

Mines Act, 1952

Section 38 - Exemption from Provision Regarding employment

(1) In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, or in case of an accident, whether actual or apprehended, or in case of any act of God or in case of any urgent work to be done to machinery, plant or equipment of the mine as the result of break down of such machinery plant or equipment, the manager may, subject to the provisions of section 22 [1](#) [and section 22A and in accordance with the rules under section 39, permit persons to be employed in contravention of section 28, section 30, section 31, section 34 or [2](#) [sub-section (5) of section 36]; on such work as may be necessary to protect the safety of the mine or of the persons employed therein:

Provided that, in case of any urgent work to be done to machinery, plant or equipment under this section, the manager may take the action permitted by this section, although the production of [3](#) [mineral] would thereby be incidentally affected, but any action so taken shall not exceed the limits necessary for the purpose of avoiding serious interference with the ordinary working of the mine.

(2) Every case in which action has been taken by the manager under sub-section (1), shall be recorded together with the circumstances relating thereto and a report thereof shall also be made to the Chief Inspector or the Inspector.

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1. Inserted by Act 42 of 1983, section 20 (w.e.f. 31-5-1984).
 2. Substituted by Act 42 of 1953, section 4 and Sch. III, for "sub-section (4) of section 36".
 3. Substituted by Act 62 of 1959, section 20, for "coal" (w.e.f. 16-1-1960).
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