

Mines Act, 1952

Chapter VIII - Regulations, Rules and Bye-laws

The Central Government may, by notification in the Official Gazette, make regulations¹ consistent with this Act for all or any of the following purposes, namely:--

- (a) for prescribing the qualifications required for appointment as Chief Inspector or Inspector;
- (b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspector in regard to the inspection of mines under this Act;
- (c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them, and for prescribing the² [qualifications (including age) of agents and managers] of mines and of persons acting under them;
- (d) for requiring facilities to be provided for enabling managers of mines and other persons acting under them to efficiently discharge their duties;
- (e) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of managers of mines and persons acting under them, and the granting and renewal of certificates of competency;
- (f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates;
- (g) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications;
- ³[(h) for providing for inquiries to be made under this Act, including any inquiry relating to misconduct or incompetence on the part of any person holding a certificate under this Act and for the suspension or cancellation of any such certificate and for providing, wherever necessary, that the person appointed to hold an 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 objects;]
- (i) for regulating, subject to the provisions of the Indian Explosives Act, 1884 (4 of 1884) and of any rules made thereunder, the storage, conveyance and use of explosives;
- ⁴[(j) for prohibiting, restricting or regulating the employment of⁵ [***] women in mines or in any class of mines or on particular kinds of labour which are attended by danger to the life, safety or health of such persons and for limiting the weight of any single load that may be carried by any such person;]
- (k) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts pits, outlets, pathways and subsidences;
- (l) for prohibiting the employment in a mine either as manager or in any other specified capacity of any person except persons paid by the owner of the mine and directly answerable to the owner or manager of the mine;
- ⁶[(m) for providing for the safety of the roads and working places in mines, including the sitting, maintenance and extraction or reduction of pillars or blocks of minerals and the maintenance of sufficient barriers between mine and mine;

(n) for the inspection of workings and sealed off fire-areas in a mine, and for the restriction of workings in the vicinity of the sea or any lake or river or any other body of surface water, whether natural or artificial, or of any public road or building, and for requiring due precaution to be taken against the irruption or inrush of water or other liquid matter into, outbreak of fire in or premature collapse of, any workings;]

(o) for providing for the ventilation of mines and the action to be taken in respect of dust, fire, and inflammable and noxious gases, including precautions against spontaneous combustion, underground fire and coal dust;

7[(p) for regulating, subject to the provisions of the Indian Electricity Act, 1910 (9 of 1910) and of any rules made thereunder, the generation, storage, transformation, transmission and use of electricity in mines and for providing for the care and the regulation of the use of all electrical apparatus and electrical cables in mines and of all other machinery and plant therein;]

8[(q) for regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage road] and for restricting the use of certain classes of locomotives underground;

(r) for providing for proper lighting of mines and regulating the use of safety lamp therein and for the search of persons entering a mine in which safety lamps are in use;

(s) for providing against explosions or ignitions9[of inflammable gas or dust] or irruptions of or accumulations of water in mines and against danger arising therefrom and for prohibiting, restricting or regulating the extraction of minerals in circumstances likely to result in the premature collapse of9[workings] or to result in or to aggravate the collapse of9[workings] or irruptions of water or ignitions in mines;

(t)10[for prescribing under clause (g) of sub-section (1) of section 23, the types of accidents and for prescribing the notices] of accidents had dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted;

11[(u)12[for requiring owners, agents and managers of mines to have fixed boundaries for the mines, for prescribing the plans and sections and field notes connected therewith to be kept by them] and the manner and places in which such plans, sections and field notes are to be kept for purposes of record and for the submission of copies thereof to the Chief Inspector; and for requiring the making of fresh surveys and plans by them, and in the event of non-compliance, for having the survey made and plans prepared through any other agency and for the recovery of expenses thereof in the same manner as an arrear of land revenue;]

(v) for regulating the procedure on the occurrence of accidents or accidental explosion or ignitions in or about mines13[for dealing effectively with the situation];

(w) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under section 16;

(x) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within14[forty-five metres] of any railway subject to the provisions of the Indian Railways Act, 1890 (9 of 1890), or of any15[public roads or other works, as the case may be, which are maintained by the Government or any local authority];

(y) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in the Government or any local authority or railway company as defined to the Indian Railways Act, 1890 (9 of 1890);

16[(yy) for requiring protective works to be constructed by the owner, agent or manager of a mine before the mine is closed, and in the event of non-compliance, for getting such works executed by any other agency and for recovering the expenses thereof from such owner in the same manner as an arrear of land revenue;]

(z) for requiring the fencing of any mine or part of a mine or any quarry, incline, shaft pit or outlet, whether the same is being worked or not, or any dangerous or prohibited area, subsidence haulage, tramline or pathway, where such fencing is necessary for the protection of the public; and

(zz) any other matter which has to be or may be prescribed.

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1. For the Mysore Gold Mines Regulations, 1953, See. Gazette of India, 1953 Pt. I, Section 3, p 1504 and for the Coal Mines Regulations, 1957, see Gazette of India, Pt. II, Section 3 p 2569.
 2. Substituted by Act 62 of 1959, section 31 , for "qualifications of managers" (w.e.f. 16-1-1960).
 3. Substituted by Act 62 of 1959, section 31 , for clause (h) (w.e.f. 16-1-1960).
 4. Substituted by Act 62 of 1959, section 31 , for clause (j) (w.e.f. 16-1-1960).
 5. The words "adolescents and" omitted by Act 42 of 1983, section 30 (w.e.f. 31-5-1984).
 6. Substituted by Act 62 of 1959, section 31 , for clauses (m) and (n) (w.e.f. 16-1-1960).
 7. Substituted by Act 62 of 1959, section 31 , for clause (p) (w.e.f. 16-1-1960).
 8. Substituted by Act 42 of 1983, section 30 , for Certain words (w.e.f. 31-5-1984).
 9. Inserted by Act 62 of 1959, section 31 (w.e.f. 16-1-1960).
 10. Substituted by Act 62 of 1959, section 32 , for "for prescribing the notices" (w.e.f. 16-1-1960).
 11. Substituted by Act 62 of 1959, section 31 , for clause (u) (w.e.f. 16-1-1960).
 12. Substituted by Act 42 of 1983, section 30 , for certain words (w.e.f. 31-5-1984).
 13. Inserted by Act 42 of 1983, section 30 (w.e.f. 30-5-1984).
 14. Substituted by Act 42 of 1983, section 30 , for "fifty yards" (w.e.f. 30-5-1984).
 15. Substituted by Act 62 of 1959, section 31 , for certain words (w.e.f. 16-1-1960).
 16. Inserted by Act 62 of 1959, section 32 (w.e.f. 16-1-1960).

Section 58 - Power of Central Government to make rules

The Central Government may, by notification in the Official Gazette, make rules¹ consistent with this Act for all or any of the following purposes, namely:--

² [(a) for providing the term of office and other conditions of service of, and manner of filling vacancies among, the members of a Committee and for regulating the procedure to be followed by a Committee for transacting its business;]

(b) for prescribing the form of the register referred to in sub-section (3) of section 23;

(c) for providing for the appointment of courts of inquiry under section 24, for regulating the procedure the powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts ³ [including any other expenses connected with the inquiry] ³ [in the same manner as an arrear of land revenue] from the manager, owner or agent of the mine concerned;

³ [(cc) for providing for inspection of mines to be carried out on behalf of the person employed therein by a technical expert (not less than an overman in status), the facilities therefor, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;]

(d) for requiring the maintenance in mines wherein any women are employed or were employed on any day of the preceding twelve months of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing, either generally or with particular reference to the number of women employed in the mine, the number and standards of such rooms, and the nature and extent of the amenities to be provided and the supervision to be exercised therein;

(e) for requiring the maintenance at or near pitheads of bathing places equipped with shower baths and of locker-rooms for the use of men employed in mines and of similar and separate places and rooms for the use of women in mines where women are employed, and for prescribing, either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms;

(f) for prescribing the standard of sanitation to be maintained and the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking water [4](#) [* * *];

[5](#) [(ff) for providing for the supply and maintenance of medical appliances and comforts and for prescribing the contents and number of first-aid boxes and cupboards, the training in first-aid work, the size and equipment of first-aid rooms and staff in charge thereof and the arrangements for conveyance of injured persons to hospitals or dispensaries;

(fff) for requiring the imparting of practical instruction to, or the training of, persons employed or to be employed in mines otherwise than in a position of supervision or management and for prescribing schemes for such instruction and training;]

(g) for prohibiting the possession or consumption of intoxicating drinks or drugs in a mine and the entry or presence therein of any person in a drunken state;

(h) for prescribing the forms of notices required under section 36, and for requiring such notices to be posted also in specified languages;

(i) for defining the persons who shall, for the purpose of section 37, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity;

(j) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner to have completed their fifteenth year, and for prescribing the manner and the circumstances in which such certificates may be granted and revoked;

[6](#) [* * *]

[5](#) [(kk) for requiring person employed or seeking employment at mines to submit themselves for medical examination and for prohibiting on medical grounds the employment of any person at a mine either absolutely or in a particular capacity or in particular work;]

[7](#) [(1) for prescribing the form of registers required by section 48 and the maintenance and form of registers for the purposes of Chapter VII;]

(m) for prescribing [8](#) abstracts of this Act and of the regulations and rules and the language in which the abstracts and bye-laws shall be posted as required by sections 61 and 62;

(n) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the times, within which they are to be submitted;

(o) for requiring the provision and maintenance in mines, wherein more than [9](#) [* * *] fifty persons are ordinarily employed, of adequate and suitable shelters for taking food with provision for drinking water;

(p) for requiring the provision and maintenance in any mine specified in this behalf by the Chief Inspector or Inspector, wherein more than two hundred and fifty persons are ordinarily employed,

of a canteen or canteens for the use of such persons;

(q) for requiring the employment in every mine wherein five hundred or more persons are ordinarily employed, of such number of welfare officers as may be specified and for prescribing the qualifications and the terms and conditions of, and the duties to be performed by, such welfare officers;

[10](#) [(r) for requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;

(s) for providing for the management of rescue stations;

(sa) for providing for the standards of physical fitness and other qualifications of the persons constituting rescue brigades;

(sb) prescribing the places of residence of the persons constituting rescue brigades;]

(t) for prescribing the position, equipment, control, maintenance and functions of [11](#) [***] rescue stations;

[12](#) [(u) for providing for the levy and collection of a duty of excise (at a rate not exceeding twenty-five paise per tonne) on coke and coal produced in and despatched from mines specified under clause (r), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund shall be utilised and the administration of such fund;]

(v) for providing for the formation, training, composition and duties of rescue brigades [11](#) [* * *]; and generally for the conduct of rescue work in mines [11](#) [* * *];

[3](#) [(vv)for providing for the constitution of safety Committees for specified mine or groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety Committees, and;]

(w) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

1. For the Mysore Gold Mines Rules, 1953, see Gazette of India, 1953, Pt.II, Section 3, p. 1502; for the Mines Rules, 1955, see Gazette of India, 1955, Pt. II, Section 3, p. 1172; for the Coal Mines Rescue Rule, 1959, see Gazette of India 1959, Pt II, Section 3(i), p. 1082; for the Coal Mines Pitherd Bath Rules, 1959, see Gazette of India, 1959, Pt. II, Section 3(ii) p. 1899, for the Mines Vocational Training Rules, 1966, Gazette of India, 1966, Pt. II, Section 3(i), p. 548 and for the Mines Creche Rules, 1966, see Gazette of India 1966, Pt. II, Section 3(i), p. 591.

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

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

4. Certain words omitted by Act 62 of 1959, section 32 (w.e.f. 16-1-1960).

5. Inserted by Act 62 of 1959, section 32 (w.e.f. 16-1-1960).

6. Clause (k) omitted by Act 42 of 1983, section 31 (w.e.f. 31-5-1984).

7. Substituted by Act 42 of 1983, section 32, for Clause (1) (w.e.f. 16-1-1960).

8. For the Mines (Posting up of Abstract) Rules, 1954, see Gazette of India, Pt. II, Section 3, p. 1787.

9. The words "one hundred and" omitted by Act 62 of 1959, section 32 (w.e.f. 16-1-1960).

10. Substituted by Act 42 of 1983, section 31, for clauses (r) and (s) (w.e.f. 31-5-1984).

11. Certain words omitted by Act 42 of 1983, section 31 (w.e.f. 31-5-1984).

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

Section 59 - Prior publication of regulations and rules

(1) The power to make regulations and rules conferred by sections 57 and 58 is subject to the condition of the regulations and rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

[1](#)[* * *]

[2](#)(4) No regulation or rule shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (1) of section 12 and unless that Committee has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions,]

(5) Regulations and rules shall be published in the Official Gazette and, on such publication shall have effect as if enacted in this Act.

(6) The provisions of sub-sections (1), (2) and (4) shall not apply to the first occasion on which rules referred to in clause (d) or clause (e) of section 58 are made.

[3](#)[* * *]

1 . Sub-section (3) omitted by Act 62 of 1959, section 33 (w.e.f. 16-1-1960).

2 . Substituted by Act 42 of 1983, section 32, for sub-section (4) (w.e.f. 31-5-1984).

3. Sub-section (7) omitted by Act 42 of 1983, section 32 (w.e.f. 31-5-1984).

Section 60 - Power to make regulations without previous publication

Notwithstanding anything contained in sub-sections (1), (2) and [1](#)[(4)] of section 59, regulations under [2](#)[* * *] section 57 may be made without previous publication and without [3](#)[* * *] reference to [4](#)[the Committee constituted under sub-section (1) of section 12] if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference :

Provided that any regulations so made [5](#)[shall be sent to the said Committee for information and] shall not remain in force for more than [6](#)[one year] from the making thereof.

1. Substituted by Act 62 of 1959, section 34, for "(3)" (w.e.f. 16-1-1960).

2 . The words "clause (i) and clauses (k) to (s) excluding clause (1) of" omitted by Act 62 of 1959, section 34 (w.e.f. 16-1-1960).

3. The word "previous" omitted by Act 62 of 1959, section 34 (w.e.f. 16-1-1960).

4 . Substituted by Act 42 of 1983, section 33, for "Mining Boards" (w.e.f. 30-5-1984).

5 . Inserted by Act 42 of 1983, section 33 (w.e.f. 31-5-1984).

Section 61 - Bye-laws

(1) The owner, agent or manager of mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, 1 [governing the use of any particular machinery or the adoption of a particular method of working in the mine] as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the person employed in the mine.

(2) If any such owner, agent or manager--

(a) fails to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector or Inspector sufficient,

the Chief Inspector or Inspector may--

(i) propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) propose such amendments in any draft submitted to him by the owner, agent or manager as will, in his opinion, render it sufficient, and shall send such draft bye-laws or draft amendments to the owner, agent or manager as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the 2 [Committee constituted under sub-section (1) of section 12].

(4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the 2 [Committee constituted under sub-section (1) of section 12.] a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the Central Government for approval.

(b) The Central Government may make such modification of the draft bye-laws as it thinks fit.

(c) Before the Central Government approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the Central Government may think best adapted for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of the time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected should be sent to the Central Government.

(d) Every objection shall be in writing and shall state--

(i) the specific grounds of objections, and

(ii) the omissions, additions or modifications asked for.

(e) The Central Government shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(5) The bye-laws, when so approved by the Central Government, shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such other language or languages as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed;

and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(6) The Central Government may, by order in writing rescind, in whole or in part, any bye-laws so made, and thereupon such bye-law shall cease to have effect accordingly.

1. Substituted by Act 62 of 1959, section 34, for certain words (w.e.f. 31-5-1984).

2. Substituted by Act 42 of 1983, section 34, for certain words (w.e.f. 31-5-1984).

Section 61A - Laying of regulations, rules and bye-laws before Parliament

1 61A. Laying of regulations, rules and bye-laws before Parliament

Every regulation made under section 57, every rule made under section 58 and every bye-law made under section 61 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the regulation, rule or bye-law or both Houses agree that the regulation, rule or bye-law should not be made, the regulation, rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation, rule or bye-law, as the case may be.]

1. Inserted by Act 42 of 1983, section 35 (w.e.f. 31-5-1984).

Section 62 - Posting up of abstracts form Act, regulations, etc.

There shall be kept posted up at or near every mine in English and in such other language or languages as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.
