

# THE KERALA DANGEROUS MACHINES (REGULATION) RULES, 1990

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## Forms

## Notifications

### [1]THE KERALA DANGEROUS MACHINES (REGULATION) RULES, 1990

**S.R.O. 68/2002.-** In exercise of the powers conferred by sub-section (1) and (2) of section 37 of the Dangerous Machines (Regulation) Act, 1983 (Central Act 35 of 1983), the Government of Kerala hereby make the following rules, namely:-

**1. Short title, extent and commencement.-** (1) These rules may be called the Kerala Dangerous Machines (Regulation) Rules, 2001.

(2) They shall come into force at once.

**2. Definitions.-** In these rules, unless the context, otherwise requires,-

(a) “Act” means the Dangerous Machines (Regulation) Act, 1983 (Central Act No. 35 of 1983);

(b) “Form” means a form appended to the Rules;

(c) “Section” means a section of the Act;

(d) “Schedule” means schedule to these rules;

**3. Licence fee for Manufacturer and Dealer.-** (1) Every application for a licence to manufacture, to commence or carry on business as manufacturer, or deals of any dangerous machine shall be made in Form I along with the fee as specified in column(2) of the table below, namely:-

Sl.No.	Name of machine	License fee
(1)	Does not exceed rupees two thousand	Rs. 100
(2)	Exceeds two thousand rupees but does not exceed five thousand rupees	Rs.200

(3)	Exceeds five thousand rupees but does not exceed ten thousand rupees	Rs.300
(4)	Exceeds ten thousand rupees	Rs.500

(2) For each category of dangerous machine a separate application will be required.

(3) Every application for a licence to commence, or to carry on business as a dealer of any dangerous machines shall be made in Form II on payment of the fee specified in sub-rule(1):

(4) Where a manufacturer holding a licence for the manufacture of any dangerous machine sells such dangerous machine directly to a user such manufacturer shall take out a separate license to carry on business a deals.

(5) Every licence issued by the controller to the applicant shall be in the form as may be prescribed by the Central Government from time to time.

**4. Renewal of Licence.-** Every application for the renewal of a licence to manufacture, or commence or carry on business as a manufacturer, or dealer of any dangerous machine shall be made in Form III and shall be accompanied by the original licence and a fee of 50% of the fee specified in sub-rule (1) of rule 3, subject to a maximum of Rupees two hundred :

“ Provided that if the application for renewal is not received within the time specified in sub – section (5) of section 9 of the Act , the renewal of licence shall be considered on payment of a late fee of Rs. 100 in excess of the fee ordinarily for renewal.”

**5. Cautions to be included in the Manual of Instructions.-** Every manual of instructions prepared in pursuance of section 15 shall include therein the following cautions, namely:-

- (a) do not wear loose dress, bangles and the like while working;
- (b) do not smoke and light fire near the threshing yard or the thresher;
- (c) do not be under the influence of intoxicants like liquor, opium and the like while working;
- (d) do not stand on the thresher while it is in operation or during it transportation;
- (e) do not cross over the belts;
- (f) do not feed earheads by hand; use punishing device;
- (g) do not work when tired;
- (h) do not operate the thresher without guards and other safety devices.
- (i) do not make any adjustment when the thresher is in operation;
- (j) do not mount or remove belt while the pulley is running;

(k) do not insert hand beyond the caution mark in the feeding chute.

**Declaration under section 16** – Every declaration made under section 16 of the Act shall be in Form IV.

**6. Manner in which Register, Records and Accounts shall be maintained.-** (1) Every Manufacturer shall maintain a monthly register in Form IV indicating therein, the number and other particulars of each dangerous machine manufactured by him during the month.

(2) Every Manufacturer and dealer shall maintain a register in Form VI indicating therein the monthly stock of dangerous machine or parts thereof in his custody or control during the month and also the particulars of the addition to, or subtraction from the stock and the total stock carried over to the next month.

(3) Every manufacturer or a dealer shall maintain a monthly account in Form VII indicating therein the value of the transactions which has taken place during the course of the month and the account realised, or to be realised, in connection with such transactions and when no transactions take place during any month, a 'NIL' record shall be made.

**7\*. Registration by the users of Dangerous Machines.-** (1) Every application by the users of dangerous machines shall be in Form VIII and shall be accompanied by the fee specified in column (2) of the Table below:

(1)	(2)
The value of the dangerous machine does not exceed five thousand rupees	Rupees two and fifty paise
The value of the dangerous machine exceeds five thousand rupees	Rupees five

(2) The Controller shall grant certificate of registration in Form IX.

(3) The controller shall maintain a register dangerous Machine referred in sub section (3) of section 19 in Form X

**8. Nomination.-** (1)The operator of a dangerous machine shall nominate person/persons to receive compensation offered to in the first provisions to sub section (1) of section 22 in Form XI.

(2) The Controller shall maintain a register of nomination in Form XI.

**9. Compensation to be determined by the Insurer.-** The determination of the amount of compensation payable under sub-section (1) of section 22 shall be made by the insurer in accordance with the provisions of sub-section (2) of section 22, and the amount of compensation shall be equal to the amount which would have been payable if the operator had been a workman within the meaning of the workmen's of Compensation Act, 1923 (Central Act 8 of 1923).

**10. Insurance policies.-** The amount for which one or more insurance policies are taken out for the operator shall be such as to cover the liabilities under the workmen's compensation Act, 1923 (Central Act 8 of 1923):

Provided that in respect of operators of dangerous machines who are not being paid any remuneration a notional value of wages for such operators may be fixed at Rs. 500 per month for the purpose of compensation payable as per the schedule of the Workmen's Compensation act, 1928 (Central Act 8 of 1928 ).

**11. Notice under section 23 how to be delivered-** The employer on receipt of a notice referred to in sub section (1) of section 23 shall be delivered to the Inspector, if possible, personally, or where such personnel delivery is not practicable, the employer shall send such notice to the inspector by registered post with acknowledgement due.

## **SCHEDULE**

### **Form I**

[See Rule 3 (i)]

#### **FORM OF APPLICATION FOR LICENCE TO MANUFACTURE, COMMERCE OR CARRY ON BUSINESS AS A MANUFACTURER OR DANGEROUS MACHINES.**

1. Name of applicant
2. Whether sole proprietorship/partnership/  
public limited/private limited company/trust
3. Full Address
4. Dangerous machines for which licence is required
5. Specifications and other details:-
  - (a) Trade name
  - (b) Brief description
  - (c) Overall dimensions
  - (d) Capacity of prime-mover (in H.P) required  
to operate machine
  - (e) Output (Quintals/hour)
  - (f) Number of persons required to operate
  - (g) Prescribed standards to which machine  
conform or will conform  
(specify standard)

## **SCHEDULE**

### **Form II**

[See Rule 3 (3)]

#### **FORM OF APPLICATION FOR LICENCE TO COMMENCE OR CARRY ON BUSINESS AS DEALER IN DANGEROUS MACHINES**

1. Name of applicant
2. Whether sole proprietorship/Partnership etc.
3. Full address

4. Dangerous machine (s) for which the licence is required (given trade name with brief description of each)

5. Do machines conform to the prescribed standards (Indicate which standard)

6. Name of manufacturer Whether licenced If yes, Number and date of licences/under the Act name of licensing authority

7. I hereby apply, for commencing/carrying on business as a dealer in dangerous machines. A licence fee of Rs. .... has been deposited in cash/by cheque vide receipt No..... dated .....(enclosed)

8. I/We declare that I/We will not deal in machines which do not conform to the standards prescribed under the Act.

Place :

Signature of the applicant

Date :

Designation

## **SCHEDULE**

### **Form III**

[See Rule 4]

Form of application for renewal of licence to manufacture, commence or carry on business as a manufacturer or dealer of a dangerous machine.

1. Name of applicant:

2. Full address:

3. Details of licence sought to be renewed:

(i) Licence Number and date:

(ii) Validity period:

4. A licence renewal fee of Rs. .... has been deposited in cash/by cheque vide receipt No..... dated .....(enclosed)

Place :

Signature of the applicant

Date :

Designation

**SCHEDULE**

**Form V**

[See Rule 7 (1)]

**REGISTER OF DANGEROUS MACHINES**

1. No	Month and year of manufacture	Brief details of the machine, models and size of prime mover (if provided with machine	Signature
(1)	(2)	(3)	(4)

**SCHEDULE**

**Form VI**

[See Rule 7 (2)]

**STOCK REGISTER**

Sl No.	Brief description Date of the machine, make Model, capacity	Date	Particulars of the opening stock	Particulars of stocks received during the month	Particular s of the machines Sold transfer or otherwise disposed of during the month	Particular s of the closing stock	Signature
(1 )	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**SCHEDULE**

Form VII

[See Rule 7 (3)]

**REGISTER OF MONTHLY ACCOUNTS**

Date	Particulars of the opening stock	Particulars of the stock sold, transferred or otherwise disposed of during the month	The amount received or receivable during the month in relation to each transaction	Total amount received during the month	Total expenditure debitable to be concerned month	Total gain or loss debitable concerned month	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**Form VII**

[See Rule 8 (1)]

**APPLICATION FOR REGISTRATION OF DANGEROUS MACHINES.**

I/We ..... (Name of ..... (Address) own/have acquired control (as hirer/lessee or otherwise) of the machine the particulars of which are given below, and beg to apply for the registration of the same namely:-

- (a) Name and number of the machine
- (b) Make/mode
- (c) Date/Year of purchase/hire/lease or other transfer
- (d) Name and address of the supplier/transferer

The certificate to the effect that the machine conforms to prescribed standard is attached.

Certified that I/We have been using the machine and the machine conforms to prescribed standards. A registration fee of rupees .....per machine has been deposited vide cash/cheque/challan .....

(date and No.) and the receipt is enclosed.

Strike out whichever is not applicable

(Signature & address)

Date :

Place :

To

Controller

**Form IX**

[See Rule 8(2)]

**FORM OF CERTIFICATE TO BE GRANTED BY THE CONTROLLER TO THE  
USER**

**Registration Number**

1. Name of the user
2. Name (Father's/Husband's)
3. Address
4. Fee remitted

**PARTICULARS OF THE MACHINE IN USE:-**

(1) Name of the dangerous

machine in use:

(2) Make and mode:

(3) Year of manufacture with supplier's/  
transferer's name and address:

(4) Serial Number of the machine, if any:

Place :

Date :

Signature and Seal of the  
Registering Authority

(Controller)

**Form X**

[See Rule 8 (3)]

**REGISTER OF DANGEROUS MACHINE**

Sl. No.	Name of the dangerous machine	Manufactured by (give full address)	Supplied by (give full address)	Make model capacity, and Sl. No. of the machine if any	Whether a new machine or old Modified machine	Owned/used by (here give name and full address)	Registration No. & Dated
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**Form XI**

[See Rule 9 (1)]

**FORM OF NOMINATION TO BE MADE UNDER THE FIRST PROVISO TO SUBSECTION (1) OF SECTION 22 OF THE DANGEROUS MACHINE (REGULATION) ACT, 1983( CENTRAL ACT 35 OF 1983**

I (name) .....S/o. (name) .....of (address) ..... do not have any family, and consequently I hereby nominate Sri (name ..... S/o/D/o .....(address) ..... to receive full payment of the compensation which would be payable under this Act in the event of my death during the operation of a dangerous machine

Place :

Date :

Signature

Full name

Witness (name)

(address)

(date)

**Form XII**

[See Rule 9 (2)]

### FORM OF NOMINATION

Sl. No.	Received from (give name and full address of the operator making the nomination )	Name of the Operator's employer	Name and full address of the nominee	Remarks
(1)	(2)	(3)	(4)	(5)

\* It seems there is some mistake in numbering of the Rules in the Gazette copy. After Rule 6 the next Rules seem numbered as Rule 8.

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