FREQUENTLY ASKED QUESTIONS

1. What are the Existing Legislative Provisions regarding safety, health and welfare of mine workers?

   • Under the Constitution of India, safety, welfare and health of workers employed in mines are the concern of the Central Government (Entry 55- Union List- Article 246).

   • The objective is regulated by the Mines Act, 1952 and the Rules and Regulations framed thereunder which are administered by the Directorate- General of Mines Safety (DGMS), under the Union Ministry of Labour and Employment.

   • A list of the subordinate legislation under the Mines Act administered by DGMS are –
     • Coal Mines Regulations, 1957.
     • Metalliferous Mines Regulations, 1961.
     • Oil Mines Regulations, 1984.
     • Mines Rules, 1955.
     • Mines Vocational Training Rules, 1966.
     • Mines Creche Rules, 1966.

2. How the Compliance of the Provisions are ensured?

   The owner, agent or manager of the mine is required to comply with the provisions of health and safety provisions of the Mines Act and the rules framed thereunder, as required under Section 18 of the Mines Act, 1952.
3. **How the Provisions of Health, Safety and Welfare Amenities are enforced?**

DGMS is the enforcement agency which ensures compliance of the stated provisions through inspections by inspecting officers. The health, safety and welfare provisions of Mines Act and Rules are invariably checked during the course of general inspection of the mines. The violations observed during the course of general inspection of the mines. The violations observed during the course of such inspections are being followed up by subsequent follow up inspection. In case of non-compliances, the improvement notices, prohibitory orders etc. are also being issued till it is complied.

4. **What is the Role and Function of DGMS?**

1. **Inspection of mines.**

2. **Investigation into –**
   a) accidents
   b) dangerous occurrences – emergency response
   c) complaints & other matters

3. a) **Grant of :**
   i) statutory permission, exemptions & relaxations
      - pre-view of project reports & mining plans
   ii) approval of mine safety equipment, material & appliances
   b) Interactions for development of safety equipment, material and safe work practices through workshop etc.
   c) Development of Safety Legislation & Standards
d) Safety Information Dissemination.

4. Conduct of examinations for grant of competency certificates.

5. Safety promotion initiatives including:

(a) Organisation of –
   - Conference on Safety in Mines
   - National Safety Awards
   - Safety Weeks & Campaigns.

(b) Promoting –
   - Safety education and awareness programmes
   - Workers’ participation in safety management through-
     - Workmen’s inspector
     - Safety committee
     - Tripartite reviews

5. **What are the provisions of law in respect of accidents in mines?**

   **Ans.** Following provisions are existing in the Mines Act & the Rules & Regulations made thereunder on accidents in mines:

   **Section 23 of the Mines Act5, 1952: Notice of Accidents**

   Notice of accidents by the mine management of DGMS

   Enquiry in to such accident by DGMS

   **Regulation 9:** Prescribes nature of accidents and the forms in which notices are to be sent to specified persons which include Coal Mines Welfare Commissioner in cases of Fatal and Serious accidents.
Regulation 199: Places of accidents not to be disturbed unless otherwise permitted by Chief Inspector or Inspector.

Regulation 199A: Enforcement of Emergency Plan in the mine immediately after occurrence of accident.

Section 24: Power of Central Govt. to appoint court of inquiry in cases of Accidents:

Central Government normally appoints court of inquiries in cases of major accidents and disasters in mines.

6. What are the major cases of accidents in mines?

Coal mines are considered more risky than Metalliferous mines all over the world. The incidences of accidents and number of fatality in coal mines are higher than non-coal mines.

The major causes of accidents in mines are :-

- **Explosions and Fires**: Methane & Coal Dust Explosions
  - Spontaneous Heating of Coal

- Inundation (Sudden inrush of water into the mines: From surface Underground

- **Strata Failure**: Roof and Side Fall in Underground Mines
  - Pit and Dump Slides & Failure in opencast mines

- **Heavy Earth Moving machinery**: Shovel, Dumper, Trucks & Tippers
7. **What steps are being taken by the Government to prevent such accidents in mines?**

**Ans.** (i) All fatal and serious accidents including dangerous occurrences especially due to fires, explosives, gases and many other important subjects are enquired by DGMS.

(ii) After completion of enquiries, legal actions as deem fit including prosecution against the persons found responsible for the accidents are taken.

(iii) Accidents are also technically analyzed in details and based on findings of such analysis, **technical circulars, instructions and guidelines are issued** on various causes and failures to improve the standards of safety in mines and to prevent such recurrences.

(iv) **Accident Prone Mines** are also identified on the basis of such analysis and focal attentions are given on such mines through inspections and follow up action so that their conditions are brought to safe levels.

8. **What are the Remedial measures taken to bring down the rate of accidents in Mines?**

(i) Strict enforcement of existing statute.

(ii) Close monitoring of the working of the mines by Safety Supervisors in the mines, Internal Safety Organisation of the mining companies and by the Inspecting officers of DGMS.

(iii) Taking suitable actions as per the statute for non-compliance such as stoppage of work, issue of violation letters, issue of prohibitory notices/orders, launching of prosecutions under the court of law etc.
(iv) Strengthening the mechanism of training & re-training or workers & supervisors.

(v) Inquiry into accidents, analysis for ascertaining the causes and circumstances leading to accidents and taken suitable action for preventing similar accidents in future.

(vi) Introducing the concept of Safety Management through risk assessment for identification of hazards, assessment of risks in the hazards, evolving control measures, implementation of control measures and monitoring the effectiveness of the control measures through safety audit. This is a new concept and is being introduced gradually in conjunction with existing practices of legislative safety management. Workers at all levels are involved in the process of decision making on risk management for its effective implementation through greater involvement.

(vii) Improving the awareness of workers at all levels regarding safety issues involved in the work process and the safe operating procedures for each job.

9. **What are the Legislative Provisions relating to Safety and Health in industries?**

Ans. The safety, health and welfare or workers employed in factories are covered under the Factories Act, 1948 which is a central legislation. The Act contains detailed provisions on health, safety welfare, working hours, leave, penalties etc. and is applicable to premises wherein 10 or more workers are employed without the aid of power.

The State Governments are empowered under Section 85 of the Act to bring those factories wherein less than 10 workers with the aid of power or 20 or more workers are employed without the aid of power under the purview of this Act.
The provisions of the Factories Act and Rules framed thereunder are enforced by the State Governments through the State Factories Directorate/Inspectorates.

10. **What are the important provisions in the Factories Act?**

The important provisions in the Factories Act, 1948 relates to

- Appointment of Inspectors,
- Responsibility of the Occupier and Manufacturer of Articles used in factories, *(This provisions was incorporated in 1987 after the Bhopal Tragedy)*
- Health Provisions
- Safety provisions
- Welfare Provisions
- Working Hours.
- Employment of Young Persons.
- Annual Leave With Wages.
- Special Provisions (power to apply the Act to certain premises, dangerous operations, notice of accidents and occupational diseases, power of enquiry, etc.)
- Penalties and Procedures.
- The important provisions relating to Safety and Health of workers are given below.

**Health Provisions**

Every factory must take the following measures as per the provisions of the Act to ensure health of the workers.

- To keep its premises in a clean state;
- To dispose of wastes and effluents:
- To maintain adequate ventilation and reasonable temperature;
• To prevent accumulation of dust and fume;
• To avoid over crowding;
• To provide sufficient lighting, drinking water, latrines and urinals.

**Safety Provisions**

Every factory must take the following measures as per the provisions of the Act to ensure safety of the workers?

• to fence certain machinery;
• to protect workers repairing machinery in motion;
• to protect young persons working on dangerous machines;
• to ensure hoists and lifts and pressure vessels are of sound construction and maintained in good working conditions;
• Floors, stairs and means of access in every factory shall be of sound construction and properly maintained to ensure safety of the works.
• to protect workers from injury to their eyes;
• to protect workers from dangerous dust, gas, fumes and vapours;
• to protect workers from fire, explosives or flammable dust or gas, etc.

11. **What are the powers of the Inspectors appointed under the Factories Act, 1948?**

**Ans:** An inspector appointed under the Act has power-

• to enter any place which is used as a factory;
• to make examination of the premises, plant and machinery.
• to require the production of any register and any other document relating to the factory, and
• to take statement of any person, for carrying out the purposes of the Act.
• To initiate legal action for violation or non-compliance of the provisions of the Act and Rules made thereunder.

12. **What is the system of reporting of occupational diseases in the Factories?**

**Ans.** Where any workers in a factory contacts any notifiable disease as specified in the Third Schedule the manager of the factory shall send a notice to the inspector of factories in such a form and in the manner prescribed (Section 89).

13. **What actions are initiated against the management for violation of the provisions of the Act?**

**Ans.** The inspectors visit the factories and violations of the provisions of the Act and the Rules framed thereunder are brought to the notice of the occupier/manager for taking necessary actions particularly when building, machineries and equipment are likely to lead conditions detrimental to the health and safety of the workers.

The inspectors also have power to prohibit employment on account of serious hazards, initially for a period of three days.

The occupier is directed to remove the hazard before re-employing the workers.

In case the occupier/manager do not abide by the written order issued by the inspector prosecution is initiated for the violation of any of the provisions of Act and Rules. (Powers of Inspectors are given in Section 9, 40-A and Section 87-A).

14. **What are the major initiatives taken by DGFASLI to improve safety and health of the workers in the manufacturing sector?**
Ans. The major initiatives undertaken by DGFASLI are:

- DGFASLI undertook the framing of model factories rules in consultation with the Chief Inspector of Factories/Union Territories for guidance and adoption by the State Governments to ensure uniformity.
- Organizes annual conference of Chief Inspector of factories.
- National and consultancy studies are undertaken to assess the status of occupational health of the workers in factories and ports to formulate appropriate standards/guidelines for inclusion in the statutes.
- Conducts professional and academic training programmes for supervisors, safety officers, factory medical officers, specialised certificate course for competent supervisions in hazardous process industries.