

Mines Act, 1952

Chapter IX - Penalties and Procedure

(1) Whoever obstructs the Chief Inspector, an Inspector, or any person authorised under section 8 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, Inspector or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine, which may extend to five hundred rupees, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

Section 64 - Falsification of records, etc.

Whoever--

(a) counterfeits or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or

(b) knowingly uses as true any such counterfeit or false certificate, or

(c) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or

1 [(d) falsifies any plan, section, register or record, the maintenance of which is required by or under this Act or produces before any authority such false plan section register or record, knowing the same to be false, or]

(e) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for term which may extend to three months, or with fine which may extend to 2 [one thousand rupees], or with both.

1. Substituted by Act 62 of 1959, section 35, for Clause (d) (w.e.f. 16-1-1960).

2. Substituted by Act 62 of 1959, section 35, for "five hundred rupees" (w.e.f. 16-1-1960).

Section 65 - Use of false certificates of fitness

Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under 1 [section 43] a certificate granted to another person under that section, or, having been granted a certificate of fitness to himself under that section, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to 2 [two hundred] rupees, or with both.

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1. Substituted by Act 42 of 1983, section 36, for "section 40" (w.e.f. 31-5-1984).
 2. Substituted by Act 62 of 1959, section 36, for "fifty" (w.e.f. 16-1-1984).
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Section 66 - Omission to furnish plans, etc.

Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan 1 [section,] return, notice register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to 2 [one thousand] rupees.

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1. Inserted by Act 62 of 1959, section 37, for (w.e.f. 16-1-1960).
 2. Substituted by Act 62 of 1959, section 37, for "two hundred" (w.e.f. 16-1-1960).
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Section 67 - Contravention of provisions regarding employment of labour

Whoever, save as permitted by section 38, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to 1 [one thousand] rupees, or with both 2 [* * *].

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1. Substituted by Act 62 of 1959, section 38, for "five hundred" (w.e.f. 16-1-1960).
 2. Certain words omitted by Act 62 of 1959, section 38 (w.e.f. 16-1-1960).
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Section 68 - Penalty for employment of persons below eighteen years of age

1 [68. Penalty for employment of persons below eighteen years of age

If a person below eighteen years of age is employed in a mine in contravention of section 40, the owner, agent or manager of such mine shall be punishable with fine which may extend to five hundred rupees.]

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1. Substituted by Act 42 of 1983, section 37, for section 68 (w.e.f. 31-5-1984).
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Section 69 - Failure to appoint manager

Whoever, in contravention of the provisions of section 17, fails to appoint a manager shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to 1 [two thousand and five hundred] rupees, or with both 2 [* * *].

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1. Substituted by Act 62 of 1959, section 39, for "five hundred" (w.e.f. 16-1-1960).
 2. Certain words omitted by Act 62 of 1959, section 39 (w.e.f. 16-1-1960).
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Section 70 - Notice of accidents

(1) Whoever in contravention of the provision of sub-section (1) of section 23 fails to give notice of any accidental occurrence or to post a copy of the notice on the special notice board referred to in that sub-section and to keep it there for the period specified shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever in contravention of a direction made by the Central Government under sub-section (3) of section 23 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Section 71 - Owner, etc., to report to Chief Inspector in certain cases

Where the owner, agent or manager of a mine, as the case may be, has taken proceedings under this Act against any person employed in or about a mine in respect of an offence under this Act, he shall within twenty-one days from the date of the judgment or order of the court report the result thereof to the Chief Inspector.

Section 72 - Obligation of persons employed in a mine

No person employed in a mine shall-

- (a) wilfully interfere with or misuse any appliance, convenience or other thing provided in a mine for the purpose of securing the health, safety or welfare of the persons employed therein;
- (b) wilfully and without reasonable cause do anything likely to endanger himself or others;
- (c) wilfully neglect to make use of any appliance or other thing provided in the mine for the purpose of securing the health or safety of the persons employed therein.

Section 72A - Special provision for contravention of certain regulations

172A. Special provision for Contravention of certain regulations

Whoever contravenes any provision of any regulation or of any bye-law or of any order made thereunder, relating to matters specified in clauses (d), (i), (m), (n), (o), (p), (r), (s), and (u) of section 57 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

1. Substituted by Act 62 of 1959, section 40, for sections 73 and 74 (w.e.f. 16-1-1960).

Section 72B - Special provision for contravention of orders under section 22

Whoever continues to work in a mine in contravention of any order issued under sub-section (1A), subsection (2) or sub-section (3) of section 22 1 [or under sub-section (2) of section 22A] shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five thousand rupees:

1 [Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine shall not be less than two thousand rupees].

1. Inserted by Act 42 of 1983, section 38 (w.e.f. 31-5-1984).

Section 72C - Special provision for contravention of law with dangerous results

(1) Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder [other than an order made under sub-section (1A) or sub-section (2) or sub-section (3) of section 22] 1 [or under sub-section (2) of section 22A], shall be punishable--

(a) if such contravention results in loss of life, with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both; or

(b) if such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to three thousand rupees, or with both ; or

(c) if such contravention otherwise causes injury or danger to persons employed in the mine or other persons in or about the mine, with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

1 [Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine, in the case of a contravention referred to in clause (a), shall not be less than three thousand rupees].

(2) Where a person having been convicted under this section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any court imposing or confirming in appeal, revision or otherwise a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured or, in the case of his death, to his legal representative :

Provided that if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if any appeal has been presented, before the decision of the appeal.]

1. Inserted by Act 42 of 1983, section 38 (w.e.f. 31-5-1984).

Section 73 - General provision for disobedience of orders

1 [73. General provisionfor disobedience of orders

Whoever contravenes any provision of this Actor of any regulation, rule or bye-law or of any order made thereunder for thecontravention of which no penalty is hereinbefore provided, shall be punishablewith imprisonment for a term which may extend to three months, or with finewhich may extend to one thousand rupees, or with both.

1.Substituted by Act 62 of 1959, section 40, for sections 73 and 74 (w.e.f.16-1-1960).

Section 74 - Enhanced penalty after previous conviction

If any person who has been convicted on an offence punishable under any of the foregoing provisions (other than sections 72B and 72C) is again convicted for an offence committed within two years of the previous conviction and involving a contravention of the same provision, he shall be punishable of each subsequent conviction with double the punishment to which he would have been liable for the first contravention of such provision,]

Section 75 - Prosecution of owner, agent or manager

No prosecution shall be instituted against any owner, agent or manager for any offence under this Act except at the instance of the Chief Inspector or of the district magistrate or of an Inspector authorised

in this behalf by general or special order in writing by the Chief Inspector:

1 [Provided that the Chief Inspector or the district magistrate or the Inspector as so authorised shall, before instituting such prosecution, satisfy himself that the owner, agent or manager had failed to exercise all due diligence to prevent the commission of such offence.]

2 [Provided further that] in respect of an offence committed in the course of the technical direction and management of a mine, the district magistrate shall not institute any prosecution against an owner, agent or manager without the previous approval of the Chief Inspector.

1. Inserted by Act 42 of 1983, section 40 (w.e.f. 31-5-1984).

2. Substituted by Act 42 of 1983, section 40, for "Provided that" (w.e.f. 31-5-1984).

Section 76 - Determination of owner in certain cases

1 [76. Determination of owner in certain cases

Where the owner of a mine is a firm or other association of individuals, all or any of the partners or members thereof or where the owner of a mine is a company, all or any of the directors thereof or where the owner of a mine is a Government or any local authority, all or any of the officers or persons authorised by such Government or local authority, as the case may be, to manage the affairs of the mine, may be prosecuted and punished under this Act for any offence for which the owner of a mine is punishable:

2 [Provided that where a firm, association or company has given notice in writing to the Chief Inspector that it has nominated,--

(a) in the case of a firm, any of its partners or managers;

(b) in the case of an association, any of its members or managers;

(c) in the case of company, any of its directors or managers,

who is resident, in each case in any place to which this Act extends and who is in each case either in fact in charge of the management of, or holds the largest number of shares in such firm association or company, to assume the responsibility of the owner of the mine for the purposes of this Act, such partner, member, director or manager, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the owner of the mine for the purposes of this Act unless a notice in writing cancelling his nomination or stating that he has ceased to be a partner, member, director or manager, as the case may be, is received by the Chief Inspector,

Explanation.--Where a firm, association or company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this proviso in relation to different establishment or branches or units and the person so nominated shall, with respect only to the establishment, branch or unit in relation to which he has been nominated, be deemed to be the owner of the mine.]

1. Substituted by Act 62 of 1959, section 41, for section 76 (w.e.f. 16-1-1960).

2. Substituted by Act 42 of 1983, section 41, for the proviso (w.e.f. 31-5-1984).

Section 77 - Exemption of owner, agent or manager from liability in certain cases

Where the owner, agent or manager of a mine, accused of an offence under this Act, alleges that another person is the actual offender, he shall be entitled, upon complaint made by him in this behalf

1 [and on his furnishing the known address of the actual offender] and on giving to the prosecutor not less than three clear days notice in writing of his intention so to do, to have that other person brought before the court on the date appointed for the hearing of the case; and if, after the commission of the offence has been proved, the owner, agent or manager of the mine, as the case may be, proves to the satisfaction of the court--

(a) that he has used due diligence to enforce the execution of the relevant provisions of this Act, and

(b) that the other person committed the offence in question without his knowledge, consent or connivance,

the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the owner, agent or manager of the mine, and the owner, agent or manager, as the case may be, shall be acquitted:

Provided that--

(a) the owner, agent or manager of the mine, as the case may be, may be examined on oath and his evidence and that of any witness whom he calls in support shall be subject to cross-examination by or on behalf of the person he alleges as the actual offender and by the prosecutor;

(b) if inspite of due diligence the person alleged as the actual offender cannot be brought before the court on the date appointed for the hearing of the case, the court shall adjourn the hearing thereof from time to time so however, that the total period of such adjournments does not exceed three months, and if by the end of the said period the person alleged as the actual offender cannot be brought before the court, the court shall proceed to hear the case against the owner, agent or manager, as the case may be.

1. Inserted by Act 62 of 1959, section 42 (w.e.f. 16-1-1960).

Section 78 - Power of Court to make orders

(1) Where the owner, agent or manager of a mine is convicted of an offence punishable under this Act, the court may, in addition to awarding him any punishment, by order in writing, require him within a period specified in the order (which may be extended by the court from time to time on application made in this behalf) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(2) Where an order is made under sub-section (1), the owner, agent or manager of the mine as the case may be, shall not be liable under this Act in respect of the continuance of the offence during the period or extended period, if any, but if on the expiry of such period or extended period, the order of the court has not been fully complied with, the owner, agent or manager, as the case may be, shall be deemed to have committed a further offence and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with or with both.

Section 79 - Limitation of prosecutions

No court shall take cognizance of any offence under this Act, unless complain thereof has been made--

(i) within six months of the date on which the offence is alleged to have been committed, or

(ii) within six months of the date on which the alleged commission of the offence came to the knowledge of the Inspector, or

1 [(iia) in any case in which the accused is or was a public servant and previous sanction of the Central Government or of the State Government or of any other authority is necessary for taking cognizance of the offence under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector, or]

(iii) in any case where a court of inquiry has been appointed by the Central Government under section 24, within 2 [one year] after the date of the publication of the report referred to in sub-section (4) of that section,

whichever is later.

3 [Explanation.-- For the purposes of this section--

(a) in the case of continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues;

(b) where for the performance of any act time has been extended under this Act, the period of limitation shall be computed from the expiry of the extended period.]

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

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

3. Explanation added by Act 62 of 1959, section 43 (w.e.f. 16-1-1960).

Section 80 - Cognizance of offences

No court inferior to that of a 1 [Metropolitan Magistrate or Judicial Magistrate of the first class] shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

1. Substituted by Act 42 of 1983, section 43, for certain words (w.e.f. 31-5-1984).

Section 80A - Omitted

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1. Section 80A inserted by Act 62 of 1959, section 44 (w.e.f. 16-1-1960) and omitted by Act 42 of 1983, sec. 44 (w.e.f. 31-5-1984).

Section 81 - Reference to Mining Board or Committee in lieu of prosecution in certain cases

(1) If the court trying any case instituted at the instance of the Chief Inspector or of the district magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to 1 [* * *] a Committee it may stay the criminal proceedings, and report the matter to the Central Government with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the Central Government may refer the case to 1 [* * *] a Committee, or may direct the court to proceed with the trial.

1. Certain words omitted by Act 42 of 1983, section 45 (w.e.f. 31-5-1984).
