

Mines Act, 1952

Section 75 - Prosecution of Owner, Agent Ormanager

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).
