

Mines Act, 1952

Section 9A - Facilities to Be Provided for Occupational Health Survey

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 the mine 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" means 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) Any person 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.

