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**Topic – Hours & Limitation of Employment**

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# **HOURS AND LIMITATION OF EMPLOYMENT**

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## **Section 28- Weekly day of rest.—**

No person shall be allowed to work in a mine on more than six days in any one week.

## **Section 29- Compensatory days of rest.—**

(1) Where in pursuance of action under section 38 or as a result of exempting any mine or the persons employed therein from the provisions of section 28, any person employed therein is deprived of any of the weekly days of rest for which provision is made in section 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.

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## section 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 9 hours in any day.
- (2) The periods of 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.
- (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 .

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## **Section 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 8 hours in any day.
  
- (2) 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 section 48.

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**section 32. Night shift.—Where a person employed in a mine works on a shift which extends beyond midnight—**

- (a) for the purposes of sections 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.

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## Section 33. Extra wages for overtime.—

- (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 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, the period of overtime work being calculated on a daily basis or weekly basis, whichever is more favourable to him.
- (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 overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person.

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## **Section 34. Prohibition of employment of certain persons.—**

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.

## **Section 35. Limitation of daily hours of work including overtime work.—**

Save in respect of cases falling within clause (a) and clause (e) of section 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.



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## Section 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 to in sub-section (1) shall be posted 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 the commencement and of the intervals for 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 alteration in the time fixed for the commencement or for the end of work in the mine generally or for any relay or in the 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).

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## **Section 37. Supervising staff.—**

Nothing in section 28, section 30, section 31, section 34 or sub-section (5) of section 36, shall apply to persons who may by rules be defined to be, persons, holding positions of supervision or management or employed in a confidential capacity.

## **Section 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 break-down of such machinery, plant or equipment, the manager may, subject to the provisions of section 22 & section 22A and in accordance with the rules under section 39.
- (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 .

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## Section 39. Power to make exempting rules.—

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 sections 28, 30, 31, 34 or sub-section (5) of section 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.
- (e) of all or any of the persons employed in any work which for technical reasons must be carried on continuously.

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## **Section 40. Employment of persons below eighteen years of age.—**

- (1) After the commencement of the Mines (Amendment) Act, 1983 (42 of 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.

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## **Section 43. Power to require medical examination.—**

- (1) Where an Inspector is of opinion that any person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below sixteen years of age or 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 sub-section (1), shall, for the purpose of this Act, be conclusive evidence of the matters referred therein.

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## **Section 45. Prohibition of the presence of persons below eighteen years of age in a mine.—**

Subject to the provisions of sub-section (2) of section 40, after such date 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

## **Section 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 notification 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 .

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## **Section 48. Registers of persons employed.—**

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

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- (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.
- (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 in respect of each person employed in the mine—
  - (a) below ground.
  - (b) above ground in open cast workings.
  - (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) 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.
- (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.



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