

Mines Act, 1952

Chapter I - Preliminary

(1) This Act may be called the Mines Act, 1952.

(2) I extends to the whole of India 1 [***]

(3) It shall come into force on such date 2 or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States but not later than 31st December, 1953.

1. The words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, section 2 and Schedule (w.e.f. 15-8-1968).

2. Came into force on 1-7-1952, vide Notification No. S.R.O. 967, dated 27th May, 1952, published in the Gazette of India, 1952, Pt. II, section 3, p. 869.

Section 2 - Definitions

1 [(1)] In this Act, unless the context otherwise requires,--

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(b) "adult" means a person who has completed this eighteenth year;

3 [(c) "agent", when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of the mine or of any part thereof;]

(d) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;

3 [(e) "Committee" means a committee constituted under section 12;]

(f) "day" means a period of twenty-four hours beginning at midnight;

(g) "district magistrate" means, in a presidency-town, the person appointed by the Central Government to perform the duties of a district magistrate under this Act in that town;

4 [(h) a person is paid 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 the knowledge of the manager, whether for wages or not--

(i) in any mining operation (including the concomitant operations of handling and transport of minerals upto the point of dispatch and of gathering sand and transport thereof the mine);

(ii) in operations or services relating to the development of the mine including construction of plan therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(iii) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(iv) in operations, within the premises of mine, of loading for dispatch of minerals;

(v) in any office of the mine;

(vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or

(vii) in any kind of work whatsoever [which is preparatory or incidental to, or connected with, mining operations;]

(i) "Inspector" means an Inspector of Mines appointed under this Act, and includes a district magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform;

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6 [(J) "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 and accessory crude conditioning plants, including the pipe conveying mineral oil within the oil fields;

(ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) all open cast workings;

(v) all conveyors or aerial rope-ways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all audits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;

(vii) all protective works being carried out in or adjacent to a mine;

(viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;

(ix) all power stations, transformer sub-stations, converter stations, rectifier stations and accumulator, storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

(x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the power of the mine;

(xi) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting dressing or preparation for sale of minerals or of coke is being carried on;]

(jj) "minerals" means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicing, quarrying or by any other operation and includes mineral oils (which in turn include natural gas and petroleum);

7 [* * *]

(k) "office of the mine" means an office at the surface of the mine concerned;

8 [(kk) "open cast working" means a quarry, that is to say, an excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, not being a

shaft or an excavation which extends below superjacent ground;]

(l) "owner", when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver [9](#) [** *] but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine, subject to any lease, grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but [10](#) [any contractor or sub-lessee] for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(m) "prescribed" means prescribed by rules, regulations or bye-laws, as the case may be;

[11](#) [(n) "qualified medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and who is enrolled on a State Medical register as defined in clause (k) of that section;]

(o) "regulations", "rules" and "bye-laws" means respectively regulations, rules and bye-laws made under this Act;

(p) where work of the same kind is carried out by two or more sets of persons working during different periods of the day each of such sets is called a "relay" [8](#) [and each of such periods is called a "shift"];

[12](#) [(pp) "reportable injury" means any injury other than a serious bodily injury which involves or in all probability will involve, the enforced absence of the injured person from work for a period of seventy-two hours or more;]

[13](#) [(q) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot;

(r) "week" means a period of seven days beginning at mid night on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector or an Inspector.]

[8](#) [(2) A person working or employed in or in connection with a mine is said to be working or employed--

(a) "below ground" if he is working or employed--

(i) in a shaft which has been or is in the course of being sunk; or

(ii) in any excavation which extends below superjacent ground; and

(b) "above ground" if he is working in an open cast working or in any other manner not specified in clause (a)].

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1. Re-numbered as sub-section (1) by Act 62 of 1959, section 2 (w.e.f. 16-1-1960).
 2. Clause (a) omitted by Act 42 of 1983, section 2
 3. Substituted by Act 42 of 1983 section 2, for clause (c) (w.e.f. 31-5-1984).
 4. Substituted by Act 42 of 1983, section 2, for clause (h) (w.e.f. 31-5-1984).
 5. Clause (ii) omitted by Act 42 of 1983, section 2 (w.e.f. 31-5-1984).
 6. Substituted by Act 42 of 1983, section 3, for clause (j) (w.e.f. 31-5-1984).
 7. Clause (jjj) omitted by Act 42 of 1983, section 2 (w.e.f. 31-5-1984).

8. Inserted by Act 62 of 1959, section 2 (w.e.f. 16-1-1960).
9. Certain words omitted by Act 42 of 1983, section 2 (w.e.f. 31-5-1984).
10. Substituted by Act 42 of 1983, section 2, for "any contractor" (w.e.f. 31-5-1984).
11. Substituted by Act 42 of 1983 section 2, for clause (n) (w.e.f. 31-5-1984).
12. Inserted by Act 42 of 1983, section 2 (w.e.f. 31-5-1984).
13. Substituted by Act 42 of 1983, section 3, for clauses (q) and (r) (w.e.f. 31-5-1984).

Section 3 - Act not to apply in certain cases

1 [3. Act not to apply in certain cases

(1) The provisions of this Act, except those contained in 2 [sections 7, 8, 9, 40, 45 and 46, shall not apply to--

(a) any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale;

Provided that --

(i) not more than twenty persons are employed on any one day in connection with any such excavation;

(ii) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six metres or, in the case of an excavation for coal, fifteen metres; and

(iii) no part of such excavation extends below superjacent ground; or

(b) any mine engaged in the extraction of kankar, murrum, laterite, boulder, gravel, single, ordinary sand (excluding moulding sand, glass sand and other mineral sands), ordinary clay (excluding kaolin, china clay, white clay or fire clay), building stone, 3 [slate] road metal, earth, fullers earth 3 [marl, chalk] and lime stone:

Provided that--

(i) the workings do not extend below superjacent ground; or

(ii) where it is an open cast working--

(a) the depth of the excavation measured from its highest to its lowest point now here exceeds six metres;

(b) the number of persons employed on any one day does not exceed fifty; and

(c) explosives are not used in connection with the excavation.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is satisfied that, having regard to the circumstances obtaining in relation to a mine or part thereof or group or class of mines, it is necessary or desirable so to do, by notification in the Official Gazette, declare that any of the provisions of this Act, not set out in sub-section (1), shall apply to any such mine or part thereof or group or class of mines or any class of persons employed therein.

(3) Without prejudice to the provisions contained in sub-section (2), if at any time any of the conditions specified in the proviso to clause (a) or clause (b) of sub-section (1) is not fulfilled in relation to any mine referred to in that sub-section, the provisions of this Act not set out in sub-section (1), shall become immediately applicable, and it shall be the duty of the owner agent or manager of the mine to inform the prescribed authority in the prescribed manner and within the prescribed time about the non-fulfilment.]

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1. Substituted by Act 62 of 1959, section 3, for section 3 (w.e.f. 16-1-1960).
 2. Substituted by Act 42 of 1983, section 3 for "sections 7, 8, 9, 44, 45 and 46" (w.e.f. 31-5-1984).
 3. Inserted by Act 42 of 1983, section 3 (w.e.f. 31-5-1984).
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Section 4 - References to time of day

In this Act, references to time of day are references to Indian Standard Time, being five and a half hours ahead of Greenwich mean time:

Provided that, for any area in which Indian Standard Time is not ordinarily observed, the Central Government may make rules--

- (a) specifying the area;
 - (b) defining the local mean time ordinarily observed therein; and
 - (c) permitting such time to be observed in all or any of the mines situated in the area.
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