

# ACT No. XIX OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 21st April, 1939.)

**An Act to make further provision for safety in coal mines.**

**W**HEREAS it is expedient to make further provision for safety in coal mines by taking measures to facilitate or require therein the carrying out of the operation known as stowing, and to provide for the creation of a fund for the assistance of such operation, in the manner hereinafter provided ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Coal Mines Safety (Stowing) Act, 1939. Short title, extent and commencement.

(2) It extends to the whole of British India except Assam and the Punjab.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

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

(a) "agent", "mine" and "owner" have the meanings respectively assigned to them in section 3 of the Indian Mines Act, 1923 ;

(b) "Board" means the Coal Mines Stowing Board constituted under section 3 ;

(c) "Chief Inspector" and "Inspector" mean the persons respectively appointed to be Chief Inspector of Mines and Inspector of Mines under sub-section (1) of section 4 of the Indian Mines Act, 1923, and the provisions of that Act shall

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shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Act or the rules made thereunder ;

- (d) "fund" means the Coal Mines Stowing Fund
- (e) "prescribed" means prescribed by rules made under this Act ;
- (f) "soft coke" means all coke which is unsuitable for metallurgical purposes, and "hard coke" means all coke which is not soft coke ;
- (g) "stowing" means the operation of filling with sand or other incombustible material space left underground in a coal mine by the extraction of coal.

Constitution  
of Board.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Board to be called the Coal Mines Stowing Board to administer the fund, and such Board shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) The Board shall consist of the following members, namely :—

- (i) a person in the service of the Crown, appointed by the Central Government, as Chairman ;
- (ii) the Chief Inspector, or an Inspector appointed by the Central Government in this behalf ;
- (iii) two persons nominated by the Indian Mining Association ;
- (iv) one person nominated by the Indian Mining Federation ;
- (v) one person nominated by the Indian Colliery Owners' Association :

Provided that if, within the prescribed period, any body fails to make the nomination which it is entitled to make under this sub-section, the Central Government may itself nominate a person to fill the place on the Board.

(3) Where a nominated member dies, resigns, ceases to reside in British India or becomes incapable of acting, the Central Government shall, on the recommendation of the body which would have been entitled to make the nomination

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nomination if it had been a first nomination under sub-section (2), or where such recommendation is not made within the prescribed period, may, on its own initiative, nominate a person to fill the vacancy.

(4) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

4. (1) The Board may, at any time and for such period as it thinks fit, co-opt as members of the Board any persons possessing such technical qualifications as may be prescribed. Power to Board to co-opt members.

(2) A member co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act, except that he shall not be entitled to vote on any question coming before the Board.

5. With effect from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, there shall be levied and collected on all coal raised and despatched, and on all soft coke manufactured and despatched, from collieries in British India a duty of excise as may, by notification in the official Gazette, be fixed from time to time by the Central Government, subject to a maximum rate of three annas per ton; similarly there shall be levied and collected on such descriptions of hard coke as may be prescribed a duty of excise as may, by notification in the official Gazette, be fixed from time to time by the Central Government, subject to a maximum rate of one and a half times the rate of excise duty for the time being in force in respect of coal and soft coke. Imposition of excise duty.

6. During the period in which a duty of excise is being levied under section 5, the Central Government may, by notification in the official Gazette, impose on all coal and soft coke and on such descriptions of hard coke as may be prescribed under section 5, imported into British India from any foreign country or brought into British India from the territory of any Indian State (not being territory which has been declared under section 5 of the Indian Tariff Act, 1934, to be foreign territory for the purposes of that section), a duty of customs at rates equivalent to the rates of the duty of excise levied under section 5 of this Act. Imposition of customs duty.

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Payment to Board of sum equivalent to the net proceeds of the excise duty.

7. The Central Government shall, as soon as may be in each financial year, pay to the Board a sum equivalent to the net proceeds (determined in like manner to that provided in sub-section (1) of section 144 of the Government of India Act, 1935) of the duty of excise realised under section 5 during the preceding year. 28 Geo. V, ch. 2.

Moneys received by the Board to be credited to the fund.

8. (1) The sum referred to in section 7 and any other moneys received by the Board shall be credited to a fund to be called the Coal Mines Stowing Fund, which shall be applied by the Board in such manner and subject to such conditions as may be prescribed, to—

- (i) meeting the expenses in connection with the administration and the furtherance of the objects of this Act ; and
- (ii) the grant of stowing materials and other assistance for stowing operations to owners, agents or managers of coal mines.

(2) The Board shall keep accounts of the fund, and such accounts shall be examined and audited at the prescribed times by auditors appointed in this behalf by the Central Government.

Powers of Inspectors.

9. (1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Act and of any rules and orders made thereunder are being complied with.

(2) The Chief Inspector or any Inspector may, with such assistants, if any, as he thinks fit, enter, inspect and examine at any time by day or night any coal mine in respect of which assistance is being, or has been, given under this Act, in order to ascertain the amount of sand or other incombustible material used in stowing in the mine or to ensure that stowing has been, or is being, done effectively :

Provided that the power conferred by this sub-section shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine.

(3) Without

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(3) Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923, the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

- (a) the extraction or reduction of pillars in any part of the mine is likely to cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the mine, or
- (b) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.

10. The provisions of sub-sections (3) to (6) (both inclusive) of section 19 of the Indian Mines Act, 1923, shall apply to an order made under sub-section (3) of section 9 of this Act as they apply to an order made under sub-section (2) of section 19 of that Act, and all the provisions of the Indian Mines Act, 1923 (except sub-section (1) of section 11 thereof), affecting committees appointed for the purposes of that Act or relating to the disposal of references made to such committees, shall apply, *mutatis mutandis* and so far as may be, to a committee appointed to inquire into a reference under this Act and to the disposal of such reference.

Application of Act IV of 1923.

11. (1) A committee appointed to inquire into a reference arising out of an order passed under sub-section (3) of section 9 shall consist of—

Committees of Inquiry.

- (a) the Chairman of the Board as Chairman ;
- (b) four members selected by the Chairman of the Board as follows :—
  - (i) two, from a panel of eight persons nominated by the Indian Mining Association ;

(ii) One

(ii) one, from a panel of four persons nominated by the Indian Mining Federation ;

(iii) one, from a panel of four persons nominated by the Indian Colliery Owners' Association ; and

(c) one member appointed by the Central Government to represent the interests of persons employed in coal mines.

(2) No person shall be nominated to the panels referred to in clause (b) of sub-section (1) unless he possesses such technical qualifications as may be prescribed.

(3) If any body fails, within the prescribed period, to make any nomination which it is entitled to make under sub-section (1) or to fill any vacancy in a panel, the Central Government shall itself nominate a sufficient number of persons to complete the panel.

Power to make rules.

12. (1) The Central Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for any or all of the following purposes, namely :—

(a) the nomination, and term of office, of members of the Board appointed or nominated under section 3 ;

(b) the powers and functions of, and the conduct of business by, the Board ;

(c) prescribing the technical qualifications to be possessed by co-opted members of the Board and by persons nominated to the panels referred to in section 11 ;

(d) prescribing the descriptions of hard coke on which a duty of excise may be levied under section 5 ;

(e) regulating the levy, collection and payment of the duty of excise ; and the imposition, collection and payment of the duty of customs ;

(f) prescribing

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- (f) prescribing the manner in which and the conditions under which sums at the credit of the fund may be applied ;
- (g) prescribing the form in which the accounts of the fund shall be kept and the times at which such accounts shall be audited, and regulating the publication of the abstract of such accounts and the report of the auditors thereon, and prescribing the procedure in relation to any items of expenditure from the fund disallowed by the auditors ;
- (h) any other matter which is to be or may be prescribed.

13. This Act applies to coal mines belonging to the Crown. Application to Crown mines.