

## Mines Act, 1952

### Chapter II - Inspectors and Certifying Surgeons

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(1) 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 and such persons as possess the prescribed qualifications to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to the Chief Inspector or an Inspector, or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The district magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders<sup>1</sup> of the Central Government:

Provided that nothing in this sub-section shall be deemed to empower a district magistrate to exercise of the powers conferred by <sup>2</sup> [section 22 or section 22A) or section 61.

(4) The Chief Inspector and all Inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

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1. For such orders, see Gazette of India, 1953, Pt. II, section 3, p. 1530.

2. Substituted by Act 42 of 1983, section 4. for "section 22" (w.e.f. 31-5-1984).

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### Section 6 - Functions of Inspectors

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#### <sup>1</sup>6. Functions of Inspectors

(1) The Chief Inspector may, with the approval of the Central Government and subject to such restrictions or conditions as he may think fit to impose, by order in writing, authorise any Inspector named or any class or Inspectors specified in the order to exercise such of the powers of the Chief Inspector under this Act (other than those relating to appeals) as he may specify.

(2) The Chief Inspector 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.

(3) Subject to the other provisions contained in this section, the Chief Inspector shall declare the local area or areas within which or the group or class of mines with respect to which Inspectors shall exercise their respective powers.]

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1. Substituted by Act 62 of 1959, section 4, for section 6 (w.e.f. 16-1-1960).

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### Section 7 - Powers of Inspectors of Mines

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(1) The Chief Inspector and any Inspector may--

(a) makesuch examination and inquiry as he thinks fit in order to ascertain whether theprovisions of this Act and of the regulations, rules and bye-laws and of anyorders made thereunder are observed in the case of any mine;

(b) withsuch assistants, if any, as he thinks fit, enter, inspect and examine any mineor any part thereof at any time by day or night;

Providedthat the power conferred by this clause shall not be exercised in such a manneras unreasonably to impede or obstruct the working of the mine;

(c)examine into, and make inquiry respecting, the state and condition of any mineor any part thereof, the ventilation of the mine, the sufficiency of thebye-laws for the time being in force relating to the mine, and all matters andthings connected with or relating to the health, safety and welfare of the personemployed in the mine, and take whether on the precincts of the mine orelsewhere, statements of any person which he may consider necessary forcarrying out the purposes of this Act;

(d)exercise such other powers as may be prescribed by regulations made by theCentral Government in this behalf:

Providedthat no person shall be compelled under this sub-section to answer any questionor make any statement tending to incriminate himself.

(2) TheChief Inspector and any Inspector may, if he has reason to believe, as a resultof any inspection, examination or inquiry under this section, that an offenceunder this Act has been or is being committed, search any place and takepossession 1 [of any material or anyplan, section register or other record] appertaining to the mine, and theprovisions of the 2 [Code ofCriminal Procedure, 1973 (2 of 1974)] shall, so far as may be applicable applyto any search or seizure under this Act as they apply to any search or seizuremade under the authority of a warrant issued under 2 [section 94] of that Code.

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1. Substituted by Act62 of 1959, section 5, for "of any register or other record" (w.e.f. 16-1-1960).

2. Substituted by Act.42 of 1983, section 5 (w.e.f. 31-5-1984).

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## **Section 8 - Powers of Special Officer to enter, measure, etc.**

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Any person in the service of the Governmentduly authorised in this behalf by a special order in writing of the ChiefInspector or of an Inspector may, for the purpose of surveying, leveling ormeasuring any mine 1 [or any outputthere from], after giving not less than three days' notice to the manager ofsuch mine, enter the mine and may survey, level or measure the mine or any partthereof 1 [or any output therefrom]at any time by day or night:

Providedthat, where in the opinion of the Chief Inspector or of an Inspector anemergency exists, he may, by order in writing, authorise any such person toenter the mine for any of the aforesaid purposes without giving any suchnotice.

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1. Inserted by Act 42of 1983, section 6 (w.e.f. 31-5-1984).

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## **Section 9 - Facilities to be afforded to Inspectors**

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Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

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## **Section 9A - Facilities to be provided for occupational health survey**

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## **1 [9A.Facilities to be provided for occupational health survey**

(1) The ChiefInspector or an Inspector or other officer authorised by him in writing in thisbehalf may, at any time during the normal working hours of the mine or at anytime by day or night as may be necessary, undertake safety and occupationalhealth survey in a mine after giving notice in writing to the manager of themine and the owner, agent or manager of the mine shall afford all necessaryfacilities (including facilities for the examination and testing of plant andmachinery, for the collection of samples and other data pertaining to thesurvey and for the transport and examination of any person employed in the minechosen for the survey) to such Inspector or officer.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health surveyunder sub-section (1) shall present himself for such examination and at suchplace as may be necessary and shall furnish all information regarding his workand health in connection with the said survey.

(3) Thetime spent by any person employed in a mine who is chosen for examination inthe safety and occupational health survey, shall be counted towards his workingtime, so however that any overtime shall be paid at the ordinary rate of wages.

Explanation.--Forthe purposes of this sub-section, "ordinary rate of wages" moans thebasic wages plus any dearness allowance and underground allowance andcompensation in cash including such compensation, if any, accruing through thefree issue of food-grains and edible oils as persons employed in a mine may,for the time being, be entitled to, but does not include a bonus (other than abonus given as incentive for production) or any compensation accruing throughthe provision of amenities such as free housing, free supply of coal, medicaland educational facilities, sickness allowance, supply of kerosene oil.baskets, tools and uniforms.

(4) Anyperson who. on examination under sub-section (2), is found medically unfit todischarge the duty which he was discharging in a mine immediately before suchpresentation shall be entitled to undergo medical treatment at the cost of theowner, agent and manager with full wages during the period of such treatment.

(5) Ifafter the medical treatment, the person referred to in sub-section (4) isdeclared medically unfit to discharge the duty which he was discharging in a mine immediately before presenting himself for the said examination and suchunfitness is directly ascribable to his employment in the mine before suchpresentation, the owner, agent and manager shall provide such person with analternative employment in the mine for which he is medically fit:

Providedthat where no such alternative employment is immediately available, such personshall be paid by the owner, agent and manager disability allowance determinedin accordance with the rates prescribed in this behalf :

Providedfurther that where such person decides to leave his employment in the mine, heshall be paid by the owner, agent and manager a lump sum amount by way of disabilitycompensation determined in accordance with the rates prescribed in this behalf.

(6) Therates under the provisos to sub-section (5) shall be determined having regardto the monthly wages of the employees, the nature of disabilities and otherrelated factors.

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1. Inserted by Act 42of 1983, section 7 (w.e.f. 31-5-1984).

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## **Section 10 - Secrecy of information obtained**

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(1) All copies of, and extracts from, registers or other recordsappertaining to any mine and all other information acquired by the Chief Inspectoror an Inspector or by any one assisting him, in the course of the inspection 1 [or survey] of any mine under this Act oracquired by any person authorised under section 8 1 [orsection 9 A] in the exercise of his duties there under, shall be regarded asconfidential and shall not be disclosed to any person or authority unless theChief Inspector or the Inspector considers disclosure necessary to ensure thehealth, safety or welfare of any person employed in the mine or in any othermine adjacent thereto.

(2) Nothing in sub-section (1) shall apply to the disclosure of any such information (if so required) to--

(a) any court;

2 [(b) a Committee or Court of Inquiry constituted or appointed under section 12 or section 24, as the case may be;]

(c) an official superior or the owner, agent or manager of the mine concerned;

(d) a Commissioner for workmen's compensation appointed under the Workmen's Compensation Act, 1923;

3 [(e) the Controller, Indian Bureau of Mines;

(f) any registered or recognised trade union;

(g) such other officer, authority or organisation as may be specified in this behalf by the Central Government.]

(3) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses, contrary to the provisions of this section, any such information as aforesaid without the consent of the Central Government, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) No court shall be proceeded to the trial of any offence under this section except with the previous sanction of the Central Government.

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1. Inserted by Act 42 of 1983, section 8, (w.e.f. 31-5-1984).

2. Substituted by Act 42 of 1983, section 8, for clause (b) (w.e.f. 31-5-1984).

3. Substituted by Act 42 of 1983, section 8, for clause (e) (w.e.f. 31-5-1984).

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## Section 11 - Certifying surgeons

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(1) The Central Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such mine or class or description of mines as it may assign to them respectively.

(2) Subject to such conditions as the Central Government may think fit to impose, a certifying surgeon may, with the approval of the Central Government, authorise any qualified medical practitioner to exercise all or any of his powers under this Act for such period as the certifying surgeon may specify, and references to a certifying surgeon shall be deemed to include references to any qualified medical practitioner when so authorised.

(3) No person shall be appointed to be, or authorised to exercise the powers of, a certifying surgeon, or, having been so appointed or authorised, continue to exercise such powers, who is or becomes the owner, agent or manager of a mine, or is or becomes directly or indirectly interested therein, or in any process of business carried on therein or in any patent or machinery connected therewith, or is otherwise in the employment of the mine.

(4) The certifying surgeon shall carry out such duties as may be prescribed in connection with--

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(b) the examination of persons engaged in a mine in such dangerous occupations or processes as may be prescribed;

(c) the exercise of such medical supervision as may be prescribed for any mine or class or description of mines where--

(i) cases of illness have occurred which it is reasonable to believe are due to the nature of any process carried on or other conditions of work prevailing in the mine;

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1. Clause (a) omitted by Act 42 of 1983, section 9 (w.e.f. 31-5-1984).

2. Sub-Clause (ii) omitted by Act 42 of 1983, section 9 (w.e.f. 31-5-1984).