

SOS POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

MBA HRD 403

SUBJECT NAME: LABOUR LAW

UNIT V

TOPIC NAME: MINES ACT 1952



MINES ACT 1952

INTRODUCTION

- ▶ The Act is administered by the Ministry of Labour and Employment. The Mines Act, 1952 contains provisions for measures relating to the health, safety and welfare of workers in the coal, metalliferous and oil mines.
- ▶ The Act prescribes the duties of the owner to manage mines and mining operation and the health and safety in mines. It also prescribes the number of working hours in mines, the minimum wage rates, and other related matters.
- ▶ Through the Directorate General of Mines Safety (DGMS). DGMS is the Indian Government regulatory agency for safety in mines and oil-fields.

PRELIMINARY

- ▶ **SEC1**-Short title, extent and commencement
- ▶ This Act may be called the Mines Act, 1952.
- ▶ It extends to whole of India.

SEC2-DEFINITIONS

- ▶ “**Agent**” means every person acting or purporting to act on behalf of the owner, in the management, control, direction or supervision of the mine.


- ▶ **Chief Inspector**” means the Chief Inspector of Mines appointed under this Act;
- ▶ **“Committee**” means a committee constituted under section 12:
- ▶ a person is said to be **“employed**” in a mine who works as the manager or who works
- ▶ under appointment by the owner, agent or manager of the mine or with knowledge of the manager, whether for wages or not.

- ▶ “**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.
- ▶ (ii) all shafts.
- ▶ (iii) all opencast workings, Underground working.


“**minerals**” means all substances which can be obtained from the earth.

- ▶ “**Serious bodily injury**” means any injury which involves; or in probability will involve the permanent loss of any part or section of a body or any permanent physical incapacity.

Act not to apply in certain cases-

- ▶ **Section 3-**
 - ▶ Act not to apply in certain cases. Like Sections 7,8,9,45 and 46 are not to apply
 - ▶ any mine in which excavation is being made for prospecting purpose only, not for obtaining minerals for use or sale.
- 


INSPECTORS AND CERTIFYING SURGEONS

- ▶ **Section 5- Chief Inspector and Inspectors**
 - ▶ (1)The Central Government may, by notification in the official Gazette, appoint such a person as possesses the prescribed qualifications to be Chief Inspector of mines for all the territories to which this Act extends
- 


Sec(5)-Chief Inspector & Inspector

- ▶ (2) No person shall be appointed to be Chief Inspector or an Inspector,
 - ▶ who is or becomes directly or indirectly interested in any mine or mining rights in India.
- ▶ (3) The District Magistrate may exercise the powers and perform the duties of an.
 - ▶ Inspector subject to the general or special orders of the Central Government:


Section 6- Functions of Inspectors

- ▶ The Chief Inspector may, with the approval of the Central Government 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.
 - ▶ 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.
- 


Section 7- Powers of Inspectors of Mines


- ▶ The Chief Inspector and any Inspector may –
 - ▶ make examination and inquiry as he thinks fit, in order to ascertain whether the provisions of this Act made there under are observed.
 - ▶ with such assistants, if any, as he thinks fit, inspect and examine any mine at any time by day or night:
 - ▶ Provided that the power conferred by this clause shall not be exercise in such a manner as unreasonably to impede or obstruct the working of mine.
- 

Section 10- Secrecy of information obtained

- ▶ All copies of, and extracts from registers or other record appertaining to any mine and all other information acquired by the Chief Inspector or an Inspector in the course of the inspection under this Act 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.
- 

Section 11- Certifying Surgeons

- ▶ The Central Government may appoint qualified medical practitioners to be certifying surgeons for the purpose of this Act.
 - ▶ No person shall be appointed to be or authorised to exercise the powers of certifying surgeon
 - ▶ who is or becomes the owner, agent or manager of a mine, or in any process or business carried on there in or machinery connected there with.
- 

- ▶ Certify surgeon Carry out such activity.
 - ▶ the examination of persons engaged in a mine in such dangerous occupations .
 - ▶ 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
- 

COMMITTEES

- ▶ **SEC12-Committees** :- (1) The Central Government shall, with effect from such date as that Government may by notification in the official Gazette, specify in this behalf constitute for the purposes of this Act, a Committee consisting of -
 - ▶ (a) a person in the service of the Government,
 - ▶ (b) the Chief Inspector of mines;
 - ▶ (c) two persons to represent the interests of miners appointed by the Central Government;
 - ▶ (d) two persons to represent the interests of owners of mines appointed by the Central Government;
 - ▶ (e) two qualified mining engineers.

Functions of the committee

- ▶ **SEC(14)**-Powers, etc. of the Committees –
- ▶ (1) A Committee constituted under **section 12** may exercise such of the powers of an Inspector under this Act as it thinks necessary.

MINING OPERATIONS AND MANAGEMENT OF MINES

- ▶ **Section 16(1)- Notice to be given of mining operations**

The owner, agent or manager of mine, before commencement of mining operation is to give notice to Chief Inspector, Controller Indian Bureau of Mines and District Magistrate in writing in form prescribed.

(2) To reach them one month before commencement of mining operation.

MINING OPERATION AND MANAGEMENT OF MINES

Section 17(1)- Manager

- Every mine to be under a sole manager having prescribed qualifications appointed by owner.

Section 18(1)- Duties and responsibilities of owners, agents and managers.

- Owner and agent to be responsible for Control, Direction & Supervision of mines & making financial and other provisions and for taking steps necessary for compliance with provisions of this Act.

PROVISION AS TO HEALTH AND SAFETY

- ▶ **SEC(19)-Drinking water** :In every mine effective arrangement shall be made to provide and maintain at suitable points sufficient of supply of drinking water.
- ▶ The quantity of drinking water to be provided in a mine shall be on a scale of at least **2 litres** for every person employed.
- ▶ **SEC(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.

PROVISIONS AS TO HEALTH AND SAFETY

Section 21- Medical appliances.

- ▶ In every mine there shall be provided during all working hours such number of first-aid boxes.
- ▶ Every first-aid box 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 be holder first aid certificate of the standard of St. John's Ambulance Association of India

Provision As To Health & Safety

- ▶ **SEC(23)- Notice to be given of accidents :-**
- ▶ (1) Whenever there occurs in or about a mine an accident 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.

HOURS AND LIMITATION OF EMPLOYMENT

- ▶ **Section(28)- Weekly day of rest**
- ▶ No person shall be allowed to work in a mine for more than six days in any one week.
- ▶ **Section (30)-** No adult employed above ground in a mine shall be required or allowed to work for more than 48 hours in any week or for more than 9 hours in any day
- ▶
- ▶ **Section(31)- Hours of work below ground**
- ▶ No person employed below ground in a mine shall be allowed to work for more than 48 hours in any week or for more than 8 hours in any day

Wages for overtime

- ▶ SEC(33)-
- ▶ Where in a mine a person works above ground for more than **nine hours** in any day or works below ground for more than **eight hours** in any day or works for more than forty-eight hours in any week. Whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages


Employment of women

- ▶ **SEC(46)- Employment of women :-**
- ▶ (1)- No woman shall be employed-
 - (a) in any part of a mine which is below-ground.
 - (b) In any mine above ground except between the hours 6 am and 7 pm.

LEAVE With Wages

- ▶ **SEC(52)**-Annual leave wages :
- ▶ (1) Every person employed in a mine who has completed a calendar year's service therein shall be allowed, during the subsequent calendar year leave with wages, calculated –
 - (a) in the case of a person employed below ground at the rate of one day for every 15 days of work performed by him,
 - (b) in any other case, at the rate of one day for every 20 days of work performed by him.

Forms for mines act

- ▶ Form- A (Notice of commencement and end of work)
 - ▶ Form –B(Details of employee in open cast working)
 - ▶ Form-C(Register of persons employed below ground during the work)
 - ▶ Form –E (Register of person employed above ground)
 - ▶ Form –F (Register of compensation day of rest)
 - ▶ Form –G (Register of leave account during the calendar year)
 - ▶ Form-I (Register of over time wages)
 - ▶ Form –J (Return of reportable accident)
- 

THANK YOU