

27. बंद अथवा कार्य स्थगित करने की सूचना :— सूचना-यदि इस नियम के तहत स्थापित प्रशिक्षण केन्द्र को बंद करने का विचार किया जाता है या इसके कार्य को साठ दिनों से अधिक अवधि तक स्थगित रखा जाता है, तो खान स्वामी, अभिकर्ता या प्रबंधक मुख्य खान निरीक्षक द्वारा निर्धारित विधि के अनुसार मुख्य खान निरीक्षक, क्षेत्रीय निरीक्षक को बंद या कार्य स्थगित करने का कारण बताते हुए कम से कम तीस दिन पूर्व सूचना देना होगी।

परंतु अप्रत्याशित परिस्थितियों की वजह से प्रशिक्षण केन्द्र को उक्त सूचना दिए बगैर बंद किया जाता है या उसके कार्य को स्थगित किया जाता है या पूर्व विचार किए बिना उसके कार्य स्थगन की अवधि साठ दिनों से अधिक हो जाती है, तो स्वामी, अभिकर्ता या खान प्रबंधक इसकी सूचना तत्काल देगा।

[फा. सं. एस-29012/01/2018-आई.एस.एच.-II]

कल्पना राजसिंहोत, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 6th November, 2019

G.S.R. 826(E).—The following draft of certain rules which the Central Government proposes to make, in exercise of the powers conferred by section 58 of the Mines Act, 1952 (35 of 1952), on the recommendations of the Committee constituted under section 12 of the said Act, and in supersession of the Mines Vocational Training Rules, 1966, except as respects things done or omitted to have been done before such supersession, is hereby published as required by sub-section (1) of section 59 of the said Act for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of three months from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections or suggestions, if any, may be addressed to the Under Secretary to the Government of India, Ministry of Labour and Employment, Industrial Safety and Health-II Section, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.

The objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the said period specified, will be considered by the Central Government.

DRAFT MINES VOCATIONAL TRAINING RULES

CHAPTER I

PRELIMINARY

1. **Short title, application, commencement and extent.**—(1) These rules may be called the Mines Vocational Training Rules, 2019.
- (2) Save as otherwise expressly provided, these rules shall apply to every mine to which the Mines Act, 1952 (35 of 1952) applies.
- (3) They extend to the whole of India.
- (4) They shall come into force after one year or on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. **Definition.**— (1) In these rules, unless there is anything repugnant in the subject or context,—
 - (a) "Act" means the Mines Act, 1952 (35 of 1952);
 - (b) "Board" means a board of vocational training constituted under rule 6;
 - (c) "Committee" means a committee constituted by the Board under these rules;
 - (d) "Instructor" means any person who is appointed by the Owner, Agent, Manager or Training Officer having such qualification and experience as may be specified by the Board who shall be responsible to impart training in Vocational Training Centre;

- (e) "Regional Inspector" means the Inspector of Mines incharge of-
- (i) the region or local area or areas in which mine is situated; or
 - (ii) the group or class of mines to which the mine belongs and over which he exercises powers under the Act;
- (f) "Secretary" means the Secretary of the Board;
- (g) "Trainer" means a person authorised by the Manager of the mine who shall be responsible to impart practical training to the trainees;
- (h) "Training Officer" means any person who is appointed for the purpose of management, control, supervision and direction of the training centre as in charge of training centre;
- (2) Words and expression used in these rules and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PERSONS TO BE TRAINED

- 3. Application of rules.**— (1) These rules shall apply to all persons employed or to be employed in a mine.
- (2) The Chief Inspector may, by order and for reasons to be recorded in writing, and subject to such conditions as he may specify therein, exempt or require any person, class or category of persons from undergoing any training under these rules.
- 4. Chief Inspector to decide disputes regarding training.**— If any question arises as to whether a particular person or class or category of persons is required by these rules to undergo training or not, the same shall be referred to the Chief Inspector for decision.
- 5. Training Scheme.**— (1) The owner of every mine shall ensure that a training scheme comprising of theory and practical is prepared and submitted to the Chief Inspector of Mines and Regional Inspector of Mines for persons employed or to be employed in the mine including the persons connected with any work:
- Provided that the agent of the mine may submit the training scheme with the approval of the owner in writing.
- (2) The Chief Inspector of Mines or Regional Inspector of Mines may make modification in the scheme, if required.
- (3) The scheme referred to in sub-rule (1) shall include, but not limited to, the following provisions, namely:-
- (a) initial training for the persons to be employed in the mines and others;
 - (b) refresher training for the persons already employed;
 - (c) training in case of introduction of new technology, equipment or change in work procedure;
 - (d) assessing the current competency of a person employed in the mine and prior learning, in establishing the person's training needs;
 - (e) assessing the training need of persons working in mines for the safe performance of the mining operations;
 - (f) appointing persons who are competent to give training and assessing workers' competency;
 - (g) keeping and auditing records of training;
 - (h) keeping records of assessment given and undertaken by the trainee;
 - (i) the relevant standards, modules or any other guidelines issued in this behalf by the Chief Inspector of Mines from time to time;
 - (j) course material on various topics for different categories of persons for delivering lectures in vocational training centre.

CHAPTER III

BOARD OF VOCATIONAL TRAINING

- 6. Constitution of the Board of Vocational Training.**—(1) For the purpose of these rules, there shall be constituted a Board of Vocational Training, hereinafter called as Board.

(2) The Board shall consist of –

(a) the Chief Inspector of Mines, who shall be its Chairperson, *ex officio* ;

(b) three members possessing technical qualification in mining or petroleum engineering and having at least twenty years' practical experience, one each in coal mines, metal mines, and oil mines to represent each sector appointed by the Central Government;

(c) two members to be appointed by Central Government, possessing technical qualifications in electrical engineering or mechanical engineering or allied engineering and having at least twenty years of practical experience in mines;

(d) two members to be appointed by Central Government, serving in human resource organization, imparting training in different trades of engineering and having at least fifteen years' of experience serving in such organisation, or serving in an institution imparting education in mining or petroleum engineering at the degree or equivalent level and having twenty years' of experience.

(3) Every member, other than the Chairperson, of the Board shall hold office for a period of three years from the date of the notification appointing him a member of the Board, or until his successor is appointed and takes charge, whichever is later:

Provided that –

(i) a member may at any time resign his office;

(ii) a member appointed under clause (d) of sub-rule (2) shall cease to hold office upon his ceasing to serve in any such institution, as is referred to in that clause;

(iii) a person appointed to fill a vacancy caused by reason of the death or resignation of a member, or by reason of ceasing of office under sub-clause (ii), shall hold office for the remaining period for which such member would have, but for such reason, continued as member.

(4) A person who holds, or who has held, office as member of the Board shall, subject to the other provisions of this rule, be eligible for re-appointment to that office not more than two terms.

(5) A member of the Board, other than the Chairperson, shall receive such remunerations as the Central Government may fix.

(6) An Inspector nominated in this behalf by the Chief Inspector shall act as Secretary to the Board.

(7) Notwithstanding anything contained in this rule, the Central Government may, if satisfied that it is necessary so to do in the public interest, re-constitute the Board even if the term of office of all or any of the members thereof has not come to an end.

(8) Notwithstanding anything contained in this rule, the Central Government may, if satisfied that it is necessary so to do in the public interest, replace a member of the Board even if the term of office of the member thereof has not come to an end.

(9) Meeting of the Board shall be held as and when the Chairperson considers it necessary and at least once in six months at a place decided by the Chairperson.

(10) The quorum of the meeting of the Board shall be four members including the Chairperson.

(11)(a) For every meeting of the Board, the Chairperson or the Secretary shall give to every member who is not absent from India, a prior notice in writing of not less than ten clear days, intimating the time and place of the proposed meeting;

(b) The notice shall be delivered at, or posted to the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed of at that meeting;

(c) Notwithstanding anything contained in clauses (a) and (b), in case of urgency the Chairperson may call at any time, an emergent meeting by intimating the members in writing, only two days in advance, of the time and date of such meeting and the subject matter for discussion at such meeting;

Provided that if at any meeting there is no quorum as referred in sub-rule (10), the meeting shall stand adjourned to a date which is seven days later or if that day is a public holiday to the next working day.

Provided further that the time, place and agenda for the adjourned meeting shall remain unchanged.

(d) Where the meeting stands adjourned for lack of quorum, it shall be lawful to dispose of the business at such meeting irrespective of the number of members attending.

(12)(a) The Chairperson shall preside at every meeting of the Board.

(b) If the Chairperson is absent for any reason, the Chairperson shall authorise a member to preside over the meeting, and the member so authorized shall, for the purposes of that meeting, have all powers of the Chairperson.

(13) No business shall be transacted at a meeting of the Board if there is no quorum.

(14) (a) Every matter which the Board is required to consider shall be considered at its meeting, or, if the Chairperson so decides, by circulation of the papers, to every member who is not absent from India.

(b) When any matter is referred to by circulation as mentioned in clause (a) of sub-rule 14(a), any member may request that it should be considered at a meeting of the Board and the Chairperson may direct that it shall be so considered but when two or more members so request, the Chairperson shall direct that it shall be so considered at a meeting to be held.

(15)(a) The Secretary shall place before the Board, a list of business to be transacted at the meeting.

(b) No business which is not included in such list shall be considered unless the Chairperson permits.

(16)(a) Every matter at a meeting shall be decided by a majority of votes of the members present at such meeting.

(b) Every matter referred to the members by circulation under sub-rule (14) shall be decided by a majority opinion of the members to whom the papers were circulated, unless the Chairperson reserves it for consideration at a regular meeting to be held later.

(c) In case of equal division of votes or opinion of the members, the Chairperson shall have a casting vote or opinion.

(17)(a) The Secretary shall record the minutes of each meeting in a bound-paged book kept for the purpose and he shall circulate to all members present in India the copies of such minutes of the meeting.

(b) The minutes so recorded shall be confirmed at the next meeting of the Board and signed by the Chairperson in token thereof.

(18) (a) The Chairperson in addition to any other powers and functions conferred upon him under these rules, shall-

(i) present all important papers and matters to the Board at least ten days before the meeting;

Provided that in case of urgency, the subject matter may be placed before the Board two days before the meeting;

(ii) issue orders for carrying out the decisions of the Board;

(iii) have power to refer, in his discretion, any matter to the Central Government for its orders; and

(iv) have power generally to take such action or pass such order necessary to implement the decisions of the Board.

(b) The Chairperson may, during his temporary absence by reason of leave or otherwise, authorise any member of the Board to perform all or any of the functions of the Chairperson during such absence.

7. Functions of the Board.-The Board may-

(a) constitute a committee to address any matter put before it and for specifying criteria for the establishment of independent vocational training centre by the owner of a mine, standard of training to the persons working in a mine to maintain uniform standards;

(b) specify the manner of ascertaining, by examination or otherwise, the quality of training to the persons, granting certificates by a system of assessment and evaluation;

(c) specify the manner of ascertaining, by examination or otherwise, the competency of training officers, instructors, trainers and persons acting under them and specifying qualification of training officers, instructors, trainers, and persons acting under them;

(d) specify the scale of appointment and manner of training of Instructors and trainers;

(e) specify the system and standard of training centres, criteria for approval and suspension or cancellation of training centre and auditing and monitoring of all aspects of such training centres;

(f) specify the manner of assessing training requirement of trainees and their post-training evaluation process;

(g) make provisions for catering more than one mine, under one vocational training centre;

(h) make provisions for any other matter regarding training of persons working in a mine.

CHAPTER IV

GENERAL VOCATIONAL TRAINING

8. Scope and Standard.- (1) The owner or agent of every mine shall ensure that every person proposed to be employed in a mine as specified in rule 3 shall, before he is employed, be imparted training as per the training scheme as specified in rule 5:

Provided that in case of a person who is already in employment in other mine, the owner shall ensure that such person is imparted training covering such additional course of training as specified in rule 5.

CHAPTER V REFRESHER TRAINING

9. Scope and Standard. – Every person in employment in a mine shall undergo the refresher training at least once in four years in accordance with the training scheme as specified in rule 5:

Provided that the Chief Inspector of Mines may by order in writing and subject to such conditions as he may specify therein increase or decrease the interval of refresher training.

10. Arrangement for Refresher Training. - The refresher training shall be so arranged that the persons shall undergo training during normal working hours on full day release system:

Provided that the Chief Inspector of Mines may, by general or special order in writing, and subject to such conditions as may be specified, exempt any mine from the provisions of this rule.

11. Special Training.-(1) If new technology, equipment and system of work for which training standards are not notified is introduced in the mine, the owner or agent or manager shall ensure that the training module is submitted to the Chief Inspector of Mines at least sixty days before such introduction.

(2) The Persons to be employed in such technology, equipment and system of work shall undergo training as per the training scheme specified in rule 5.

12. Training of persons after long absence or after an accident or change of job.- Wherever a person returns to employment in a mine, after an absence from work for a period exceeding one year, or returns to work after being involved in a serious accident, or in a dangerous occurrence which could have resulted in threat to life and safety, or is re-employed on a job which is different from what he had been performing earlier, he shall undergo training before employment in accordance with the training scheme specified in rule 5.

CHAPTER VI TRAINING CENTRES AND ARRANGEMENTS FOR TRAINING

13. Training Centre.-(1) The owner of every mine shall provide and maintain a training centre which shall be adequate for the purpose of imparting the training required to be undergone by the persons who are employed or to be employed in that mine:

Provided that the Chief Inspector of Mines may, by order and for the reasons to be recorded in writing, and subject to such conditions as he may specify therein, authorise that a common training centre may be provided and maintained in respect of two or more mines of the same owner:

Provided further that the Chief Inspector of Mines may permit in writing, subject to such conditions as he may specify therein, a common training centre owned and maintained by a group of owners for imparting training in more than one mine.

(2) Notwithstanding anything contained in sub-rule (1), the Chief Inspector of Mines may approve a training centre established under any law and having such infrastructure and facilities as specified by the Chief Inspector of Mines in Official Gazette from time to time.

(3) Every application for approval under sub-rule (2) shall be made in a proforma and accompanied by a fee specified by the Board and notified by the Chief Inspector of Mines from time to time by notification in Official Gazette.

14. Arrangements for the Training Centre.- Every training centre shall have such staff, equipments and other facilities as may be notified by the Chief Inspector of Mines.

15. Training Officer.- (1) The owner or agent of a mine shall appoint a training officer who shall be in charge of the centre.

Provided that in case of any approved training centre as specified in sub-rule (2) of rule 13, a person responsible for the management, control, supervision or direction of the training centre may appoint the training officer .

(2) Notwithstanding anything contained in sub-rule (1), where the training officer is unable to perform his duties by reason of temporary absence, illness or other cause not more than thirty days, the owner, agent or manager or the person specified in sub-rule (1) may authorise in writing any other person having similar qualifications to act in his place.

16. Duties of Training Officer.- (1) It shall be the duty of the training officer-

(i) to organise and supervise the training of every person undergoing training under him in pursuance of these rules;

- (ii) to recognise current competency and prior learning in establishing the training needs;
- (iii) to ensure training as per the modules or curriculum prepared under the training scheme for different categories of persons and ensure that the instructors deliver lectures on standard course material and the trainers impart training in accordance with the standard;
- (iv) to maintain records of the training given to every person and to furnish monthly reports to the manager of the mine on the progress of the persons undergoing training ;
- (v) to maintain records of the supervision in respect of the practical training on actual operations referred to in rule 18; and
- (vi) to discharge such other duties as may be necessary for proper compliance of these rules.

(2) Every training officer shall keep a record of his work and shall, at the end of every year, forward to the Chief Inspector of Mines or the Regional Inspector of Mines having jurisdiction over the training centre, through the owner, agent or manager of the mine or the competent authority of the centre concerned, a summary of the report of his work during the year.

17. Instructors.-The owner or agent or manager of a mine shall appoint sufficient number of instructors having qualification and experience as specified under rule 19 to impart training in Vocational Training Centre.

18. Trainers.- For the purposes of the practical training referred to in rule 5, every person to be employed in a mine shall be placed under the direct supervision of an experienced person of an appropriate category, employed on operations hereinafter referred to as trainer.

19. Qualification of instructors and trainers.- (1) No person shall function as an instructor or trainer unless he possesses qualification, training and experience as may be specified by the Board and notified by the Chief Inspector of Mines from time to time.

(2) Instructors and trainers shall have skill and experience having aptitude required for the job of training.

20. Duties of Instructor.- The instructor shall:-

- (i) assess workers competency;
- (ii) maintain records of training given to every person and to furnish weekly report to the training officer on the progress of the persons undergoing training.

21. Duties of trainer and persons undergoing training.- (1) The trainer shall be responsible for the safety of the persons undergoing training under him.

(2) The trainer shall ensure that the persons put under his charge for training, pick up work, understand the dangers inherent in the job and develop habits, which would ensure safety in mines.

(3) The trainer shall ensure that the persons undergoing training, move within the mine along with him.

(4) Every trainer shall ensure that the persons undergoing training under him, is aware of escape route from the sections where he is likely to work and other emergency response applicable to the trainee.

(5) Every person undergoing training shall, whilst under training, comply with the directions of the trainer under whom he is put in charge.

22. Training Allowance.-(1) Every trainer shall, in addition to his normal wages, be paid by the owner, agent or manager of a mine, a training allowance for every day a trainee has worked under his supervision as may be specified by the Board and notified by the Chief Inspector of Mines from time to time in Official Gazette.

(2) Every Instructor shall, in addition to his normal wages, be paid by the owner, agent or manager of a mine, training allowance for every day he has imparted training in Vocational Training Centre, as may be specified by the Board and notified by Chief Inspector of Mines from time to time in Official Gazette.

(3) The Instructor appointed on a regular basis in the Vocational Training Centre shall not be entitled to the allowance specified in sub-rule (2)

23. Certificate of Training. - (1) Every person who undergoes a course of training specified in these rules shall, on completion of the training be assessed and subject to acceptable performance of the trainee, be granted a certificate.

(2) Where the training officer is not satisfied with the progress or performance of any trainee, he shall report the same to the manager of the mine, who may arrange to give him further training.

(3) The Manager of every mine shall sign and specify the date on the certificate after being satisfied of the successful completion of training.

24. Certificate to be delivered to the Management.- Every person employed in a mine shall - (i) if he has obtained training certificates prior to such employment; and

(ii) if he has obtained certificates during the course of employment, within such time as may be specified by the manager of the mine, deliver the certificate issued to him under these rules, to the manager of the mine who shall keep the certificate in safe custody and issue a receipt for the same.

(iii) on the termination of employment, the certificate so deposited shall be returned to the employee.

CHAPTER VII

MISCELLANEOUS

25. Inspection.- The Chief Inspector of Mines or any Inspector of Mines may enter, inspect and examine any training centre or any part thereof and make such examination or inquiry as he thinks fit in order to ascertain whether the provisions of these rules and of any orders made thereunder are being complied with.

26. Power to relax.- Where in the opinion of the Chief Inspector of Mines, the conditions pertaining to a mine or part thereof is such as to render compliance with any provision contained in these rules unnecessary or impracticable, he may, by an order in writing, and subject to such conditions as he may specify therein, exempt the mine or part thereof, as the case may be, from the said provisions.

27. Notice of closure or discontinuance.- When it is intended to close a training centre established under these rules or to discontinue the working thereof for a period exceeding sixty days, the owner, agent or manager of a mine shall give a notice in the method as may be specified by the Chief Inspector of Mines for the purpose, to the Chief Inspector of Mines or the Regional Inspector of Mines, stating the reasons for such closure or discontinuance, not less than thirty days before such abandonment or discontinuance:

Provided that the owner or the agent or the manager of the mines shall give notice in writing forthwith, when on account of unforeseen circumstances, a training centre is closed or discontinued before the said notice has been given or without previous intention the discontinuance extends to a period of sixty days.

[F. No. S-29012/01/2018-ISH-II]

KALPANA RAJSINGHOT, Jt. Secy.