

Bill Summary

The Mines (Amendment) Bill, 2011

- The Mines (Amendment) Bill, 2011 was introduced in the Rajya Sabha on March 23, 2011 by the Minister of Labour and Employment, Mr. Mallikarjun Kharge. The Bill was referred to the Standing Committee on Labour (Chairperson: Shri Hemanand Biswal), which is scheduled to submit its report in three months.
- The Bill amends the Mines Act, 1952 which regulates the operation of mines and provides a mechanism for the supervision and safety of the labour working in the mines.
- The Bill aims to secure a safe environment to miners in light of the new technologies used in mines. The Bill extends the application of the principal Act to the territorial waters, continental shelf, the exclusive economic zones, and maritime zones of India.
- The Bill amends the definition of “owner” of a mine from immediate occupier of the mine to a person having “ultimate control” over the affairs of the mine. Under the Bill the “owner” includes the managing or whole time director in case of an Indian company and the principal officer in case of a foreign company.
- In case the mine belongs to persons such as holders of prospecting licenses or mining leases, or liquidators of enterprises owning mines, such persons shall be deemed to be the owners of the mine.
- In case the mine belongs to a local authority, the person having ultimate control over the local authority shall be the owner.
- The Bill makes it mandatory for the owner to appoint the prescribed number of qualified officials and agents for supervision of all matters related to the operation of the mines.
- The Bill increases the penalty payable for contravention of the law. The penalty payable by the owner in case of loss of life resulting from a contravention of an inspector’s orders has been increased from Rs 5,000 to Rs five lakh and the term of imprisonment has been increased from 2 years to 5 years. The penalty for serious bodily injury has similarly been increased from Rs 3,000 to Rs three lakh.
- The Bill seeks to place the burden of proof on the alleged defaulters.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRs Legislative Research (“PRs”). The opinions expressed herein are entirely those of the author(s). PRs makes every effort to use reliable and comprehensive information, but PRs does not represent that the contents of the report are accurate or complete. PRs is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

