **3**[Secs. 40 and 45] unless it is also exempted from the operation of all the other provisions of this Act.

4[(2)] The Central Government may, by general or special order and subject to such restrictions as it may think fit to impose, authorise the Chief Inspector or any other authority to exempt, subject to any specified conditions, any mine or part thereof from the operation of any of the provisions of the **5**[regulations, rules or bye-laws] if the Chief Inspector or such authority is of opinion that the conditions in any mine or part thereof are such as to render compliance with such provision unnecessary or impracticable.]

1. Re-numbered by Sec. 46, ibid, (w.e.f. 16th January, 1960).

2. Subs. by Act 42 of 1983. Sec. 46, for the words “all or any of the provisions of this Act” (w.e.f. 31st May, 1984).

3 Subs. by ibid. Sec. 46, for the words and figures “Sec. 40”.

4. Ins. by Act 62 of 1959, Sec. 46 (w.e.f. 16th January, 1960).

5. Subs. by Act 42 of 1983, Sec. 46, for the words “regulations or rules under this Act” (w.e.f. 31st May, 1984).

Exemptions under Sec. 83 (1)

S.O. 3699, dated the 22nd November, 1965¹. -In exercise of the powers conferred by sub-section (1) of Sec. 83 of the Mines Act, 1952 (35 of 1952) and in supersession of the notifications of the Government of

India in the Ministry of Labour and Employment No. G.S.R. 975, dated the 11th August, 1960 and S.O. 633, dated the 7th February, 1964, the Central Government hereby exempts the parts of mines and classes of the persons specified in Col. (1) of the Schedule hereto annexed from the operation of the provisions of the said Act as are specified in the corresponding entry in Col. (2) thereof, subject to the conditions, if any, specified in the corresponding entry in Col. (3) thereto:

1. Published in the Gazette of India, Pt. II, Sec. 3 (iii) dated the 27th November 1985.

SCHEDULE

Name of mines and classes of persons exempted	Provisions from which exemption is granted	Condition attached to Exemption
(1)	(2)	(3)

1. (a) All coal washeries forming part of mines except the coal washeries forming part of the West Bokaro Colliery.	All
(b) All coke plants forming part all of mines which have arrangements for recovery of by products.	All
2. The following mines in the States of Assam, West Bengal and Bihar, namely: The crude oil pipe-line from the oilfield of Naharkatia to the petroleum refineries at Noonmati, Gauhati and Barauni owned by M/s. Oil India Ltd.	All
3. The following mines in the State of Madras: The briquetting and Carbonising Plant of M/s. All Neyveli Lignite Corporation Ltd. at Neyveli.	All

4. Stone-crushing plants forming part of the mines situated in greater Bombay wherein ten or more workers are employed or were employed on any day of the preceding twelve months in the crushing and sizing of stone.	All
5. Persons employed on the surface in loading or unloading transport trucks used for transporting ore or other material by road to or from outside destinations or in loading or loading railway wagons and in screening and washing plants and on work of sampling connected therewith.	The provisions contained in Sec. 36

6	Women employed on surface in loading or unloading railway wagons or of sand or in screening and washing plants or in work connected with fighting, isolating and controlling of fires.	The provisions contained in Sec.46.	Provided that no such women so exempted shall be permitted to be employed in such operations between the hours of 10 pm and 5 am and notwithstanding anything contained in sec. 30 (2) there shall be an interval of not less than eleven hours between successive periods of employment.
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7.	Attendants employed on surface in power or boiler houses, engine, motor or compressor rooms, winding, or hoisting, ventilation or air conditioning, mechanical screening, washing, loading or mineral dressing and separating plants, banksmen, signalmen, trammers, lamp checkers and contraband body searchers	Section 28 and sub-section (2) of Sec. 30.	The period of work shall not normally exceed eight hours in any day.
8.	Attendants employed below ground on continuously operated machinery, haulage, engine drivers, pumpmen, on-setters, signmen and bellemen.	Section 28.	

9.	Persons defined in rules as holding positions of supervision or management or employed in confidential capacity.	The provisions contained in Secs. 29, 33, 35 and 36.	Provided that the exemption from Secs. 33 shall not operate to the prejudice of any rights to which such persons may be entitled under the terms of any award, agreement, or contract of service.
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			Provided that Sec. 46, in so far as it prohibits the employment of women except between the hours of 6 a.m and 7 p.m. shall not apply to women employed in pithead baths, crèches and canteens and midwives and nurses employed in hospitals and dispensaries:
10.	Persons employed in welfare services including pithead baths, canteens and creches; in the issuing of foodstuff, in hospitals and dispensaries, in sanitary or consercancy work other than in underground and workshop premises, in :watch and ward” and clerks, accountants, tiem-keepers, register keepers and orderlies on the surface.	All provisions of CH. VI excepting the provisions contained in Secs. 28, 29, 33, 38, 44, 45, 46, and sub-section (1) and (4) of Sec. 48.	<p>Provided that Sec. 46 in so far as it prohibits the employment of women except between the hours of 6 a.m. and 7p.m. shall not apply to women employed in pithead baths, crèches and canteens and midwives and nurses employed in hospitals and dispensaries:</p> <p>Provided further that Sec. 28 shall not apply to nurses, midwives and dais when they are required to attend to any case of child birth.</p>
11.	Women employed in health and welfare services, and who in the course of their duties occasionally have to enter the underground workings of mine for purposes other than work.	Section 46 in so far as it prohibits the employment of women below ground.	Even such woman before entering the working below ground shall be in possession of a pass granted by the manager which shall show the date or dates and hours between which she is permitted to be present below ground.

12.	Persons employed in drilling deep oil wells where such drilling has to be carried on continuously.	All provisions of Chapter IV except Secs. 34, 36, 39, 40, 43, 45, 46 and 48”.	<p>Provided that the said person shall -</p> <p>(i) not be employed for more than twelve hours on any one day ;</p> <p>(ii) be granted rest for a period of not less than twice the number of hours employed, as above (decimal figure to be rounded off ; and</p> <p>(iv) be paid such allowances and other benefits, amounting to not less than the extra wages or overtime that would not be payable to him under Section 33 of the Mines Act, 1952, or admissible under the terms of any award or agreement or of service, whichever is more favourable to him.</p>
13.	Mines (other than oil mines wherein not more than fifty persons are employed and where only prospecting operations are being carried by means of drilling rigs.	All provisions of the Mines Act, 1952, except those contained in Secs. 7, 8, 9, 14, 45 and 46,	

14.	Any mines in which seismic survey operations are carried on by Oil and Natural Gas Commission for so long as the operations are confined to seismic survey.	All.	
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84. Power to alter or rescind orders. –

1[(1)] The Central Government may reverse or modify any order passed under this Act.

2[(2)] The Chief Inspector may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule or bye-laws.

(3) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representation.]

1. Re-numbered by Act 42 of 1983, Sec. 47 (w.e.f. 31st May, 1984).

2. Ins. by *ibid*.

85. Application of Act to mines belonging to Government. -This Act shall **1[also]** apply to mines belonging to the Government.

1. Ins. by Act 62 of 1959, Sec. 47 (w.e.f. 16th January, 1960).

1[85-A. Persons required to give notice, etc. shall legally be bound to do so. -Every person required to give any notice or to furnish any information to any authority under this Act shall be legally bound to do so within the meaning of Sec. 176 of the Indian Penal Code, 1860 (45 of 1860)].

1. Ins. by Sec. 48, ibid.

1[85-B. Signing of returns, notices, etc.-All returns and notices to be furnished or given or communications sent by or on behalf of the owner of a mine in connection with the provisions of this Act or any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine or by any person to whom power in this behalf has been delegated by the owner by a power-of-attorney.

1. Ins. by Act 42 of 1983, Sec. 48 (w.e.f. 31st May, 1984).

85-C. No fee or charge to be realised for facilities and conveniences. - No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act.]

86. Application of certain provisions of Act 63 of 1948 to mines. -The Central Government may, by notification in the official Gazette, direct that the provisions of Chapters III and IV of the Factories Act, 1948 (63 of 1948), shall, subject to such exceptions and restrictions as may be specified in the notification, apply to all mines and the precincts thereof.

87. Protection of action taken in good faith. -No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

88. [Repeal of Act 4 of 1923]. -Rep. by the Repealing and Amending Act, 1957 (36 of 1957), Sec. 2 and Sch.I.

