113Rd/11.7.89.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1332

DATED 6th April 1889.

A

[Despatch Abstract.]

Referring to the Bd. of Rev. and the Horible the Judges of the High Court's draft of a Bill to provide for the regulation and inspection of Mines in British India; and directing the publication of the Bill with the Statement of Objects and Reasons in the Fort St George Gazette

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	Cur. 3622/99						

4,000—18-10-98.

Revenue (1899) Department.

CURRENT No. 2221.

From The Govt. of India.
Legislative Dept.

Order

No. 66 D.

Dated 23rd March.

Received 30th.

Registered 30th.

Enclosures 2.

Spare copies. 19 Copies each of Bill & Statt. of Objects & Reasons.

SUBJECT.

Requesting the Madras Govt. to express its opinion on the provisions of the Bill to provide for the regulation & inspection of mines in India and to publish the Bill and the Statt. of Objects & Reasons in the Fort St. George Gazette.

BACK PAPERS.

G.O.	No.	Department.	Date.
~~Leg. 22~~			
Leg. 81-82 d 11. 2.98.			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 668

GOVERNMENT OF MADRAS CHIEF SECRETARY'S 27 MAR. 1899

FROM

H. W. C. Carnduff, Esqre. C.S.
Offg. Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.

Dated Calcutta, the 23rd March, 1899.

Copies sent to Retd post

SIR,

I AM directed to forward herewith twenty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Bill to provide for the Regulation and Inspection of Mines with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the Fort St. George Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

I have the honour to be,

SIR.

Your obedient Servant,

Offg. Secretary to the Government of India.

G. I. C. P. O.—No. 177 L. D.—23-11-94.—200.

Sp. to-day
+ return file intact to me

K/6499

Revenue Department

Read letter from the Govt of India, Legislative Deptt, No. 668d 23.3.99.

Circ. 2221 of 1899.

G.O. Mis no. 1332 d/ 6th April 1899.

The draft Bill will be referred to the Board of Revenue for early remarks in consultation with a few selected Collectors. The Board is also requested to obtain the views of those ~~principal persons and individuals~~ largely engaged or interested in the development of mining industry in this Presidency.

2. The opinions of the Hon'ble the Judges of the High Court will be invited in the Judicial Department.

3. The Bill with the Statement of Objects and Reasons will be published in the Fort St. George Gazette in English and in the four

our chief vernaculars of the Presidency. The Supt, Govt. Press, will report to Govt. the dates of publication

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To the Bd. of Rev. Land Rev. with 15 copies of the Bill + Statement

" " Jud. Deptt, with 2 copies of the Bill + Statement

~~" " Legislative Dept.~~

" " Supt, Govt. Press, with 60 copies Bill + Statement.

" " Telugu Translator to Govt.

" " Canarese "

" " Malayalam "

7-4-99.

P.C. 5/4/99.

* CHIEF SECRETARY * 27 MAR. 1899 * GOVERNMENT OF MADRAS *

STATEMENT OF OBJECTS AND REASONS.

THE object of this measure is for the regulation of work in, and the inspection of, mines in India. The Government has at present no legal power to inspect mines, to require notice to be given of the occurrence of mining accidents, to enforce proper precautions in the working of mines for the better avoidance of accidents and the protection of the miners, or to regulate the employment of women and children on underground work or in respect of work which is dangerous or unsuited to their age or sex.

2. In England these objects are secured by two elaborate Statutes, entitled respectively the Metalliferous Mines Regulation Act, 1872, and the Coal Mines Regulation Act, 1887, and similar legislation exists in other countries in which there is mining on a considerable scale. The need for an Act here has been recognized for some time past by Her Majesty's Government at home and by the Government of India, and the present Bill is founded on the Report of a Committee which was convened in Calcutta by the Government in 1895, and which, after visiting various mines in Bengal and taking evidence from mine-owners, managers and others, prepared the draft of a Bill and of detailed rules to be made under its provisions. The Committee's Report and their draft have been considered by the several Local Governments and by Companies and persons interested in the mining industry, and in framing the present Bill due advertence has been had to the suggestions and criticisms received from these sources.

3. It is proposed that the Bill shall extend to the whole of British India and to all classes of mines. It is recognised that different classes of mines require different regulations, and that precautions and appliances may be necessary in mines of one class which may be dispensed with in others; and it is considered that this difference of treatment can be most conveniently secured by statutory rules. Power is accordingly taken in clause 21 of the Bill to make rules on all matters concerning the regulation of mines, and such rules may be made applicable either to all mines or to any classes of mines, and to the whole, or to any part, of British India. Following the principle of the English Statutes, power is further taken in clause 22 to allow special rules to be made for any particular mine in order to provide for matters which are not dealt with by the general rules. And in clause 28 power is taken to exempt from the operation of the proposed Act any local area, or any mine or class of mines, or any person or class of persons. It is considered that these provisions will enable the Government to adjust the enactment in its practical working to the very varying circumstances of the mining industry in different parts of the country and to the different kinds of mines to which it will apply.

4. Clauses 4 to 7 of the Bill deal with the appointment of Inspectors of Mines and with their powers of entry and inspection. There is already an Inspector of Mines for the whole of British India, appointed by the Government of India, although he is at present without statutory powers of any description. The Bill makes the continuance of this office obligatory, and also provides for the appointment, as may be necessary, of Provincial Inspectors and for regulating their subordination to the Imperial Inspector. Power is also taken to invest the District Magistrate with all or any of the powers of an Inspector. The powers given to Inspectors by section 6 follow in the main the provisions of the English law.

5. Clauses 9 to 12 deal with the employment in, and admission of children to, mines, and enable rules to be made for prohibiting, restricting or regulating the employment of women and children below ground, or on particular classes of labour; for limiting the number of hours in any week or in any one day during which women and children may be employed; for prescribing the method of determining the wages of miners, where such wages depend on the quantity of work done; and the like. The regulations adopted in the final protocol of the Berlin International Labour Conference of 1890, which was attended by delegates of the Governments of Europe on the invitation of the Imperial German Government, contained the following, among other, propositions:—(1) that children below the age of fourteen years in northern countries, or below that of twelve in southern countries, should not be admitted to underground work in mines; (2) that women should not be allowed to work underground; (3) that children below fourteen years should not work more than six hours a day and should be excluded from unhealthy or dangerous occupations, or should be admitted to them only under protective conditions; and (4) that the working-hours of women should be limited by law and further restricted in respect of particularly unhealthy or dangerous occupations. With reference to these recommendations, which carry the weight of an International Confernce, to the law on the subject in England, and to the special labour conditions existing in India, it is proposed in the Bill to prohibit the

employment below ground of children under the age of ten years, and the admission below ground of children between the ages of four and ten. The object of the latter provision is to allow very small children to remain during the hours of work with their parents or relatives, if the latter work underground. With regard to women and to children between the ages of ten and fourteen years, it is not proposed to go farther than to take power by rule to prohibit, restrict or regulate their employment underground if in any class of mine this is found to be expedient. There is evidence that the moral objections felt in other countries to the employment of women underground are not applicable to the conditions existing in India, where the woman works in the company of her husband on the family gang system; and it has been strongly urged that the exclusion of women absolutely from underground work would be felt by them and their husbands as a hardship, and that, where the mine is safe, the workings are at no great depth and there is no heavy machinery running, the objections on the score of health and safety to their employment are small. On the other hand, there are mines, or parts of mines, or kinds of underground work, from which women ought to be excluded, and it is proposed to deal with such cases by rule. With regard to the regulation of the employment of children between the ages of ten and fourteen years of age, attention is called to the definition of "child" in clause 3 of the Bill.

6. Clauses 13 to 20 deal with the responsibilities and duties of owners, agents and managers, with enquiries into accidents, and with the appointment of committees of reference in cases where notice of causes of danger, not expressly provided against by the proposed Act or by rules made under it, are given by an Inspector to the owner or agent with the object of requiring preventive measures to be taken. The provisions of the English Statutes on these matters have been adapted to Indian requirements. Clause 26, it may be observed, provides a procedure whereby a Criminal Court, if it finds a question of mining practice in dispute, may stay all criminal proceedings and move the Local Government to refer the matter to a committee of reference.

7. Power has been taken in sub-clauses (*c*), (*d*) and (*e*) of sub-section (*2*) of clause 21 to make rules for prescribing the qualifications of managers and persons acting under them, for ascertaining their qualifications by examination or otherwise, and for granting and withdrawing certificates. It is considered that this difficult matter of requiring mines to be managed by "certificated" managers can best be dealt with by rules

8. In sub-clause (*r*) of the same sub-section power has been taken to provide for the safety of the public and the protection of public property and works from injury in respect of any mine. It is considered that the Government ought, for example, to have power to require the open workings of abandoned mines to which the public have access, to be properly fenced in, and to insist on notice being given whenever underground workings approach within a prescribed distance of a railway or other public work, and thereupon to take the necessary steps to ensure safety. The question of giving protection to railways against risk from undermining has been repeatedly brought to the notice of the Government of India. Throughout the greater part of British India subjacent minerals are the property of the State, and, where this is the case, power to regulate their being worked by lessees so as not to injure railways or other public works already practically exists. But in places where minerals are not the property of the State unless they have been specially acquired, the existing law is imperfect as to the power of the State or of the railway administration concerned to obtain notice of approaching workings, or to make inspections for the purpose of ascertaining whether the line is being undermined. The Land Acquisition (Mines) Act, 1885 (XVIII of 1885), provides some protection in the case of land acquired under its provisions for public purposes after 1885 when such land is about to be, or is actually being, undermined; but its provisions in respect of notice and inspection are held not to apply to land acquired before 1885, or to the case in which the safety of a railway is threatened by underground workings which, without being prosecuted actually under railway land, are brought dangerously close to its border. A railway has a legal right in such cases to "lateral support," and a cause of action arises when such right is assailed. But this is not sufficient to ensure the safety of a railway or of the public travelling by it.

The 13th March, 1899.

C. M. RIVAZ.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to provide for the Regulation and Inspection of Mines.

(Statement of Objects and Reasons.)

G. I. C. P. O. No. 691 L. D.—22-3-99.—350.—R. D. S.

REVENUE DEPT.

A

CHIEF SECRETARY'S GOVERNMENT OF MADRAS 27 MAR 1899

A

BILL

TO

Provide for the Regulation and Inspection of Mines.

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

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Mines Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force on the first day of , 1899.

Saving of Regulation XII, 1887.

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

Definitions.

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

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

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

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

(*b*) "child" means a person under the age of fourteen years;

[*Cf. ibid.*]

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

[*Cf.* 35 & 36 Vict., c. 77, s. 11.]

(*d*) "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine;

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

(*d*) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, and does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability;

(*e*) "prescribed" means prescribed by rules made under this Act; and

(*f*) "shaft" includes pit. [*Cf.* 50 & 51 Vict., c. 58 s. 75.]

Inspectors.

4. (*1*) The Governor General in Council shall, by notification in the Gazette of India, appoint a person to be Inspector of Mines throughout British India. [*Cf.* XV of 1881, s. 3.]

Inspectors.

(*2*) The Local Government may, in its discretion, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors of Mines within such local areas as it may assign to them respectively.

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

(*4*) Every Inspector of Mines appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall be subordinate to such authority as the Governor General in Council or the Local Government, as the case may be, may direct. XLV of 1860.

5. The District Magistrate may exercise such of the powers and perform such of the duties of an Inspector of Mines appointed under section 4, sub-section (*2*), as the Local Government may, by general or special order, direct. [*Cf. ibid*, s. 2.]

Powers of District Magistrate.

6. An Inspector of Mines may, anywhere within British India or within the local area for which he is appointed, as the case may be,— [*Cf. ibid*, s. 4.]

Powers of Inspectors of Mines.

(*a*) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act are observed in the case of any mine;

(*b*) enter, with such assistants (if any) as he thinks fit, inspect and examine any mine and any part thereof at all reasonable times by day or by night, but not so as unreasonably to impede or obstruct the working of the mine;

(*c*) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the special rules for the time being in force in the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine;

(*d*) order that any person shall not be employed in, or admitted to, a mine where he has ground for believing that such employment or admission would, by reason of the age or sex of such person, be in contravention of this Act;

(*e*) do all other things required of him by this Act and exercise such other powers as may be necessary for carrying this Act into effect.

7. Every owner, agent or manager of a mine shall furnish every Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry in relation to the mine under this Act. [*Cf.* 50 & 51 Vict., c. 58, s. 41, § 2.]

Facilities to be afforded to Inspectors.

8. (*1*) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by an Inspector of Mines, or by any one assisting him, in the inspection of any mine under this Act, shall be regarded as strictly confidential and shall be deemed to be official secrets. [*Cf.* 11 of 1896, s. 17.]

Information acquired to be deemed official secrets within meaning of Act XV, 1889.

(*2*) If any such person discloses to any one, other than an officer to whom such Inspector is subordinate, any such official secret as aforesaid without the previous consent in writing of the Local Government, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889. XV of 1889.

(*3*) The restriction imposed by section 5 of the last-mentioned Act shall not apply to a prosecution for a breach of official trust under this Act.

Operatives.

9. (*1*) No child shall be employed below ground in any mine if he is under the age of ten years. [*Cf.* 50 & 51 Vict., c. 58, s. 4.]

Employment and admission of children in or to mines.

(*2*) No child shall be allowed below ground in any mine if he is over the age of four, and under the age of ten, years.

10. Subject to the control of the Local Government or of such authority as the Local Government may appoint in this behalf, any Inspector of Mines may, by order in writing and for reasons to be stated therein, prohibit the employment of women or children, or of both, in any mine or part thereof, or on any particular kind of labour above ground or below ground, when such employment is, in his opinion, dangerous for, or unsuited to, women or children, as the case may be.

Prohibition by Inspectors of Mines of employment of women and children in mines.

11. (*1*) Subject to the provisions of section 9, the Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, make, in respect of all mines or of particular classes of mines, rules— [*Cf. ibid*, ss. 5-8, 11-15.]

Rules as to employment in mines.

(*a*) prohibiting, restricting or regulating the employment of women or children below ground or on particular kinds of labour;

(*b*) limiting the number of hours in any one week or in any one day for which women or children may be employed, or allowed to be, for the purpose of employment, below ground;

(*c*) requiring the owners or agents to maintain, in such form as the Governor General in Council or the Local Government, as the case may be, it may think fit, registers of the women and children (if any) employed and of their respective employments; [*Cf.* XV of 1881, s. 9.]

(*d*) prescribing the method of determining the wages of the persons employed, where such wages depend on the quantity of work done, and regulating the size or capacity of the measures by which such quantities are to be ascertained; and

(*e*) fixing the time and place for the payment of wages earned and regulating the conditions under which deductions may be made therefrom.

(*2*) All rules made under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act.

Medical certificates and proof of age.

12. (*1*) The Civil Surgeon, or such other person practising medicine or surgery as the Local Government may appoint in this behalf for any local area, shall, at the request of any person employed or desirous of being employed in a mine situate in such local area, or of the parent or guardian of such person, and on payment by such person of the prescribed fee (if any), examine such person and grant him a certificate in writing stating whether his age, as nearly as can be ascertained from such examination, is above or below four, ten or fourteen years, as the case may be. [*Cf. ibid.*, ss. 5, 6.]

(*2*) A certificate granted under sub-section (*1*) shall, for the purposes of this Act, be admissible as evidence of the age of the person referred to therein.

(*3*) Where an act would, if a person were under four, ten or fourteen years of age, as the case may be, be an offence against this Act, and such person is, in the opinion of the Court, apparently under that age, it shall lie on the accused to prove that the person is not under that age.

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

Appointment of manager.

13. For every mine the owner or agent shall appoint a manager, who shall have the prescribed qualifications.

Duties and responsibility of owners, agents and managers.

14. (*1*) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act. [*Cf.* 50 & 51 Vict., c. 58, s. 59; XV of 1881, s. 17.]

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

Notice by Inspector of Mines of causes of danger not expressly provided against.

15. (*1*) If, in any respect which is not provided against by any express provision of this Act, any Inspector of Mines finds that any mine or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine or part thereof, or the matter, thing or practice, to be dangerous or defective, and require the same to be remedied within a specified time, and shall also report the same to such officer or authority as the Governor General in Council or the Local Government may, by general or special order, appoint in this behalf: [*Cf.* 50 & 51 Vict., c. 58, s. 42.]

Provided that, if the owner, agent or manager of the mine objects to remedy the matter complained of in the notice, he may, within twenty days after the receipt of the notice, send his objection in writing, stating the grounds thereof, to such officer or authority as aforesaid, and that thereupon the said officer or authority shall, by order in writing, refer the matter to a Committe constituted as hereinafter provided.

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

Constitution of Committee of reference.

16. (*1*) Every Committee to which a reference is made under section 15, shall consist of— [*Cf. ibid.*]

(*a*) one or more persons nominated by the officer or authority appointed under section 15, sub-section (*1*), and a like number of persons nominated by the owner, agent or manager of the mine concerned; and

(*b*) a president nominated by such officer or authority as aforesaid.

(*2*) If the owner, agent or manager fails, wholly or in part, to exercise his right of nomination under sub-section (*1*), clause (*a*), such officer or authority as aforesaid shall nominate the number of persons necessary to constitute the Committee.

(*3*) The Committee constituted as aforesaid shall, as soon as may be, hold an inquiry into the matter to which the order of reference relates, and shall hear and record such information on the subject as the owner, agent or manager or the Inspector of Mines may desire to place before it.

(*4*) The said Committee shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by the Committee to furnish any information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code. [*Cf.* I of 1894, ss. 14, 9 (*a*).] XLV of 1860.

(*5*) The Committee holding an inquiry under this section shall make a report to the Local Government through such officer or authority as aforesaid, and the Local Government shall

thereupon pass such orders in the matter as it may think fit.

Notice of commencement of work in a new mine.

17. The owner, agent or manager of a mine shall, within one month after the commencement of mining operations, give notice in writing to the Inspector of Mines appointed under section 4, sub-section (2), for the local area in which the mine is situate, of the address to which he desires his letters to be directed, the nature of the mining operations to be conducted, the name of the person under whom they are to be conducted, and the kind and amount of the moving power to be used. [*Cf.* XV of 1881, s. 14.]

Notice to be given of accidents.

18. When any accident occurs in a mine causing loss of life or bodily injury whereby the person injured is prevented from returning to his work in the mine during forty-eight hours next after the occurrence, the owner, agent or manager of the mine shall give such notice of the accident to such authorities in such form and within such time as may be prescribed. [*Cf. ibid*, s. 13.]

Power for the Government to order formal inquiry into accidents.

19. (1) When in any mine an accident has caused loss of life or bodily injury to any person, the Governor General in Council or the Local Government may direct that a formal inquiry into the causes of, and circumstances attending, the accident be held, and may appoint a competent person to hold the inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry. [*Cf* 50 & 51 Vict., c. 58, s. 45.]

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

XLV of 1860.

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

Publication of reports.

20. The Local Government may cause any report submitted under section 16 or section 19 to be published at such time and in such manner as it may think fit. [*Cf. ibid*, s. 46.]

Rules.

Power for Government to make rules.

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

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

(*a*) regulate the duties and powers of Inspectors of Mines in respect of the inspection of mines under this Act;

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

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

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

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

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

(*g*) prescribe the matters in respect of which notices, returns and reports shall be furnished by owners, agents and managers, the forms of such notices, returns and reports and the particulars to be contained in them;

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

(*i*) regulate, subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder, the storage and use of explosives; IV of 1884.

(*j*) regulate the procedure to be observed in inquiries held under this Act;

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

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

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

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

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

(*p*) provide against the accumulation of water in mines;

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

(*r*) provide for the safety of the public and the protection of public property and works from injury in respect of any mine, whether the mine is being worked or not.

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

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

[*Cf.* 50 & 51 Vict., c. 58, ss. 52-54.]

Power for owners, etc., to make special rules.

22. (*1*) The owner, agent or manager of a mine may, and, if at any time required by an Inspector of Mines, shall, frame and transmit to such Inspector of Mines as aforesaid a draft of such special rules, not being inconsistent with this Act or any rules for the time being in force under section 11 or section 21, for the control and guidance of the persons acting in the management of, or employed in or about, the mine as he may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in or about the mine.

(*2*) Such draft, together with a notice intimating that any objection or suggestion in respect thereof may be submitted in writing by any person employed in the mine to the said Inspector of Mines for consideration, shall, during not less than thirty days before it is transmitted to the said Inspector of Mines, be posted up in legible characters in some conspicuous place in the mine for the information of the persons employed therein, and a certificate to the effect that this has been done shall be transmitted to the said Inspector of Mines, together with two copies of the draft signed by the owner, agent or manager transmitting the same.

(*3*) Where the owner, agent or manager and the said Inspector of Mines are unable to agree as to the special rules proposed, the said Inspector of Mines shall refer the draft for settlement to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(*4*) Where the special rules proposed have been agreed to by the owner, agent or manager and the said Inspector of Mines and the draft of the rules so agreed to has been signed by them, or, in a case of disagreement, such officer or authority as aforesaid has settled the rules, the Inspector shall forward them to the Local Government for approval, together with a copy of any objections or suggestions in respect thereof received by him.

(*5*) The special rules, when approved by the Local Government, with such modifications (if any) as it may think fit, shall be published in like manner as is provided in sub-section (*2*) respecting the publication of the draft, and, on such publication, shall have effect as if enacted in this Act :

Provided that the Local Government may at any time, by order in writing, which shall be published in like manner as aforesaid, rescind, in whole or in part, any rules so made, and that

thereupon such rules shall cease to have effect accordingly.

Penalties.

Penalties for offences.

23. (*1*) Whoever—

(*a*) obstructs an Inspector of Mines in the discharge of his duties under this Act, or refuses or neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mine ; or

(*b*) counterfeits, or knowingly makes a false statement in, any certificate or in any official copy of a certificate granted under this Act ; or

(*c*) knowingly uses as true any such counterfeit or false certificate ; or

(*d*) makes or produces or uses any false declaration, statement or evidence for the purpose of obtaining, for himself or for any other person, a certificate or the renewal of a certificate, or any employment under this Act ; or

(*e*) contravenes any provision of this Act for the breach of which no penalty is otherwise provided, where the act done has resulted in loss of life or serious bodily injury to any person ;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Whoever—

(*a*) alters or falsifies any plan or register or record required to be maintained by this Act ; or,

(*b*) being the owner, agent or manager of a mine, omits to give notice of an accident in the mine or to furnish any prescribed returns ; or

(*c*) makes or delivers any such report or return containing a statement which is not, to the best of his knowledge or belief, true ;

shall be punishable with fine which may extend to five hundred rupees.

(*3*) Whoever—

(*a*) employs or allows to be employed in or about a mine, or allows to enter a mine or part of a mine, any person in contravention of this Act ; or

(*b*) allows any child or woman to perform any work forbidden by, or to work in contravention of, this Act ; or

(*c*) fails to comply with any requisition or order made under this Act ; or,

(*d*) being the owner, agent or manager of a mine, fails to maintain correctly, or to produce, any prescribed plan ; or,

(*e*) being the owner, agent or manager of a mine, fails to propose a draft of rules therefor in accordance with the requisition of an Inspector of Mines ; or

(*f*) contravenes any provision of this Act

or rule thereunder, for the breach of which no penalty is otherwise provided;

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

Miscellaneous.

Limitation of prosecutions.

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

Cognizance of offences.

25. No Court inferior to that of a Magistrate of the first class or Sub-divisional Magistrate shall try any offence against this Act.

Reference to Committee in lieu of prosecution in certain cases.

26. If the Court trying any case instituted on the complaint of an Inspector of Mines under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Committee, it may stay all further criminal proceedings, discharge the accused, and report the matter to the officer or authority appointed by the Local Government under section 15, sub-section (*l*), and such officer or authority may thereupon refer it to a Committee to be dealt with in the manner provided by the said section and section 16.

Decision of question whether a mine is under this Act.

27. If any question arises as to whether any mine is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate, signed by a Secretary to the Local Government, shall be conclusive on the point. [*Cf.* 50 & 51 Vict., c. 58, s. 71.]

Power to exempt from operation of Act.

28. The Governor General in Council may, by notification in the Gazette of India, exempt from the operation of the whole or any part of this Act any local area, or any mine or class of mines, or any person or class of persons.

Application of Act to Crown mines.

29. This Act shall apply to mines belonging to the Crown. [*Cf.* XV of 1881, s. 19.]

Paper taken out of the Records from the charge of the Record-keeper.

A

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide for the Regulation and Inspection of Mines.

(*Mr. Rivaz.*)

G. I. C. P. O.—No. 672 R. & A.—22-3-99.—350.—J. C.

1
REVENUE DEPT.
Pack. No.
Case No.

No action is called for in regard to the answers given to questions nos. VII, XXXV + XXXVI

P.L.
5.4.99.

Question XI. The answer given to this question is complete in itself and no further action is called for.

A
5.4.99 Question XXXI re: the alleged non-attendance of Collrs &c at their Offices for transacting business has been completely answered and no further action is therefore necessary in connexion therewith

☆ a draft G.O. recording the paper is submitted on the docket

BTM
5.4.99

H. Bell

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

NOTICES

FOR THE

MEETING OF THE COUNCIL

On Thursday, the 9th day of March 1899.

1899
REVENUE DEPT.
Prot. No. 1
No. 2118.

Revenue Deptt

To Under Secy

A Question No. XXII relates to the revision of District Manuals.

The answer given thereto is complete in itself & no further action is called for. ~~The file is~~

DK
29/3/99
DTM
29/3/99

Questions VIII & IX re: sales for arrears of revenue in Tanjore. The Hon'ble Member was requested ~~to~~ to repeat his questions at the next meeting of the Council. This he has given notice to do, & action is being taken separately thereon.

Question XVI re: the delegation to village headmen of the power to issue distraint notices under Act II of 1864. The answer given at the Council is complete in itself & no further action is required.

29.3.99

No action is required in regard to questions XXIII & XXIV.

29-3-99.
KN
29-3-99

A The questions relating to this Deptt are VII, VIII, IX, XI, XVI, XXII, XXIII, XXIV, XXV, and XXXVI,

Section 17.

Between the words "may make" and "any person", insert the words "under section 21".

Section 18.

(1) *For* the words "neglects or refuses" in sub-section (1), *substitute* the words "fails without reasonable cause".

(2) In the same sub-section *for* the words and figure "and sub-section (2) of section" occurring between the figures "10" and "12", *substitute* the word and figure "1 and".

(3) *For* sub-section (3), *substitute* the following: "refuses to *write* his name, description and place of abode or to put his mark in the register as required by section ".

( ) Omit the proviso to this section.

If the amendment to omit the proviso be not carried, substitute the following for the said proviso: "provided that when more persons than one are guilty of an offence under sub-section (1) in respect of one and the same birth or death only one of such persons shall be liable to be prosecuted for the offence".

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI Avargal:—

After the proviso to the section, insert the following:—

"Provided also that for a first offence the Magistrate may on conviction dismiss the accused with a warning".

Section 19.

The Hon'ble M.R.Ry. V. BHASHYAM AIYANGAR Avargal:—

For section 19, *substitute* the following:—

"No prosecution in respect of any offence punishable under this Act shall be instituted except under the order or with the sanction of the Tahsildar having jurisdiction over the village in which the offence was committed or of an officer to whom such Tahsildar is subordinate.

The District Collector or any officer generally or specially empowered by him in this behalf may stay such prosecution".

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI Avargal:—

the figure (1) after 19 and add the following as sub-sections (2) and (3):—

"(2) In prosecutions under the Act the accused persons shall have the option of appearing before the Magistrate either in person or by duly authorized agent."

"(3) No investigation in criminal proceedings under this Act shall be made by a police officer."

The Hon'ble M.R.Ry. C. VIJAYARAGHAVACHARIAR Avargal:—

After section 19, insert the following as section 20:—

20. "In prosecutions for offences under the provisions of this Act, the accused person may appear by a near relation, or by an agent duly authorized to act in his behalf."

If the above is not accepted by the Council, insert the following:—

20. "In prosecutions for offences under the provisions of this Act, the accused person may appear by a near relation, or by an agent duly authorized to act in his behalf. Provided that his personal attendance may be required when, for reasons to be recorded, the Magistrate thinks fit to do so in the ends of Justice."

Section 20.

The Hon'ble M.R.Ry. V. BHASHYAM AIYANGAR Avargal:—

Omit this section.

If this amendment be not carried, substitute the following for section 20: "The Collector may of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any Registrar if in his opinion such Registrar is guilty of misconduct or neglect of duty or is incapable of performing his duties or if, without the permission of the Collector, he resides outside the village or ward thereof as the case may be of which he is the Registrar; and shall record his reasons for so doing."

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI Avargal:—

Insert the figure (1) after the figure 20 and add the following as sub-section (2):—

"(2) An appeal shall lie to the Board of Revenue from such orders of suspension, dismissal, or removal".

Section 21.

The Hon'ble M.R.Ry. V. BHASHYAM AIYANGAR Avargal:—

(1) *For* the words "Governor in Council", *substitute* the words "Local Government".

(2) *For* the words "from time to time" occurring between the words "may" and "make rules", *substitute* the words "after previous publication".

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI Avargal:—

After clause (5), insert the following as clause (6):—

"(6) For the remuneration of the registrars".

and alter the present clause (6) into (7).

The Hon'ble M.R.Ry. N. SUBBA RAO PANTULU Garu:—

In section 21, in clause (6), substitute (7) for (6) and insert a new clause (6) as follows:—

(6) For the salaries and allowances of registrars.

(6) *Bill to amend the Court of Wards' Regulation V of 1804.*

The Hon'ble Mr. H. M. Winterbotham introduces the above Bill and moves that it be read in Council.

(7) *Bill to amend the City of Madras Municipal Act, 1884.*

The Hon'ble Mr. G. S. Forbes introduces this Bill and moves that it be read in

H. TREMENHEERE,
Secretary to Government.

Section 8.

(1) Between the words "resident in the house" and "and any person", insert the words "in which the child was born".

(2) *For* the word "complete" occurring between the words "required to" and "the forms", *substitute* the words "be entered in".

(3) In the first proviso omit the words "it is shown that" occurring between the words "under this Act if" and "he had reasonable cause".

(4) To the same proviso add the following words, viz., "by such other person".

(5) In the second proviso between the words "it shall" and "be the duty of", insert the words "in the first instance".

(6) In the same proviso between the words "child and" and "such person" insert the word "unless".

(7) In the same proviso omit the words "in such case" occurring between the words "such person shall" and "sign the register".

Section 10.

(1) *For* the word "the" occurring between the words "dying in" and "village", *substitute* the word "a".

(2) *For* the word "complete" occurring between the words "required to" and "the forms", *substitute* the words "be entered in".

(3) In the proviso to the same section omit the words "it is shown that" occurring between the words "under this Act if" and "he had reasonable cause".

(4) To the said proviso add the following words "by such other person".

Section 11.

(1) *For* the words "any place or under any" occurring between the words "found dead in" and "circumstances not covered", *substitute* the words "a village under".

(2) Omit the words "in which the body is found or the officer in charge of the Police station within the limits of which the village is included" occurring between the words "head of the village" and "to give forthwith".

Section 12.

In sub-section (1) *for* the word "complete" occurring between the words "required to" and "the forms", *substitute* the words "be entered in".

Section 13.

For the word "sign" between "shall" and "in", *substitute* the word "write".

Section 14.

(1) Between the words "the registration" and "has been completed" insert the words "of the birth of a child".

(2) *For* the word "a" occurring between the words "of" and "child", *substitute* the word "the".

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI Avargal:—

For the words "the birth of a child", *substitute* the words "a birth or death"; and for the word "birth" in the last line the word "event".

The Hon'ble M.R.Ry. V. BHASHYAM AIYANGAR Avargal:—

Section 15.

Omit the words "after the coming into operation of the aforesaid notification" occurring between the words "his village or ward" and "and he shall ascertain".

*When given for copying*_____
*When copied*_____
*When examined*_____ } 189
*When signed*_____

READ AGAIN G.O., No. , DATED
189 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
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