

Mines Act, 1952

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.]

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).
