

B.A.LL.B 6TH SEM

Labour law 2

THE 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 wages 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

- ❖ Sec.1 - short title, extend and commencement
- ❖ this act may be called the mines act 1952.
- ❖ It extends to whole of India.

SEC. 2 - DEFINITIONS

- “Agent” means every person acting or purposing 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.
- “Day” means a period of twenty four hours beginning at mid night;
- 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 being carried on and includes.
- (1). All borings, bore holes, oil wells.
- (2). All shafts, in or adjacent to and belonging to a mine, where in the course of being sunk or not;
- (3). All opencast workings, underground workings.
- “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 in capacity.

Act not to apply in certain cases-

The provisions of this act:

- According section 3:-
- Act not to apply in certain cases. Like sections 7,8,9,45 and 46 are not to apply
- Any mine or in part thereof in which excavation is being made for prospecting purpose only, not for obtaining minerals for use or sale;

Provided that:

- (1) Not more than twenty persons are employed on any one day in connection with any such excavation.
- (2) No part of such excavation extends below superjacent ground .

INSPECTOR AND CERTIFYING SURGEONS

Section 5- chief inspector and inspectors

- 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
- 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.
- The district magistrate may exercise the powers and performs the duties of an inspector subject to the general or special orders of the central government;

SECTION 6- FUNCTIONS OF INSPECTOR

- ❑ The chief inspector may, with the approval of the central government by order in writing; authorities any inspector specified in the order to exercise such of the powers of the chief inspector under this act.
- ❑ The chief inspectors may by order in writing, prohibit or restrict the exercise by any inspector named or any class of inspector specified in the order of any power conferred on inspectors under this act.

Section 7- powers of inspector of mines

- The chief inspector and any inspector may-
- Make examination and inquiry as he think 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 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 no 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 exercise the power 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. (To be continued....)