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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following final Report of the Select Committee on the Bill to provide for the Regulation and Inspection of Mines was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th March, 1901 :—

We, the undersigned, Members of the Select Committee to which the Bill to provide for the

Regulation and Inspection of Mines was referred, have considered the Bill (No. II) and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as finally amended by us annexed thereto.

From High Court, Calcutta, No. 684, dated 15th March, 1900 [Paper No. 1].
 From Government, Punjab, No. 245, dated 21st March, 1900 [Paper No. 2].
 From Resident, Hyderabad, No. 129, dated 23rd March, 1900 [Paper No. 3].
 From Chief Commissioner, Coorg, No. 897, dated 19th May, 1900 [Paper No. 4].
 From Chief Commissioner, Ajmer-Merwara, No. 730—690-IX., dated 3rd July, 1900 [Paper No. 5].
 Office Memorandum from Finance and Commerce Department, No. 3828 S. R., dated 27th July, 1900, and enclosure [Papers No. 6].
 From Chief Commissioner, Assam, No. 48-L. & L.—2906-J., dated 23rd July 1900, and enclosures [Papers No. 7].
 From Government, Burma, No. 509-2-M.-12, dated 26th July 1900, and enclosures [Papers No. 8].
 From Chief Commissioner, Central Provinces, No. 6496, dated 2nd August, 1900, and enclosure [Papers No. 9].
 From Agent to Governor General in Baluchistan, No. 891-C., dated 1st August, 1899 [Paper No. 10].
 From Government, North-Western Provinces and Oudh, No. 2611, dated 10th August, 1900 [Paper No. 11].
 From Government, Madras, No. 793, dated 8th August, 1900, and enclosures [Papers No. 12].
 Endorsement by Foreign Department, No. 3805-I. A., dated 25th August, 1900, and enclosures [Papers No. 13].
 From Government, Bengal, No. 1728 Marine, dated 3rd September, 1900, and enclosures [Papers No. 14].
 From Government, Bombay, No. 5560, dated 6th September, 1900, and enclosures [Papers No. 15].
 From Government, Bengal, No. 143-T.-Marine, dated 11th September, 1900, and enclosures [Papers No. 16].
 From Government, Bengal, No. 1907 Marine, dated 12th October, 1900, and enclosure [Papers No. 17].
 From Officiating Inspector of Mines in India, No. O-170, dated 13th October, 1900 [Paper No. 18].
 Endorsement by Foreign Department, No. 5057-I.-A., dated 17th November, 1900, and enclosure; and No. 12 I.-A., dated 27th November, 1900, and enclosures [Papers No. 19].
 Endorsement by Revenue and Agricultural Department, No. 3976—39-14, dated 12th December, 1900, and enclosures [Papers No. 20].
 Endorsement by Public Works Department, No. 1735-R. C., dated 26th December, 1900, and enclosures [Papers No. 21].
 Endorsement by Foreign Department, No. 283-I. A., dated 19th January, 1901, and enclosures [Papers No. 22].
 Endorsement by Foreign Department, No. 366-I. A., dated 23rd January, 1901, and enclosures [Papers No. 23].

best to meet the objections which were raised by owners of mines to the Bill as reported last year. On a review of the whole subject we came to the conclusion that the clauses dealing with the labour of women and children contain a good deal of unnecessary detail, and that they might cause difficulties if applied to mines where the labourers work in family gangs. We have omitted clause 9 (1) which contained an

absolute prohibition of the employment of children; and we have altered the arrangement of the Bill so as to make it clear that women and children are not interfered with, except in so far as their own safety or the safety of others may render it necessary to deal with them. At the same time we are of opinion that the employment of women and children in mines, whether as members of family gangs or otherwise, is or may be attended by certain risks which may best be provided against by taking power to regulate and restrict, and if necessary to prohibit, such employment. We have given effect to this view of the matter by recasting a considerable portion of the Bill, as will appear from subsequent paragraphs of this Report.

3. We have given careful attention to the proposal that the Bill should be restricted in its operation to coal-mines, and that it should embody a code of rules framed somewhat on the model of the rules enacted by Parliament in the Coal Mines Act of 1837. We think the precedent is not one which can, with advantage, be adopted in India. The rules of the Act of 1837, and of previous Acts of Parliament dealing with the same subject-matter, represent the result of long experience of coal-mining. They prescribe in minute detail all the arrangements to be made in mines, and they were framed by Government in consultation with owners and working miners. In this country the mining industry is still in an early stage of its development. We think it expedient that rules should be framed, as they are found to be required, by Government, acting in co-operation with the owners of the best-managed mines, and taking into account the wishes and habits of the people employed.

4. It must be admitted that rules embodied in an Act possess one important advantage. They appear in the Statute-book, and are thus brought to the notice of all persons concerned. In clause 4 we have inserted a new sub-clause (6) which will, we hope, render it easier for managers and others to obtain timely information in regard to the rules which they are required to obey.

5. With these preliminary observations, we proceed to explain the clauses of the Bill as now further amended.

6. In clause 3 we have added a few words to the definition of "agent" to make it clear that agents fall within the scope of the Act only in so far as they take part in the actual management of a mine. In the definition of "child" a majority of the Committee were of opinion that "twelve" should be substituted for "fourteen," and the sub-clause has been altered accordingly. We have restricted the definition of persons "employed" to those who work under appointment or with the knowledge of the manager. A few words have been struck out of the definition of "mine" in order to make it clear that an open pit may be dealt with in all cases where the workings extend beneath the superjacent ground.

7. In clause 4 we have provided that Inspectors shall be qualified by experience, and that Inspectors may be appointed for groups or classes of mines, as well as for local areas. The object of the new sub-clause (6) has already been explained.

8. In clause 6, which defines the powers of Inspectors, we have altered sub-clause (d) so as to give power to exclude or remove from a mine any person whose admission is dangerous to himself or others and added words requiring an order under the clause to be complied with until the decision of the appellate authority is received. We have also slightly altered the language of sub-clause (e).

9. Clauses 9 to 12 of the Bill as formerly reported have been struck out. So much of the substance of these clauses as we think it expedient to retain has been transferred to other parts of the Bill and will be mentioned in another part of this Report.

10. After the clauses which relate to Inspectors we have inserted the clauses now numbered 9 to 12, which provide for the appointment and powers of Mining Boards and Committees. By clause 9 the Local Government is empowered to constitute a Mining Board, which will advise the Government as to the exercise of its rule-making powers. It is intended that Mining Boards should be constituted, where the owners of mines desire to have them and where suitable persons can be found to serve. Clause 10, which is in part identical with clause 16 of the Bill reported last year, provides for the appointment of Committees. We think it desirable that the Committee should be an impartial body, and have therefore provided that neither the Inspector nor any person employed in or in the management of the mine concerned shall serve upon it. Clauses 11 and 12 reproduce the substance of rules which it was proposed to apply to Committees and which we now propose to apply to Boards and Committees.

11. Clauses 13 and 14 have not been materially altered. Clause 15 (1) empowers an Inspector to give notice in regard to any mine, or any thing or practice in a mine, which is dangerous to human life or safety. We have added to this a sub-clause (2) which reproduces as much as we think it desirable to retain of clause 10 of the Bill as formerly reported. Under the new sub-clause an Inspector may prohibit the employment of women and children if such employment is immediately dangerous to the life or safety of the persons employed. The procedure to be followed in case objection is taken to the notice or order of an Inspector has been further elaborated with reference to the functions of Mining Boards and Committees. The clauses numbered 17 to 20 in the Bill reported last year, and now numbered 16 to 19, have not been materially altered.

12. The clause now numbered 20 contains the rule-making powers which Government may exercise under the proposed Act. We have added a sub-clause (b) relating to Boards and Committees, and two very important sub-clauses (l) and (m) which provide a substitute for the power given by clause 11 of the Bill as reported last year. We think the general power given by (l) and (m) will enable Government to take all such steps as may be necessary for the protection of women and children in mines. We have altered the language of the sub-clauses now lettered (l) and (m) to meet the objection of owners of mines who contended that the sub-clauses as previously worded were too wide. In the Bill, as formerly reported, previous publication was required as a safeguard against inconsiderate exercise of the rule-making power. We have preserved this requirement and have added a further safeguard by providing that rules are to be referred to the Mining Board before they are published for criticism.

13. We have made no material alteration in the clauses now numbered 21 to 27 inclusive. We propose to insert a new clause 28 reproducing, in a simpler form, clause 12 of the Bill as reported last year. We also propose to insert a new clause now numbered 32, enabling the Governor General in Council to exercise any power which is by the Act conferred upon a Local Government.

14. The further publication ordered by the Council has been made as follows:—

Gazette.		In English.			Date.
Gazette of India...	3rd March 1900.
Fort Saint George Gazette	13th March 1900.
Bombay Government Gazette	15th March 1900.
Calcutta Gazette	7th March 1900.
North-Western Provinces and Oudh Government Gazette	10th March 1900.
Punjab Government Gazette	15th March 1900.
Burma Gazette	17th March 1900.
Central Provinces Gazette	10th March 1900.
Assam Gazette	17th March 1900.
Coorg District Gazette	1st April 1900.
Sind Official Gazette	12th April 1900.
Province.		In the Vernaculars.			Date.
Madras	Kanarese	...	10th April 1900.
			Malayalam	...	10th April 1900.
			Tamil	...	24th April 1900.
			Telugu	...	24th April 1900.
Bombay	Marathi	...	28th June 1900.
			Gujarathi	...	28th June 1900.
			Kanarese	...	28th June 1900.
Bengal	Bengali	...	29th May 1900.
			Hindi	...	29th May 1900.
North-Western Provinces and Oudh	Urdu	...	12th May 1900.
Burma	Burmese	...	7th April 1900.
Central Provinces	Hindi	...	30th May 1900.
Assam	Bengali	...	21st July 1900.
Coorg	Kanarese	...	1st May 1900.
Sindh	Sindhi	...	17th May 1900.

15. The changes which we propose to make in the Bill are numerous and important, but they are all in the direction of relaxing the stringency of its provisions, and of introducing additional safeguards against hasty or unwise use of the powers which it confers. For this reason we are of opinion that the Bill has not been so altered as to require republication, and we recommend that it be passed as now further amended by us.

(Signed) C. M. RIVAZ.
 (") T. RALEIGH.
 (") E. F. G. LAW.
 (") H. F. EVANS.
 (") BIPIN KRISHNA BOSE.
 (") ALLAN ARTHUR.*
 (") DONALD SMEATON.
 (") R. P. ASHTON.*

The 6th March 1901.

* Subject to separate note.

I consider that the Bill as now amended is an improvement on the Bill which was republished last session, and may be accepted in its amended form by mine-owners. In so far, however, as it purports to deal with every class of mine throughout the vast continent of India, there may be objections to some clauses which I do not foresee; and, as the Bill is not to be republished for criticism, I sign the Report with the reservation that I may still take objection to some of the clauses to which I have given my endorsement.

(Signed) ALLAN ARTHUR.

I consider that the need for legislation for the coal-mines of Bengal has not been proved, and that, therefore, legislation is undesirable; that it is not possible to incorporate in one Act legislation which will work satisfactorily in all classes of mines in a country of such varying character as India; and that the effort to do this by rules is undesirable and likely to lead to trouble in the future.

If, however, it be conceded—

- (1) that coal-mines must be regulated by legislation,
- (2) that this legislation must be carried out by the medium of a Mines Act for all India,

I concur in the opinions expressed by the Hon'ble Sir Allan Arthur. As there has been no time for general criticism of the amended Bill, I sign the Report with the same reservation as that made by the Hon'ble Sir Allan Arthur.

(Signed) R. P. ASHTON.

[The italics indicate the alterations made by the Select Committee in the Bill as introduced, and antique type those made in Bill No. II.]

No. III.

A Bill to provide for the Regulation and Inspection of Mines.

WHEREAS it is expedient to provide for the regulation and inspection of mines; it is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Indian Mines Act, 1901.

Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas and the Pargana of Spiti; and

(3) It shall come into force at once.

2. Nothing in this Act shall be construed to affect the provisions of the Upper Burma Ruby Regulation, 1887.

Saving of Regulation XII, 1887.

XII of 1887.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "agent," when used in relation to a mine, means any person appointed as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act:

(b) "child" means a person under the age of twelve years:

(c) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or at the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(d) "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine; but it does not include any pit, quarry or other excavation the depth of no part of which measured from the level of the adjacent ground exceeds twenty feet and no part of which extends beneath the superjacent ground:

(e) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, and does not include a person who merely receives a royalty, rent or fire from the mine, or is merely the proprietor of the mine subject

to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability:

(f) "prescribed" means prescribed by rules made under this Act: and

(g) "shaft" includes pit.

Inspectors.

4. (1) The Governor General in Council shall, by notification in the Gazette of India, appoint a duly qualified person to be Chief Inspector of Mines throughout British India.

(2) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, appoint persons, qualified by experience, to be Inspectors of Mines within such local areas or for such groups or classes of mines as it may assign to them respectively.

(3) Every Inspector of Mines appointed under sub-section (2) shall, in the performance of his duties, be subordinate to the Chief Inspector of Mines appointed under sub-section (1) in such respects, and to such extent as may be prescribed by the Governor General in Council.

(4) The Chief Inspector and every Inspector of Mines appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall be subordinate to such authority as the Governor General in Council or the Local Government, as the case may be, may direct.

(5) No Chief Inspector or Inspector of Mines shall be a partner or have any interest, direct or indirect, in any mine or mining rights in India.

(6) When rules are made under this Act the Inspector of Mines shall give information to owners, agents and managers of mines within the local area or the group or class of mines, for which he has been appointed as to any rules which concern them respectively, and as to the places where copies of such rules may be obtained.

5. The District Magistrate may exercise such of the powers and perform such of the duties of an Inspector of Mines as the Local Government may, by general or special order, direct:

Provided that nothing in this section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 15 or section 21.

6. The Chief Inspector of Mines may, anywhere within British India, appoint an Inspector of Mines, within the local area

[Cf. 50 & 51 Vict., c. 58, s. 75.]

[Cf. XV of 1881, s. 2.]

[Cf. *ibid.*]

[Cf. 35 & 36 Vict., c. 77 s. 41.]

[Cf. 50 & 51 Vict., c. 58, s. 75.]

[Cf. 50 & 51 Vict., c. 58, s. 75.]

[Cf. XV of 1881, s. 3.]

XLV of 1860.

[Cf. *ibid.* s. 2.]

[Cf. XV of 1881, s. 4.]

or with respect to the group or class of mines for which he is appointed,—

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules and orders made thereunder are observed in the case of any mine;
- (b) enter, with such assistants (if any) as he thinks fit, inspect and examine any mine and any part thereof at all reasonable times by day or by night, but not so as unreasonably to impede or obstruct the working of the mine;
- (c) examine into, and make enquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the special rules for the time being in force in and at the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine;
- (d) order that any person shall not be employed in, or admitted to, or shall be removed from, a mine where there is ground for believing that his employment, in or admission to or presence in such mine would be dangerous to himself or others: Provided that an appeal shall lie to such authority as the Governor General in Council or the Local Government, as the case may be, may direct from any order made under this clause, and that the order shall be complied with until the decision of such authority shall be received at the mine;
- (e) do all other things required of him by or under this Act.

7. Every owner, agent and manager of a mine

shall furnish the Chief Inspector and every Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry in relation to the working of the mine under this Act.

Facilities to be afforded to Inspectors.

8. (1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector of Mines, or by any one assisting him, in the inspection of any mine under this Act, shall be regarded as strictly confidential.

(2) If any such person discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or the Local Government, as the case may be, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

(3) No Court shall take cognizance of any offence under this section unless on a prosecution

at the instance of the Governor General in Council, or the Local Government, or of a person aggrieved by the same.

Mining Boards and Committees.

9. (1) The Local Government may constitute Mining Boards. for the Province, or for any part of the Province, or for any group or class of mines in the Province, a mining Board consisting of—

- (a) a public officer, not being the Chief Inspector or an Inspector of Mines, nominated by the Local Government to act as chairman;
- (b) the Chief Inspector or the Inspector of Mines;
- (c) one other person, not being the Chief Inspector or an Inspector of Mines, nominated by the Local Government; and
- (d) two persons nominated by owners of mines or their representatives in such manner as the Local Government may direct.

(2) The chairman shall appoint a person to act as secretary of the Board.

(3) The Local Government may give directions as to the payment of travelling expenses incurred by the chairman, secretary or any member of a Mining Board in the performance of his duty as such chairman or member.

10. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

- (a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may direct;
- (b) one or more persons qualified by experience to dispose of the question referred to the Committee and nominated by the chairman; and
- (c) one or more persons equal in number to the person or persons nominated under clause (b) and nominated by the owner, agent or manager of the mine concerned.

(2) The Inspector of Mines shall not serve as chairman or member of a Committee appointed under this section.

(3) No person employed in or in the management of the mine concerned shall serve as chairman or member of a Committee appointed under this section.

(4) Where an owner, agent or manager fails to exercise his power of nomination under sub-section (1), clause (c), the Committee may,

[Cf. 50 & 51 Vict., c. 58, s. 41, § 2.]

[Cf. II of 1896, s. 17.]

XV of 1889.

notwithstanding such failure, proceed to inquire into and dispose of the matter referred to them.

(5) The Committee shall hear and record such information as the Chief Inspector or the Inspector of Mines or the owner, agent or manager of the mine concerned may place before them, and shall intimate their decision to the Chief Inspector or the Inspector of Mines and to the owner, agent or manager of the mine concerned, and shall report their decision to the Local Government or, where a Mining Board has been constituted, to the Local Government through the Mining Board.

(6) On receiving such report the Local Government may, if the Inspector of Mines, or the owner, agent or manager, has lodged an objection to the decision of the Committee, proceed to review such decision and to pass such orders in the matter as it may think fit.

(7) The Local Government may give directions as to the remuneration (if any) to be paid to the members of the Committee or any of them, and as to payment of the expenses of the inquiry, including such remuneration.

11. (1) A Mining Board constituted under section 9 or a Committee appointed under section 10 may exercise such of the powers of an Inspector of Mines as they may think it necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to them.

(2) A Mining Board constituted under section 9 or a Committee appointed under section 10 shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by any such Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

12. When the Local Government directs that the expenses of any inquiry conducted by a Mining Board constituted under section 9 or by a Committee appointed under section 10 are to be borne in whole or in part by the owner, agent or manager of the mine concerned, the amount so directed to be paid may be recovered on application by the Chief Inspector or the Inspector of Mines to a Magistrate having jurisdiction at the place where the mine is situate or where such owner, agent or manager is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

Mining Operations and Duties and Responsibilities of Owners, Agents and Managers.

13. (1) For every mine there shall be a manager, who shall have the prescribed qualifications.

Managers.

(2) The manager shall be responsible for the superintendence of all parts of the mine.

14. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and the rules and orders made thereunder.

(2) In the event of any contravention of, or failure to comply with, any such provisions on the part of any person whomsoever, the owner, agent and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said provisions, to prevent such contravention or non-compliance, and that such contravention or non-compliance occurred without his consent.

15. (1) If, in any respect which is not provided against by any express provision of this Act, or of the rules or orders made thereunder, the Chief Inspector or any Inspector of Mines finds that any mine, or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective, and require the same to be remedied.

Powers of Inspector when causes of danger not expressly provided against exist or when employment of women or children is dangerous.

(2) If for reasons to be recorded in the order, the Chief Inspector or the Inspector of Mines is of opinion that there is urgent and immediate danger to the life or safety of women or children employed in or at any mine, he may, by order in writing, prohibit the employment of such women and children.

(3) The Chief Inspector or the Inspector giving notice under sub-section (1) or making an order under sub-section (2) shall forthwith report the same to the Mining Board, or, where there is no Mining Board, to such officer or authority as the Local Government may by general or special order appoint in this behalf.

(4) If the owner, agent or manager of the mine objects to remedy the matter complained of in a notice under sub-section (1) or to comply with an order made under sub-section (2), he may within twenty days after the receipt of the notice or order send his objection in writing, stating the grounds thereof to the

[Cf. 50 and 51 Vict., c. 58, s. 59; XV of 1881, s. 17.]

[Cf. 50 and 51 Vict., c. 58, s. 42.]

Board or other authority to which the Inspector's report is made under sub-section (3).

(5) On receiving an objection made under sub-section (4) the said Board or other authority shall refer the matter to a Committee.

(6) In case objection is taken to an order made under sub-section (2) the order shall be complied with until the decision of the Committee is received at the mine.

(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.

V of 1898.

[Cf. XV of 1881, s. 14.]

16. The owner, agent or manager of a mine shall, in the case of existing mines within three months after the commencement of this Act, and in the case of new mines within three months after the commencement of mining operations, give notice in writing to the Inspector of Mines appointed under section 4, sub-section (2), for the local area in which the mine is situate, for or the group or Class of mines to which the mine belongs, or, if no Inspector of Mines has been appointed for such area or group or class of mines to the Chief Inspector of Mines, of the address to which he desires his letters to be directed, the kind of minerals worked or to be worked, the name of the person under whom the mining operations are or are to be conducted, and the nature of the moving power which is or is to be used.

[Cf. *ibid.*, 13.]

17. When any accidental explosion occurs in a mine, or when any accident occurs in or at a mine, causing loss of life or serious bodily injury, the owner, agent or manager of the mine shall give such notice of the explosion or accident to such authorities, in such form, and within such time, as may be prescribed.

[Cf. 50 & 51 Vict., c. 58, s. 45.]

18 (1) When in or at any mine an explosion or other accident has occurred, if it appears to the Governor General in Council or the Local Government that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, the Governor General in Council or the Local Government may give directions accordingly, and may appoint a competent person to hold the inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person or persons so appointed shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by such person or persons as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

XLV of 1860.

(3) The person or persons holding an inquiry under this section may exercise such of the powers of an Inspector of Mines as he or they may think

it necessary or expedient to exercise for the purposes of such inquiry.

(1) The person or persons holding an inquiry under this section shall make a report to the Local Government, stating the causes of the accident and its circumstances, and adding any observations which he or they may think fit to make.

19. The Local Government may cause any [Cf. 50 & 51 Vict., c. 58, s. 46.] report submitted under section 15 or section 18 to be published at such time and in such manner as it may think fit.

Rules.

20. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) regulate the duties and powers of the Chief Inspector and of Inspectors of Mines in respect of the inspection of mines under this Act, and provide for appeals from the orders of the Chief Inspector and Inspectors of Mines.

(b) provide for the appointment of chairmen and members of Mining Boards and Committees and regulate the procedure of such Boards and Committees;

(c) prescribe the duties of owners, agents and managers of mines and of all persons acting under them;

(d) prescribe the qualifications of managers and of all persons acting under them;

(e) regulate the manner of ascertaining by examination or otherwise, the qualifications of managers and persons acting under them, and the granting and renewal of certificates of competency;

(f) fix the fees (if any) to be paid in respect of such examinations and the grant and renewal of certificates as aforesaid;

(g) provide for the making of inquiries into charges of misconduct or incompetency on the part of managers and persons acting under them, and for the suspension and cancellation of certificates of competency;

(h) prescribe the matters in respect of which notices, returns and reports shall be furnished by owners, agents and managers, the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished and the particulars to be contained in them;

(i) prescribe the plans (if any) to be kept by owners, agents and managers, and the manner and places in which they are to be kept for purposes of record;

(j) regulate, subject to the provisions of the Indian Explosives Act, 1881, and the rules thereunder, the storage and use of explosives;

(k) provide for the safety of the persons employed in mines, their means of entrance thereto and exit therefrom, the number of shafts or outlets to be furnished, the fencing of shafts, outlets and passages, and the care of all machinery;

(l) prohibit, restrict or regulate the employment of women or children either below ground or on particular kinds of labour where such employment is attended by danger to the life, safety or health of such women or children;

(m) require owners or agents to maintain registers of women and children employed and prescribe the form of such registers;

(n) provide for the water-supply, sanitation and conservancy of mines;

(o) provide for the safety of the roads and working-places in mines;

(p) provide for the ventilation of mines and the action to be taken in respect of noxious gases;

(q) require and regulate the use of safety lamps in mines;

(r) provide against the accumulation of water in mines;

(s) regulate the procedure on the occurrence of accidents in mines and the supply of medical appliances and comforts for the benefit of persons injured therein;

(t) provide for the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public;

(u) provide for the protection of public property and works from injury in respect of any mine when the workings are discontinued; and

(v) prescribe the notice to be given by the owner, agent or manager of a mine before extending any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public works or classes of public works which the Local Government may, by general or special order, specify in this behalf.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules

proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(5) Where a Mining Board has been constituted under section 9, any rule to be made under this Act shall, before it is published for criticism under sub-section (3), be referred to the Mining Board, and the rule shall not be so published until the said Board has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(6) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and, on such publication, shall have effect as if enacted in this Act.

21. (1) The owner, agent or manager of a mine may frame and transmit to the Inspector of Mines or, when there is no Inspector, for the local area in which the mine is situated or the group or class to which the mine belongs, to the Chief Inspector, a draft of such special rules, not being inconsistent with this Act or any rules for the time being in force under section 20, for the control and guidance of the persons acting in the management of, or employed in or about, the mine as he may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in or about the mine. [Cf. 50 & 51 Vict., c. 58, ss. 52-54.]

(2) If any such owner, agent or manager—

(a) fails within a period of two months after the receipt of a notice from the Inspector or Chief Inspector to transmit a draft of such special rules as are referred to in sub-section (1), or

(b) submits a draft of such special rules as aforesaid, which is not in the opinion of the Inspector or Chief Inspector sufficient,

the Inspector or Chief Inspector may either—

(i) propose a draft of such special rules as appear to him to be sufficient, or

(ii) propose such amendments in the draft submitted to him by the owner, agent or manager as will, in his opinion, render them sufficient,

and shall send such draft rules or draft amendments to the owner, agent or manager for consideration.

(3) If within a period of two months from the date on which any draft rules or draft amendments are sent by the Inspector or Chief Inspector to the owner, agent or manager of a mine under the provisions of sub-section (2), the Inspector or Chief Inspector and the owner, agent or manager are unable to agree as to the terms of the special rules to be made under sub-section (1) or as to the terms of any of such rules, the said Inspector or Chief Inspector shall refer the draft rules for settlement to the Mining Board or, where there is no

Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(4) A copy of the draft rules as agreed to by the owner, agent or manager and the Inspector or Chief Inspector, or, when they are unable to agree, as settled by the Mining Board or such officer or authority as aforesaid, shall, together with a notice intimating that any objection or suggestion in respect thereof may be submitted in writing by any person employed in the mine to the said Inspector or Chief Inspector for consideration, be posted up for not less than thirty days in legible characters in English and in the vernacular of the district in some conspicuous place in the mine for the information of the persons employed therein, and a certificate to the effect that this has been done signed by the owner, agent or manager of the mine shall be transmitted to the said Inspector or Chief Inspector, together with two copies of the draft rules.

(5) When the publication required by sub-section (4) has been carried out, the Inspector or Chief Inspector shall forward a copy of the draft rules so published, together with a copy of any objections or suggestions in respect thereof received by him, to the Local Government.

(6) The special rules, when approved by the Local Government, with such modifications (if any) as it may think fit, shall be published in like manner as is provided in sub-section (4) respecting the publication of the draft, and, on such publication, shall have effect as if enacted in this Act:

Provided that the Local Government may at any time, by order in writing, which shall be published in like manner as aforesaid, rescind, in whole or in part, any rules so made, and that thereupon such rules shall cease to have effect accordingly.

Penalties.

Penalties for offences. 22. (1) Whoever—

- (a) obstructs the Chief Inspector or an Inspector of Mines in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mine; or
- (b) counterfeits, or knowingly makes a false statement in, any certificate or in any official copy of a certificate granted under this Act; or
- (c) knowingly uses as true any such counterfeit or false certificate; or
- (d) 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, or any employment under this Act; or
- (e) contravenes any provision of this Act or any rule or order thereunder for the breach of which no penalty is otherwise provided,

where the act done has resulted in loss of life or serious bodily injury to any person; shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever—

- (a) falsifies any plan or register or record required to be maintained by or under this Act; or,
 - (b) being the owner, agent or manager of a mine, omits to give the prescribed notice of an accident in the mine or to make or furnish any prescribed plans or returns; or
 - (c) makes, gives or delivers any such plan, register, record, notice or return containing a statement, entry or detail which is not, to the best of his knowledge or belief, true;
- shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever—

- (a) employs or allows to be employed in or about a mine, or allows to enter a mine or part of a mine, any person in contravention of any provision of this Act or of any rule or order thereunder; or
- (b) allows any person to perform any work forbidden by, or to work in contravention of, any such provision; or
- (c) fails to comply with any requisition or order made under any such provision; or
- (d) being the owner, agent or manager of a mine, fails to maintain correctly, or to produce, any prescribed plan; or
- (e) contravenes any provision of this Act or any rule or order thereunder for the breach of which no penalty is otherwise provided;

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing breach under clause (c) of this sub-section, with a further fine which may extend to fifty rupees for every day during which the breach is proved to have been persisted in after the date of the receipt by him of the order or requisition referred to in such clause.

Miscellaneous.

23. No prosecution shall be instituted against any owner, agent or manager, for any offence against this Act or any rule or order thereunder except at the instance of the Chief Inspector or an Inspector of Mines.

24. No Court shall take cognizance of any offence against this Act or any rule or order thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

25. No Court inferior to that of a Magistrate of the first class or Sub-divisional Magistrate shall

try any offence against this Act or any rule or order thereunder which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is punishable with imprisonment.

26. If the Court trying any case instituted on the complaint of the Chief Inspector or an Inspector of Mines under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.

27. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate, signed by a Secretary to the Local Government, shall be conclusive on the point.

28. If in any inquiry or proceeding under this Act it is necessary to decide the question whether a person is or is not under the age of twelve years, a certificate in writing, signed by a duly qualified person practising medicine or surgery, who states that he has examined such person, and that the age of such person, as nearly as can be ascertained from such examination, is or is not under twelve years, shall be received as *prima facie* evidence of the age of such person.

29. The Governor General in Council may by notification in the Gazette of India, and subject to such limitations and conditions as may seem to him expedient, exempt from the operation of the whole or any part of this Act any local area, or any mine or group or class of mines, or any class of persons.

30. The Governor General in Council or any Local Government shall have authority to reverse or modify any order passed under this Act by any authority subject to his or its control.

31. This Act shall apply to mines belonging to the Crown.

32. The Governor General in Council may, if he thinks fit, exercise any power which is by this Act conferred upon a Local Government.

Temporary Provision.

33. No Court shall take cognizance of any offence punishable under section 22, sub-section (1), clause (e), or sub-section (3), which is alleged to have been committed by any person within one year from the commencement of this Act.

J. M. MACPHERSON,
Secretary to the Government of India.