

ACT No. V OF 1935.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st April, 1935.)

An Act further to amend the Indian Mines Act, 1923, for certain purposes.

IV of 1923. **W**HEREAS it is expedient further to amend the Indian Mines Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Mines (Amendment) Act, 1935.

Short title and commencement.

(2) It shall come into force on the 1st day of October, 1935.

IV of 1923. 2. In section 3 of the Indian Mines Act, 1923 (hereinafter referred to as the said Act),—

Amendment of section 3, Act IV of 1923.

(a) for clause (c) the following clause shall be substituted, namely:—

“(c) ‘child’ means a person who has not completed his fifteenth year;”

(b) clause (cc) shall be re-lettered as clause (ccc) and before that clause as so re-lettered the following clause shall be inserted, namely:—

“(cc) ‘day’ means a period of twenty-four hours beginning at midnight;” and

(c) after clause (j) the following clause shall be inserted, namely:—

“(jj) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a ‘relay’;”

3. (1) For

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Amendment
of section 10,
Act IV of
1923.

3. (1) For clause (c) of sub-section (1) of section 10 of the said Act, the following clause shall be substituted, namely:—

“(c) a person, not being the Chief Inspector or an Inspector, nominated by the Local Government;”.

(2) To sub-section (1) of section 10 of the said Act, the following clause shall be added, namely:—

“(e) two persons to represent the interest of miners, who shall be nominated in accordance with the following provisions:—

(i) if there are one or more registered trade unions having in the aggregate as members not less than one quarter of the miners, the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed;

(ii) if sub-clause (i) is not applicable and there are one or more registered trade unions having in the aggregate as members not less than 1,000 miners, one of the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed and the other by the Local Government;

(iii) if neither sub-clause (i) nor sub-clause (ii) is applicable, the said persons shall be nominated by the Local Government.

Explanation.—In this clause ‘miner’ means a person employed, otherwise than in a position of supervision or management, in any of the mines for which the Mining Board is constituted.”

Amendment
of section 20,
Act IV of
1923.

4. Section 20 of the said Act shall be re-numbered as sub-section (1) of section 20 and to that section as so re-numbered the following sub-sections shall be added, namely:—

“(2) The Local Government may, by notification in the local official Gazette, direct that accidents other than those specified in sub-section (1) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding forty-eight hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

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(3) A copy of the entries in the register referred to in sub-section (2) shall be sent by the owner, agent, or manager of the mine, within fourteen days after the 30th day of June and the 31st day of December in each year, to the Chief Inspector."

5. In section 22 of the said Act, for the word "or" the words "and shall cause every report submitted" shall be substituted. Amendment of section 22, Act IV of 1923.

6. In Chapter VI of the said Act, before section 23 the following sections shall be inserted, namely:— Insertion of new sections 22A, 22B, 22C and 22D in Act IV of 1923.

"22A. No person shall be allowed to work in a mine on more than six days in any one week. Weekly day of rest.

22B. (1) A person employed above ground in a mine shall not be allowed to work for more than fifty-four hours in any week or for more than ten hours in any day. Hours of work above ground.

(2) The periods of work of any such person shall be so arranged that, along with his intervals for rest, they shall not in any day spread over more than twelve hours, and that he shall not work for more than six hours before he has had an interval for rest of at least one hour.

(3) Persons belonging to two or more relays shall not be allowed to do work of the same kind above ground at the same moment:

Provided that for the purposes of this sub-section persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

22C. (1) A person employed below ground in a mine shall not be allowed to work for more than nine hours in any day. Hours of work below ground.

(2) Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than nine hours in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than nine hours.

(3) No person employed in a mine shall be allowed to be in any part of the mine below ground except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 23.

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Special provision for night relays.

22D. Where a worker works in a relay whose period of work extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and the hours he has worked after midnight shall be counted towards the previous day."

Substitution of new section for section 23, Act IV of 1923.

7. For section 23 of the said Act the following section shall be substituted, namely:—

Prohibition of employment of certain persons.

"23. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding twelve hours."

Repeal of section 23A, Act IV of 1923.

8. Section 23A of the said Act is hereby repealed.

Amendment of section 23B, Act IV of 1923.

9. In section 23B of the said Act,—

(a) in sub-section (1),—

(i) for the word "shifts" the word "relays" and for the word "shift" the word "relay" shall be substituted, and

(ii) after the word "relay" as so substituted the following sentence shall be inserted, namely:—

"The notice shall also state the time of the commencement and of the end of the intervals for rest fixed for persons employed above ground.";

(b) in sub-section (3), for the word "shift" the words "relay or in the rest intervals fixed for persons employed above ground" shall be substituted, and the comma and all the words after the words "before such change" shall be omitted; and

(c) after sub-section (3) the following sub-section shall be inserted, namely:—

"(4) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1)."

10. In section

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10. In section 24 of the said Act, for the words, figures and letter "section 23 or section 23A" the words, figures and letters "section 22A, section 22B, section 22C, section 23, or sub-section (4) of section 23B" shall be substituted.

Amendment of section 24, Act IV of 1923.

11. In section 25 of the said Act, for the words, figures and letter "section 23 or section 23A" the words, figures and letters "section 22A, section 22B, section 22C, section 23, or sub-section (4) of section 23B" shall be substituted.

Amendment of section 25, Act IV of 1923.

12. Before section 27 of the said Act the following section shall be inserted, namely:—

Insertion of new section 26A in Act IV of 1923.

"26A. No person who has not completed his seventeenth year shall be allowed to be present in any part of a mine which is below ground, unless—

Young persons not to be allowed underground without certificates of fitness.

- (a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine, and
- (b) he carries while at work a token giving a reference to such certificate."

13. In section 27 of the said Act, after the word "child" the words "or has not completed his seventeenth year" shall be inserted.

Amendment of section 27, Act IV of 1923.

14. For section 28 of the said Act the following section shall be substituted, namely:—

Substitution of new section for section 28, Act IV of 1923.

"28. (1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing, in respect of each such person,—

Register of employees.

- (a) the nature of his employment,
- (b) the periods of work fixed for him,
- (c) the intervals for rest, if any, to which he is entitled,
- (d) the days of rest to which he is entitled, and
- (e) where work is carried on by a system of relays, the relay to which he belongs.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register.

(4) For

(4) For every mine to which the Local Government may by general or special order, declare this sub-section to be applicable, there shall be kept in the prescribed form and place a register which shall show at any moment the name of every person then working below ground in the mine."

Amendment
of section 30,
Act IV of
1923.

15. In section 30 of the said Act,—

(a) after clause (a) the following clause shall be inserted, namely:—

“(aa) for prescribing the form of the register referred to in sub-section (2) of section 20;”;

(b) in clause (e), for the words “to be more than thirteen years of age” the words “to have completed their fifteenth year” shall be substituted;

(c) after clause (e) the following clause shall be inserted, namely:—

“(ee) for prescribing the form of the certificates of fitness required by section 26A and the circumstances in which such certificates may be granted and revoked;” and

(d) in clause (f), for the word “register” the word “registers” shall be substituted.

Amendment
of section 31,
Act IV of
1923.

16. In sub-section (3) of section 31 of the said Act, after the words “British India” the words “which is, in the opinion of the Governor General in Council, concerned with the subject dealt with by the regulation” shall be inserted.

Amendment
of section 38,
Act IV of
1923.

17. Section 38 of the said Act shall be re-numbered as sub-section (1) of section 38, and

(a) in the said section as so re-numbered, after the word “provisions” the words, brackets and figure “of sub-section (1)” shall be inserted; and

(b) to the said section as so re-numbered and amended the following sub-section shall be added, namely:—

“(2) Whoever in contravention of a direction made by the Local Government under sub-section (2) of section 20 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with fine which may extend to five hundred rupees.”

Amendment
of section 46,
Act IV of
1923.

18. In sub-section (1) of section 46 of the said Act, after the word “exempt” the words “either absolutely or subject to any specified conditions” shall be inserted.