

# MINING BOARD RULES, 1951<sup>1</sup>

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**FORM A**  
(Nomination of Mine Owner's Candidates for Election)

**FORM B**

**FORM C**  
(Nomination of Paper by Trade Union)

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<sup>1</sup> Published under Ministry of Labour Notification No.L.R-7(13)/49, 8<sup>th</sup> Sep. 1951.

**TEXT**

**MINING BOARD RULES, 1951<sup>2</sup>**

[8<sup>th</sup> September, 1951]

*[Rules framed in exercise of the powers conferred by section 30 of the Mines Act, 1923, after previous publication as required by sub-section (1) of section 31 of the Act].*

1. These rules may be called the Mining Board Rules, 1951.
2. In these rules, unless there is anything repugnant in the subject or context--
  - (a) "Act" means the Mines Act, 1923 (IV of 1923).
  - (b) "Board" means the Mining Board <sup>3</sup>[constituted under rule 10].
  - (c) "Chairman" means the Chairman of the Board.
  - (d) "Section" a section of the Act; and
  - (e) "Form" means a form appended to these rules.
3. <sup>4</sup>[ \* \* \* \* \* ]
4. The Chairman shall be a Government Gazetted Officer, not being the Chief Inspector or an Inspector of Mines, nominated by the Secretary of the Ministry of Labour.
5. The Chief Inspector of Mines shall be the member of the Board.
6. The members to be nominated to the Board under clause (c) of sub-section (1) of section 10 shall be qualified mining engineer.
7. The members to be nominated to the Board under clause (d) of sub-section (1) of section 10 shall be chosen in accordance with the following provisions:
  - (a) A person to whom a mining lease has been granted by the Central Government or by a Provincial Government and who has been working in a mine in Pakistan for a period of more than two years shall be entitled to vote and qualified for election.
  - (b) (i) Chairman shall be the Returning Officer at the election.  
(ii) In order to holding of an election the Returning Officer shall by notice published in the Official Gazette and a newspaper circulating in the area where the election is to be held call for nominations of candidates. A nomination in form 'A', and supported by two persons entitled to vote, shall reach the Returning Officer's office not later than a day to be fixed by him, being a day not less than 30 days before the day fixed for the voting and shall be scrutinized on a day to be fixed by him.  
  
<sup>5</sup>[Provided that if no nomination is received by the date fixed therefor, the Federal Government may nominate such person on the Board as it may deem competent to represent the interest of owners of mines or their representatives].
  - (iii) The Returning Officer shall within seven days from the date fixed for the receipt of nomination papers notify the name of the persons nominated as candidates for the election. He shall reject nominations which are not in accordance with these rules, and the reasons for the rejection shall be intimated to the person concerned in writing.
  - (iv) The Returning Officer shall fix a date which shall be the last day for the receipt of voting papers in form 'B' at his office, and shall also fix a date, time and a place for the counting of voting papers;

<sup>2</sup> Published under Ministry of Labour Notification No.L.R-7(13)/49, 8<sup>th</sup> Sep. 1951.

<sup>3</sup> Subs. for "to be constituted under rule 3" by S.R.O.156(1)76 of 17 Feb. 1976, Gaz. of Pak. Extr. Pt. II, 17 Feb, 1976, p. 392-1977 LLC 91.

<sup>4</sup> Rule 3 omitted, Ibid.

<sup>5</sup> Proviso added by S.R.O.156(1)76 of 17 Feb. 1976, Gaz. of Pak. Extr. Pt. II, 17 Feb, 1976, p. 392-1977 LLC 91.

<sup>6</sup>[Providing that if no voting papers are received by the date fixed therefor, the Federal Government may nominate such person on the Board as it may deem competent to represent the interest of owners of mines or their representatives].

- (c) A candidate may withdraw his candidature by a notice in writing addressed to the Returning Officer and delivered to him before the date fixed for the scrutiny of the nomination paper. The Returning Officer shall cause a notice of such withdrawal to be posted at conspicuous place in his office. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal and shall not be eligible for renomination at the same election.
- (d) If the number of persons duly nominated is equal to the number of vacancies, the person so nominated shall be declared elected.
- (e) The voting paper shall be in form 'B'. The Returning Officer shall retain one part of it for record in his office and forward other part by registered post to the voter after satisfying himself that the voter fulfils the requirement of paragraph (a) of this rule not later than 15 days before the last date notified for the receipt of voting paper at his office.
- (f) The voter shall take the voting paper to a gazetted officer who, on being satisfied that the voter is the person named in it and is entitled to vote, shall ask the voter to make a mark in his presence against the name of the person for whom he wishes to vote, and when the mark has been made shall sign the voting paper in token thereof. The officer shall seal the voting paper in envelope to be marked "Mine owners representative--voting paper" and forward it to the Returning Officer by registered post or deliver it to him by hand.
- (g) On receipt of such voting paper, the Returning Officer shall endorse on the envelope the date and hours of receipt, and place it in a locked box.

Provided that any voting paper received after the date fixed by the Returning Officer shall be sealed up in a separate packet.

- (h) At the time and place notified for the counting of votes the Returning Officer shall open the locked boxes, and separate the valid votes from those which he rejects endorsing on the latter the word "rejected" and the ground for rejection.
- (i) He shall count the valid votes given to each candidate and declare him elected who has received largest number of valid votes. In the case of equality of votes the Returning Officer shall decide the result of election by drawing lots, and his decision shall be final. Any person entitled to vote may be present at the time of opening of boxes and counting of votes.

**8.** The members to be nominated to the Board under clause (c) of sub-section (1) of section 10 shall be chosen in accordance with the following provisions:-

- (a) If there are one or more registered trade unions having in the aggregate as members not less than one quarter of the miners, the Chairman shall call upon each union to submit to him in form 'C' the names of two persons whom it considers competent to be nominated as representatives of the miners. The Chairman shall nominate two persons out of those recommended by the unions.
- (b) If paragraph (a) cannot be complied with and there are one or more registered trade unions having an aggregate membership of not less than 100 miners, the Chairman shall call upon each union to submit to him in form 'C' the name of one person whom it considers competent to be nominated as a representative of the miners. The Chairman shall either nominate the two members out of the persons recommended by the unions or so nominate one and nominate as the other such person as he thinks fit whether such person is a member of a trade union mentioned in this paragraph or not.

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<sup>6</sup> Proviso added, *ibid.*

<sup>7</sup>[Provided that if no recommendation is received from the trade unions by the date fixed therefor, the Federal Government may nominate such persons on the Board as it may deem competent to represent the interest of the miners].

**9.** A person nominated under clause (c), (d) or (e) of sub-section (1) of section 10 shall hold office for a period of three years from the date of the notification of the appointment as a member of the Board;

<sup>8</sup>[Provided that a member shall, notwithstanding the expiry of his term, continue to hold office until his successor enters upon his office].

**10.** The Chairman may accept the resignation of any member who is unable or unwilling to serve on the Board. The Chairman may recommend to the appropriate Government the dismissal of any non-official member giving reasons therefor, and the decision of the appropriate Government in the matter shall be final.

**11.** As soon as a vacancy occurs or is expected, the Chairman shall proceed to hold an election as provided in rules 7 and 8. A retiring member shall be eligible for re-election.

<sup>9</sup>**12.** The non-official members, when they attend a meeting of the Board, shall be entitled to traveling and daily allowances at admissible to a Government servant drawing a pay of Rs.1,500 per month.

**13.** The Board shall meet at such places and at such times as may be appointed by Chairman.

<sup>10</sup>**13-A.** (1) The Chairman shall preside at every meeting of the Board at which he is present.

(2) If the Chairman is absent from any meeting, the members present shall elect by majority of votes, one of their member to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman].

**14.** The Secretary shall conduct all the correspondence of the Board, keep its accounts and record the proceedings of each meeting in a Minute Book kept for permanent record. This record shall be signed by the Chairman.

**15.** The Secretary shall give notice to the members of the Board of the date fixed for each meeting and shall furnish each member with the agenda of the business to be discussed at that meeting.

**16.** A quorum of the Board shall consist of:

- (a) The Chairman;
- (b) The Chief Inspector of Mines;
- (c) One person nominated under clause (d) of sub-section (1) of section 10;

<sup>11</sup>[Provided that if at any meeting the quorum is not present, the chairman may adjourn the meeting to a date not less than fourteen days after the date of that meeting informing the members present and notify other members that he proposes to dispose of the business of the adjourned meeting irrespective of there being a quorum, and it shall thereupon be lawful to dispose of business at such meeting irrespective of the number of members attending].

(d) One person nominated under clause (e) of sub-section (1) of section 10.

**17.** All questions or matters referred to the Board shall be decided by a majority of the members present and voting.

**18.** Any member disagreeing with the decision of the Board may enter a note of dissent which shall form a part of the record of the proceedings.

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<sup>7</sup> Proviso added by S.R.O.156(1)76 of 17 Feb.1976 Gaz. of Pak. Extr. Pt. II,17 Feb.1976, p. 392-1977 LLC 91.

<sup>8</sup> Proviso added, *ibid.*

<sup>9</sup> Rule 12 subs. for the original, *ibid.*

<sup>10</sup> Rule 13-A is added, *ibid.*

<sup>11</sup> Proviso added, *ibid.*

- 19.** The Board shall have power to consult such persons as it may in their opinion be necessary to consult.
- 20.** It shall be open to the parties to any reference before the Board to appear at the hearing in person, by solicitor or counsel or agent.
- 21.** Unless otherwise directed by the Chairman the proceedings the Board shall not be open to the public.

**FORM A**  
[Rule 7 (ii) (b)]  
**(Nomination of Mine Owner's Candidates for Election)**

1. Name of proposer.
2. Number of proposer in the roll.
3. Signature of proposer.
4. Name of the seconder.
5. Name of the seconder in the roll.
6. Signature of the seconder.
7. Name of the candidate proposed.
8. Father's name.
9. Age.
10. Address.
11. Number of the candidate in the roll.
12. Declaration by the candidate.

I hereby declare that I agree to this nomination.

Date .....

Signature of the candidate

(To be filled in by the Returning Officer)

**CERTIFICATE OF SCRUTINY**

I have scrutinized the eligibility of the candidate, proposer and seconder, and find that they are respectively qualified to stand for election to propose and to second the nomination.

Returning Officer

*N.B.--* This nomination Paper will not be valid unless it is received by the Returning Officer at his office on or before the .....19 .

**FORM B**  
[Rule 7 (v)]

- N.B.--* 1. You have only one vote.
2. Put a "X" opposite the name of the candidate you wish to vote.

Name of candidates:

- A
- B
- C
- D
- E
- F

Dated the ..... 19 .

Signature of Elector

Voter's name and father's name

.....  
.....

Block No.

and his number in the roll.

Serial No.

Signature of Gazetted Officer.

**FORM C**

[Rule 8 (a)]  
**(Nomination of Paper by Trade Union)**

1. Name of the registered trade union.
2. Name and date of its registration.
3. Address.
4. Number of its members.
5. Particular of candidates proposed.

1	2	3	4	5	6
Sr. No.	Name of candidate	Father's Name	Age	Address	Signature of candidate if he agrees to the nomination
1					
2					
3					
4					
5					
6					

(To be filled in by the Returning Officer)

Certificate of delivery.

This nomination paper was received by me at my office on.....

Returning Officer

**CERTIFICATE OF SCRUTINY**

I have scrutinized the eligibility of the candidate and its proposer and found that there are respectively qualified to stand for election, to propose the nomination.

Returning Officer