**FIFTH SCHEDULE**

**[See rule 79(1)]**

**ABSTRACTS OF THE ACT**

**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 Regulations, Rules 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 [[1]](#endnote-1)[of any material, plan, section, register or other record] concerning the mine (Section 7).
2. Any Government servant, duly authorised 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 authorised under section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or enquiry under this Act (Section 9).

3A. [[2]](#endnote-2)[The Chief Inspector or an Inspector or an officer authorised by him may undertake safety and occupational health survey in mines. The time spent by any person chosen for examination in such survey shall be counted towards his working time, so however that any overtime shall be paid on ordinary rate of wages. If such person is found medically unfit on such survey, he shall be entitled to medical treatment at the cost of the owner, agent or manager, with full wages, during the period of such treatment. If after such treatment he is declared medically unfit to discharge his duty, and if such unfitness is directly ascribable to his employment he shall be entitled for an alternative employment or a disability allowance and in case he desires to leave the employment, for payment of a lump sum compensation. (Section 9-A)].

**Management of Mines**

1. Every mine shall be under the control, management 3[supervision] and direction of one manager having the prescribed qualifications (Section 17).
2. The owner, agent and manager of every mine shall be responsible that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the Regulations, Rules and Bye-laws and any order made thereunder (Section 18).

[[3]](#endnote-3)[For any contravention of the provisions of this Act or of the Regulations, Rules, Bye-laws or orders made thereunder, the person who contravenes, the Concerned supervisor, the owner„ the agent and the manager of the mines and in matters of canteen, creche or pithead bath, the person appointed, if any, under sub-section (2) of section 18 shall be deemed to be guilty.]

**Provision of drinking water ambulance appliances and latrines**

1. In every mine, both above and below ground:
2. 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).
3. A sufficient number of first-aid boxes shall be provided and maintained (section 21).
4. 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).

**[[4]](#endnote-4)[Accidents and Prohibitory Orders]**

1. 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 [[5]](#endnote-5)[not less than fourteen days] from the date of such posting (Section 23).

[[6]](#endnote-6)[Except for preventing further accidents or for saving life or for recovering dead bodies, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or an inspector or before the expiry of 72 hours therefrom, whichever is the earliest, unless discontinuance of work at the place of accident would seriously impede the working of the mine.]

1. Where any person employed in a mine contacts 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).

8A. [[7]](#endnote-7)[Every person whose employment is prohibited under sub-section (1-A) or sub-section (3) of section 22 or under sub-section (2) of section 22-A of the Act, shall be paid the full wages for the relevant period or provided with alternative employment (Sections 22 and 22-A)].

**Hours and Limitation of Employment**

1. No person shall work in a mine on more than six days in any one week (Section 28).
2. 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 month or the following two months (Section 29).
3. No adult shall work above ground in a mine for more than forty-eight hours in any week or [[8]](#endnote-8)[normally] 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. [[9]](#endnote-9)[Consecutive shifts for the same type of workers employed above ground shall not overlap] (Section 30).
4. No adult shall work below ground in a mine for more than forty-eight hours in any week or [[10]](#endnote-10)[normally] for more than eight hours in any day, [[11]](#endnote-11)[\* \*] (Section 31).
5. [[12]](#endnote-12)[Where a mine, a person works above ground for more than nine hours or works below ground for more than eight hours on any day, or works for more than forty-eight hours in any week„ whether above ground or below ground, he shall get, for such overtime work wages at the rate of twice his ordinary rate of wages.

[[13]](#endnote-13)[“Ordinary rate of wages" means the basic wages plus any dearness allowance, underground allowance, incentive bonus (but not ordinary bonus), compensation in cash against free supply of food-grains and edible oils (but not against free housing, free supply of coal, kerosene oil, tools and uniforms, medical and educational facilities, sickness allowance) and in case of a person paid on piece-rate basis, the average of his full-time earnings (exclusive of any overtime) during the preceding week.]

1. 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).
2. [[14]](#endnote-14)[Except as may be permitted under clauses (a) and (e) of section 39, no person employed in a mine shall be required or allowed to work for more than ten hours in any day, inclusive of overtime (Section 35).]
3. 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).
4. 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).
5. In case of an emergency, the manager may permit in accordance with the rules made under section 39, persons to be employed in contravention of the provisions regarding hours of work (Section 38).

**Employment of adolescents**

1. [[15]](#endnote-15)[A person below 18 years of age shall not work in any part of a mine unless he is an apprentice or a trainee in which case he may be below 18 years but not below 16 years of age (Section 40).
2. Where an Inspector is of opinion that any person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below sixteen-years of age or is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a certifying surgeon and such person, shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee, that he is not below sixteen years of age and is fit to work (Section 43).]

[[16]](#endnote-16)[\* \* \*]

1. [[17]](#endnote-17)[
2. No woman shall be employed in any part of a mine which is below ground.
3. No woman shall be employed in any mine above ground except between the hours of 6 A.M. and 7 P.M.
4. Every woman employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on any day and the Commencement of the next period of employment (Section 46).]

**Registration of workers**

1. [[18]](#endnote-18)[
2. For every, mine, there shall be kept a register of employees showing, in respect of each person, his or her name, with the name of his father or, of her husband, as the case may be, age, sex, nature of employment, date of commencement of employment, [[19]](#endnote-19)[\* \* \*]. The entries in the register shall be authenticated by the signature or thumb-impression of the person concerned.
3. There shall also be kept separate attendance register for employees working:
4. below ground;
5. above ground in opencast workings; and
6. above ground in other cases;

showing in respect of each person the name, class or kind of his employment and the hours of shift and the shift to which he belongs. The register of persons employed below ground shall show at any moment the name of every person who is then present below ground in the mine.

1. No unauthorised person shall enter any opencast working or any workings below ground (Section 48).]

**Leave with wages**

1. [[20]](#endnote-20)[
2. Every person employed in a mine who has completed a calendar year's service therein shall be allowed, during tile subsequent calendar year, leave with wages, calculated:
3. in the case of a person employed below ground, at the rate of one day for every [[21]](#endnote-21)[fifteen days] of work performed by him;
4. in any other case, at the rate of one day for every twenty days of Work performed by him.
5. A calendar year's service referred to in sub-clause (1) shall be deemed to have been completed,
6. in the case of a person employed below ground in a mine, if he has during the calendar year put in not less than one hundred and ninety attendances at the mine; and
7. in the case of any other person, if he has during the calendar year put in not less than two hundred and forty attendances at the mine.

Explanation: For the purpose of this sub-clause:

1. any days of lay-off by agreement or contract or as permissible under the standing order;
2. in the case of a female employee, maternity leave for any number of days not exceeding twelve weeks, and
3. the leave earned in the year prior to that in which the leave is enjoyed; shall be deemed to be the days on which the employee has worked in a mine for the purpose of computation of the attendance, but he shall not earn leave for these days.
4. A person whose service commences otherwise than on the first day of January shall be entitled to leave with wages in the subsequent calendar year at the rates specified in clause (1), if:
5. in the case of a person employed below ground in a mine, he has put in attendances for not less than one-half of the total number of days during the remainder of the calendar year; and
6. in any other case, he has put in attendances for not less than two-thirds of the total number of days during the remainder of the calendar year.
7. Any leave not taken by a person to which he is entitled in any one calendar year under sub-clause (1) or sub-clause (3) shall be added to the leave to be allowed to him under sub-clause (1) during the succeeding calendar year:

Provided that the total number of da of leave which may be accumulated by any such person shall not at any one time exceed thirty days in all:

Provided further that any such person who has applied for leave with wages but has not been given such leave in accordance with sub-clause (6), shall be entitled to carry forward the unavailed leave without any limit.

1. Any such person may apply in writing to the manager of the mine not less than fifteen days before the day on which he wishes his leave to begin, for all leave or any portion thereof then allowable to him under sub-clauses (1), (3) and (4):

Provided that the number of times in which leave may be taken during any one calendar year shall not exceed three.

1. An application for such leave made in accordance with sub-clause (5) shall not be refused unless the authority empowered to grant the leave is of opinion that owing to the exigencies of the situation the leave should be refused.
2. If a person employed in a mine wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application is not made within the time specified in sub-clause (5).
3. If the employment of a person employed in a mine is terminated by the owner, agent or manager of the mine before he has taken the entire leave to which he is entitled upto the day of termination of his employment, or if such person having applied for and having not been granted such leave quits his employment before he has taken the leave, the owner, agent or manager of the mine shall pay him the amount payable under clause 28, in respect of the leave not taken, and such payment shall be made, where the employment of the person is terminated by the owner, agent or manager, before the expiry of the second working day after such termination, and where a person himself quits his employment, on or before the next pay-day.
4. The unavailed leave of a person employed in a mine shall not be taken into consideration in computing the period of any notice required to be given before the termination of his employment.
5. [[22]](#endnote-22)[If a person employed in a mine is discharged or dismissed or quits his employment or is superannuated or dies while in service, he or his heirs or his nominees is entitled to wages in lieu of leave due if he has put in the minimum number of attendance prescribed in sub-section (10) of section 52 of the Act.]

Explanation: For the purposes of sub-clauses [[23]](#endnote-23)[(4), (3) and (10)], any fraction of leave of half a day or more shall be treated as one full day and fraction of less than half a day shall be omitted (Section 52)].

1. [[24]](#endnote-24)[For the leave allowed to a person, he shall be paid at a rate equal to the daily average of his total full-time earnings during the month immediately preceding his leave, exclusive of overtime wages and bonus, but inclusive of any dearness allowance and compensation in cash including such compensation. If any, accruing through the free issue of foodgrains, and other articles as persons employed in the mine may, for the time being, be entitled to. If figures for his average earnings are not available, the average shall be computed on the basis of the daily average of the total full-time earnings of all persons similarly employed for that month (Section 53).
2. Any person who has been allowed leave for not less than four days shall be paid wages due for the period of leave allowed before his leave begins (Section 54)].

**Penalties**

1. 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 Rs. 500; or both (Section 63).
2. 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 upto three months or a fine up to [[25]](#endnote-25)[Rs, 1,0001 or both (Section 64).
3. Whoever knowingly uses for himself a certificate of fitness granted [[26]](#endnote-26)[under section 43] 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 upto one month or a fine upto [[27]](#endnote-27)[Rs.200]; or both (Section 65).
4. [[28]](#endnote-28)[If any person below 18 years of age is employed in a mine except as an apprentice or trainee, the owner, agent or manager of such mines shall be punishable with fine upto Rs. 500 (Section 68).]
5. If any mine is run without a manager, the owner or agent may be punished with imprisonment upto three months or with a fine upto [[29]](#endnote-29)[Rs. 2500]; or both (Section 69).
6. 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 upto three months or a fine up to Rs. 500; or both (Section 70).
7. 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 2).
8. [[30]](#endnote-30)[] Whoever contravenes any provision of any regulation or bye-law or of any order made thereunder relating to matters specified in clauses (d), (1), (m), (n), (o), (p), (r), (s) and (u) of section 57 shall be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 2,000 or with both (Section 72-A).
9. Whoever contravenes any order issued under sub-section (1-A), sub-section (2) or stab-section (3) of section 22 [[31]](#endnote-31)[or, under sub-section (2) of section 22-A] shall be punished with imprisonment upto two years and fine upto Rs. 5,000 (Section 72-B).
10. Whoever contravenes any provision of the Act or of any regulation, rule or bye-law or of any order made thereunder (other than an order made under sub-section (1-A) or sub-section (2) or sub-section (3) of section 22) [[32]](#endnote-32)[or, under sub-section (2) of section 22- A] shall be punishable:
11. if such contravention results in loss of life with imprisonment which may extend to two years, or with fine which may extend to Rs. 5,000 or with both; or
12. if such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with fine which may extend to Rs. 3,000 or with both; or
13. if such contravention otherwise causes injury or danger to persons employed in the mine or other persons in or about the mine, with imprisonment which may extend to three months or with fine which may extend to Rs. 1,000 or with both (Section 72-C).
14. [[33]](#endnote-33)[] 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 upto three months, or a fine up to Rs. 1,000 or both (Section 73).
15. [[34]](#endnote-34)[If any person who has been convicted for any offence other than an offence mentioned in clause 38 or 39 is again convicted for the same offence within two years of the previous conviction, he shall be punished, for each subsequent conviction, with double the punishment to which he would have been liable for the first contravention of such provisions (Section 74).]
16. [[35]](#endnote-35)[No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided or any equipment or appliances to be supplied under the Act (Section 85-C)].
1. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-1)
2. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-2)
3. Inserted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-3)
4. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-4)
5. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-5)
6. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-6)
7. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-7)
8. Inserted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-8)
9. Inserted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-9)
10. Inserted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-10)
11. Omitted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-11)
12. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-12)
13. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-13)
14. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-14)
15. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-15)
16. Cls. 21 to 24 omitted by G.S.R. 316, dated 14-4-1986 (w.e.f. 14-4-1986). [↑](#endnote-ref-16)
17. Substituted by G.S.K. 1886, dated 14-12-1965. [↑](#endnote-ref-17)
18. Substituted by G.S.K. 1886, dated 14-12-1965. [↑](#endnote-ref-18)
19. Certain words omitted by G.S.R. 316, dated 14-4-1986 (w.e.f. 14-4-1986). [↑](#endnote-ref-19)
20. Substituted by G.S.K. 1886, dated 14-12-1965. [↑](#endnote-ref-20)
21. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-21)
22. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-22)
23. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-23)
24. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-24)
25. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-25)
26. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-26)
27. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-27)
28. Substituted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-28)
29. Substituted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-29)
30. Rule 37 renumbered by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-30)
31. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-31)
32. Inserted by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-32)
33. Rule 40 renumbered by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-33)
34. Inserted by G.S.R. 1886, dated 14-12-1965. [↑](#endnote-ref-34)
35. Added by G.S.R. 316, dated 14-4-1986 (w.e.f. 26-4-1986). [↑](#endnote-ref-35)