

MINES (POSTING UP OF ABSTRACTS) RULES, 1954

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MINES (POSTING UP OF ABSTRACTS) RULES, 1954

¹1. Published in the Gazette of India, Pt. II. See. 3. p. 1797. dated 17th July, 1954. S.R.O. 2403, dated 12th July, 1954.-In exercise of the powers conferred by Cl. (m) of Sec. 58 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following rules the same having been previously published and referred to every Mining Board as required by sub-sections (1) and (4) of Section 59 of the said Act. namely :

1. Short title :-

(1) These rules may be called the Mines (Posting up of Abstracts) Rules, 1954.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

2. Definition :-

In these rules, unless there is anything repugnant in the subject or context, the "Act" means the Mines Act, 1952 (XXXV of 1952). and section means a section of the Act.

3. Posting up of abstracts from the Act :-

(1) The abstracts of the Act contained in the schedule annexed hereto shall be posted up outside the office of every mine in English, Hindi and either in the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine, and shall be maintained in clear and legible condition.

(2) Notwithstanding anything in subrule (1), the Chief Inspector or

an Inspector may require the said abstract to be posted at any other place or in any other language.

SCHEDULE 1

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Inspectors 1. Any Inspector may enter and inspect any mine (by day and night) and make such examination and enquiry as may be necessary, to determine the condition of the mine and to ascertain whether the provisions of this Act and of the rules, regulations, and bye-laws are being observed. If he has reason to believe that these provisions have been or are being contravened, he may search any place and take possession of any register or record concerning the mine (Section 7). 2. Any Government servant, duly authorized by the Chief Inspector or an Inspector, may enter any mine for the purpose of surveying, levelling, and measuring after giving at least 3 days' notice to the manager (Section 8). 3. Every owner, agent and manager of a mine shall afford every Inspector and every person authorized under Section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or enquiry under this Act (Section 9).

Management of Mines 4. Every mine shall be under the control, management and direction of one manager having the prescribed qualification (Section 17). 5. The owner, agent and manager of every mine shall be responsible that all operations carried on in connexion with the mine are conducted in accordance with the provisions of this Act and of the rules, regulations, and bye laws and any order made thereunder (Section 18).

Provision of drinking water, ambulance appliances and latrines 6. In every mine, both above and below ground- (a) a sufficient supply of cool and wholesome drinking water shall be provided and maintained at suitable points conveniently situated for all persons employed in the mine (Section 19) : (b) a sufficient number of first aid boxes shall be provided and maintained (See. 21); (c) a sufficient number of latrines and urinals, separately for males and females, shall be provided in every mine at suitable places accessible at all times to all persons employed in the mine. All latrines and urinals shall be maintained in a clean and sanitary condition (Section 20).

Accidents 7. Where there occurs in or about a mine an accident causing loss of life or serious bodily injury or any dangerous occurrence, a notice in the prescribed form shall be sent to the prescribed authorities and simultaneously a copy of such notice shall be posted at the mine on a special notice board and kept posted for not less than two months from the date of such posting (Section 23). 8. Where any person employed in a mine contracts any disease connected with mining operations, the owner, agent or manager shall send notice thereof to the Chief Inspector and to such other authorities as may be prescribed (Section 25).

Hours and limitation of employment 9. No person shall work in a mine on any more than six days in any week (Section 28). 10. If any person works as provided under this Act, on any day of rest fixed for him, he should be given a compensatory day of rest within that or the following two months (Section 29). 11. No adult shall work above ground in a mine for more than forty-eight hours in any week or for more than nine hours in any day and he shall have at least half-an-hour's rest after working for not more than five hours. The spread- over of the period of work including rest interval shall not normally be more than 12 hours (Section 30). 12. No adult shall work below ground in a mine for more than forty-eight hours in any week or for more than eight hours in any day, except that a pump minder, an onsetter or attendant of continuously operated machinery may work for not more

than nine hours on any day or for not more than fifty-four hours in any week (Section 31). 13. Where a person works in a mine for more than forty-eight hours, whether above or below ground, he shall get, for such overtime work, wages at the rate of- (a) twice his ordinary rate of wages for underground work : and (b) one-and-a-half times his ordinary rate of wages for work above ground. "Ordinary rate of wages" means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the sale on a concessional basis of foodgrains and the other articles but does not include a bonus (Section 33). 14. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding 12 hours (Section 34). 15. Except as may be permitted under Section 39(a), no person shall work for more than ten hours in any day, inclusive of overtime, nor shall the total number of hours of his overtime work exceed fifty in any one quarter (Section 35). 16. The manager of every mine shall post outside the office a notice of working hours and no person shall be allowed to work otherwise than in accordance with the notice (Section 36). 17. The provisions regarding weekly day of rest, hours of work above and below ground and of Section 36 shall not apply to supervising staff (Section 37). 18. In case of an emergency, the manager may permit in accordance with the rules under Section 39 persons to be employed in contravention of the provisions regarding hours of work (Section 38). 19. No person aged between 15 and 18 years shall work underground in a mine unless he has been certified as fit for work as an adult by a Certifying Surgeon and carries, while at work, a token giving a reference to such certificate and he shall have rest for at least half-an-hour after not more than four-and-a-half hours of continuous work. He shall not be employed between 6 p.m. and 6 a.m. (Section 40). 20. A certificate of fitness granted or renewed for the purpose of Section 40 shall be valid only for 12 months and may be conditional regarding employment in general or regarding the nature of work and may be revoked by a Certifying Surgeon if the holder of a certificate is no longer fit for the work specified in the certificate. Where a certificate or the renewal of a certificate is refused a Certifying Surgeon shall state his reason for refusal if the person concerned so requires. The adolescent or his parents shall not be liable to pay any fees for medical examination under Sec. 40 in all cases where he is sent by the manager of the mine in which he will be employed if found fit (Section 41). 21. An adolescent, granted certificate of fitness and working in a mine, shall be considered to be an adult for the purposes of this Act (Section 42). 22. Where an Inspector is of opinion that any person working in a mine without a certificate of fitness is an adolescent or that an adolescent working with such a certificate is no longer fit, he may ask the manager not to employ such person till he is examined or re-examined, as the case may be, and declared fit by a Certifying Surgeon or certified by him not to be an adolescent (Section 43). 23. (1) No adolescent who has not been granted a medical certificate certifying that he is fit for work as an adult shall be employed or permitted to be employed above ground or in any workshop or power station in a mine or in any open-cast workings in a mine- (a) for more than four-and-a-half hours in any day; or (b) between the hours of 6 p.m. and 6 a.m. (2) The period of work of all such adolescents employed in a mine shall be limited to two shifts which shall not overlap or spread over more than five hours each, and each such adolescent shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days. (3) The provisions of Section 28 shall apply to such adolescents and notwithstanding anything contained in sub-section (1) of Section 38 or in

Sec. 39 no exemption from the provisions of Section 28 shall be granted in respect of any adolescent (Section 44). Employment of women and children 24. No person below the age of fifteen years shall be employed in any mine or allowed to be present in any part of a mine which is below ground or in any open excavation in which any mining work is being done (Section 45). 25. No woman shall be employed at any time of the day or night in any part of a mine which is below ground and no woman shall be employed in any mine above ground or in open-cast excavations except between the hours of 6 a.m. and 7 p.m. (Section 46 and Notification No. S.R.O. 1395, dated the 9th August, 1952). Registration of workers 26. For every mine, there shall be kept a register of employees showing in respect of each person his or her name, age, sex, nature of employment, date of commencement of employment, the periods of work. the intervals and days of rest. the relay to which he or she belongs, reference to the certificate of fitness In case of an adolescent and the entries in the register shall be authenticated by the signature or thumb-impression of the person concerned. There shall also be kept separate registers for work-persons working (a) below ground, (b) in open-cast workings, and (c) aboveground showing in respect of each person the name, nature of his employment and the hours of relay and the relay to which he belongs. The register of persons employed below ground shall show at any moment the name of any person who is then present below ground In the mine (Section 48). Leave with wages 27. Every person employed in a mine who has completed twelve months' continuous service (not less than 190 attendances in case of loaders or piece-rated workers working below ground and not less than 265 attendances for other persons) in the mine, shall be allowed, during the following twelve months, leave, with full pay: (a) for fourteen days. in case of monthly paid staff: (b) for seven days, in case of other works. No application for leave shall ordinarily be refused. If any person is discharged before he can take leave to which he is entitled, he shall be paid his wages or pay for that period of leave (Section 51). 28. For the leave allowed to a loader or a piece-rated worker employed below ground he shall be paid at the rate of daily average earnings during the month of December. For the leave allowed to a person who is paid weekly or monthly the rate shall be equal to his normal daily wages during the week preceding his leave. Daily average earnings or wages shall include cash equivalent of free foodgrains and other cash compensation drawn during the period concerned (Section 52). 29. Any monthly-paid employee who has been granted leave for ten days or more and any weekly-paid employee or a loader or piece-rated worker working below ground who has been granted leave for five days or more shall be paid in advance (he wages due for the period of the leave allowed (Section 53). Penalties 30. Any person obstructing an Inspector in the execution of his duties may be punished with imprisonment up to three months, or a fine up to five hundred rupees, or both (Section 63). 31. Whoever 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. may be punished with imprisonment up to three months, or a fine up to five hundred rupees, or both (Section 64). 32. Whoever knowingly uses for himself a certificate of fitness granted (under Section 40) to some other person or allows a certificate of fitness granted to him to be used by any other person, may be punished with imprisonment up to one month, or a fine up to fifty rupees, or both (Section 65). 33. If any person below 18 years of age is employed in more than one mine on any day, his parents, guardian or custodian may be punished with a fine up to fifty rupees (Section 68). 34. If any mine is run without a manager, the owner or agent may be punished with imprisonment up to three months, or

with a fine up to five hundred rupees, or both (Section 69). 35. Whoever fails to give notice of any accidental occurrence or to post a copy of the notice on a special notice board, may be punished with imprisonment up to three months, or a fine up to five hundred rupees, or both (Section 70). 36. No person shall interfere with, misuse or wilfully neglect to make use of any appliance provided for the purpose of health, safety or welfare of the workers, or wilfully do anything likely to endanger himself or others (Section 72). 37. Whoever contravenes any provision of this Act or of any regulation, rule or bye law, or of any order made thereunder, for which no penalty is expressly provided, may be punished with imprisonment up to three months, or a fine up to one thousand rupees, or both (Section 73). 38. Whoever contravenes any provision of this Act or of any rule, regulation, or by-law or of any order made thereunder may be punished- (a) if such contravention results in loss of life, with imprisonment up to one year, or a fine up to live thousand rupees, or both: (b) if such contravention results in serious bodily injury, with imprisonment up to six months, or a fine up to two thousand rupees, or both (Section 74).