

Mines Act, 1952

Section 61 - Bye-laws

1) The owner, agent or manager of a 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 a [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 persons 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 well, 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 Committee constituted under sub-section (1) of (section 12)). (4) (a) When such draft bye-laws have been agreed ? by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the 3 (c) [c] Substituted for the words "Mining Board or such officer or authority as aforesaid", Mines (Amendment) Act (42 of 1983), S. 34 . [Committee constituted under sub-section (1) of (section 12)] a copy of the draft bye-laws shall besent 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-law so made, and thereupon such bye-law shall cease to have effect accordingly.