

**Ministry of Labour and Employment
Director General of Mines Safety
Dhanbad**

The following draft Rules, namely, Mines Vocational Training Rules, 2018 which the Central Government proposes to make, are hereby uploaded on DGMS website for the information of and comments/feedback/suggestions from all persons likely to be affected thereby to the following e-mail ids on or before 02nd November, 2018.

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Draft Mines Vocational Training Rules, 2018

Chapter I PRELIMINARY

1.0 Short title, application and commencement -

- (1) These rules may be called the Mines Vocational Training Rules 2018.
- (2) Except as otherwise expressly provided, these rules shall apply to every mine to which the Mines Act, 1952 applies.
- (3) They shall come into force after one year or such date as the Central Government may, by notification in the Official Gazette.
- (4) They shall extend to whole of India.

2.0 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) "Regional Inspector" means the Inspector of Mines in charge 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;
 - (e) "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.
 - (f) "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 and responsible to impart training in Vocational Training Centre.
 - (g) "Trainer" means an experienced person authorised by the Manager of the mine and responsible to impart practical training to the trainees.
- (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 under the Act.

CHAPTER II PERSONS TO BE TRAINED

3.0 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, 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.

4.0 Disputes regarding training to be decided by the Chief Inspector- 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.

5.0 Training Scheme –

(1) Owner of every mine shall ensure that a training scheme comprising of theory and practical is prepared and submitted to 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 training scheme may be submitted by the agent with the approval of the owner in writing.

(2) CIM/RIM 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:

- (i) initial training for the persons to be employed in the mines and others
- (ii) refresher training for the persons already employed;
- (iii) training in case of introduction of new technology, equipment or change in work procedure;
- (iv) assessing current competencies of a person employed in the mine and prior learning, in establishing the person's training needs;
- (v) assessing the training needs of persons working in mines for the safe performance of the mining operations,
- (vi) appointing persons who are competent to give training and assess workers' competencies;
- (vii) keeping and auditing records of training and assessment given and undertaken;
- (viii) the relevant standards, modules or any other guidelines issued in this behalf by the Chief Inspector of Mines from time to time.
- (ix) course material on various topics for different categories of persons for delivering lectures in vocational training centre.

**Chapter III
BOARD OF VOCATIONAL TRAINING**

6.0 Constitution of the Board of Vocational training:

(1) For the purpose of these Rules, there shall be constituted a Board of Vocational Training, herein after called as Board.

(2) The Board shall consist of –

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

(b) three members possessing technical qualifications in engineering and having practical experience one each in coal mines, Metal Mines, and Oil Mines to represent each sector appointed by central Government;

(c) two members serving in human resource organization imparting training in different trades of engineering or serving in an institution imparting education in mining or petroleum engineering at the degree or equivalent level appointed by central Government.

(3) Every member (other than the Chairman) 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 (b) of sub-regulation (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, resignation, or by reason of ceasing of office under sub-clause (ii), of a member, 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 regulation, be eligible for re-appointment to that office not more than two terms.

(5) A member of the Board (other than the Chairman) 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, hereinafter referred to in this rules as the Secretary.

(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 though the term of office of all or any of the members thereof has not come to an end.

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

(9) Meetings of the Board shall be held as and when the Chairman considers them necessary and atleast once in six months at a place decided by the Chairman.

(10)(a) For every meeting of the Board, not less than ten clear days prior notice intimating the time and place of the proposed meeting and signed by the Chairman or the Secretary shall be given to each member who is not absent from India.

(b) Such 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 cases of urgency, an emergent meeting may be called for by Chairman at any time, by intimating the members, 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 aforesaid, the meeting shall automatically stand adjourned to a date which is seven days later or if that day is a public holiday to the next working day and the time, place and agenda for the adjourned meeting shall remain unchanged. It shall there upon be lawful to dispose of the business at such meeting irrespective of the number of members attending.

(11)(a) The Chairman shall preside at every meeting of the Board.

(b) If the Chairman is absent for any reason, the Chairman shall authorize a member to preside over the meeting, and the members so elected shall, for the purposes of that meeting, have all power of the Chairman.

(12) No business shall be transacted at a meeting of the Board unless at least four members, including the Chairman, are present.

(13) (a) All matters which the Board is required to consider shall be considered at its meeting, or, if the Chairman 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 aforesaid, any member can request that it should be considered at a meeting of the Board and the Chairman may direct that it shall be so considered but when two or more members so request, the Chairman shall direct that it shall be so considered at a meeting to be held.

(14)(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 Chairman permits.

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

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

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

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

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

(17) (a) The Chairman in addition to any other powers and duties conferred upon him under these regulations, shall:

- (i) present all important papers and matters to the Board as early as possible;
- (ii) issue orders for carry out the decisions of the Board;
- (iii) have power to refer, in his discretion, any matter to the Central Government for their orders; and
- (iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the Board.

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

7.0 Functions of the Board: Functions of the Board shall be:

(1) Constituting a Committee to address any matter put before it and for prescribing standard of training to the persons working in mines, to maintain uniform standards and every such training shall be in accordance with such standard as notified from time to time.

(2) Prescribing the manner of ascertaining, by examination or otherwise, the quality of Training to the persons, granting certificates by a system of assessment and evaluation.

(3) Prescribing 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.

(4) Recognizing Training centres as Approved Training Centre under this rules functioning under Government or recognized body under the applicable law apart from the training centers established by mine management.,

(5) Prescribing the system and standard of training centers, criteria for approval and suspension/cancelation of training center and auditing & monitoring of all aspects of such training centers.

(6) Prescribing the manner of assessing training requirement of trainees and their post-training evaluation process.

(7) Making provision for catering more than one mine, under one Vocational Training Center.

(8) Making provision for any other matter regarding training of persons working in mines, referred to the board.

CHAPTER IV GENERAL VOCATIONAL TRAINING

8.0 Scope and Standard:- (1) Owner 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 training scheme as specified under Rule 5.

Provided that in case of persons who are already in employment in other mine, the Owner shall ensure that such persons are imparted training covering such additional course of training as specified in rule 5.

CHAPTER V REFRESHER TRAINING

9.0 Scope and standard – Every person in employment in a mine shall undergo the refresher training once in four years as per 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.

10.0 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 subject to conditions as may be specified may exempt any mine from provisions thereof this Rule.

11.0 Special Training: In case of new technology, equipment and system of work (for which training standards are not notified) is introduced in the mine, the owner/agent/manager shall ensure training module is submitted to Chief Inspector of Mines at least 60 days before such introduction. Persons to be employed in such technology, equipment and system of work shall undergo training as per training scheme specified in Rule 5.

12.0 Training of persons after long absence or after an accident or job change: 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 as per the training scheme specified in Rule 5.

CHAPTER VI TRAINING CENTRES AND ARRANGEMENTS FOR TRAINING

13.0 Training Centre: a) 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 an order, for the reasons to be recorded in writing and subject to such conditions as he may specify therein, authorize 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 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.

b) Notwithstanding anything contained in clause (a), the Chief Inspector may approve a training Centre recognized by the Government or any other body established under law having expertise in the field of imparting training to persons employed or to be employed in any mine as required under these rules.

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

14.0 Arrangements for the training centre: - Every training centre shall have such staff, equipments and other facilities as notified by Chief Inspector of Mines.

15.0 Training Officer: - (1) Every training centre shall be placed under the charge of a Training Officer appointed by the owner or agent of the mine:

Provided that in case of any approved training centre as mentioned in Rule 13(b), the training officer may be appointed by a competent authority responsible for the management, control, supervision or direction of the training centre.

(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 30 days, the owner, Agent or Manager or the competent authority mentioned in sub-rule (1) may authorize in writing any other person having similar qualifications to act in his place.

16.0 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 recognize current competency and prior learning in establishing the training needs.

(iii) to ensure training as per the modules/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 as per standard.

(iv) to maintain records of the training given to every person and to furnish monthly reports to the mine manager 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, to 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 or Regional Inspector of mines having jurisdiction over the training center, through the owner, agent or manager of the mine/competent authority of the centre concerned a summary of the report of his work during the year.

17.0 Instructors:-Sufficient number of instructors having qualification and experience as specified under rule 19.0 shall be appointed under the training officer to impart training in Vocational Training Centre.

18.0 Trainers: - For the purpose of the practical training referred to 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.

19.0 Qualification of instructors and trainers: - (1) No person shall function as an Instructor or Trainer unless he possesses qualification, training and experience as prescribed by the Board and notified by the Chief Inspector of Mines from time to time.

(2) Instructors and Trainers shall be skilled and experienced having aptitude required for training job.

20.0 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.

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

(2) The trainer shall see 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 see 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.

22.0 Training allowance - Every trainer shall, in addition to his normal wages, be paid by the owner, agent or manager a training allowance for every day a trainee has worked under his supervision as prescribed by the Board and notified by Chief Inspector of mines from time to time in official Gazette.

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

Where the Training Officer is not satisfied with the progress or performance of any trainee, he shall report the same to the manager, who may arrange to give him further training.

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

24.0 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. On the termination of employment, certificate so deposited shall be returned to the employee.

CHAPTER VII MISCELLANEOUS

25.0 Inspection: - The Chief Inspector or any Inspector 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 there under are being complied with.

26.0 Power to relax: - Where in the opinion of the Chief Inspector of Mines, the conditions pertaining to a mine or part thereof are such as to render compliance with any provision contained in these rules un-necessary 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.

27.0 Repeal: - (i) The Mines Vocational Training Rules 1966 are hereby repealed.

(ii) Notwithstanding the repeal referred to in sub-rule(i), anything done or any action taken under the rules so repealed including any order issued, exemption or relaxation granted or renewed, any order or direction made there under shall be deemed to have been done or taken or issued or exempted, relaxed or renewed or made under the corresponding Rule.

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