

Not Corrected: See India Code, VB, Pt VII, p. 399.

THE IRON ORE MINES LABOUR WELFARE

CESS ACT, 1961

No. 58 OF 1961

[19th December, 1961]

An Act to provide for the levy and collection of a cess on iron ore for the financing of activities to promote the welfare of labour employed in the iron ore mining industry.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Iron Ore Mines Labour Welfare Cess Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

Levy and
collection of
cess on iron
ore.

2. With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected, as a cess for the purposes of this Act on all iron ore produced in any mine, a duty of excise at such rate not exceeding fifty naye paise per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette.

Application
of proceeds
of cess.

3. An amount equivalent to the proceeds of the duty levied under this Act, reduced by the cost of collection as determined by the Central Government, together with any income from investment of the said amount and any other moneys received by the Central Government for the purposes of this Act, shall, after due appropriation made by Parliament by law, be utilised by the Central Government to meet the expenditure incurred in connection with measures which, in the opinion of that Government, are necessary or expedient to promote

the welfare of labour employed in the iron ore mining industry; and in particular,—

(a) to defray the cost of measures for the benefit of labour employed in the iron ore mining industry directed towards—

(i) the improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities,

(ii) the provision and improvement of water supplies and facilities for washing,

(iii) the provision and improvement of educational facilities,

(iv) the improvement of standards of living including housing and nutrition, the amelioration of social conditions and the provision of recreational facilities, and

(v) the provision of transport to and from work;

(b) to make grants to a State Government, a local authority, the owner of an iron ore mine or any other person, of money in aid of any scheme approved by the Central Government for any purpose connected with the welfare of labour employed in the iron ore mining industry;

(c) to pay annually grants-in-aid to such of the owners of iron ore mines as provide to the satisfaction of the Central Government welfare facilities of the prescribed standard for the benefit of labour employed in their mines, so, however, that the amount payable as grant-in-aid to the owner of an iron ore mine shall not exceed—

(i) the amount spent by the owner of the mine in the provision of welfare facilities, as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed by rules made under this Act;

whichever is less:

Provided that no grant-in-aid shall be payable in respect of any welfare facilities provided by the owner of an iron ore mine where the amount spent thereon determined as aforesaid is less than the amount prescribed by rules made in this behalf;

(d) to meet the allowances, if any, of members of the Advisory Committees constituted under section 4, and the salaries and allowances, if any, of persons appointed under section 5.

Advisory
Committees.

4. (1) The Central Government may constitute as many Advisory Committees as it thinks fit, but not exceeding one for each of the principal iron ore producing States, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the amount of cess or of any other moneys referred to in section 3.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed by rules made under this Act:

Provided that each Advisory Committee shall include an equal number of members representing Government, the owners of iron ore mines and workmen employed in the iron ore mining industry and that at least one member of each such Committee shall be a woman.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of all members of the Advisory Committees.

Appoint-
ment and
powers of
staff.

5. (1) The Central Government may appoint Inspectors, Welfare Administrators and such other officers and staff as it thinks necessary for the purposes of this Act.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 186

(3) Any Inspector or Welfare Administrator may,—

(a) with such assistance, if any, as he thinks fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act, and

(b) do within such place anything necessary for the proper discharge of his duties.

Power of
Central
Government
to exempt.

6. Notwithstanding anything hereinbefore contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of labour employed in the iron ore mining industry, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not

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apply, or shall apply to such State or part subject to such exceptions and modifications as may be specified in the notification.

7. The Central Government shall, as soon as may be, after the end of each financial year cause to be published in the Official Gazette a report giving an account of its activities financed under this Act during the previous financial year, together with a statement of accounts.

Annual report of activities financed under the Act.

8. (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the purposes of this Act.

Power to make rules.

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

(a) the assessment and collection of a cess levied under this Act;

(b) the determination of the cost of collection of the cess;

(c) the manner in which the amount of the cess and other moneys, if any, may be applied on the measures specified in section 3;

(d) the conditions governing the grant of money under clause (b) of section 3;

(e) the standard of welfare facilities to be provided by owners of iron ore mines for the purposes of clause (c) of section 3 and the amounts referred to in sub-clause (ii) and proviso of that clause;

(f) the composition of the Advisory Committees constituted under section 4, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees shall conduct their business;

(g) the recruitment, conditions of service and the duties of all persons appointed under section 5;

(h) the furnishing by owners, agents or managers of iron ore mines, of statistical and other information.

(3) In making any rule under this section, the Central Government may direct that a breach thereof shall be punishable with fine.

(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised

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in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
