

## Mines Act, 1952

### Chapter V - Provisions as to Health and Safety

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1 [(1) In every mine effective arrangements shall be made to provide and maintain at suitable points conveniently situated a sufficient supply of cool and wholesome drinking water for all persons employed therein:

Provided that in the case of persons employed below ground the Chief Inspector may, in lieu of drinking water being provided and maintained at suitable points, permit any other effective arrangements to be made for such supply].

(2) All such points shall be legibly marked 'DRINKING WATER' in a language understood by a majority of the persons employed in the mine and no such point shall be situated within 2 [six metres] of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(3) In respect of all mines or any class or description of mines, the Central Government may make rules for securing compliance with the provisions of sub-sections (1) and (2) and for the examination by prescribed authorities of the supply and distribution of drinking water.

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1. Substituted by Act 62 of 1959, section 10, for sub-section (1) (w.e.f. 16-1-1960).

2. Substituted by Act 42 of 1983, section 14, for "twenty feet" (w.e.f. 31-5-1984).

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### Section 20 - Conservancy

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(1) There shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to persons employed in the mine at all times.

(2) All latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition.

(3) The Central Government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations) in this regard of persons employed in the mine as it may consider necessary in the interests of the health of the persons so employed.

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### Section 21 - Medical appliances

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#### 1[21. Medical appliances

(1) In every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed.

(2) Nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room.

(3) Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first-aid treatment as may be prescribed and who shall always be readily available during the

working hours of the mine.

(4) In every mine there shall be made so as to be readily available such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine, suffer bodily injury or become ill.

(5) In every mine wherein more than one hundred and fifty persons are employed, there shall be provided and maintained a first-aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed.

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1. Substituted by Act 62 of 1959, section 11, for sections 21 and 22 (w.e.f. 16-1-1960).

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## **Section 22 - Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous**

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(1) If, in respect of any matter for which no express provision is made by or under this Act, it appears to the Chief Inspector or an Inspector that any mine or part thereof or any matter, thing or practice in or connected with the mine, or with the control supervision, management or direction thereof, is dangerous to human life or safety or defective so as to threaten or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in respect of which he considers the mine or part thereof or the matter, thing or practice to be dangerous or defective and require the same to be remedied within such time and in such manner as he may specify in the notice.

(1A) Where the owner, agent or manager of a mine fails to comply with the terms of a notice given under sub-section (1) within the period specified therein, the Chief Inspector or the Inspector as the case may be, may, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for securing compliance with the terms of the notice.

(2) Without prejudice to the provisions contained in sub-section (1) the Chief Inspector or the Inspector, as the case may be, may, by order in writing addressed to the owner, agent or manager of a mine, prohibit the extraction or reduction of pillars or blocks of minerals in any mine or part thereof, if, in his opinion, such operation is likely to cause the crushing of pillars or blocks of minerals or the premature collapse of any part of the working or otherwise endanger the mine or the life or safety of persons employed therein or if, in his opinion, adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing of and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by fire or flooding.

(3) If the Chief Inspector, or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector, is of opinion that there is urgent and immediate danger to the life or safety of, any person employed in any mine or part thereof, he may, by order in writing containing a statement of the grounds of his opinion, prohibit 1 [until he is satisfied that the danger is removed,] the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

2 [(3A) Every person whose employment is prohibited under sub-section (1A) or sub-section (3) shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition in employment and the owner, agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may instead of paying such full wages provide such person with an Alternative employment at the same wages which such person was receiving in the employment which was prohibited.]

(4) Where a notice has been given under sub-section (1) or an order made under sub-section (1A), sub-section (2) or sub-section (3) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the notice or order, as the case may be, appeal against the same to the Chief Inspector whomay confirm, modify or cancel the notice or order.

(5)The Chief Inspector or the Inspector sending a notice under sub-section (1) or making order under sub-section (1A), sub-section (2) or sub-section (3) and the Chief Inspector making order (other than an order of cancellation in appeal) under sub-section (4) shall forthwith report the same to the Central Government.

(6)If the owner, agent or manager of the mine objects to a notice sent under sub-section(1) by the Chief Inspector or to an order made by the Chief Inspector under sub-section(1A) or sub-section (2) or sub-section (3) or sub-section (4), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision on appeal, as the case may be, send his objection in writing stating the grounds thereof to the Central Government <sup>3</sup> [which shall, ordinarily within a period of two months from the date of receipt of the objection, refer] the same to a Committee.

(7)Every notice under sub-section (1), or order under sub-section (1A), sub-section(2), sub-section (3) or sub-section (4), to which objection is made under sub-section (6), shall be complied with, pending the receipt at the mine of the decision of the Committee:

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a <sup>4</sup> [notice] under sub-section (1), pending its decision on the objection.

(8)Nothing in this section shall affect the powers of a magistrate under section 144 of the Code of Criminal Procedure, 1898 (5 of 1898)].

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1.Substituted by Act 42 of 1983, section 15 "until the danger is removed" (w.e.f. 31-5-1984).

2.Inserted by Act 42 of 1983, section 15 (w.e.f. 31-5-1984).

3.Substituted by Act 42 of 1983, section 15, for "which shall refer" (w.e.f.31-5-1984).

4.Substituted by Act 42 of 1983, section 15, for "requisition" (w.e.f.31-5-1984).

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## **Section 22A - Power to prohibit employment in certain cases**

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### **1[22A. Power to prohibit employment in certain cases**

(1) Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with such provisions, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter.

(2) Where the owner, agent or manager fails to comply with the terms of a notice given under sub-section (1) within the period specified in such notice or, as the case may be, within the extended period of time specified under that sub-section, the Chief Inspector may, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice.

(3) Every person whose employment is prohibited under sub-section (2), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager shall be liable for payment of such full wages of that person :

Provided that the owner, agent or manager may, instead of paying such full wages, provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited under sub-section (2).

(4) The provisions of sub-sections (5), (6) and (7) of section 22 shall apply in relation to a notice issued under sub-section (1) or an order made under sub-section (2) of this section as they apply in relation to a notice under sub-section (1) or an order under sub-section (1 A) of that section.]

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## Section 23 - Notice to be given of accidents

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1[(1) Whenever there occurs in or about a mine--

- (a) an accident causing loss of life or serious bodily injury, or
- (b) an explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or
- (c) an influx of inflammable or noxious gases, or
- (d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or
- (e) an overwinding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or
- (f) a premature collapse of any part of the workings, or
- (g) any other accident which may be prescribed,

the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.]

2[(1A) Whenever there occurs in or about a mine an accident causing reportable injury to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once in a quarter.]

(2) Where a notice given under sub-section (1) relates to an accident causing loss of life, the authority shall make an inquiry into the occurrence within two months of the receipt of the notice and, if the authority is not the Inspector, he shall cause the Inspector to make an inquiry within the said period.

3[(3) The Central Government may, by notification in the Official Gazette, direct that accidents other than those specified in sub-sections (1) and (1A) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding twenty-four hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1) or sub-section (1A), as the case may be.]

(4) A copy of the entries in the register referred to in sub-section (3) shall be sent by the owner, agent or manager of the mine, 4[on or before the 20th day of January in the year following that to which the entries relate], to the Chief Inspector.

2[(5) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (1) of section 23, unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of the accident.]

2. Inserted by Act 42 of 1983, section 17 (w.e.f. 31-5-1984).
3. Substituted by Act 42 of 1983, section 17, for sub-section (3) (w.e.f. 31-5-1984).
4. Substituted by Act 62 of 1959, section 12, for certain words (w.e.f. 16-1-1960).

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## Section 24 - Power of Government to appoint court of inquiry in cases of accidents

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1[(1) When any accident of nature referred to in any of the clauses of sub-section (1) of section 23 occurs in or about a mine, the Central Government may, if it is of opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and may also appoint one or more persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.]

(2) The person appointed to hold any such inquiry shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects2[\* \* \*]

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the Central Government stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

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1. Substituted by Act 62 of 1959, section 13 for sub-section 91) (w.e.f. 16-1-1960).

2. Certain words omitted by Act 62 of 1959, section 13 (w.e.f. 16-1-1960).

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## Section 25 - Notice of certain diseases

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(1) Where any person employed in mine contracts any disease1notified by the Central Government in the Official Gazette as a disease connected with mining operations, the owner, agent or manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities, in such form and within such time as may be prescribed.

(2) If any medical practitioner attends on a person who is or has been employed in a mine and, who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section (1), the medical practitioner shall without delay send a report in writing to the Chief Inspector stating--

- (a) the name and address of the patient,
- (b) the disease from which the patient is or is believed to be suffering, and
- (c) the name and address of the mine in which the patient is or was last employed.

(3) Where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.

(4) If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to fifty rupees.

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1. Silicosis and Pneumoconiosis declared as such diseases, vide Notification No. S.R.O. 1306, dated 21st July, 1952, published in the Gazette of India, 1952, Pt. II. Section 3, p 1153; and Manganese Poisoning Nervous Type declared as such disease, vide Notification No. S.R.O. 3109, dated 18th December, 1952, published in the Gazette of India, 1956, Pt. II., Section 3, p 2195.

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### **Section 26 - Power to direct investigation of causes of disease**

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(1) The Central Government may if it considers it expedient to do so, appoint a competent person to inquire into and report to it on any case where a disease notified under sub-section (1) of section 25 has been or is suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(2) The provisions of sub-sections (2) and (3) of section 24 shall apply to an inquiry under this section in the same manner as they apply to any inquiry under that section.

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### **Section 27 - Publication of Reports**

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The Central Government may cause any report submitted by a Committee under [1](#) [section 12] or any report or extracts from any report submitted to it under section 26, and shall cause every report submitted by a court of inquiry under section 24 to be published at such time and in such manner as it may think fit.

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1. Substituted by Act 42 of 1983, section 18, for "Section 13" (w.e.f. 31-5-1984).

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