

GOVERNMENT OF INDIA

DECENTRALIZATION COMMITTEE

FOR THE

ROYAL COMMISSION

ON

DECENTRALIZATION.

MEMORANDUM ON THE MINES DEPARTMENT



BY

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Memorandum on the Mines Department.

A. Proceedings, June 1891, Nos. 16-18,

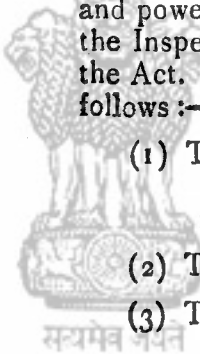
A. Proceedings, October 1892, Nos. 18-31.

A. Proceedings, January 1894, Nos. 5-7.

The Indian Mines Act. Powers and duties of Inspectors of Mines.

The question of undertaking legislation for the inspection and regulation of mining operations in India was referred to the Government of India by the Secretary of State in 1890. The Government of India, after consulting the Local Governments, replied that there was not a strong enough case to justify early legislation, but that it was essential that the working of the mines should be closely watched, in order that a fuller knowledge might be obtained of the conditions of labour in Indian mines. They therefore recommended the appointment of an Inspector of Mines to be attached to the Geological Survey Department. Accordingly, in December 1893, the first Inspector of Mines was appointed.

2. In 1901 the Indian Mines Act, VIII of 1901, was passed. This Act, amongst other things, provided for the appointment of a Chief Inspector of Mines for India by the Governor General in Council, and of Inspectors of Mines to particular areas or groups of mines by the Local Governments. The principal duties and powers of the Chief Inspector and of the Inspectors are defined in Section 6 of the Act. They may be summarized as follows :—

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- (1) To examine and enquire whether the provisions of the Act and of rules made under it are observed :
 - (2) To enter and inspect all mines :
 - (3) To examine and enquire, in any mine, regarding all matters and things connected with the safety of the persons employed in it :
 - (4) To order that any person shall not be employed in, or shall be removed from, a mine where his presence is likely to be dangerous to himself or others.

But an appeal from an order under this clause lies to the Mining Board, in Provinces where such a Board has been established, and elsewhere to the Chief Controlling Revenue authority.

Powers of an Inspector exercisable by the District Magistrate.

3. If the Local Government so directs, the District Magistrate may exercise any of the above powers (section 5). On this point the Government of India have issued executive instructions to the effect that a reasonable discretion should be exercised in dealing with questions which are obviously of a technical character, and regard-

ing which District Magistrates must frequently be unable to arrive at sound conclusions without the assistance of expert advice. When District Officers visit mines in their capacity of inspectors under the Mines Act, they should confine their attention primarily to the investigation of social and sanitary questions. If however they notice any dangerous mining practice, or other irregularity of a technical character, they should draw the attention of the Chief Inspector or the Inspector of Mines to the subject, in order that investigation may be made by a trained officer.

4. But the Chief Inspector and Inspectors have also powers, under sections 15 and 21, which cannot be exercised by the District Magistrate. Section 15 provides that the Chief Inspector or any Inspector of Mines may issue a notice to the owner or manager of a mine requiring him to remedy any dangerous practice, even though it is not forbidden by the Act or the rules made under it. If the owner, agent or manager of the mine objects to remedy the matter complained of, he may send his objection to the Mining Board, if there is one, and if there is not, to an authority appointed by the Local Government. Such Board, or authority must then refer the matter to a Committee, for the constitution of which the Act provides. Under the same section, the Chief Inspector or an Inspector may prohibit the employment of women or children in a mine, if in his opinion there is urgent and immediate danger to the life or safety of such women or children. The owner, agent or manager may object to such an order, but must comply with it until the decision of the Committee above referred to is received.

Special powers of the Chief Inspector and Inspectors.

Section 21 deals with the functions of the Chief Inspector and the Inspectors as regards the framing of special rules by the owner, agent or manager of a mine.

5. The Chief Inspector is of course the expert adviser of the Government of India in all matters relating to mines. Although the Act makes provision for the appointment of Inspectors of Mines by the Local Governments, and appears to contemplate a system by which each Local Government would have its own Inspector or Inspectors, who would be subject only to a general control by the Chief Inspector, the actual state of affairs is widely different. The Department is indeed still a very centralized one, and the Inspectors have been directed to regulate their proceedings in accordance with instructions given them from time to time by the Chief Inspector, who is in

Control of the Government of India over the Department.

close touch with the Government of India. Up to date three Inspectors of Mines have been appointed in addition to the Chief Inspector. They are all actually appointed by the Government of India, and all matters connected with their promotion, transfer, punishment, etc., are dealt with by that Government. The mines throughout India have been divided into three groups or areas by the Government of India, after consultation with the Local Governments, and the division having been made, each Local Government then gazettes each Inspector to be Inspector of Mines for so much of the area or group of which he is in charge, as may be within the territories subordinate to it. The reason for this arrangement is that in no other way can the work of inspection be conveniently and equally divided between the three Inspectors.

Mining Boards.

6. The Act provides for the constitution by the Local Government of a Mining Board (section 9) for a Province, or part of a Province, or a group or class of mines. A Mining Board is a permanent body, on which both Government and the mine owners are represented. It serves the purpose of an advisory body, and is intended to keep Government in touch with the mining community. As yet, however, the Mining Board in Bengal is the only one which has been constituted.

Power to make rules.

7. Both the Government of India and the Local Governments may make rules for carrying out the purposes and objects of the Act, (section 20). But rules made by Local Governments require the previous sanction of the Governor General in Council, and no Local Government has yet framed rules under the Act. The rules which have been framed by the Government of India deal with the following subjects :—

- (1) The notice which the owner, agent or manager of a mine must give of the occurrence of an accident.
- (2) The annual returns to be submitted by owners, agents or managers.
- (3) Certificates, the conditions on which they are granted, and the qualifications which the managers of the various classes of mines must possess.

Section 20 enumerates twenty-two subjects regarding which rules may be made, so that it is evident that only a small portion of the ground has yet been covered. The Department is indeed still in its infancy.

8. The following powers are vested solely in the Governor General in Council:—

Powers of the Government of India.

- (a) Power to appoint a Chief Inspector of Mines—[section 4 (1)].
- (b) Power to prescribe in what respects an Inspector of Mines shall be subject to the Chief Inspector—[section 4 (3)].
- (c) Power to direct to what authority the Chief Inspector shall be subordinate as a 'public servant' for the purposes of the Indian Penal Code—[section 4 (4)].
- (d) Power to exempt from the operation of the Act, any local area or any mine or any group or class of mines, or any class of persons [section 29].

All the other powers of control are vested in the Local Governments, but by section 32 the Government of India may exercise any power which by the Act is conferred on a Local Government.

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