

# COAL MINES OFFICERS' ASSOCIATION OF INDIA

(Regd. No. - 11502 of W.B. Under the Trade Union Act, 1926)

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**The Chairman**  
Standing Committee on Labour  
Government of India  
Camp- Ranchi

**Sub: Suggestions in respect of the Mines Amendment Bill 2011**

Respected Sir,

On behalf of the 22000 executives working in Coal India Ltd. and Singaraini Colliery Company Ltd., we would like to draw your kind attention on the proposed Mines Amendment Bill 2011, which are as under:

The insertion of a new section 74 A is totally against justice to a common people. Such types of harsh measures are only prescribed for rapists and militants. For technical violations onus of proof should be on the mine inspectors not on the offenders. Under the present system of rules of Law which is being followed in this country, a person is deemed to be innocent until proved guilty and the guilt has to be proved by the investigating/prosecuting agency.

In the mines persons have to work against unforeseen forces of nature. In fact, mining is a constant fight against nature. In this connection the law makers should make a definite distinction between an accident in a mine and a murder. Whereas a murder is always done with a motive but accident in a mine does not occur due to any motive. The contravention contributing to accidents are technical in nature and they are caused during the course of operation due to Act of God or by the action of any individual due to his failure or due to his in-ability to apprehend the danger. Step to increase punishment by way of framing rule/act/by-laws will compel the mine official not to come in mining operation. In fact for preventive mine accident, inspection by D.G.M.S. should be increased. The strength of inspecting officers with the D.G.M.S. should be increased if the Govt. is really serious about safety in mines.

We have to say that 90% of the contraventions are merely minor violations like writing of records, sending monthly returns not keeping earthen pots for drinking waters in the work sheds etc. Serious violations are very few which endangers the mine and its safety. Provisions leading to penalties for contravention of certain regulation having a *minimum* fine of rupees 1 lakh and imprisonment for minimum term of 1 year, is considered very drastic for minor

lapses (which is always possible as there exists a huge number of Act, Rules, Regulations, By-Laws, Circulars etc. not important /need to be changed in current scenario) and deterrent for any entrepreneurs to take mining activities. Already there are provisions in current mines regulations about withdrawal of certificates that are similar to life imprisonment for statutory mining personnel bearing the responsibility for a mining operation because it spoils the whole career of the punished officials. Imposing fines or imprisonment in addition to the law of the land like I.P.C/Cr.P.C. is an encroachment into the power of the court that leads to terror of double punishment i.e. by the DGMS as well as the Police rather triple if Departmental actions under enquiry by Internal Safety Organizations for the same offence is counted. We therefore, do not agree with the amendments.

Section 75 of the Mines Act 1952 should include another provision as under:

In case of an accident occurring in the mine, no action under any other law including I.P.C. or Cr.P.C. should be initiated unless the Chief Inspector or an Inspector authorized under Section 23(2) after any enquiry into the accident has reported to the District Magistrate that the accident was not caused due to mining operation. Addition of this clause is necessary as the Owner, Agent, Manager and the Supervisory officials are harassed too by the Police after any accident although they do not possess any technical knowledge to access the cause of accident.


Already the Mine Inspector have power to close down a mine under section 22 of the Mines Act and also have the power under section 22 (A) to issue notices to the mine Managers, Agent and Owner of the Mine. The Mine Act 1952 is the only Act in India where vicarious responsibility has been fixed on the manager, Agent & Owner for any act of Omission or commissions of any person in a Mine. The owner, Agent & Manager can be prosecuted even though duties and responsibilities of each worker and supervisor have been prescribed in act and regulation. Mining personnel has to work under unknown, hazardous and difficult conditions associated with danger of fall of strata, inundation, noxious and inflammable gasses, fire etc. Even C.I.M.F.R., C.M.P.D.I.L. or D.G.M.S. has no solution to the above problems.

We therefore request your good self that the increase in strength of inspecting officers with D.G.M.S. will take care of more safety in mines. Any increase in the quantum of punishment/penalty shall dishearten the mines officials and new entrants. Such an approach in our view is highly erroneous to provide safety in mines as the very concept will deter talented students taking mining profession and consequently the plight of talent together with persons with inferior intellect will be counterproductive and safety will suffer in the long run.

Hope that our above suggestions are kept considered in the instant Bill.

With profound regards,

Yours faithfully,

  
(Shukdeo Narayan) 10/6/2011  
President  
C.M.O.A.I. (Apex)