

And whereas, as per regulation 13 of the said regulations, the examination for the Manager's, Surveyor's and Overman's certificates shall be conducted with prior notification of the date of examination of not less than 60 days from the date fixed by the Board of Mining Examinations for receiving applications and the closing date for receipt of applications shall not be less than 60 days prior to the date fixed for the examination;

And whereas, the last such examination for Manager's certificate of competency was conducted in the year 2016 and due to changes in the regulations and its subsequent notification in the relevant bye-laws for examination, which were notified in the year 2018, the computer based examination was not conducted for the later years;

And whereas, there is shortage of persons holding the certificate of competency and in the absence of competent persons maintaining safety in the mine may be a problem;

And whereas, in order to conduct the aforesaid examination as immediately as possible, as a one-time measure, it is required to reduce the period prescribed for receiving the applications and conduct of examination from 60 days to 30 days;

And whereas, as per section 59 of the said Act the power to make regulations under section 57 are subject to the condition of previous publication and no regulation shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (1) of section 12 of the said Act;

And whereas, section 60 of the said Act empowers the Central Government to make regulations without previous publication, if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it may dispense with the delay that would result from such publication and reference; and hence, it has been decided to dispense with the requirement of previous publication and reference to the committee referred to under section 59 of the said Act;

Now therefore, in exercise of the powers conferred by section 57 of the Mines Act, 1952 the Central Government hereby makes the following regulations to amend the Coal Mines Regulations, 2017, namely: -

1. Short title and commencement. - (1). These regulations may be called the Coal Mines (Amendment) Regulations, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette and shall cease to operate on the 30th day of June, 2021, except as respects things done or omitted to be done before such cessation.

2. In the Coal Mines Regulations, 2017, for regulation 13, the following regulation shall be substituted, namely:

“13. Submission of application.- (1) Application for an examination conducted by the Board shall be made to the Board not less than sixty days prior to the date fixed for the examination in a manner and on a form specified for the purpose:

Provided that, if examination is conducted by computer based test mode, application for examination shall be made to the Board not less than thirty days prior to the date fixed for the examination in a manner and on a form specified for the purpose.

(2) Notice regarding the date and place of the examination for the Manager's Certificate, Surveyor's Certificate and Overman's Certificates shall be published under the order of the Board in such periodicals or by any other means as the Board may direct, not less than sixty days prior to the date fixed by the Board for receiving applications:

Provided that, if examination is conducted by computer based test mode, notice regarding the date and place of the examination shall be published under the order of the Board in such periodicals or by any other means as the Board may direct, not less than thirty days prior to the date fixed by the Board for receiving the applications”.

[F. No. S-66012/01/2020-ISH-II]

KALPANA RAJSINGHOT, Jt. Secy.

Note: The Coal Mines Regulations, 2017 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* notification number G.S.R. 1449(E), dated 27th November, 2017.

अधिसूचना

नई दिल्ली, 15 दिसम्बर 2020

सा.का.नि. 765(अ).—केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 57 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उक्त अधिनियम की धारा 12 के अधीन गठित समिति की सिफारिशों पर उक्त अधिनियम की धारा 59 की उप-धारा (1) के अधीन उक्त नियमों का पूर्ववर्ती प्रकाशन के लिए निम्नलिखित सम्यक प्रक्रिया के पश्चात धातुमय खान विनियम, 1961 बनाती है।

और उक्त विनियमों के विनियम 14 के अनुसार प्रबंधक प्रमाण पत्र और सर्वेयर प्रमाण पत्र की परीक्षा हेतु, आवेदन प्राप्ति के लिए खनन परीक्षा बोर्ड द्वारा नियत तारीख से कम से कम 60 दिनों पूर्व परीक्षा की अधिसूचना जारी की जाए तथा परीक्षा हेतु आवेदन प्राप्ति की अंतिम तारीख परीक्षा आयोजन के लिए निर्धारित तारीख से 60 दिन से पहले से कम न होगी।

और प्रबंधक सक्षमता प्रमाणपत्र की ऐसी विगत परीक्षा का आयोजन वर्ष 2016 में किया गया था और परीक्षा हेतु विनियमों और सुसंगत उप-नियमों में परिवर्तन के लिए पश्चातवर्ती अधिसूचना जिन्हें वर्ष 2017 में अधिसूचित किया गया था, के कारण कम्प्यूटर साधित परीक्षा बाद के वर्षों में आयोजित नहीं की गई।

और सक्षमता प्रमाणपत्र धारक व्यक्तियों की कमी है और खान सुरक्षा की रख-रखाव करने वाले सक्षम योग्य व्यक्तियों की अनुपस्थिति एक समस्या हो सकती है।

और पूर्वोक्त परीक्षा को यथाशीघ्र आयोजित करने के लिए, एक बार के लिए परीक्षा हेतु आवेदन प्राप्ति की निर्धारित तारीख तथा परीक्षा के आयोजन की अवधि को 60 दिनों से घटाकर 30 दिनों तक किया जाना अपेक्षित है।

और उक्त अधिनियम की धारा 59 के अनुसार, धारा 57 के अधीन विनियमों को बनाने की शक्ति पूर्ववर्ती प्रकाशन की शर्तों के अधीन है और कोई भी विनियम तब तक नहीं बनाया जाएगा जब तक कि उसका प्रारूप उक्त अधिनियम की धारा 12 की उपधारा (1) के अधीन गठित समिति को संदर्भित नहीं किया गया हो।

और उक्त अधिनियम की धारा 60, केन्द्रीय सरकार को पूर्व प्रकाशन के बिना विनियमों को बनाने का शक्ति प्रदान करता है, यदि केन्द्रीय सरकार संतुष्ट है तो आसन्न संकट की रोकथाम या खतरा के संभावित कारकों का त्वरित निवारण के लिए इस प्रकार के प्रकाशन या संदर्भ के कारण होने वाले विलंब को छोड़ सकती है: अतः यह निर्णय लिया गया है कि उक्त अधिनियम की धारा 59 के अधीन पूर्व प्रकाशन और समिति के निर्देश को अग्रेषित कर दिया जाए।

अतः अब केन्द्रीय सरकार, खान अधिनियम, 1952 की धारा 57 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और धातुत्पादक खान विनियम, 1961, का संशोधन करते हुए निम्नलिखित विनियम बनाती है, अर्थात:-

संक्षिप्त नाम और प्रारंभ-

- (i) इन विनियमों का संक्षिप्त नाम धातुमय खान (संशोधन) विनियम 2020
- (ii) यह उन बातों जिन्हें ऐसी समाप्ति से पहले किया गया है अथवा करने का लोप किया गया है को छोड़कर, ये राजपत्र में इनके प्रकाशन की तारीख से लागू होंगे और 30 जून, 2021 तक प्रभावी होंगे।

2. धातुमय खान विनियम, 1961 में, विनियम 14 के स्थान पर निम्नलिखित विनियम रखा जाएगा अर्थात:-

“14. आवेदन जमा करना (1)- बोर्ड द्वारा संचालित कि जाने वाली परीक्षा के लिए आवेदन पत्र इस प्रयोजन के लिए विनिर्दिष्ट प्रारूप में दिए जाएँगे।

(2) प्रबंधक प्रमाणपत्र और सर्वेयर प्रमाणपत्र की परीक्षाओं की तारीख और स्थान के संबंध में सूचना, बोर्ड के आदेशाधीन ऐसे पत्रिकाओं में या किसी अन्य साधन द्वारा जैसा कि बोर्ड निर्दिष्ट करे, आवेदन प्राप्त करने के लिए बोर्ड द्वारा नियत तारीख से कम से कम 60 दिन पहले, प्रकाशित की जाएगी। आवेदन प्राप्त करने की अंतिम तारीख परीक्षा के लिए नियत तारीख से 60 दिन पूर्व से कम नहीं होगा।

परंतु, यदि परीक्षा कम्प्यूटर आधारित मोड द्वारा आयोजित की जाती है, तो परीक्षाओं की तारीख और स्थान के संबंध में सूचना, बोर्ड के आदेशाधीन ऐसे पत्रिकाओं में या किसी अन्य साधन द्वारा जैसा कि बोर्ड निर्दिष्ट करें, आवेदन प्राप्त करने के लिए बोर्ड द्वारा नियत तारीख से कम से कम 30 दिन पहले, प्रकाशित की जाएगी। आवेदन प्राप्त करने की अंतिम तारीख परीक्षा के लिए निर्धारित तारीख से 30 दिन पूर्व से कम नहीं होगा।

[फ़ा. सं. एस-66012/01/2020-आई.एस.एच.II]

कल्पना राजसिंहोत, संयुक्त सचिव

टिप्पण: धातुमय खान विनियम, 1961 भारत के राजपत्र भाग II, खंड 3, उप खंड (i) अधिसूचना संख्याक सा.का.नि. 3371(अ) तारीख 18 अक्टूबर, 1960 द्वारा प्रकाशित किया गया था।

NOTIFICATION

New Delhi, the 15th December, 2020

G.S.R. 765(E).—Whereas in exercise of the powers conferred by section 57 of the Mines Act, 1952 (35 of 1952) and on the recommendations of the Committee constituted under section 12 of the said Act, the Central Government made the Metalliferous Mines Regulations, 1961 after following the due process envisaged for previous publication of the said rules under sub-section (1) of section 59 of the said Act;

And whereas, as per regulation 14 of the said regulations, the examination for the Manager's and Surveyor's certificates shall conducted with prior notification of the date of examination of not less than 60 days from the date fixed by the Board of Mining Examinations for receiving applications and the closing date for receipt of applications shall not be less than 60 days prior to the date fixed for the examination,

And whereas, the last such examination for Manager's certificate of competency was conducted in the year 2016 and due to changes in the regulations and its subsequent notification in the relevant bye-laws for examination, which were notified in the year 2018, the computer based examination was not conducted for the later years,

And whereas, there is shortage of persons holding the certificate of competency and in the absence of competent persons maintaining safety in the mine may be a problem;

And whereas, in order to conduct the aforesaid examination as immediately as possible, as a one-time measure, it is required to reduce the period prescribed for receiving the applications and conduct of examination from 60 days to 30 days;

And whereas, as per section 59 of the said Act the power to make regulations under section 57 are subject to the condition of previous publication and no regulation shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (1) of section 12 of the said Act;

And whereas, section 60 of the said Act empowers the Central Government to make regulations without previous publication, if the Central Government is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it may dispense with the delay that would result from such publication and reference; and hence, it has been decided to dispense with the requirement of previous publication and reference to the committee referred to under section 59 of the said Act;

Now therefore, in exercise of the powers conferred by section 57 of the Mines Act, 1952 the Central Government hereby makes the following regulations further to amend the Metalliferous Mines Regulations, 1961, namely:

1. Short title and commencement.— (1). These regulations may be called the Metalliferous Mines (Amendment) Regulations, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette and shall cease to operate on the 30th day of June, 2021, except as respects things done or omitted to be done before such cessation.

2. In the Metalliferous Mines Regulations, 1961, for regulation 14, the following regulation shall be substituted, namely:

“14. Submission of application.- (1) Application for an examination conducted by the Board shall be made on a form specified for the purpose.

(2) Notice regarding the date and place of the examination for the Manager's Certificate and Surveyor's Certificate shall be published under the order of the Board in such periodicals as the Board may direct, not less than 60 days prior to the date fixed by the Board for receiving applications. The closing date for receipt of applications shall not be less than 60 days prior to the date fixed for the examination:

Provided that, if examination is conducted by computer based test mode, notice regarding the date and place of the examination shall be published under the order of the Board in such periodicals or by any other means as the

Board may direct, not less than 30 days prior to the date fixed by the Board for receiving the applications. The closing date for receipt of applications shall not be less than 30 days prior to the date fixed for the examination”.

[F. No. S-66012/01/2020-ISH-II]

KALPANA RAJSINGHOT, Jt. Secy.

Note: The Metalliferous Mines Regulations, 1961 were published in the Gazette of India, Part II, Section 3, Sub-section (i), *vide* notification number G.S.R. 337, dated 18th October, 1960.