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INSPECTORS AND CERTIFYING SURGEONS

SECTION 5 – CHIEF INSEPECTOR AND INSPECTORS

- ⦿ The Central Government may , by notification in the official Gazette, appoint such a person as possesses the prescribed qualification to which this Act extends
- ⦿ No person shall be appointed to be Chief Inspectors or an Inspector,
- ⦿ Who is or becomes directly or indirectly interested in any mine or mining rights in India.
- ⦿ The District Magistrate may exercise the powers and perform the duties of an.
- ⦿ Inspector subject to the general or special orders of the Central Government:

(SECTION 6) FUNCTIONS OF INSPECTORS

- ⦿ The chief inspectors may, with the approval of the central government by order in writing authorize 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.
- ⦿ 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.
- ⦿ Subject to the provisions contained in this section, the chief inspector shall declare the local area or areas with in which or the group or class of mines with respect to which inspectors shall exercise their respective powers.

(SECTION 7) POWER OF INSPECTORS OF MINES

1. The chief inspector and any inspector may

- Make such examination and inquiry as he thinks fit, in order to ascertain whether the provisions of this act of the regulations, rules and bye laws and of any orders made there under are observed in the case of any mine.
- With such assistants, if any, as he thinks fit, inspect and examine 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 mine.
- 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.

(SECTION 7) POWER OF INSPECTORS OF MINES

- ◉ 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 of any material or any plane section register other records appertaining to the mine and the provisions of the code of criminal procedure 1973 shall, so far as may be applicable , applied to any search or seizer made

under this act as to apply to any search or seizer made under the authority of a warrant issued under section 94 of the code.

(SECTION-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, leveling or measuring any mine**, 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 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.

(SECTION-9) FACILITIES TO BE AFFORDED TO INSPECTORS

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

(SECTION 9A). 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.
- (3) 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.

(SECTION 9A). FACILITIES TO BE PROVIDED FOR OCCUPATIONAL HEALTH 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 sub-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.**

(SECTION 9A). FACILITIES TO BE PROVIDED FOR OCCUPATIONAL HEALTH SURVEY

- (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.

(SECTION 9A). FACILITIES TO BE PROVIDED FOR OCCUPATIONAL HEALTH SURVEY

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

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

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

(SECTION-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 of any mine under this Act or acquired by any person authorised under **section 8 or section 9A** in the exercise of his duties there under,

shall

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.

- (2) Nothing in sub-section (1) shall apply to the disclosure of any such information to—
- (a) any Court
 - (b) A Committee or court of inquiry constituted or appointed under section 12 or section 24.

(SECTION-10) SECRECY OF INFORMATION OBTAINED

- (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 .
 - (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 to in sub-section (1) discloses, contrary to the provisions of this section, any such information as aforesaid without the consent of the Central Government, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.
- (4) No court shall proceed to the trial of any offence under this section except with the previous sanction of the Central Government.

(SECTION-11) CERTIFYING SURGEONS

- (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 powers 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.

(SECTION-11) CERTIFYING SURGEONS

(4) The certifying surgeon shall carry out such activities.

- ◉ The examination of persons engaged in a mine in such dangerous occupations or processes as may be prescribed.
- ◉ The exercise of such medical supervision as may be prescribed for any mine or class or description of mines where—
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.