



THE DANGEROUS MACHINES
(REGULATION) ACT, 1983

(35 OF 1983)

GOVERNMENT OF INDIA
Ministry of Law, Justice and Company Affairs

THE DANGEROUS MACHINES (REGULATION) ACT, 1983

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THE DANGEROUS MACHINES (REGULATION) ACT, 1983

No. 35 OF 1983

[14th December, 1983.]

An Act to provide for the regulation of trade and commerce in and production, supply, distribution and use of the product of any industry producing dangerous machines with a view to securing the welfare of labour operating any such machine and for payment of compensation for the death or bodily injury suffered by any labourer while operating any such machine, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Dangerous Machines (Regulation) Act, 1983.

(2) It extends to the whole of India.

(3) This section and clause (c) of section 3 shall come into force at once in all the States and the remaining provisions of this Act shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may, be appointed for different provisions of this Act; and any reference in any provision of this Act to the commencement of this Act shall in relation to any State be construed as a reference to the commencement of that provision in that State.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the industries engaged in the manufacture or production of power threshers or any other machines which are intended to be used in the agricultural or rural sector and which are of such nature that any accident in the course of operation thereof may cause its operator death, dismemberment of any limb or other bodily injury.

3. In this Act, unless the context otherwise requires,—

(a) "child" means a person who has not completed his fourteenth year of age;

Short
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and
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Declara-
tion as to
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diency of
control
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Defini-
tions.

(b) "Controller" means the person appointed by the State Government to give effect to the provisions of this Act, and includes every Additional, Deputy or Assistant Controller who may be authorised by the Controller under sub-section (3) of section 5 to exercise any power under this Act;

(c) "dangerous machine" means a power thresher, and includes any such machine intended to be used in the agricultural or rural sector as the Central Government, being of opinion that it is of such a nature that any accident in the course of operation thereof is likely to cause to its operator death, dismemberment of any limb or other bodily injury, may, by notification in the Official Gazette, specify as dangerous machine;

(d) "day" means a period of twenty-four hours beginning at midnight;

(e) "dealer", in relation to any dangerous machine or any part thereof, means a person who, or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any dangerous machine or any part thereof, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes—

(i) a commission agent who carries on such business on behalf of any principal;

(ii) an importer who sells, supplies, distributes or otherwise delivers any dangerous machine to any user, manufacturer, repairer, consumer or any other person,

but does not include a manufacturer who sells, supplies, distributes or otherwise delivers any dangerous machine or any part thereof to any person or category of persons referred to in this clause.

Explanation.—For the removal of doubts, it is hereby declared that a manufacturer who sells, supplies, distributes, or otherwise delivers any dangerous machine or any part thereof to any person other than a dealer, shall be deemed to be a dealer, and shall in addition to his liability to comply with the provisions of this Act relating to manufacturers, also be liable to comply with the provisions of this Act relating to dealers;

(f) "employer", in relation to the operator of any dangerous machine, means the person by whom such operator has been employed, whether for any remuneration or otherwise, for operating such machine;

(g) "family", in relation to an operator, means his wife and dependent children and includes his dependent parents;

(h) "Inspector" means an Inspector appointed under this Act;

(i) "machine" includes prime movers, transmission machinery and all other appliances whereby power is generated, transferred, transmitted or applied to a dangerous machine;

(j) "manufacturer", in relation to any dangerous machine or any part thereof, means a person who, or a firm or a Hindu undivided family which,—

(i) makes or manufactures such dangerous machine or part thereof,

(ii) makes or manufactures one or more parts, and acquires the other parts of such dangerous machine and, after assembling those parts, claims the end product to be a product manufactured by himself, or itself, as the case may be,

(iii) does not make or manufacture any part of such dangerous machine but assembles parts thereof made or manufactured by others and claims the end product to be a product manufactured by himself, or itself, as the case may be,

(iv) puts, or causes to be put, his or its own mark on any complete dangerous machine made or manufactured by any other person and claims such product to be a product made or manufactured by himself, or itself, as the case may be;

(k) "operator" means a person employed directly or by or through any agency (including a contractor), whether as a regular worker or as a casual worker, with or without the knowledge of the principal employer, whether for remuneration or not, in the operation or cleaning of any dangerous machine or any part thereof or in any other kind of work incidental to, or connected with, the operation or cleaning of any dangerous machine or any part thereof;

(l) "power" means electrical or mechanical energy, or any other form of energy which is mechanically transmitted into a dangerous machine;

(m) "power thresher" means a machine, operated with the aid of power, for threshing one or more kinds of agricultural produce;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "prime mover" means an engine, motor or other appliance which generates or otherwise provides power to a dangerous machine;

(p) "transmission machinery" means any shaft, wheel, drum, pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to, or received by, any dangerous machine.

Act
to over-
ride all
other en-
actments.

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any contract or instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or authority.

CHAPTER II

ADMINISTRATION OF THE ACT

Appoint-
ment
and func-
tions of
Control-
lers.

5. (1) The State Government shall, by notification in the Official Gazette, appoint a Controller for carrying out the provisions of this Act, and may also by the same or subsequent notification appoint such number of Additional, Deputy or Assistant Controllers as it may deem fit.

(2) The Controller shall discharge his functions under this Act subject to the general control and directions of the State Government.

(3) The Controller may authorise such persons as he thinks fit also to exercise all or any of the powers exercisable by him under this Act other than the powers under sub-section (5) and different persons may be authorised to exercise different powers.

(4) Subject to any general or special direction given or imposed by the Controller, any person authorised by the Controller to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(5) The Controller may also—

(a) perform all or any of the functions of, and

(b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder on,

any officer lower in rank than himself.

Power
of Con-
troller
to issue
orders.

6. The Controller may, if he thinks fit, make orders, not inconsistent with the provisions of this Act, for carrying out the provisions of this Act.

Appoint-
ment of
Ins-
pectors.

7. (1) The State Government may, by notification in the Official Gazette, appoint as many Inspectors as it deems fit to carry out the provisions of this Act relating to inspection, search, seizure of dangerous machines and examination of the records of manufacturers, dealers and users relating to such machines.

(2) Every Inspector shall discharge his functions subject to the general direction and control of the Controller.

Con-
troller,
etc., to be
public
servants.

8. The Controller, and any person authorised by the State Government or the Controller to perform any functions under this Act, and every Inspector, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

