



THE MINES ACT, 1923



CONTENTS

PREAMBLE.

CHAPTER I. PRELIMINARY

- 1 Short title extent and commencement.
- 2 [Omitted.]
- 3 Definitions.

CHAPTER II INSPECTORS

- 4 Chief Inspector and Inspectors.
- 5 Functions of Inspectors.
- 6 Powers of Inspectors of Mines.
- 7 Powers of special officer to enter, measure, etc.
- 8 Facilities to be afforded to Inspectors.
- 9 Secrecy of information obtained.
- 9 A Secrecy of source of compliant.

CHAPTER III MINING BOARDS AND COMMITTEES

- 10 Mining Board.
- 11 Committees.
- 12 Powers of Mining Boards.
- 13 Recovery of expenses.

CHAPTER IV MINING OPERATION AND MANAGEMENT OF MINES

- 14 Notice to be given of mining operations.
- 15 Managers.
- 16 Duties and responsibilities of owners, agents and managers.

CHAPTER V PROVISIONS AS TO HEALTH AND SAFETY

- 17 Conservancy.
- 17 A Canteens.
- 17 B Shelters.

- 18 Medical appliances.
- 18 A First aid rooms.
- 19 Powers of inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.
- 20 Notice to be given of accidents.
- 20 A Notice of occupational diseases
- 21 Power of government to appoint court of inquiry in cases of accidents.
- 22 Publications of reports.

CHAPTER VI HOURS AND LIMITATION OF EMPLOYMENT

- 22 A Weekly day of rest.
- 22 B Hours of work above ground.
- 22 C Hours of work below ground.
- 22 D Special provision for night relays.
- 23 Prohibition of employment of certain persons.
- 23 A [Repealed.]
- 23 B Notices regarding hours of works.
- 23 C Limitation of hours of works.
- 24 Supervising staff.
- 25 Exemption from provisions regarding employment.
- 25 A Extra stages for overtime.
- 26 Children.
- 26 A Young persons not to be allowed underground without certificates of fitness.
- 26 B Limitation of working hours for young persons.
- 27 Dispute as to age.
- 28 Register of employees.

CHAPTER VI-A LEAVE AND HOLIDAYS WITH WAGES

- 28 A Application of the Chapter.
- 28 B Annual leave with wages.
- 28 C Festival holidays.
- 28 D Casual leave and sick leave.
- 28 E Wages during leave or holiday periods.
- 28 F Payment in advance in certain cases.
- 28 G Power of Inspector to act for workers.

CHAPTER VII REGULATIONS, RULES AND BYE LAWS

- 29 Power of appropriate Government to make regulations.
- 30 Power of appropriate Government to make rules.
- 30 A Power of appropriate Government to require rescue stations to be established.
- 31 Prior publication of regulations and rules.
- 31 A Power to make regulations without previous publication.
- 32 Bye laws

- 33 Posting up of extracts from act, regulations, etc

**CHAPTER VIII
PENALTIES AND PROCEDURE**

- 34 Obstruction.
- 35 Falsification of records, etc.
- 36 Omission to furnish plans, etc.
- 37 Contravention of provision regarding employment of labour.
- 38 Notice of accidents.
- 39 Disobedience of orders.
- 40 Contravention of law with dangerous results.
- 40 A Special provision regarding fines.
- 41 Prosecution of owner, agent or manager.
- 42 Limitation of prosecutions.
- 43 Cognizance of offences.
- 44 Reference to mining board or committee in lieu of prosecution in certain cases.

**CHAPTER IX.
MISCELLANEOUS**

- 45 Decision of question whether a mine is under this act.
- 46 Power to exempt from operation of act.
- 47 Power to alter or rescind orders.
- 48 Application of act to government mines.
- 49 Saving.
- 50 [Repealed.]

**SCHEDULE.
[Repealed.]**

¹THE MINES ACT, 1923

²ACT No. IV of 1923

[23rd February, 1923]

An Act to amend and consolidate the law relating to the regulation and inspections of mines.

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

1. Short title extent and commencement.-(1) This Act may be called the ³* Mines Act, 1923.

⁴[(2) It extend to the whole of Pakistan.]

(3) It shall come into force on the first day of July, 1924.

2. [Saving the Regulation XII of 1887]. Omitted by para 3 and Sch I of the Government of India (Adaptation of Indian Laws) Order, 1937.

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

(a) “agent”, When used in relation to a mine, Means any person appointed or acting as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a Manager under this Act;

¹This act has been applied to the Provincially Administered Tribal Areas or to the parts of those areas to which it does not already apply, see Regulation No. 1 of 1972, s. 2 and Sch.

²For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. Vp. 327; and for Report of Joint Committee, see *ibid.*, 1923, Pt. V. p. 25.

This Act has been extended to:-

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950), and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937 Pt. I p. 1499;

(ii) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended by the Baluchistan States Union (Federal Laws) (Extension) (Second Amdt.) Order, 1953 (G.G.O. 19 of 1953);

(iii) the Khairpur State, see G.G.O. 5 of 1953, as amended by G.G.O. 24 of 1953;

(iv) the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953) as amended by the Bahawalpur (Extension of Federal Laws) (Amdt.) Order, 1953 (G.G.O. 21 of 1953).

The Act has been and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960) s. 2.

This Act has been applied to the Provincially Administered Tribal Areas or to the parts of those areas to which it does not already apply, see Regulation No. 1 of 1972, s. 2 and Sch. also applied to FATA, SRO 220 (1)/2000, dated 21-4-2000.

³The word “Indian” omitted by A.O., 1949.

⁴Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for sub-section (2), as amended by A.O., 1949, and the Federal Laws (Revision and Regulations) Act, 1951 (26 of 1951), s. 8.

¹[(aa) 'appropriate Government' means in relation to mines of ²[nuclear substances mineral oil, natural gas and liquids, and substances declared by Federal Law to be dangerously inflammable oil fields and gas fields] the ³[Federal Government] and in relation to other mines the Provincial Government;]

(b) "Chief Inspector" means the Chief Inspector to Mines appointed under this Act;

⁴[(c) "Child" means a person who has not completed his fifteenth year;]

⁵[(cc) "day" means a period of twenty-four hours beginning at midnight;]

6* * * * *

(d) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(e) "Inspector" means an inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an inspector which he is empowered by this Act to exercise or perform;

(f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine:

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of;

(g) "owner", when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any like part thereof shall be subject to this Act in the same manner as if he were the owner, but not so as to exempt the owner from any liability;

(h) "prescribed" means prescribed by regulations, rules or bye-laws;

¹ Clause (aa) ins. by A.O., 1961, Art. 2 and Sch., (with effect from the 23rd March, 1956), has been subs. by A.O., 1964, Art. 2 and Sch.

² Subs. by F.A.O., 1975, Art. 2 and Sch., for "nuclear substances, oilfields and gasfield".

³ Subs. *ibid.*, Art. 2 and Table, for "Central Government".

⁴ Subs. by the Indian Mines (Amdt.) Act, 1935 (5 of 1935), s. 2, for the original clause (c).

⁵ Clause (cc) ins., *ibid.*

⁶ Clause (ccc), omitted by A.O., 1949.