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Mines Act, 1952

Section 1 - Short title, extent and commencement

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 he 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 requently 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 ower stations which generate power used wholly In connection with the mine concerned. (ii) Provision has been made in the Bill for the issue of 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 f 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-and appliances should be made available underground and that they should be kept in charge of qualified personnel. (vii) 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 n 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 e prohibited as soon as arrangements for the provision of elementary education can be made if. collieries. (ix) The age limit of persons employed underground ha? 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 o 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 !aw the provisions regulating labour and safety in mines will largely be on the iincs of those contained in (he 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, roper 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 f 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 ct (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 section 24 for inquiring into an accident also to inquire into the fitness of a person to hold a certificate granted to him under the Act, if he is of the opinion that the person concerned is prima facie guilty of incompetence or negligence or misconduct in the performance of his duties under the Act in relation to the accident; (vi) the payment of overtime at a uniform rate of twice the ordinary rate of wages for persons employed both above and below ground, instead of the present rate of one and a half times, in the case of persons employed above ground, and twice, for persons employed below ground; (vii) the revision of the Chapter on leave with wages so as to bring it as ar as practicable in line with similar provisions in the Factories Act, 1948, which are considered to be more liberal; arid (viii) the enhancement of penalties for contravention of the different provisions of the Act to make punishment more deterrent by raising the scale of fines and also providing for imprisonment along with fine in the case of subsequent convictions for the same offence and for contravention of orders under section 22."-S.O.R. Gaz. of India, 4-9-1959, Pt. II, section 2,' Ext., p. 1135. Act 42 of 1983.- The Mines Act. 1952 seeks to regulate the working conditions in mines by providing for measures to be taken for the safety of the workers employed therein and certain amenities for them. In the light of he working of the Act, certain modifications of the provisions of the Act have become necessary. They mainly relate to (1) the removal of certain practical difficulties experienced in its enforcement; (2) provision for dditional safety regulations; (3) closure association of workers with safety measures; (4) provision for a minimum penalty in case of gross negligence or recklessness; and (5) increase in the levy of the cess for the dministration of central rescue stations. 2. The notes on clauses appended to the Bill explain the provisions hereof.-Gaz. of India, 10-5-1983., Pt. II, S. 2, Ext., p. 100 (No. 18). An Act to amend and consolidate the law relating to the regulation of labour and safety in mines. BE it enacted by Parliament as follows :- CHAPTER 1 : PRELIMINARY 1) This Act may be called The Mines Act, 1952. (2) It extends to the whole of India 3 (a) [a] Words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, S. 2 and Sch. (15-8-1968).[* * * *] (3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States but not later than 31st December, 1953.

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