

THE MINING SETTLEMENTS ACT, 1912**CONTENTS**

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THE MINING SETTLEMENTS ACT, 1912

ACT NO. II OF 1912

[30th March, 1912]

***An Act to provide for the better control and sanitation of Mining Settlements in Bangladesh**

WHEREAS it is expedient to provide for the better control and sanitation of mining settlements in Bangladesh;

It is hereby enacted as follows:—

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|--------------------------------------|--|
| Short title and extent | <p>1. (1) This Act may be called the [* * *] Mining Settlements Act, 1912; and</p> <p>(2) It extends to the whole of Bangladesh.</p> |
| Definitions | <p>2. The expressions “agent,” “employed,” “mine” and “owner,” as used in this Act, shall have the same meaning as in section 3 of the Mines Act, 1923.</p> |
| Appointment of Mines Board of Health | <p>3. (1) The Government may, by notification in the official Gazette, appoint, for any area or areas in which persons employed in a mine reside, a Mines Board of Health, consisting of not less than five or more than nine persons; and shall appoint one of the members to be Chairman.</p> <p>(2) Two of the persons appointed under sub-section (1) shall be nominated by owners of mines or their representatives:</p> <p style="padding-left: 40px;">Provided that, if the Board consists of more than five members, three shall be so nominated.</p> |

* Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government”, “Taka” and “Penal Code” were substituted, for the words “East Pakistan”, “Provincial Government”, “Rupees” and “Pakistan Penal Code” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word “Bengal” was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) One of the persons appointed under sub-section (1) shall be nominated by persons who receive royalties, rents or fines from mines.

(4) Nominations under sub-section (2) or sub-section (3) must be made under such procedure, and within such period, as may be prescribed by rules made under this Act; and, in default of nomination in accordance with such rules, the Government may appoint any person it thinks fit.

4. (1) The Government may, of its own motion, or after considering any report submitted to it by a Mines Board of Health, publish a notice in the official Gazette and in such other manner (if any) as it may think fit, intimating its intention to declare any area (not being or forming part of a mine) to be a mining settlement for the purposes of this Act.

Procedure for declaring area to be a mining settlement

(2) The Government shall consider any objections to the intended declaration which may be submitted to it in writing within such period as may be specified in this behalf in the said notice,

and may then, by notification in the official Gazette declare that any area or portion of an area referred to in the said notice shall, for the purposes of this Act, be a mining settlement and be subject to the authority of such Mines Board of Health as the Government may designate.

5. (1) The Government shall appoint as many Sanitary Officers as it may consider necessary for mining settlements, and shall declare the Mines Board of Health to which each such officer shall be subordinate.

Appointment, status and duties of Sanitary Officers

(2) Every Sanitary Officer shall be deemed to be a public servant within the meaning of the Penal Code.

(3) It shall be the duty of a Sanitary Officer appointed to a mining settlement or any part thereof—

- (a) to report to the Mines Board of Health what measures should, in his opinion, be taken—
 - (i) to provide for the supply of filtered, boiled or other water,

- (ii) to provide for sanitation and conservancy, and
- (iii) to provide for the housing of residents; and
- (b) to exercise, subject to the control of the Mines Board of Health to which he is subordinate, such other functions, consistent with the objects of this Act and calculated to prevent the outbreak or spread of dangerous epidemic disease, as the Government may by general or special order, direct, or as may be delegated to him by such Board.

Notice
requiring
owners to
execute and
maintain works
of sanitation, or
to carry on
periodical
sanitary
operations

6. (1) If the Mines Board of Health approve any measures reported by a Sanitary Officer under clause (a) of sub-section (3) of section 5,

or if they consider that any other measures should be taken to provide for any of the purpose referred to in that clause, the Board shall serve,—

- (a) on the owners of all mines in which are employed persons residing in the mining settlement, or in the part of the mining settlement to which such measures relate, or
- (b) on the holders of the land occupied by such mining settlement or part, if they are not the owners of the said mine,

a notice specifying such measures and requiring such owners or landholders—

- (i) to execute, within a period to be fixed by the notice, all works that the Board may consider necessary for carrying such measures into effect, and to maintain in good repair all works so executed, or
- (ii) to carry on continuously such periodical operations as the Board may direct, for carrying such measures into effect, or
- (iii) both to execute and maintain works and to carry on operations as aforesaid.

(2) Nothing in this section shall apply to landholders other than proprietors, permanent tenure-holders, rent-free holders or holders of a maintenance grant.

7. If any work required by a notice served under section 6 be not executed to the satisfaction of the Board within the period fixed by the notice, or within such further period (if any) as may be allowed by the Board, or

Power for Mines Board of Health to execute work in default of owners

If any work executed in pursuance of any such notice be not maintained in repair to the satisfaction of the Board, or

if any operations required by any such notice be not carried on to the satisfaction of the Board,

the Board, after serving a warning notice on the defaulters, shall prepare an estimate of the cost of the work which ought, in their opinion, to be carried out, and may entertain any establishment necessary for the preparation of such estimate, and may also cause such work to be executed.

8. Any of the powers or duties conferred or imposed by section 6 or section 7 upon a Mines Board of Health may be exercised or performed by the Chairman of the Board in any case which he considers to be of such urgency as to render it impracticable to hold a meeting of the Board.

Power for Chairman to discharge functions of Board in certain cases

9. Any notice sent by post under section 6 or section 7 shall be forwarded under registered cover.

Service on notices.

10. (1) All expenses incurred by a Mines Board of Health for the purposes of this Act, other than expenses under section 7 and section 8, shall be charged to—

Charging, appointment and recovery of expenses

- (a) all owners of mines in which are employed persons residing in the mining settlements which are subject to the authority of that Board, and
- (b) all persons who receive any royalty, rent or fine from such mines.

(2) All expenses incurred by a Mines Board of Health under section 7, or by the Chairman thereof under section 8, whether or not they exceed the estimate prepared under the former section,

and all expenses incurred by any holder of land in executing or maintaining any work or carrying on any operations in pursuance of a notice served under clause (b) of sub-section (1) of section 6,

shall be charged to—

- (i) all owners of mines in which are employed persons residing in the settlement or part, and
- (ii) all persons who receive any royalty, rent or fine from such mines:

Provided that, if it can be shown to the satisfaction of the Board that the insanitary condition is distinctly referable to any act or omission on the part of one or more mine-owners in respect to his or their property, the Board may direct that the expenses incurred shall be payable by such owner or owners only.

(3) Save in the case specified in the proviso to sub-section (2), the expenses referred to in sub-sections (1) and (2) shall be charged to the said owners and persons in such proportions as the Government may, from time to time, direct:

Provided that the assessment shall be based—

- (i) in the case of owners of mines, on the output of their mines; and
- (ii) in the case of the receivers of any royalty, rent or fine, on the road cess payable by such persons.

(4) All expenses chargeable under this section shall be recoverable as if they were arrears of land-revenue.

¹[(4a) The expenses due from any owner in respect of any mine shall, subject to the prior payment of the land-revenue (if any), due to the Government thereupon, be a first charge upon the said mine, and upon the movable property (if any) found within such mine and belonging to the said owner.]

(5) When any expenses incurred by any holder of land in executing or maintaining any work or carrying on any operations in pursuance of a notice served under clause (b) of sub-section (1) of section 6, have been recovered, they shall be repaid to him:

¹ Sub-section (4a) was inserted by section 4 of the Bengal Mining Settlements (Amendment) Act, 1931 (Act No. IV of 1931).

Provided that, if any question arises as to the amount of expenses incurred by such landholder, the award of the Mines Board of Health shall, subject to an appeal to the Commissioner, be final.

11. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes and objects of this Act in respect of all mining settlements or any groups or classes of mining settlements.

Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) provide for the nomination, appointment and tenure of office of members of a Mines Board of Health and regulate the procedure of such Board and the powers and functions of the Chairman;
- (b) regulate all expenditure to be incurred by a Mines Board of Health, and the methods under which sum due to it may be calculated and recovered;
- (c) regulate the duties and powers of Sanitary Officers, and provide for appeals from their orders;

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) The date to be specified as that on or after which a draft of rules proposed to be made under this section will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(5) Where a Mining Board has been constituted under section 10 of the Mines Act, 1923, any rule to be made under this Act shall, before it is published for criticism under subsection (3), be referred to the Mining Board, and the rule shall not be so published until the said Board has been consulted as to the suitability of its provisions.

(6) All rules made under this section shall be published in the official Gazette, and, on such publication, shall have effect as it enacted in this Act.

Power of Board to make bye-laws

¹[11A. (1) A Mines Board of Health may, after previous publication, make bye-laws—

- (i) defining the duties of owners, agents and managers of mines in respect of a mining settlement, and of all persons acting under them;
- (ii) defining the matters in respect of which notices, returns and reports shall be furnished by owners, agents and managers of mines, the form of such notices, returns and reports, the persons and authorities to whom they are to be furnished, and the particulars to be contained in them;
- (iii) defining the plans (if any) to be kept by owners, agents and managers of mines within a mining settlement, and the manner and places in which they are to be kept for purposes of record;
- (iv) providing for the supply of filtered, boiled or other water and for sanitation and conservancy in the mining settlement;
- (v) providing for the taking of measures to prevent the outbreak or spread of and to combat epidemic and other diseases in the mining settlement;
- (vi) providing against the accumulation of water (other than water in mines) in the mining settlement;
- (vii) regulating the construction and sanitation of residential buildings within the mining settlement;
- (viii) prescribing standards of accommodation in cases where accommodation is provided for persons employed in mines within the mining settlement;
- (ix) providing against the accumulation of water (other than water in mines) in the mining settlement;

¹ Section 11A was inserted by section 6 of the Bengal Mining Settlement (Amendment) Act, 1931 (Act No. IV of 1931).

- (x) regulating the construction and sanitation of residential buildings within the mining settlement;
- (xi) prescribing standards of accommodation in cases where accommodation is provided for persons employed in mines within the mining settlement;
- (xii) defining the medical assistance to be provided by the owners of mines within the mining settlement for the labourers employed under them;
- (xiii) providing for the prevention or abatement of nuisances affecting the public health committed by any persons within the limits of the mining settlement; and
- (xiv) generally for carrying out the purposes of this Act and for promoting the safety, health and welfare of persons employed in mines within the mining settlement.

(2) Bye-laws made under this section shall not take effect until they have been confirmed by the Government and published in the official Gazette.]

12. A Sanitary Officer may, within any mining settlement for which he is appointed,—

Powers of
Sanitary
Officers

- (a) make such examination and inquiry as he thinks fit, in order to ascertain whether the provisions of this Act and of the rules, bye-laws and orders made thereunder are observed;
- (b) enter, with such assistants (if any) as he thinks fit inspect and examine any mining settlement or any part thereof, at all reasonable times by day or by night;
- (c) examine into, and make inquiry respecting, the sanitary condition of any mining settlement or any part thereof, and the sufficiency of the rules and bye-laws or the time being in force in the settlement; and
- (d) do all other things required of him by or under this Act.

13. The owners, agents and managers of mines in which are employed persons residing in any mining settlement, or

Facilities to be
afforded to
Sanitary
Officers

the owners of the land occupied by such settlement, if they are not the owners of such mines,

shall furnish the Sanitary Officer, on requisition, with all reasonable facilities for making any entry, inspection, examination or inquiry under this Act, in relation to the sanitary condition of such settlement.

Powers of
Mines Board of
Health for
obtaining
evidence

14. A Mines Board of Health shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by any such Board to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code.

Penalties for
offences

15. (1) Whoever obstructs any Sanitary Officer in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mining settlement, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

(2) Whoever makes, gives or delivers any notice or return required by or under this Act which contains a statement, entry or detail which is not, to the best of his knowledge or belief, true, shall be punishable with fine which may extend to five hundred taka.

(3) Whoever—

- (a) fails to comply with any requisition or order made under any provision of this Act or of any rule, bye-law or order made thereunder; or
- (b) contravenes any provision of this Act or any rule, bye-law or order made thereunder, for the breach of which no penalty is otherwise provided,

shall be punishable with fine which may extend to two hundred taka, and, in the case of a continuing breach under clause (a) of this sub-section, with a further fine which may extend to fifty taka for every day during which the breach is proved to have been persisted in after the date of the receipt by him of the requisition or order referred to in that clause.

(4) All fines realised under this section shall be made over to the Mines Board of Health at whose instance the prosecution was instituted, to be employed in furtherance of the objects of this Act.

16. No prosecution shall be instituted against any owner, agent or manager of a mine for any offence against this Act or any rule, bye-law or order made thereunder, except at the instance of a Mines Board of Health.

Prosecution of owner, agent or manager

17. No Court shall take cognizance of any offence against this Act or any rule, bye-law or order made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Limitation of prosecutions

18. No Court inferior to that of a Magistrate of the first class or Subdivisional Magistrate shall try any offence against this Act or any rule, bye-law or order made thereunder, which—

Cognizance of offences

(a) is alleged to have been committed by any owner, agent or manager of a mine, or

(b) is punishable with imprisonment.

19. The Government may reverse or modify any order passed under this Act by any authority.

Power of Government to alter or rescind orders