

LABOUR LAW 2 BA.LL.B VI SEM

MINES ACT 1952

REGULATIONS, RULES AND BYE LAWS

- SECTION 57 – POWER OF CENTRAL GOVERNMENT TO MAKE REGULATIONS:-
- The central government may by notification in the official gazette make regulations consistent with this act for all or any of the following purposes, namely :
 - For prescribing the qualifications required for appointment as chief inspector or inspector ;
 - For prescribing and regulation and regulating the duties and powers and the chief inspector and of inspector in regard to the inspection of mines under this act;
 - For prescribing the duties of owners, agents and managers of mines.

SECTION 57 – POWER OF CENTRAL GOVERNMENT TO MAKE REGULATIONS:-

- For requiring facilities to be provided for enabling managers of mines and other persons acting under them to efficiently discharge their duties.
- For fixing the fees, if any to be paid in respect of such examinations and of the grant and renewal of certificates.
- For regulating the managers of of ascertaining, by examination or otherwise, the qualification of mangers of mines and persons acting under them and the granting and renewal of certificates of competency.
- For regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines for dealing effectively with the situation.
- For prescribing the form of, and the particulars to be contained in the notice to be given by the owner, agent or manager of a mine under section 16.

Penalties and procedure

□ Section 63 – obstruction:

- Whoever obstructs the chief inspector and inspector or any person authorised under section (8) in the discharge of his duties under this act refuses or willfully neglects to afford the chief inspector, inspector or such person for making any mine shall be punishable with imprisonment of term which may extend to three months, or with fine which may extend to five hundred rupees, or both.
- Whoever refuses to produce on the demand of the chief inspector or any registers or other documents kept in pursuance of this act. Or prevents or attempts to prevent or does any thing which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this act, shall be punishable with fine which may extended to three hundred rupees.

Falsification of records – section 64

- Whoever-
 - Counterfoils , or knowingly makes a false statement in any certificate, or any official copy of a certificate, granted under this act, or
 - Knowingly uses as true any such counterfeit or false certificate, or
 - Makes or produces or uses any false declaration, statement or evidence knowing the same to be false for the purpose of obtaining for himself or for any other person a certificate or the renewal of a certificate under this act, or any employment in a mine, or
 - Falsifies any plan, section, register or record , the maintenance of which is required by or under this act or produces before any authority such false plan, section, register or record, knowing the same to be false or,

Use of false certificates of fitness – section 65:

- ❑ Whoever knowingly uses or attempts to use a certificate of fitness granted to himself under section 43 a certificate granted to another person under that section , or having been granted a certificate of fitness to himself under that section, knowingly allows it to be used , or allows an attempt to use it to be made by another person shall be punishable with imprisonment for a term which may extend to one month , or with fine which may extend to two hundred rupees , or with both.
- ❑ Omission to furnish plans etc. (section 66) :
 - Any person who, without reasonable excuse the burden of providing which shall lie upon him, omits to make or furnish in the prescribed form or at or within the prescribed time any plan, section return, notice, register, record or report required by or under this act to be made or furnished shall be punishable with fine which may extend to one thousand rupees.

Contravention of provisions regarding employment of labour sec. 67

- Whoever, save as permitted by section 38, contravenes any provision of this act or of any regulation rule, bye law or of any order made thereunder prohibiting restricting or regulating the employment or presence of person in or about a mine shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for employment of persons below eighteen years of age (sec.68):-

- If a person below eighteen years of age is employed in a mine in contravention of section 40, the owner, agent or manager of such mine shall be punishable with fine which may extend to five hundred rupees.

Failure to appoint manager section 69:-

- Whoever , in contravention of the provisions of section 17, fails to appoint a manager shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to two thousand and five hundred rupees, or both.
- ❑ Obligation of persons employed in a mine section 72:-
 - No person employed in a mine shall :
 - Willfully interfere with or misuse any appliance convenience of other thing provided in a mine for the purpose of securing the health, safety or welfare of the person employed therein.
 - Willfully and without reasonable cause do any thing likely endanger himself of others;

Prosecution of owner, agent and manager section 75:-

- 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.

- Cognizance of offences section 80 :-

- No court inferior to that of a metropolitan magistrate or judicial magistrate of the first class shall try any offence under this act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this act made punishable with imprisonment.

- To be continued.....with unit 2, thank you