

THE MINES ACT - 1952

Sec.2

Applicability of Mines Act to sidings etc.

The question whether "persons employed on sorting out/screening ore and in loading railway wagons at the railway sidings are subject to the provisions of the Mines Act" was referred to the Government of India for clarification. It was explained to them that the operation can be carried out under varying conditions which may be classified as below:

(a) where the railway siding lies within the mine leasehold and the ore is, transported by :

(i) rope or locomotive haulage or trucks belonging to the mine management;

(ii) trucks or other means of transport belonging to contractors employed by the mine management;

(b) where the railway siding is situated outside the mine property. The distance may vary in practice, from only a few hundred yards to several miles.

The Central Govt. has clarified that workers employed on loading wagons under condition (a) come under the purview of the Mines Act but not those under condition (b) above i.e., where the railway siding is situated outside the mine property.

(Cir. 3/1952)

Mines worked through contractors

Owners of mines worked through contractors often place the responsibility for safe working of the mine on the latter who in turn, might transfer it to sub-Contractors who may have neither the means nor the skill required to do so. The provisions of this sub-section are quite clear; the responsibility for working the mine in a safe manner (including that of providing and setting supports) still remains that of the management even when contractors and sub-contractors are employed.

Similarly the management is also responsible under Coal Mines Regulation 113 etc. for the appointment of a competent person to be in charge of every place where work is being carried on in the mines irrespective of whether the work is carried out through a contractor or sub-contractor. For the safe working of a mine it is necessary that the supervising staff and shotfirers are appointed and paid by the Owner, Agent or Manager and not by a contractor or sub-contractor.

(Cir. 3/1952)

Sec. 25

Notice of Occurrence of Notified disease.

Section 25(1) of the Mines Act, 1952 read with Regulation 10 of Coal Mines Regulations, 1957 and Metalliferous Mines Regulations, 1961 provides that the mine management within three days being informed give notice of Notified disease to Chief Inspection, Regional Inspector and the Inspector of Mines (Medical) and other authorities in a prescribed form (form V). Additionally Section 25(2) of Mines Act, 1952 provides that when a medical practitioner attends a person who is employed in a mine and suffering from any of the notified disease; the medical practitioner is required to inform DGMS about the person with detailed information. Unfortunately, despite the above clear provisions of the statute regular information is not being received from many mines including those of public sector undertakings who are regularly conducting medical examination and health surveillance program for their employees. It has also been observed that even when the cases of Notified diseases are detected they are not being notified to this Directorate.

The above informations are required to take corrective action and build up a data base of the notified disease at national level. You are therefore, directed to ensure that all cases of Notified diseases detected during medical examination and health surveillance programs are reported forthwith to this Directorate.

Sec. 83

Applicability of Factories Act to mines

By notification, dated 31st March, 1964, the central government have directed that the provisions of the chapters III and IV relating to Health and Safety, of the Factories Act 1948, shall be applicable to all workshops, situated within the precincts of a mine, and under the same management which are used solely for purposes connected with that mine, or a number of mines under the same management.

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