

Mines Act, 1952

Preamble 1 - Mines Act, 1952

MINES ACT, 1952 MINES ACT, 1952 35 OF 1952 "The existing Indian Mines Act which relates to the regulation and inspection of mines was passed in 1923. Although it has since been amended in certain respects, the general framework has remained unchanged. Experience of the working of the Act has revealed a number of defects and deficiencies which hamper effective administration. Some of these necessitate new forms of control while others require the tightening up of the existing legal provisions. It has, therefore, been considered necessary to thoroughly overhaul the existing Act. 2. The proposed legislation differs from the existing law in certain respects. The more important features are mentioned below:- (i) At present workshops run by a mine for the maintenance of its machinery and plant in safe and efficient working order are subject to the Factories Act, 1948. which is administered by Provincial Governments. Workers in workshops such as Fitters, blacksmiths, welders, electricians and others frequently work for a part of the shift underground and while so employed come within the scope of the Mines Act. It is inconvenient that the same personnel should be subject to two different Acts administered by two different authorities. It is now proposed to bring all personnel engaged solely on work relating to mines within the scope of the Mines Act. For similar reasons it is proposed to bring within the scope of the Mines Act power stations which generate power used wholly in connection with the mine concerned. (ii) Provision has been made in the Bill for the issue of licences to adolescents and the appointment of certifying surgeons. (iii) The provisions in the existing Act regarding conservancy and sanitary conveniences are of a general nature. The Bill provides for more definite arrangements for drinking water, latrines, urinals, etc. (iv) It has been made obligatory on the part of the owner, agent or manager of a mine to report the contraction of any of certain notified diseases. Provision for the holding of an enquiry regarding the causes of contraction of a reported disease has also been made. (v) It has also been laid down that first-aid appliances should be made available underground and that they should be kept in charge of qualified personnel. (vi) A new chapter regarding the grant of compensatory holidays and holidays with pay has been included. (vii) The existing Act does not specify the rate of payment for overtime work. In the Bill the rates for overtime have been fixed at 1 times the ordinary rate of wages in the case of surface workers and at twice the ordinary rate for underground workers. The working hours for all workers, both surface and underground have been reduced to 48 per week and no worker is to be allowed to work for more than 9 hours a day above ground and 8 hours a day below ground. The provisions in the existing Act permit workers on the surface to work for 54 hours a week or 10 hours a day and workers underground for 9 hours a day. (viii) It is proposed to prohibit after a certain date to be notified by the Central Government the presence of children in any part of a mine where operations connected with, or incidental to, mining processes are being carried on. The intention is that the presence of children at mines should be prohibited as soon as arrangements for the provision of elementary education can be made in collieries. (ix) The age limit of persons employed underground has been raised from 17 to 18 years. (x) At present the penalty for violation of the provisions of the Act is only fine. It is proposed to provide that the punishment may be imprisonment or fine or both. This will bring the penalty provisions in line with the penalties prescribed in the Factories Act, 1948. (xi) The employment of women underground is already prohibited. This prohibition will be continued. The employment of women on the surface between the hours of 7 p.m. and 6 a.m. will also be prohibited but Provincial Government will be empowered to relax these limits but not so as to authorise working between the hours of 10 p.m. and 5 a.m. (xii) Opportunity has also been taken to include in the Bill provisions relating to health, safety and comfort of workers somewhat on the lines of Factories Act, 1948. 3. It is hoped that when the Bill is passed into law the provisions regulating labour and safety in mines will largely be on the lines of those contained in the Factories Act, 1948. Ga7. of India. 1949. Pt. V. p. 436. Amending Act 62 of 1959.- The Mines Act, 1952. was passed with a view to amending and consolidating the law relating to the regulation of labour and safety in mines. The working at the Act has shown that it requires to be amended for various reasons, e.g., clarification of certain provisions, proper enforcement of certain others and insertion of

some new provisions to bring the Act in line with those contained in the Factories Act, 1948. Some of the more important amendments sought to be made relate to - (i) the definition of the term 'mine' to make it clear that it includes quarries and opencast workings and also private railways, aerial ropeways, conveyors, etc.. (ii) a new provision to the effect that subject to certain conditions the Act (excepting a few provisions) shall not apply to excavations made for prospecting purposes only and to small quarries; (iii) the maintenance of first-aid rooms in mines wherein more than one hundred and fifty persons are employed, instead of five hundred persons as at present; (iv) the prohibition of employment of persons in a mine when its owner, etc., fail to comply with the notice of the Inspectorate for remedying any matter, thing or practice connected with a mine, which is dangerous to human life, limb, or safety; (v) the empowering of the person appointed under

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