



Unit-6

Occupational Health and Safety Legislations in India

Units of Certificate in Occupational Health and Safety

Unit 1: Introduction to occupational health and safety

- Definition of occupational health and safety
- Occupational health and safety in developing countries
- Occupational hazards
- Occupational hygiene
- Ergonomics

Unit 2: Sector specific occupational health and safety issues

- Health and safety risks in mining
- Health hazards in electronics industry
- Health hazards in the food processing industry
- Health hazards in textile industry
- Health and safety hazards in construction industry

Unit 3: Socio-economic aspects of occupational health and safety

- Women and occupational health safety
- Child labour and occupational health
- Health problems in unorganised sector

Unit 4: Basics of preventive techniques

- Accident analysis
- Monitoring of hazards
- Reporting and investigation of accidents
- Prevention and control of accidents
- Ensuring safety measure

Unit 5: Health screening measures

- Stages of medical examination
- Occupational history
- Pulmonary Function Test (PFT)
- Noise Induced Hearing Loss (NIHL)

Unit 6: Occupational health and safety legislations in India

- Overview of the existing OHS legislations in India
- The Factories Act
- The Mines Act
- The Workmen's Compensation Act
- The Employee's State Insurance Act
- Present state of OHS legislations in India

Unit 7: Participatory research in occupational health

- Philosophy of participatory research
- Use of participatory research methods in occupational health

- Conducting participatory research for OHS

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6.1 Learning Objectives

After completing this Unit, you should be familiar with the following concepts and issues.

- The legislations available in India in relation to occupational health and safety (OHS)
- Guidelines of major OHS legislations in India namely the Factory's Act, the Mines Act, the Employee's State Insurance Act and the Workmen's Compensation Act.
- Inadequacy of OHS legislations in India.

6.2 Introduction

The Constitution of India enshrines detailed provisions for the rights of the citizens (and other persons) and for the principles to be followed by the states in the governance of the country labelled the "Directive Principles of State Policy". These Directive Principles provide for securing the health and strength of workers, both men and women, thereby ensuring that children are not abused at a tender age; that citizens are not forced by economic necessity to enter into vocations which are not suited to their age or strength, and that just and humane conditions and maternity relief are provided at the work place and that the government shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry. On the basis of these Directive Principles, the Government of India declares its policies, priorities and strategies, and purpose through the exercise of its power. It is committed to regulate all economic activities among the several states and with foreign nations for the management of occupational safety and health risks and to provide measures for the protection of national assets and for the general welfare and to assure, as far as possible, every working man and woman in the nation a safe and healthy working condition and to preserve human resources.

Like most other countries, India thus tries to reinforce OHS by implementing laws, which regulate the measures that companies, have to take; especially, the Factories Act, 1948, the Mines Act, the Ports Act and the Construction Act which refer only to the safety of employees working in the respective sectors. For other employees, for example such as those employed in shops or establishments, various state legislations have been enacted, which have almost similar provisions as the Factories Act.

In order to guarantee a sufficient level of OHS throughout the country, these Acts lay down very basic minimum requirements. In this way, the differences between the single states in the administration of the Act can be minimised. Another intention of these detailed provisions is to streamline the work of the Inspectors who have to examine the conditions of work in the factories, which is said to require that the inspectors have expert knowledge of the subject.

The formulation of policies, priorities and strategies in OHS and the environment at work places, is not undertaken by national authorities alone, but is done in consultation with the social partners i.e. employees' organisation, employers organisation, autonomous and voluntary organisations, public etc. to ensure that the set goals/objectives are met. The Government of India firmly believes that without safe and healthy working conditions, social justice cannot be achieved and that the attainment of safety and health at work is fundamental to economic growth.

6.3 Overview of the Existing OHS Legislations in India

The basic aim of the concerned law making and amending authorities is to come up with laws which provide safety standards, to protect the basic needs of workers, and take care of their welfare. These laws are flexible enough to create rather than destroy jobs, and increase the overall wellbeing of the workers. The main objectives of the legislations related to OHS are mentioned below.

- Providing a statutory framework including the enactment of a general enabling legislation on OHS in respect of all sectors of economic activities, designing suitable control systems of compliance, enforcement and incentives for better compliance.
- Providing administrative and technical support services.
- Providing a system of incentives to employers and employees so that they achieve higher health and safety standards.
- Establishing and developing research and development capabilities in emerging areas of risk and effective control measures.
- Reducing the incidence of work related injuries, fatalities and diseases.
- Reducing the cost of work place injuries and diseases.
- Increasing community awareness regarding areas related to OHS.

Table I. The List of OHS Legislations in India

1. Laws related to Working Hours, Conditions of Services and Employment

1	The Factories Act, 1948
2	The Dock Workers (Regulation of Employment) Act, 1948
3	The Plantation Labour Act, 1951
4	The Mines Act, 1952
5	The Working Journalists and other Newspaper Employees (Conditions of Service and Misc. Provisions) Act, 1955 The Working Journalists and other Newspaper Employees (Conditions of Service and Misc. Provisions) Rules, 1957
6	The Merchant Shipping Act, 1958
7	The Motor Transport Workers Act, 1961
8	The Beedi & Cigar Workers (Conditions of Employment) Act, 1966
9	The Contract Labour (Regulation & Abolition) Act, 1970
10	The Sales Promotion Employees (Conditions of Service) Act, 1976 The Sales Promotion Employees (Conditions of Service) Rules, 1976
11	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
12	The Shops and Establishments Act
13	The Cinema Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 The Cinema Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984 The Cine Workers' Welfare Fund Act, 1981
14	The Dock Workers (Safety, Health & Welfare) Act, 1986
15	The Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996
16	The Dock Workers (Regulation of Employment) (inapplicability to Major Ports) Act, 1997

2. Laws related to Equality and Empowerment of Women

1	The Maternity Benefit Act, 1961
2	The Equal Remuneration Act, 1976

3. Laws related to Equality and Empowerment of Children

1	The Bonded Labour System (Abolition) Act, 1976
2	The Child Labour (Prohibition & Regulation) Act, 1986

4. Laws related to Social Security

1	The Workmen's Compensation Act, 1923
2	The Employees' State Insurance Act, 1948
3	The Employees' Provident Fund & Miscellaneous Provisions Act, 1952
4	The Payment of Gratuity Act, 1972

5. Laws related to Labour Welfare

1	The Mica Mines Labour Welfare Fund Act, 1946
2	The Limestone & Dolomite Mines Labour Welfare Fund Act, 1972
3	The Beedi Workers Welfare Fund Act, 1976
4	The Beedi Workers Welfare Cess Act, 1976
5	The Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines Labour Welfare Fund Act, 1976
6	The Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines Labour Welfare Cess Act, 1976
7	The Cine Workers Welfare Fund Act, 1981
8	The Cine Workers Welfare Cess Act, 1981
9	The Employment of Manual Scavengers and Construction of Dry latrines Prohibition Act, 1993

6. Laws related to Employment & Training

1	The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 The Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1959
2	The Apprentices Act, 1961

7. Other Relevant Legislations

1	The Fatal Accidents Act, 1855
2	The War Injuries Ordinance Act, 1941
3	The Weekly Holiday Act, 1942
4	The National and Festival Holidays Act
5	The War Injuries (Compensation Insurance) Act, 1943
6	The Personal Injuries (Emergency) Provisions Act, 1962
7	The Personal Injuries (Compensation Insurance) Act, 1963
8	The Coal Mines (Conservation and Development) Act, 1974
9	The Emigration Act, 1983 The Emigration Rules, 1983
10	The Labour Laws (Exemption from Furnishing Returns and Maintaining Register by Certain Establishments) Act, 1988
11	The Public Liability Insurance Act, 1991

6.4 The Factories Act

This is an Act to consolidate and amend the law regulating labour in factories. It came into force on the 1st day of April, 1949 as the Factories Act, 1948 and extends to the whole of India.

The Factories Act, 1948, legislation for labour welfare, was enacted with the prime object of protecting workmen employed in factories against industrial and occupational hazards, and with that intent it imposes upon the owners and occupiers certain obligations to protect the unwary as well as negligent workers and to secure employment for them, which is conducive and safe. The Act's objective is to protect human beings from being subjected to unduly long hours of bodily strain and manual labour. It provides that employees should work in healthy and sanitary conditions as far as the manufacturing process will allow and that precautions be taken for their safety and for the prevention of accidents. In order to ensure that the objectives are carried out, the local governments are empowered to appoint Inspectors to call for returns and to ensure that the prescribed registers are duly maintained.

The Act provides for the health, safety, welfare and other aspects of OHS for workers in factories. It is enforced by the state governments through their Factory Inspectorates. It also empowers the state governments to frame rules, so that the local conditions prevailing in the state are appropriately reflected in the enforcement. To make the punishments provided in the Act stricter and to make certain other amendments found necessary in the implementation of the Act opportunities to be taken advantage of.

It should not be forgotten that the Act is sanctioning interference with the ordinary rights of the citizen and that the inquisitorial powers that are given should be used with tact and circumspection.

The provisions for the workers' safety, health and welfare are generally found to be inadequate and unsatisfactory and even such protection as is provided by the legislation does not extend to the large mass of workers employed in work places not covered by the Act. In view of the large and growing industrial activities in the country, a radical overhauling of the Factories Law is called for and cannot be delayed.

Some of the important points of this Act are mentioned in *Annexure I*.

6.5 The Mines Act

This is an Act to amend and consolidate the law relating to the regulation of labour and safety in mines and extends to the whole of India.

The Indian Mines Act which is related to the regulation and inspection of mines was passed in 1923. Although it has since been amended in certain respects, the general framework has remained unchanged. Experience of the Act's working revealed a number of defects and deficiencies in it, which hampered its effective administration. Some of these necessitated new forms of control, while others required the tightening of the existing legal provisions. Therefore,

it was considered necessary to thoroughly overhaul the existing Act to amend and consolidate the law relating to the regulation of labour and safety in mines, which resulted in the enactment of the Mines Act, 1952.

The significant obligations under the Mines Act and the Mines Rules 1955 include the formation of Safety Committees in every mine, wherein more than 100 persons are employed; providing a notification of accidents and the appointment of Workmen's Inspectors by the manager (one Inspector for every 500 miners). According to this Act the owner, agent or manager has to remove any dangerous or defective situation, as per the directions of the Inspector. Further, the Act states that adolescents (not completed 15 years) are prohibited from any mining operation; the initial and periodical examination of miners is to be conducted and notice has to be provided for any notifiable diseases. The Directorate of Mines is empowered to undertake safety and occupational health surveys in the mines and the central government is empowered to appoint a 'competent' person for inquiring into the occupational diseases that have been detected.

Some of the important points of this Act are mentioned in *Annexure II*.

6.6 The Workmen's Compensation Act

This is an Act that provides for the payment of compensation for injury by accident by certain classes of employers to their workmen.

The objective of the Workmen's Compensation Act is to make provision for the payment of compensation to a workman only, i.e. to the concerned employee himself in case of his surviving the injury in question and to his dependants in the case of his death.

An additional advantage of this type of legislation is that by increasing the importance of adequate safety devices, it reduces the number of accidents that workmen have in a manner that cannot be achieved by official inspection. Further, the encouragement given to employers to provide adequate medical treatment for their workmen should mitigate the effect of such accidents which occur very often. The benefit so conferred on the workmen, added to the increased sense of security, which they will enjoy, should render industrial life more attractive and thus increase the available supply of labour. At the same time a corresponding increase in the efficiency of the average workman may be expected. A system of insurance would prevent the burden from pressing too heavily on any particular employer.

The Act provides for cheaper and quicker disposal of disputes relating to compensation through special Tribunals than is possible under the civil law. The passage of time has widened the courts' approach and their approach has become more liberal, leaning towards the workman.

The Act relates to the workers and the entire purpose of the statute is to see that the weaker section of the community, namely, the working class is not caught in the tangle of litigation which involves a protracted course of appeal.

6.7 The Employees' State Insurance Act

This Act provides certain benefits to employees in case of sickness, maternity and employment injury and makes provision for certain other matters in relation thereto. It extends to the whole of India shall apply in the first instance, to all factories (including factories belonging to the government) other than seasonal-factories¹.

The Employees' State Insurance Act, 1948 is a piece of social welfare legislation enacted primarily with the objective of providing certain benefits to employees in case of sickness, maternity and employment injury and also to make provisions for certain other matters incidental thereto. The Act tries to attain the goal of socio-economic justice enshrined in the Directive Principles of State Policy under Part IV of the Constitution, in particular, the Articles 41, 42 and 43 which enjoin the State to make effective provision for securing the right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of any undeserved want to make provision for securing just and human conditions of work, and maternity relief and to secure by suitable legislation or economic organisation or in any other way, to all workers, work, a living wage, decent standard of life and full enjoyment of leisure and social and cultural activities. The Act strives to materialise these avowed objectives though only to a limited extent.

This Act covers a wider spectrum than the Factories Act, in the sense that while the Factories Act is concerned with the health, safety, welfare, leave, etc. of the workers employed in the factory premises only, the benefits of this Act extend to employees whether working inside the factory or establishment or elsewhere, or if they are directly employed or employed by the principal employer or through an intermediate agency, if the employment is incidental or in connection with the work in the factory or establishment, meaning thereby, under this Act, it is not the place of work, but the nexus between the work and the factory or establishment which is important.

Elaborate machinery is provided for the effective administration of the Act, the apex body being the ESI Corporation, subordinate to which are the Standing Committee and Medical Benefit Council. The Corporation is a public corporation controlled and subsidised by the government for the benefit of the employees. Its objective is to render service to a penurious section of the public. The funds required for the scheme's functioning are raised from contributions, both from the employer's and employees', grants, donations and gifts from governments, local bodies, individuals or bodies whether corporate or not (ESI Fund). For adjudication of disputes and claims Employees Insurance Courts are being created. Provision for recovery of contribution, penalty and damages for default, prosecution and punishment, etc. have also been provided as a part of this Act.

¹ A factory which is exclusively engaged in one or more of the following manufacturing processes, namely cotton, jute processing, manufacture of coffee, indigo, lac, rubber, sugar (including gur) or tea
http://www.esicoimbatore.org/info/def_sfactory.htm

6.8 Inadequacy of OHS Legislations in India

India has a large number of labour legislations enacted for the promotion and protection of worker's welfare. However, most of these labour laws look good only on paper, because neither workers nor their representative unions are completely aware about their ramifications nor do they take advantage of them. Consequently, despite comprehensive legislations, the number of accidents in India is very high.

One of the reasons for this failure is the lack of enforcement and in this case any law would be useless. It has also been observed that in India the number of Health and Factory Inspectors is inadequate. For example, there are only three Factory Inspectors for the National Capital Territory (NCT) of Delhi. They were in charge of 6496 factories covered by the Factories Act at the end of 1999. This is not even one Inspector per 2000 factories, whereas, a reasonable ratio would be one Inspector per 250 factories, which is a total of 24 Inspectors on the whole. Due to the scarcity of staff, it becomes impossible to conduct regular visits to organisations/companies. In addition to this, Inspectors respond only when complaints are lodged or when accidents are reported. Also the Inspectors are not equipped well enough to respond to a complaint or in the case of an accident.

The other major reason for the non-satisfactory levels of OHS in the factories is the unsuitability of the centrally drafted regulations to the local situation. Legislations are either unrelated to the danger or do not take into account distinctive work situations. Obviously, workplaces differ from each other. Legislation, which neglects these differences, imposes very high costs on some workplaces, while others still remain unsafe, despite complying with the requirements. For example, the Factories Act requires minimum space for each worker to prevent overcrowding—14.2 cubic metres for factories built after the commencement of this Act and 9.9 cubic metres for older ones. The actual checking of this requirement is carried out by the Health Inspector based on the building plan of the facility. So, the total available space is divided by the number of workers, and thus, violations for single workplaces cannot be discovered.

Furthermore, the levied penalties are insignificant. Inspectors are in conflict between being too easy on firms and bankrupting them. Especially in poor areas, where unemployment plays an important role, the Inspector would not only consider the health of the employers, but also the security of their workplaces. The expected costs of non-compliance with legislation (the product of fine and probability of being convicted) therefore would be small compared to the expenses of improving the working conditions.

Lastly, it takes time to formulate legislation in response to constantly changing technologies. Laws would only be made, when safety problems have already occurred. Then they always would be some years behind the actual hazards.

In any case, only eight percent of the Indian workforce is employed in the organised sector; therefore the law will not necessarily reach a larger part of it. In this context, in Indian situations, maybe OHS hazards can be mitigated through economic incentives. Economic incentives in this realm have several advantages over regulations. First, in countries like India, where the enforcement of existing labour laws is lax, firms tend to ignore regulations on OHS. The signals from the markets cannot be ignored. Secondly, regulations prescribe a minimum level of

measures for OHS. Once this level is reached, there is no reason for further improvement. Economic incentives do not stop at a certain level. Thirdly, adapting the laws to new risks takes time. Economic incentives apply to new hazards as well as the old ones. Fourthly, economic incentives measure the outcome of OHS, not the means. Regulations prescribe certain means, which are intended to be effective.

6.9 Glossary of Terms

- **Directive Principles of State Policies (DPSPs):** DPSPs given in Part IV of the Constitution of India, are certain directions given by the Constitution to the central and state governments to establish a just society in the country. The government must keep them in mind while framing laws or policies. They are non - justiciable in nature and they aim at achieving social and economic democracy for establishing a welfare state. Directive Principles of State Policy have been borrowed from the Irish Constitution. Directive Principles are classified under the following categories -Gandhian, economic and socialistic, political and administrative, justice and legal, environmental, protection of monuments and peace and security.
- **Indian Toxicological Research Centre:** Established in 1965, the Industrial Toxicology Research Centre (ITRC), Lucknow, a constituent laboratory of the Council of Scientific & Industrial Research (CSIR) is dedicated to providing health safeguards to industrial and agricultural workers through its rich knowledge base, created painstakingly over the years. The main campus is located on Mahatma Gandhi Marg in the city, while the other campus is in village Gheru on the Lucknow-Kanpur highway about 22 kilometres from the main campus.
- **National Institute of Occupational Health (NIOH):** The NIOH came into being in 1966 at Ahmedabad. Originally designated as the Occupational Health Research Institute, it was designated as the National Institute of Occupational Health (NIOH), in 1970. The NIOH has been carrying out significant studies on various aspects of occupational/industrial health involving epidemiological studies and surveillance of hazardous occupations including air pollution, noise pollution, agricultural hazards, industrial hazards in organised sectors as well as small scale industries, carcinogenesis, pesticide toxicology, etc., in different parts of India, apart from laboratory and clinical studies for the recognition and evaluation of risk factors for occupation/environment related diseases and designing of appropriate measures for prevention of hazards and/or control of the risk factors at work places. The NIOH has set up two Regional Centres, one at Bangalore (southern region) and the other at Calcutta (eastern region), to deal with the specific environmental health problems of these regions. The Institute and its Regional Centres' research and development activities are directed at promoting the health of the working population including woman and ensuring a safe working environment. The Institute has achieved international status as a WHO collaborative centre for occupational health for the South East Asia region and as the lead institute for the international programme on chemical safety under IPCS (WHO).
- **National Labour Institute:** The V. V. Giri National Labour Institute is a premier national institution involved with research, training, education, publication and consultancy on labour

related issues. The Institute, established in 1974, is an autonomous body of the Ministry of Labour, Government of India.

6.10 Summary

Below is a quick summary of what has been covered in this Unit.

- We learnt about the legislations in India within the context of OHS.
- We understood the key provisions within these legislations.
- We also realised that though these legislations are in existence, they remain inadequate.

6.11 Recommended for Further Reading

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- Government of India. 2005, Bare Act: The Factories Act, 1948 (Act No. 63 of 1948), Commercial Law Publishers (India) Pvt. Ltd., New Delhi
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6.12 References

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14. PRIA, December 1997, How Workers Can Claim Compensation? Under Employees State Insurance Act, 1948 and Workmen's Compensation Act, 1923, PRIA, New Delhi
15. Raffle O.B.E., Lee W.R., McCallum R.I., Murray R., 1987, Hunter's Diseases of Occupations. Hodder and Stoughton, Kent
16. Sarma A.M., 2002, Industrial Health and Safety Management, Himalaya Publishing House, Mumbai
17. http://www.esicoimbatore.org/info/def_sfactory.htm

6.13 Required Readings

1. Kanhere Vijay, February 1995, Compensation is not a dirty word, Bulletin on occupational and environmental health, PRIA, New Delhi
2. Kulkarni G. K., March 2009, Implementation of occupational health legislation at work place, issues and concerns, www.ijoem.com

6.14 Annexures

The Factories Act

Some important aspects of the Factories Act are as follows.

Section 2: According to Section 2 of this Act:

"Hazardous process" means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would cause material impairment to the health of the persons engaged in or connected therewith, or result in the pollution of the general environment.

"Day" means a period of 24 hours beginning at midnight.

"Machinery" includes prime movers, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied.

"Manufacturing process" means any process for making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal, or pumping oil, water, sewage or any other substance; or generating, transforming or transmitting power; or composing types for printing, printing by letter press, lithography, photogravure or other similar processes or book binding; or constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or preserving or storing any article in cold storage.

"Worker" means a person [employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not], in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process [but does not include any member of the armed forces of the Union].

"Factory" means any premises including the precincts thereof whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

"Occupier" of a factory refers to the person who has ultimate control over the affairs of the factory.

Section 5: Power to exempt during public emergency - In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act,[except Section 67] for such

period and subject to such conditions as it may think fit, provided that no such notification shall be made for a period exceeding three months at a time. (For the purposes of this Section "public emergency" means a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance.)

Section 6: Approval, licensing and registration of factories - The State Government may make rules requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government; requiring the previous permission in writing of the State Government or the Chief Inspector to be obtained for the site on which the factory is to be situated and for the construction or extension of any factory or class or description of factories; requiring for the purpose of considering application for such permission the submission of plans and specifications and other details relating to the registration and licensing of factories.

Section 7A: General duties of the occupier - Every occupier shall ensure, as far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory.

Section 7B: General duties of manufactures, etc., as regards articles and substances for use in factories - They shall ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to the health of the workers when properly used.

Section 8: Inspectors - The State Government may, by notification in the Official Gazette, appoint such persons who possess the prescribed qualification to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit or appoint any person to be a Chief Inspector who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the State.

Section 9: Powers of Inspectors - Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed, enter, with such assistants, being persons in the service of the Government, or any local or other public authority, [or with an expert] as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory; make examination of the premises, plant, machinery, article or substance; inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not; etc.

Section 11: Cleanliness - Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance.

Section 12: Disposal of wastes and effluents - Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous and for their disposal.

Section 13: Ventilation and temperature - Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom adequate ventilation by the

circulation of fresh air, and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

Section 14: Dust and fumes - In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fumes or other impurities of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein.

Section 16: Overcrowding - No room in any factory shall be overcrowded to an extent that is injurious to the health of the workers employed therein.

Section 17: Lighting - In every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.

Section 21: Fencing of machinery - In every factory the following, namely, every moving part of a prime mover and every flywheel connected to a prime mover whether the prime mover or flywheel is in the engine house or not; the headrace and tailrace of every water-wheel and water turbine; any part of a stock-bar which projects beyond the head stock of a lathe; and unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, shall be securely fenced by safeguards of substantial construction which [shall be constantly maintained and kept in position] while the parts of machinery they are fencing are in motion or in use.

Section 22: Work on or near machinery in motion - Where in any factory it becomes necessary to examine any part of machinery referred to in Section 21, while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing (which shall be supplied by the occupier) whose name has been recorded in the register prescribed in this behalf and who has been furnished with a certificate of his appointment.

Section 23: Employment of young persons on dangerous machines - No young person [shall be required or allowed to work] at any machine to which this Section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine.

Section 28: Hoists and lifts - In every factory every hoist and lift shall be of good mechanical construction, sound material and adequate strength and properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six months.

Section 34: Excessive weights - No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

Section 35: Protection of eyes - In respect of any such manufacturing process carried on in any factory as may be prescribed, being a process which involves risk of injury to the eyes from particles or fragments thrown off in the course of the process, or risk to the eyes by reason of exposure to excessive light, the State Government may by rules require that effective

screens or suitable goggles shall be provided for the protection of persons employed on, or in the immediate vicinity of the process.

Section 37: Explosive or inflammable dust, gas, etc. - Where in any factory any manufacturing process produces dust, gas, fumes or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by effective enclosure of the plant or machinery used in the process; removal or prevention of the accumulation of such dust, gas, fumes or vapour; exclusion or effective enclosure of all possible sources of ignition.

Section 38: Precautions in case of fire - In every factory, all practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally, and to provide and maintain safe means of escape for all persons in the event of a fire, and the necessary equipment and facilities for extinguishing fire.

Section 40: Safety of buildings and machinery - If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on [the occupier or manager or both] of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Section 40B: Safety Officers - In every factory, wherein one thousand or more workers are ordinarily employed, or wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease, or any other hazard to health, to the persons employed in the factory, the occupier shall, if so required by the State Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification. The duties, qualifications and conditions of service of Safety Officers shall be such as may be prescribed by the State Government.

Section 41B: Compulsory disclosure of information by the occupier - The occupier of every factory involving a hazardous process shall disclose in the manner prescribed all information regarding dangers, including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufacture, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector, the local authority within whose jurisdiction the factory is situated and the general public in the vicinity.

Section 41C: Specific responsibility of the occupier in relation to hazardous processes - Every occupier of a factory involving any hazardous process shall maintain accurate and up-to-date health records or, as the case may be, medical records, of the workers in the factory who are exposed to any chemical, toxic or any other harmful substances which are manufactured, stored, handled or transported and such records shall be accessible to the workers subject to such conditions as may be prescribed; appoint persons who possess qualifications and experience in handling hazardous substances and are competent to supervise such handling

within the factory and to provide at the working place all the necessary facilities for protecting the workers in the manner prescribed.

Section 41D: Power of Central Government to appoint Inquiry Committee - The Central Government may, in the event of the occurrence of an extraordinary situation, involving a factory engaged in a hazardous process, appoint an Inquiry Committee to inquire into the standards of health and safety observed in the factory with a view to finding out the causes of any failure or neglect in the adoption of any measures or standards prescribed for the health and safety of the workers employed in the factory or the general public affected or likely to be affected, due to such failure or neglect and for the prevention and recurrence of such extraordinary situations in the future in such factory or elsewhere.

41E: Emergency standards - Where the Central Government is satisfied that no standards of safety have been prescribed in respect of a hazardous process or class of hazardous processes, or where the standards so prescribed are inadequate, it may direct the Director-General of Factory Advice Service and Labour Institutes or any institution specialising in matters relating to standards of safety in hazardous processes, to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes.

41F: Permissible limits of exposure of chemical and toxic substances - The maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in the Second Schedule.

41G: Workers participation in safety management - The occupier shall, in every factory where a hazardous process takes place, or where hazardous substances are used or handled, set up a Safety Committee consisting of an equal number of representatives of workers and management to promote cooperation between the workers and the management in maintaining proper safety and health at work and to review periodically the measures taken in that behalf.

41H: Right of workers to warn about imminent danger - Where the workers employed in any factory engaged in a hazardous process have reasonable apprehension that there is a likelihood of imminent danger to their lives or health due to any accident, they may bring the same to the notice of the occupier, agent, manager or any other person who is in charge of the factory or the process concerned directly or through their representatives in the Safety Committee and simultaneously bring the same to the notice of the Inspector. It shall be the duty of such occupier, agent, manager or the person in charge of the factory or process to take immediate remedial action if he is satisfied about the existence of such imminent danger and send a report forthwith of the action taken to the nearest Inspector.

Section 45: First-aid appliances - There shall in every factory be provided and maintained, so as to be readily accessible during all working hours, first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty workers ordinarily employed [at any one time] in the factory.

Section 51: Weekly hours - No adult worker shall be required or allowed to work in a factory for more than 48 hours in any week.

Section 54: Daily hours - Subject to the provisions of Section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day.

Section 55: Intervals for rest - The periods of work for adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval of rest for at least half an hour.

Section 57: Night shifts - Where a worker in a factory works on a shift which extends beyond midnight, for the purposes of Sections 52 and 53, a holiday for a whole day shall mean in his case a period of 24 consecutive hours beginning when his shift ends; the following day for him shall be deemed to be the period of 24 hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.

Section 58: Prohibition of overlapping shifts - Work shall not be carried on in any factory by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

Section 66: Further restrictions on employment of women - The provisions of this Chapter shall, in their application to women in factories, be supplemented by the further restrictions, like no exemption from the provisions of Section 54 may be granted in respect of any woman; no woman shall be [required or allowed to work in any factory] except between the hours of 6 A.M. and 7 P.M.; there shall be no change of shifts except after a weekly holiday or any other holiday.

Section 67: Prohibition of employment of young children - No child who has not completed his 14th year shall be required or allowed to work in any factory.

Section 69: Certificates of fitness - A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the manager of a factory that such person will be employed therein if certified to be fit for work in a factory, or on the application of the manager of the factory in which any young person wishes to work, examine such person and ascertain his fitness for work in a factory.

Section 71: Working hours for children - No child shall be employed or permitted to work, in any factory for more than four and a half hours in any day; during the night.

Section 73: Register of child workers - The manager of every factory in which children are employed shall maintain a register of child workers, to be available to the Inspector at all times during working hours or when any work is being carried on in a factory.

Section 75: Power to require medical examination - Where an Inspector is of the opinion that any person working in a factory without a certificate of fitness is a young person, or that a

young person working in a factory with a certificate of fitness is no longer fit to work in the capacity stated therein he may serve on the manager of the factory a notice requiring that such person or young person, as the case may be, shall be examined by a certifying surgeon, and such person or young person shall not, if the Inspector so directs, be employed, or permitted to work, in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be, under Section 69, or has been certified by the certifying surgeon examining him not to be a young person.

Section 87: Dangerous operations - Where the State Government is of opinion that any [manufacturing process or operation] carried on in a factory exposes any persons employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the [manufacturing process or operation] is carried on.

Section 87A: Power to prohibit employment on account of serious hazard. (1) Where it appears to the Inspector that conditions in a factory or part thereof are such that they may cause serious hazard by way of injury or death to the persons employed therein or to the general public in the vicinity, he may, by order in writing to the occupier of the factory, state the particulars in respect of which he considers the factory or part thereof to be the cause of such serious hazard and prohibit such occupier from employing any person in the factory or any part thereof other than the minimum number of persons necessary to attend to the minimum tasks till the hazard is removed.

Section 88A: Notice of certain accidents - Where in any factory an accident occurs which causes death, or which causes any bodily injury by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident, or which is of such nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Section 89: Notice of certain diseases - Where any worker in a factory contracts any disease specified in [the Third Schedule], the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed. If any medical practitioner attends on a person who is or has been employed in a factory, and who is or is believed by the medical practitioner to be, suffering from any disease [specified in the Third Schedule], the medical practitioner shall without delay send a report in writing to the office of the Chief Inspector stating the name and full postal address of the patient, the disease from which he believes the patient to be suffering, and the name and address of the factory in which the patient is, or was last, employed.

Section 90: Power to direct enquiry into cases of accident or disease - The State Government may, if it considers it expedient so to do, appoint a competent person to inquire into the causes of any accident occurring in a factory or into any case where a disease specified [in the Third Schedule] has been, or is suspected to have been, contracted in a factory, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

Section 91: Power to take samples - An Inspector may at any time during the normal working hours of a factory, after informing the occupier or manager of the factory or other person for the time being purporting to be in charge of the factory, take in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the factory.

Section 91A: Safety and occupational health surveys - The Chief Inspector, or the Director General of Factory Advice Service and Labour Institutes, or the Director General of Health Services, to the Government of India, or such other officer as may be authorised in this behalf by the State Government or the Chief Inspector or the Director General of Factory Advice Service and Labour Institutes or the Director General of Health Services may, at any time during the normal working hours of a factory, or at any other time as is found by him to be necessary, after giving notice in writing to the occupier or manager of the factory or any other person who for the time being purports to be in charge of the factory, undertake safety and occupational health surveys and such occupier or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.

Section 92: General penalty for offences - Save as is otherwise expressly provided in this Act and subject to the provisions of Section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made there under or of any order in writing given there under, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term, which may extend to [two years] or with fine which may extend to [one lakh rupees] or with both, and if the contravention is continued after conviction, with a further fine which may extend to [one thousand rupees] for each day on which the contravention is so continued. The fine shall not be less than [25,000 thousand rupees] in the case of an accident causing death, and [5000 rupees] in the case of an accident causing serious bodily injury.

Section 94: Enhanced penalty after previous conviction - If any person who has been convicted of any offence punishable under Section 92 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to [3 years] or with fine [which shall not be less than 10,000 rupees] but which may extend to [2,00,000 rupees] or with both.

Section 95: Penalty for obstructing Inspector - Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any rules made there under, or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which may extend to [6 months] or with fine which may extend to [10,000 rupees] or with both.

Section 97: Offences by workers - Subject to the provisions of Section 111, if any worker employed in a factory contravenes any provision of this Act or any rules or orders made there

under, imposing any duty or liability on workers, he shall be punishable with a fine which may extend to [500 rupees].

Section 98: Penalty for using false certificate of fitness - Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself under Section 70, a certificate granted to another person under that Section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to [2 months] or with a fine which may extend to [1,000 rupees] or with both.

Section 111A: Right of workers - Every worker shall have the right to obtain from the occupier, information relating to workers' health and safety at work, get trained within the factory wherever possible, or, to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector, where training is imparted for workers' health and safety at work and represent it to the Inspector directly or through his representative in the matter of inadequate provision for protection of his health or safety in the factory.

Section 112: General power to make rules - The State Government may make rules providing for any matter which, under any of the provisions of this Act, is to be or may be prescribed or which may be considered expedient in order to give effect to the purposes of this Act.

Section 113: Powers of Centre to give directions - The Central Government may give directions to -a State Government as to the carrying out of the execution of the provisions of this Act.

The Mines Act

Some of the important aspects of the Mines Act are as follows.

Section 2: According to Section 2 of this Act:

A person is said to be "**employed**" in a mine who works as the manager or who works under appointment by the owner; agent or manager of the mine or with the knowledge of the manager, whether for wages or not.

"**Mine**" means excavation where any operation for, the purpose of searching for or obtaining minerals has been or is being carried on.

"**Minerals**" means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulics, quarrying or by any other operation and includes mineral oils (which in turn include natural gas and petroleum).

"**Reportable injury**" means any injury other than a serious bodily injury which involves, or in all probability will involve, the enforced absence of the injured person from work for a period of 72 hours or more.

"**Serious bodily injury**" means any injury which involves, or in all probability will involve, the permanent loss of any part or section, of a body, or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of the hands or feet.

Section 5: Chief Inspector and Inspectors - The Central Government may, by notification in the Official Gazette, appoint such a person as possesses the prescribed qualifications to be Chief Inspector of Mines for all the territories to which this Act extends and such persons that possess the prescribed qualifications to be Inspectors of Mines subordinate to the Chief Inspector. No person shall be appointed to be Chief Inspector or an Inspector, or having been appointed shall continue to hold such office, who is or becomes directly or indirectly interested in any mine or mining rights in India.

Section 6: Functions of Inspectors - The Chief Inspector may, with the approval of the Central Government and subject to such restrictions or conditions as he may think fit to impose, by order in writing, authorise any Inspector named or any class of Inspectors specified in the order to exercise such of the powers of the Chief Inspector under this Act (other than those relating to appeals) as he may specify. The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named or any class of Inspectors specified in the order of any power conferred on Inspectors under this Act. Subject to the other provisions contained in this Section, the Chief Inspector shall declare the local area or areas within which or the group or class of mines with respect to which Inspectors shall exercise their respective powers.

Section 7: Powers of Inspectors of Mines - The Chief Inspector and any Inspector may make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye laws and of any orders made there under are observed in the case of any mine; with such assistants, if any, as he thinks fit, enter, inspect and examine any mine or any part thereof at any time by day or night, provided that the power conferred by this clause shall not be exercised in such a manner as to be unreasonable and to impede or obstruct the working of the mine.

Section 9: Facilities to be afforded to Inspectors - Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under Section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

Section 9A: Facilities to be provided for occupational health survey - The Chief Inspector or an Inspector or other officer authorised by him in writing in this behalf may, at any time during the normal working hours of the mine or at any time by day or night as may be necessary, undertake a safety and occupational health survey in a mine after giving notice in writing to the manager of the mine; and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery, for the collection of samples and other data pertaining to the survey and for the transport and examination of any person employed in the mine chosen for the survey) to such Inspector or officer.

Section 10: Secrecy of information obtained - All copies of, and extracts from, registers or other off appertaining to any mine and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him in the course of the inspection of any mine under this Act or acquired by any person authorised under Section 9A in the exercise of his duties there under shall be regarded as confidential and shall not be disclosed to any person or authority unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the health safety or welfare of any person employed in the mine or in any other mine adjacent thereto.

Section 18: Duties and responsibilities of owners, agents and managers - The owner and agent of every mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made there under.

Section 21: Medical appliances - In every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed. Nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room. Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first-aid treatment as may be prescribed and who shall always be readily available during the working hours of the mine. In every mine there shall be made so as to be readily available such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine, suffer bodily injury or become ill. In every mine wherein more than 150 persons are employed, there

shall be provided and maintained a first-aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed.

Section 22: Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous - If, in respect of any matter for which no express provision is made by or under this Act, it appears to the Chief Inspector or an Inspector that any mine or part thereof or any matter, thing or practice in or connected with the mine, or with the control, supervision, 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 respect of 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 within such time and in such manner as he may specify in the notice. If the Chief Inspector, or an Inspector authorised on this behalf, is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by order in writing containing a statement of the grounds of his opinion, prohibit, [until he is satisfied that the danger is removed] the employment in or about the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

Section 23: Notice to be given of accidents - Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury, or an explosion, ignition, spontaneous heating, outbreak of fire or eruption or inrush of water or other liquid matter, or an influx of inflammable or noxious gases, or a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or an over winding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or a premature collapse of any part of the workings, any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.

Section 24: Power of government to appoint a court of inquiry in cases of accidents. When any accident occurs in or about a mine, the Central Government may, if it is of opinion that a formal inquiry into the causes of and circumstances attending the accident ought to be held, appoint a competent person to hold such inquiry and may also appoint one or more persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

Section 25: Notice of certain diseases - Where any person employed in a mine contracts any disease notified by the Central Government in the Official Gazette as a disease connected with mining operations, the owner, agent or manager of the mine, as the case may be, shall send notice thereof to the Chief Inspector and to such other authorities, in such form and within such time as may be prescribed. If any medical practitioner attends on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub section (1), the medical practitioner shall without delay

send a report in writing to the Chief Inspector stating the name and address of the patient, the disease from which the patient is or is believed to be suffering, and the name and address of the mine in which the patient is or was last employed. Where the report under sub-section is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease. If any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with a fine which may extend to 50 rupees.

Section 26: Power to direct investigation of causes of disease - The Central Government may, if it considers it expedient to do so, appoint a competent person to inquire into and report to it on any case where a disease notified under sub-section (1) of Section 25 has been or is suspected to have been contracted in a mine, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such an inquiry.

Section 27: Publication of reports - The Central Government may cause any report submitted by a Committee under 2 [Section 12] or any report or extracts from any report submitted to it under Section 26, and shall cause every report submitted by a court of inquiry under Section 24 to be published at such time and in such manner as it may think fit.

Section 31: Hours of work below ground - No adult employed below ground in a mine shall be allowed to work for more than 48 hours in any week or for more than eight hours in any day, provided that, subject to the previous approval of the Chief Inspector, the daily maximum hours specified in this sub-section may be exceeded in order to facilitate the change of shifts.

Section 34: Prohibition of employment of certain persons - No person shall be required or allowed to work in a mine if he has already been working in any other mine within the preceding 12 hours.

Section 43: Power to require medical examination - Where an Inspector is of the 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 16 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 16 years of age and is fit to work.

Section 45: Prohibition of the presence of persons below 18 years of age in a mine - After such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, no person below 18 years of age shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on.

Section 46: Employment of women - No woman shall, notwithstanding anything contained in any other law, be employed in any part of a mine which is below ground; in any mine above ground except between the hours of 6 A.M. and 7 P.M. Every woman employed in a mine above ground shall be allowed an interval of not less than 11 hours between the termination of employment on any one day and the commencement of the next period of employment.

Section 70: Notice of accidents - Whoever in contravention of the provision of Section 23 fails to give notice of any accidental occurrence or record in the prescribed register, or to post a copy of the notice on the special notice board referred to in that sub-section and to keep it there for the period specified shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to 500 rupees, or with both.

Section 72C: Special provision for contravention of law with dangerous results - Whoever contravenes any provision of this Act or of any regulation, rule or bye-law shall be punishable if such contravention results in loss of life, with imprisonment which may extend to two years, or with a fine which may extend to 5000 rupees, or with both; or if such contravention results in serious bodily injury, with imprisonment which may extend to one year, or with a fine which may extend to 3000 rupees, or with both; or 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 a fine which may extend to 1000 rupees, or with both.

The Mines Rules, 2nd July 1955

Section 23: Powers of certifying surgeon - A certifying surgeon may within the local limits of his jurisdiction or in respect of mines or class or description of mines assigned to him make such inspection, examination or inquiry as he thinks fit for the purpose of the Act and it shall be the duty of owner, agent or manager of the mine concerned to afford the certifying surgeon all reasonable facilities for carrying out such inspections, examination or inquiry as the case may be.

Section 29B: Initial and periodical medical examinations - After such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf, the owner, agent or manager of every mine shall make arrangements for the initial medical examination of every person employed in the mine within a period of five years of the date so notified and the said examination shall be so arranged over a period of five years that one fifth of the persons employed at the mine undergo the examination every year.

Section 29 Q: Workmen's Inspector - For every mines wherein 500 or more persons are ordinarily employed, the owner, agent or manager shall designate three suitably qualified employees of the mine in consultation with the registered trade union in the mine and where there are more than one registered trade union the union recognised as per procedure in practice or the most representative union as per the membership records available at that point of time and if there are no registered trade unions, in consultation with the elected representative of the workmen, as technical experts to carry out inspection of the mine on behalf of the workers

employed therein, one each for mining operations, electrical installations and mechanical installations. When the number of persons employed in a mine exceeds 1500, the Workmen's Inspector shall be assisted by one additional Workmen's Inspector in mining discipline for every additional 1000 persons or part thereof.

No person shall act as a Workmen's Inspector of a mine unless he possesses an Overman's or Foreman's Certificate granted under the Act, he has at least five years of experience in mines including at least two years in workings of the mines for which he is nominated; and he has undergone an orientation training course for Workmen's Inspector consisting of not less than thirty lectures and demonstrations, of not less than two hours duration each, in accordance with the syllabus specified by and at a centre approved by the Chief Inspector by a general or special order.

Section 29 R: Duties of Workmen's Inspector - The duties of the Workmen's Inspector of workers are to inspect all shafts, inclines, roads, workplaces and the equipment thereat including the equipment for conveyance and transport of workers; in case of any urgent and immediate danger that comes to his notice he is supposed to inform the manager and the inspector about the same; and to suggest remedial measures necessary to avoid the danger. The Workmen's Inspector shall record a full report of the matters ascertained as a result of this inspection in an interleaved paged and bound register kept for the purpose at the mine. The Workmen's Inspector making the entry in the register aforesaid shall duly sign such entries with date and take a copy of the entries for his record.

Section 29 T: Safety Committee - For every mine wherein more than 100 persons are ordinarily employed, the owner, agent or manager shall constitute a Safety Committee for promoting safety in the mine.

Section 35: Sign-boards to be displayed - Where persons of both sexes are employed, there shall be displayed outside each latrine a signboard in the language understood by the majority of work persons "For Male", "For Females" as the case may be. Each sign board shall also have the figure of a man or a women as the case may be.

Section 40: Arrangements for training persons in first-aid etc. - It shall be the duty of the owner, agent or manager of a mine to see that adequate and suitable arrangements are made for the training of persons in first-aid and the provision of such equipment as is prescribed in these rules and to see that adequate and suitable arrangements are made for the speedy removal from the mine to a dispensary or hospital of persons employed in the mine who while on duty suffers from serious bodily injury or illness of a serious nature.

Section 76: Registers of reportable and minor accidents - The register required by sub-section (1A) of Section 23 shall be maintained in Form J and a copy thereof shall be sent to the concerned Inspector of Mines. The register, required by sub-section (3) of Section 23 of the Act shall be maintained in Form K.

Section 82: Occupational diseases – Fees for medical practitioner – A medical practitioner making an examination in accordance with subsection (2) Section 25, shall be paid a fee not exceeding 16 rupees for each clinical examination/ X-ray examination.

Section 82A: Disability allowance and compensation for occupational diseases - The disability allowance payable under the first provision to sub-section (5) of Section 9A of the Act shall be at the rate of 50 per cent of the monthly wages that he was in receipt of immediately before presenting himself for the medical examination under sub-section (2) of Section 9A of the Act. If a person decides to leave his employment in the mine, he shall be entitled to compensation as may be admissible under the provisions of the Workmen's Compensation deemed to be an injury by accident under that Act. In case the disease is not covered under Schedule III of that Act, he shall be paid by way of disability compensation at the same rates as provided under that Act as if it is an injury. The lump-sum compensation payable under this rule shall not be in addition to the compensation payable under that Act.

Section 83 A: Appeals to the Chief Inspector - Against an order made by the Inspector under any of these rules, an appeal shall be made to the Chief Inspector who may confirm or modify or cancel the order. Every such appeal shall be referred within 30 days of the receipt of the order by the appellant.

Readings

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- I. Kanhere Vijay, February 1995, Compensation is not a dirty word. Bulletin on occupational and environmental health, PRIA, New Delhi
- II. Kulkarni G K, 2008, Implementation of occupational health legislation at work place, issues and concerns