

LABOUR LAW 2
BA.LL.B VI SEM.

MINES ACT 1952

HOURS AND LIMITATIONS 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 hrs. in any day.

WAGES FOR OVERTIME

- SECTION 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 respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages.
- 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.

- Sec.35: limitation of daily hours of work including over time 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 allow to work in the mine for more than ten hours in any day inclusive of overtime.
- Section 37 – supervising staff :-
- Nothing in sec. 28, 30, 31, 34 or sub sec.(5) of section 6 shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employment in a confidential capacity.

Employment of persons below eighteen years of age:-

- After the commencement of the mine (amendment) act, 1983, no person below eighteen years of age shall be allowed to work in any mine or part thereof.
- 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 sec 43, “apprentices” means an apprentice as defined in clause (a) of sec.2 of apprentices act 1961.

Section 43 power of require medical examination :-

- Where an inspector is of opinion that any person employed in a mine otherwise than as 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 this 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.
- 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.

Employment of women

- Section 46 : employment of women
- No woman shall be employed :
 - In any part of mine which is below ground.
 - In any mine above ground except between the hours 6 am and 7 pm.

Leave with wages (section 52) :

- Every person employed in a mine who has completed a calendar years service therein shall be allowed, during the subsequent calendar years leave with wages, calculated –
 - In the case of a person employed below ground at the rate of one day for every 15 days of work performed by him.
 - In any other case, at the rate of one day for every 20 days of work performed by him.

Payment in advance in certain cases: section 54

- Any person employed in a mine who has allowed leave for not less than four days shall before his leave begins be paid the wages due for the periods of the leave allowed.

Mode of recovery of unpaid wages section 55:-

- 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 or the payment of wages act 1936.

Power to exempt mines - section 56 :

- 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 the chapter.
- To be continued.....