



# Standing Committee Summary

## The Mines (Amendment) Bill, 2011

- The Standing Committee on Labour (Chairperson: Mr. Hemanand Biswal) submitted its 22<sup>nd</sup> Report on the Mines (Amendment) Bill, 2011 on December 20, 2011.
- The Bill seeks to amend the Mines Act, 1952, which regulates the operation of mines including the safety of miners. The Bill aims to provide a safe environment for miners in light of developments in the area of technology, scale of operation and working environment. The Bill extends the application of the principal Act to the territorial waters, continental shelf, the exclusive economic zones, and maritime zones of India.
- Some of the key aspects of the Bill that the Committee examined were: increase in penalties for violation of the Act, placing the burden of proof on the alleged defaulter, liability for offences under the Act, appointment of agents for supervising the operations in the mines and provisions related to the medical examination of workers.
- The Bill increases various penalties for violating the law. The Committee noted that merely increasing the penalty manifold would not serve the purpose unless a sense of responsibility is imparted to the offenders. Therefore, it recommended considering the following factors while determining the quantum of penalty: the history of previous violations, size of the business, negligence on the part of the offender and gravity of violation. It also suggested that the government consider setting up an independent authority on the lines of the US Federal Mines Safety and Health Review Commission. Such an authority shall hear cases related to the contravention of the Act and have the power to hear appeals.
- The Bill seeks to place the burden of proof on the alleged defaulters. However, the Committee felt that such an amendment is against the principles of natural justice. It advised that the onus of proof should not be shifted to the alleged offender from the plaintiff.
- The Bill provides for continuance of liability in cases where the person has ultimate control over the affairs of the business of the mines. The Committee suggested that a provision of vicarious liability should also be added so that the employer, manager or the person employed are held jointly and individually responsible for the offence attributable to connivance, neglect or prior knowledge.
- The Bill makes it mandatory to appoint the prescribed number of qualified agents for supervising the operation of the mines. The Committee was of the opinion that this could lead to a situation where the sole manager appointed under the Act would be answerable to more than one agent. This could lead to conflicting lines of command. It therefore recommended that this practical problem be addressed suitably.
- The Committee noted that the Bill does not provide for medical examination and medical attendance of retired and casual workers with less than six months of continuous service. The Committee recommended that the health and safety of all workers, irrespective of their status, be borne by the government. Also, adequate provisions should be made to protect workers in unorganised mines.

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