

ANDHRA PRADESH (TELANGANA AREA) MINING SETTLEMENTS ACT, 1956

44 of 1956

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ANDHRA PRADESH (TELANGANA AREA) MINING SETTLEMENTS ACT, 1956

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An Act to provide for the control and sanitation and housing for workers of the Mining Settlements in the Telangana area of the State of Andhra Pradesh Preamble:- Whereas it is expedient to provide for the control and sanitation of Mining Settlements in the Telangana area of the State of Andhra Pradesh and for that purpose to make better provision for the administration of the municipal affairs of such Mining Settlements including the prevention of the outbreak and spread of epidemic diseases therein ; Be it enacted in the Seventh Year of our Republic as follows

CHAPTER 1 Preliminary

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956.
- (2) It extends to the whole of the Telangana area of the State of Andhra Pradesh.
- (3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context

- (1) the expressions "agent", "employed" "mines" and "owner", when used in relation to a mine have the same meaning as in

Section 2 of the Mines Act, 1952;

(2) "Board" means a Mines Board of Health established under this Act;

(3) "market" means a place for the sale of goods or animals publicly exposed where, ordinarily or periodically at least four shops, stalls or sheds are set up or where at least twenty five animals are brought for sale;

(4) occupier , when used in relation to any land or building within an area declared to be a Mining Settlement under Section 3 means a person in actual occupation of such land or building or part thereof and includes an owner in actual possession;

(5) owner , when used in relation to any land or building within an area declared to be a Mining Settlement under Section 3 means any person for the time being receiving, or entitled to receive the rent of any land or building or part thereof, whether on his own account, or on account or on behalf or for the benefit or any other person or as a receiver, guardian or trustee for any other person or who would so receive the rent or be entitled to receive the rent if the land or building or part thereof were let to a tenant;

(6) "prescribed" means prescribed by the Government by rules under this Act;

(7) "Public market" means any market belonging to the Board or acquired, constructed, maintained or managed by the Board;

(8) "tax" includes any toll, rate, cess, fee or other impost leviable under this Act.

CHAPTER 2

Declaration of a Mining Settlement

3. Declaration of area as Mining Settlement :-

(1) Whenever it appears to the Government that it is necessary to provide for the control, sanitation and housing for workers of any area within which persons employed in a mine reside and for the prevention in such area of the outbreak and spread of epidemic diseases, the Government may, by notification, published in the Official Gazette and in such other manner, if any, as it may determine, intimate its intention to declare such area to be a Mining Settlement for the purposes of this Act.

(2) The Government shall consider any objection or suggestion in regard to the intended declaration which may be submitted to it in writing by any person within a period to be specified in this behalf in the notification issued under subsection (1) and may then declare the said area or any portion thereof, to be, for the purposes of this Act, a Mining Settlement.

(3) Every notification issued under this section shall define the limits of the area to which it relates.

(4) The Government may, by a like notification, include or exclude any area in or from a Mining Settlement.

4. Formation and incorporation of Mines Board of Health :-

(1) The government may, by notification in the Official Gazette, establish a Board to be called the Mines Board of Health, for carrying out the purposes of this Act in any Mining Settlement specified in such notification.

(2) The said Board shall, by the name of the Mines Board of Health of the area by reference to which the Mining Settlement is known, be a body corporate and shall have perpetual succession and a common seal with power to hold and acquire property, both movable and immovable, and subject to such restrictions as may be prescribed, to transfer any such property held by it and to do and other thing necessary for the purposes of this Act, may sue and be sued in its corporate name.

5. Constitution of the Board :-

(1) The Board shall consist of not less than seven nor more than thirteen members of whom

(i) two or such larger number, not exceeding four, as the Government may determine, shall be elected by owners of mines within the Mining Settlement or their representatives;

(ii) two or such larger number, not exceeding four as the Government may determine, shall be officials nominated by the Government;

(iii) two or such larger number, not exceeding four shall be elected by person employed in the mines within, the Mining Settlement;

(iv) one shall be elected by the other tax payers residing in the Mining Settlement.

(2)

(i) The election of members under this section shall be made in such manner as may be prescribed.

(ii) Save as otherwise provided in this Act a member shall hold office for a term of three years;

Provided that the Government may, by notification in the Official Gazette, for sufficient cause which shall be stated therein, direct that the term of office of the members of the Board as a whole be extended by such period or periods, not exceeding one year, as may be specified in the notification.

(3)

(i) If any of the electoral bodies mentioned in subsection (1) does not elect the required number of persons to be members of the Board, the Government shall specify such further period as it may deem fit within which the said electoral body shall elect such members.

(ii) If any of the electoral bodies fail to elect such persons, the Government shall nominate a person or persons to fill the vacancy or vacancies, as the case may be, and the person or persons so nominated shall be deemed to be a member or members duly elected by such body.

(iii) The term of office of a member elected or nominated under clauses (i) and (ii) shall expire at the time at which the term of office of other members expires.

6. Chairman and Vice Chairman :-

(1) The Chairman of the Board shall be appointed by the Government, from among the members of the Board.

(2) The Vice Chairman shall be elected by and from among the members of the Board in such manner as may be prescribed.

7. Notification of elections and nominations :-

Every election or nomination made under Section 5 or 6 shall be forthwith notified in the Official Gazette and the persons elected or nominated shall enter or their respective offices from the date of such notification.

8. Removal of Chairman, Vice Chairman or of non official

members from office :-

(1) On the recommendation of, or after consultation with the Collector, the Government may remove from the Board the Chairman or Vice Chairman or any other non official member who

(a) refuses to act or becomes incapable of acting as such or has absented himself from three consecutive meetings of the Board and is unable or unwilling to account satisfactorily for his absence in the case of the Vice Chairman or any other member to the Chairman and in the case of the Chairman to the Collector; or

(b) being a legal practitioner in any legal proceeding, acts or appears on behalf of any person against the Board or against the Government, in any such proceeding which relates to any matter in which the Board is or has been concerned and in which his or his client's interest are opposed to those of the Board or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person ; or

(c) who in the opinion of the Government has so flagrantly abused in any manner his position as the Chairman, Vice Chairman or member of the Board as to render his continuance as such detrimental to the public interest.

(2) No order of removal shall be passed under sub section (1) until a reasonable opportunity has been given to the Chairman, Vice Chairman or other member, as the case may be, to furnish an explanation and every such order shall record the reasons for such removal.

(3) Any removal from office under sub section (1) shall disqualify the person so removed for re election or nomination to the office from which he is removed for the period during which but for such removal, he would have continued to hold that office.

9. Registration :-

No resignation tendered by the Chairman or Vice Chairman or any other member of the Board shall be valid until it has been accepted by the Government.

10. Filling up of causal vacancy :-

Every vacancy in the Board due to the death, resignation or removal of the Chairman or Vice Chairman or any other member of the Board or to his becoming incapable of acting as such or to his

otherwise ceasing to be such Chairman, Vice Chairman or member previous to the expiry of the term of his office shall be filled by election or nomination, as the case may be, of a person thereto who shall hold office so long only as the Chairman or Vice Chairman or other members in whose place he is elected or nominated would have held it if the vacancy has not occurred.

CHAPTER 3

Subordinate Agencies, Officers and Servants

11. Powers of Chairman :-

The Chairman may discharge such function and exercise such powers as are imposed or conferred upon him by this Act or the rules and bye laws made thereunder or as may, subject to the prescribed restrictions (if any), be delegated to him by the Board.

12. Delegation of powers to Vice Chairman etc :-

The Chairman may, subject to the prescribed restrictions, by written order, delegate to the Vice Chairman or any officer of the Board, all or any of the powers or functions assigned to the Chairman by this Act or by the rules made thereunder, and may, at any time by written order, withdraw or modify any such order of delegation:

Provided that nothing done by the Vice Chairman which might have been done under the authority of a written order from the Chairman, shall be invalid for want of, or for any defect in, such written order, if it be done with the express or implied consent of the Chairman previously or subsequently obtained.

13. Application of the Hyderabad Civil Service Regulations and certain other Rules :-

Unless otherwise provided for in this Act or prescribed thereunder, the provisions of Hyderabad Civil Service Regulations for the time being in force relating to salaries, leave, pension, travelling allowance, retirement and other conditions of service and the rules for the time being in force relating to the conduct of Government Servants and enquiries into their conduct and penalty, shall apply to the officers and servants of the Board.

14. Appointment of officers and servants :-

Subject to the provisions of this Act, and the rules made thereunder the Board may appoint such officers and servants as it shall deem necessary and proper for the efficient execution of its duties and shall from time to time prepare a schedule of the staff to

be so maintained setting forth their designations, grades, salaries, fees and allowances and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily:

Provided that in so setting forth and determining the grades, salaries, fees and allowances, the Board shall have regard to the arrangements prevailing and the schedule or rates in vogue in the establishment of the Government.

15. Hyderabad area and Local Government Service :-

(1) There shall be constituted for the purposes of this Act and of any other law for the time being in force regulating the duties and powers of Municipal Corporations, Municipalities and District Boards, a Hyderabad Area Local Government Service consisting officers and servants Such service may include Executive Officers, Medical Officers of Health, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other posts as may be deemed necessary The powers of appointment, transfer and dismissal of the officers belonging to the said service, of taking disciplinary action against them and of prescribing conditions of their service shall vest exclusively in the Government.

(2) Notwithstanding the provisions contained in subsection(1), the Board may, if it deems necessary, by a resolution recommend to the Government for taking such disciplinary action as may be required against the Executive Officer belonging to the said service in respect of any act of misconduct committed by him; Provided that two thirds of the total number of members of the Board vote in favour of such resolution.

(3) There shall be constituted a Local Government Service Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of such service under the provisions of this Act or any other law for the time being in force or the rules made thereunder or under any orders of the Government.

(4) Each Board shall contribute 12/21 per cent of its revenue towards the Local Government Service Fund constituted under subsection (3)

Provided that the Government may from time to time by notification in the official Gazette revise or alter the percentage of

such contribution.

16. Appointment of Technical and Inspecting Officers :-

(1) The Government may appoint for the purposes of this Act and of the laws for the time being in force regulating the duties and powers of the Municipal Corporations, District Boards and Municipal and Town Committees duly qualified persons to be Superintending Engineers, Divisional Engineers, Town Planning Officers, Architects or inspecting or other officers for the whole or any part of the area to which this Act extends and may sanction such establishment of the said officers as may be deemed necessary.

(2) The officers and establishment appointed under subsection (1) shall belong to the Local Government Service and their expenses shall be defrayed from the Local Government Service Fund constituted under Section 15.

(3) The powers and duties of the officers mentioned in sub section (1) and their conditions of service shall be such as may be prescribed.

17. Punishment and dismissal of the employees :-

The power of dismissing any officer or servant maintained by a Board, save those borne on the Hyderabad area Local Government Service Cadre shall, subject to the provisions of this Act and the rules made thereunder, vest in the Board.

18. Power of Government to transfer officers and servants of Board :-

Notwithstanding anything contained in this Chapter, the Government shall have power to transfer any officer or servant of one Board to the service of another Board or any District Board constituted under the Andhra Pradesh (Telangana Area) District Board Act, 1955 (Act of 1956) Or any Municipality constituted under the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 Act XVIII of 1956) or any Corporation constituted under the Hyderabad Municipal Corporations Act, 1955 or any other local body:

Provided that such power shall be exercised after consulting the local bodies concerned.

19. Appointment of Executive officer, Medical Officer of Health and Sanitary Inspectors, etc :-

(1) The Government may appoint an Executive Officer of a Mining Settlement, who shall, subject to the provisions of this Act and the rules and bye laws made thereunder be directly responsible for carrying out the purposes of this Act;

Provided that in case no Executive Officer is appointed for a mining Settlement, the Medical Officer of Health appointed under sub section (2) shall be deemed to be the Executive Officer of that Mining Settlement.

(2) The Government may appoint for a mining Settlement or any Part thereof a Medical Officer of Health and Sanitary Inspector or such other officer as it may, on the recommendation, of the Board or otherwise, consider necessary.

20. Powers and duties of officers :-

(1) Every officer appointed under Section 19 shall be subordinate to the Board and shall, within the area for which he has been appointed, exercise and perform the powers and duties conferred and imposed on him by this Act and the rules made thereunder, and, subject to the control of the Board, such other powers and duties consistent with the objects of this Act as the Government may, by general or special order, direct, or as may be delegated to him by the Board.

(2) Every officer appointed under Section 19 may, within the Mining Settlement or part thereof for which he has been appointed

(a) make such inquiries as he may think fit in order to ascertain whether the provisions of this Act and of the rules and orders made thereunder are observed;

(b) enter, with such assistants (if any), as he may think fit, and inspect such Settlement or part thereof at all reasonable times by day or by night;

(c) make inquiries respecting the sanitary and housing condition of such Settlement or part thereof; and

(d) do all things necessary for the due discharge of the duties imposed upon him by or under this Act.

21. Members, Officers, etc., to be public servants :-

Every member of the Board and every Officer and servant maintained by or employed under the Board shall be deemed to be

a public servant within the meaning of Section 21 of the Indian Penal Code.

CHAPTER 4

Conduct of Business

22. Procedure in meetings of Board :-

The provisions of the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 (Act XVIII of 1956) shall be followed, so far as may be, for holding meetings of the Board and the procedure to be adopted in such meetings.

23. Vacancy or irregularity not to invalidate proceedings :-

No act of the Board or of any person acting as Chairman Vice Chairman or member thereof shall be deemed to be invalid by reason only of some defect in the appointment of such Board or the election or appointment of such Chairman, Vice Chairman or member or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Board was not duly given or on account of any vacancy in the Board or for any other informality.

CHAPTER 5

Duties of the Owners Agents and Managers of Mines and of Owners and Occupiers of Lands or Buildings and Powers of the Board

24. Mine owner to provide house accommodation, etc., for labours :-

Every owner of a mine within a Mining Settlement shall provide for labourers employed in the mine such house accommodation, water supply and sanitary arrangements and medical assistance as the Board may, by bye laws require.

25. Facilities to be afforded to officers :-

Every owner, agent and manager of a mine in which are employed persons residing in any Mining Settlement and every owner or occupier of any land or building within such Settlement shall furnish the Medical Officer of Health or Sanitary Inspector or any other competent officer appointed under Section 19, on requisition with all reasonable facilities for entering upon any premises or land and making any inspection, examination or inquiry under this Act in relation to the sanitary and housing condition of such Settlement.

26. Power to execute measures :-

Subject to the prescribed restrictions, the Board may undertake such measures as it considers necessary, on the recommendation of

the Medical Officer of Health or otherwise,

- (i) to provide for the supply of wholesome water;
- (ii) to provide for sanitation, drainage or conservancy;
- (iii) to prevent the outbreak and spread of epidemic disease;
- (iv) to provide for and regulate the housing of residents, whether permanent or temporary;
- (v) to provide for the proper treatment of the sick, the establishment and maintenance of hospitals and dispensaries, and the entertainment of a medical staff;
- (vi) for furthering educational objects;
- (vii) generally to carry out the purposes of this Act.

27. Power to require owner or mine and others to execute measures :-

(1) If the Board is satisfied that it is necessary that measures should be taken for any of the purposes specified in Section 26 in any part of the Mining Settlement and that the necessity for such measures is distinctly referable to any act or omission in respect of his property on the part of the owner of any mine in which are employed persons resident in the Mining Settlement, the Board may, by a notice specifying the measures to be taken, require such owner at his own cost

(i) to execute, within a period to be fixed in the notice, all works which the Board may consider necessary for carrying such measures into effect, and to maintain in good repair all works so executed;

(ii) to carry on such continuous or periodical operations as the Board may direct, for carrying such measures into effect.

(2) If the Board is satisfied that in order to prevent or abate a nuisance affecting the public health it is necessary that any owner or occupier of any land or building in any part of the Mining Settlement should take certain order with any property belonging to him or in his possession or under his management, the Board may by notice require such person to take such order at his own cost.

(3) If in any of the cases referred to in the two foregoing subsections the Board is satisfied that immediate remedy is necessary,

the Board may, for reasons to be recorded, by a notice specifying the measures to be taken and the estimated cost thereof (if any) declares its intention of itself executing and maintaining any such work or carrying on any such operations or taking such order at the cost of such owner of mine or owner or occupier of land or building.

28. Objection against requisition :-

Any person who is required by a notice under sub section (1) or (2) of Section 27 to do anything may prefer an objection in writing to the Board within five days from the date of service of the notice and the Board shall, after considering the objection, record an order withdrawing, modifying or making absolute the requisition against which the objection is preferred; or substituting for such requisition a declaration under sub section (3) of Section 27, if the Board, for reasons to be recorded, is satisfied that immediate remedy is necessary.

29. Powers to execute on default of owner :-

If any work required by a notice under sub section (1) of Section 27 be not executed, or if the order required to be taken under sub section (2) of Section 27 be not taken, 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 if any work executed in pursuance of a notice under sub section (1) of Section 27 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, or , in any case in which a declaration has been made under sub section (3) of Section 27, the Board may cause such work or operations to be carried out or such order to be taken or repairs effected, and the cost therein incurred shall be recoverable from the defaulter as a tax payable to the Board.

30. Appeal from orders Section 27(3) or 28 :-

Any person aggrieved by an order passed under Section 28 or by a declaration under sub section (3) of Section 27 may appeal to the District Judge, within whose jurisdiction the Mining Settlement is situated, within thirty days from the date of such order or declaration.

CHAPTER 6

Revenue and Expenditure

31. The Mining Settlement Fund :-

For every Mining Settlement there shall be formed a fund to be called "The Mining Settlement Fund" of the area by reference to

which the Mining Settlement is knownThis fund shall be vested in the Board and there shall be placed to the credit thereof in a district or sub divisional treasury or in bank or its branch used as a Government treasury

(a) all sums charged and recovered by the Board under this Act and the rules and bye laws made thereunder;

(b) all rents and profits accruing from properties and utility services acquired or maintained by the Board out of the Mining Settlement Fund or any other fund;

(c) all grants and contributions made by the Government, or by any local authority, association or private individual;

(d) all sums realised as costs, fees, fines, penalties or otherwise under this Act, or rules or bye laws made thereunder,

32. Application of the mining settlement fund :-

(1) The Board shall set apart and apply annually out of the Mining Settlement Fund

(a) firstly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sums as may be required to meet the expenditure on account of its own establishment under Section 14 and the contribution made towards the Local Government Service under Section 15;and

(c) thirdly, the cost of the construction and maintenance of buildings used for the offices of the Board.

(2) Subject to the payment of the expenditure charged under sub section (1), the Mining Settlement Fund shall be applicable only to the payment of expenses incurred by the Board for the purposes of this Act and the rules and bye laws made thereunder and also to the following purposes, namely

(a) the payment to members of the Board of daily allowances for attending meetings of the Board and of expenses incurred in travelling for the purposes of the business of the Board at such rates as may be prescribed;

(b) the payment of compensation to any person sustaining any damage by reason of the exercise of any power vested in the

Board, its members, officers or servants, under this Act; and

(c) with the previous sanction of the Government payment of any other expenditure for the purpose of the Mining Settlement.

33. Annual Budget Estimates :-

(1) Every year the Board shall, on or before a date fixed by the Government in this behalf, prepare and forward annual budget estimates of income and expenditure to the Government through the Collector for sanction.

(2) The Government, before sanctioning the estimates may after referring the estimates back to the Board or without such reference, make such changes therein as it may deem necessary.

(3) The Government, may from time to time issue necessary directions to the Board regarding preparation of annual budget estimates.

34. Accounts :-

(1) The Board shall keep such accounts and submit such statements to the Government as may be prescribed.

(2) The account of the receipts and expenditure of the Board shall be maintained upto the last day of every financial year in such form as may be prescribed. The annual accounts under this sub section and the accounts kept under sub section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such person as the Government may appoint in this behalf.

(3) An abstract of every annual account of the Board showing the income of the Mining Settlement Fund under each head of receipts, the charges for establishment, the works undertaken, the sum expended on each work, the balance, if any, of the Fund remaining unspent, and such other information as may be required by the rules made under this Act shall be prepared by the Board in such form or forms as may be prescribed, and forwarded to the Government not later than the 15th day of the first month of the next financial year and published annually in such manner if any, as may be prescribed.

CHAPTER 7

Taxation

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36. Other taxes :-

The Board may, with the previous sanction of the Government, impose, in the whole or any part of the Mining Settlement, any of the following taxes at such rates and from such date or dates as the Government may determine, namely:

- (a) property tax;
- (b) profession tax,
- (c) vehicle and animal tax;
- (d) tolls;
- (e) general water tax;
- (f) pilgrim tax
- (g) tax on public entertainments and amusements;
- (h) tax on transfer of immovable property;
- (i) tax on advertisements other than advertisements published in newspapers;
- (j) such other taxes as the Board may impose with the approval of the Government;

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37. Fees, etc :-

Subject to such rules as may be prescribed, the Board may collect the following fees:

- (a) market fees for the right to exhibit goods for sale in any public market or in any place belonging to or under the control of the Government or of the Board, or for the use of any building or structure therein;
- (b) fees for the registration of animals sold within the Mining Settlement ;
- (c) fees for animals brought for slaughter in the Board s slaughter houses.

38. Water pipe connection fee :-

With the previous sanction of the Government and subject to such rules as may be prescribed the Board may levy and collect fees for

the supply of water through private pipe connections.

39. Power to charge fees for licence :-

If any licence is granted by the Board under this Act or the rules or bye laws made thereunder, or if permission is given by the Board for making any temporary occupation of any public street, the Board, or any person generally or specially authorised by it in this behalf, may charge a fee for such licence or permission.

40. Power to charge rent or fees for the use of buildings or lands :-

The Board, or any person generally or specially authorised by it in this behalf, may collect such rent or fees as may be fixed by rules or bye laws made under this Act for the use of any building owned, or controlled by the Board.

41. Imposition, assessment and collection of taxes, fees, etc :-

The taxes, fees and other imposts levied under this Act or any amount due to the Board under a contract, agreement, lease, auction, security, or indemnity bond, or any other money due to the Board under this Act or the rules or bye laws made thereunder shall save as otherwise provided under this Act, be imposed, assessed and collected, so far as may be, in the manner provided for in the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 (Act XVIII of 1956) and the rules made thereunder.

CHAPTER 8

Supervision

42. Power of Inspection, etc :-

(1) The Government or any officer not below the rank of a Collector duly authorised by Government in this behalf may

(a) inspect or cause to be inspected any immovable property or any work in progress under the control and management of any Board;

(b) call for any extract from the proceedings of the Board or any Committee appointed by the Board and call for or inspect any book or document in the possession of or under the control of the Board or Committee;

(c) require the Board or any officer of the Board or a Committee of the Board to furnish any return, plan, estimate, statement, account or report or any other information or statistics which he may

consider necessary.

(d) require the Board to take into consideration;

(i) any objection which appears to exist to the doing of anything which is about to be done by such Board; or

(ii) any information furnished by the Government or the said officer which necessitates the doing of a certain thing by such Board and to make a written reply in respect thereof within a reasonable time stating its reasons for doing or not doing such thing.

(2)

(a) Where the Government or the Officer referred to in sub section (1) is of opinion that the execution of any resolution or order passed by the Board or the doing of any act which is about to be done or is being done by or on behalf of the Board is in contravention of or in excess of powers conferred by this Act or any Law for the time being in force or is likely to lead to a breach of peace, the Government or the said officer may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act:

Provided that before suspending such resolution under this clause the Government or the said Officer shall communicate to the Board the grounds for such suspension, fix a reasonable period for the Board to show cause against the proposal and consider its explanation and objection, if any;

(b) A copy of such order shall forthwith be sent to the Board by the Government or the said Officer;

(c) the Government or the said Officer may at any time on representation by the Board or otherwise revise, modify or revoke any order passed under clause (a);

(3) If it appears to the Officer referred to in sub section (1) that the Executive Officer or any other officer of the Board has made default in carrying out any resolution of the Board he shall after giving such officer a reasonable opportunity of explanation, send a report thereon together with the explanation, if any, of such officer to the Government and at the same time forward a copy of the same to the Board.

43. Power of Government to provide for performance of

duties in default of the Board :-

(1) Where the Government is informed on a complaint or otherwise that a Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Government if satisfied after such enquiry at it thinks fit, that the Board has been guilty of the alleged default, may direct the performance of that duty within such period as may be fixed therefor

Provided that no such period shall be fixed unless the Board has been given an opportunity to show cause why such orders shall not be made.

(2) If the duty referred to in sub-section (1) is not performed within the period fixed therefor, the Government may appoint a person to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Board.

(3) If the expense and remuneration are not so paid, the Government may make an order directing the officer in charge of the treasury or bank in which the Mining Settlement Fund is kept or the whole or a portion thereof is deposited or lent on interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the Board in such treasury or bank or as may from time to time, be received from or on behalf of the Board by way of deposit by such treasury or bank, and such officer or bank shall be bound obey such order Every payment made pursuant to such orders shall be sufficient discharge to such officer or bank from all liability to the Board in respect of any sum of sums so paid out of the money so received or standing to the credit of the Board in such treasury or bank.

44. Dissolution and reconstitution of Board :-

(1) If in the opinion of the Government, the Board persistently makes default in performing the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its powers or a situation exists in which the administration of the Board cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the Board is threatened, it may, by notification published in the Official Gazette, direct that the Board be dissolved and reconstituted The notification shall specify the time within which the Board shall be so

reconstituted:

Provided that, for the purpose of completing the election and nomination of members to the Board which has been dissolved, the Government may from time to time, extend the period fixed under this sub section for a further period not exceeding six months.

(2) Before publishing a notification under sub section (1) the Government shall communicate to the Board concerned the grounds on which they propose to do so, fix a reasonable period for the Board to show cause against the proposal and consider the explanations and objections, if any, of such Board.

(3) Upon publication of such notification all members of the Board including the Chairman and the Vice Chairman shall forthwith be deemed to have vacated their offices as such and fresh election and nomination of persons to be members of the Board shall be made in accordance with the provisions of this Act.

(4) The term of office of the elected and nominated members of the reconstituted Board or the members elected nominated in their places at casual vacancies shall expire on such date as the Government may fix.

(5) During the period between the dissolution and the reconstitution of the Board under sub section (1) all or any of the powers of the Board and of the Chairman may be exercised and discharged, as the Government may determine, by such person or persons as the Government may appoint in that behalf and any such person who is not a Collector or Deputy Collector may, if the Government so directs, receive such payment for his service, as the Government thinks fit.

(6) Where the Board is dissolved the Government until the date of reconstitution thereof and the reconstituted Board thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Board as on the date of dissolution and on the date of the reconstitution, respectively.

CHAPTER 9

Miscellaneous

45. :-

(1) No appeal shall lie against any order made under this Act or any rules or bye laws made thereunder except as provided for in this

Act or such rules or bye laws.

(2) An appeal may be admitted after the period prescribed therefor under this Act or the rules or bye laws made thereunder, if the appellant satisfies the appellate authority that he has sufficient cause for not preferring the appeal within such period.

(3) In every appeal the appellate authority may award costs in his discretion. Costs awarded to a Board shall be recoverable by the Board as though they were arrears of land revenue due from the appellant. If the Board fails to pay any costs awarded to an appellant within thirty days after the date of the order for the payment thereof, the appellate authority awarding the costs may order the persons having the custody of the balance of the Mining Settlement Fund to pay the amount.

(4) In case the appeal is against an order of assessment of any tax under Chapter VII or against an order of refusal to refund any such tax, the appellate authority may, before hearing the case, order that the amount of the tax be deposited or sufficient security produced.

(5) An appeal shall not operate as a stay or proceedings under an order appealed from except so far as the appellate authority may order, nor shall execution of an order be stayed by reason only of an appeal having been preferred from the order; but the appellate authority may for sufficient cause order stay of execution of such order.

(6) No order for stay of execution shall be made under sub section (5) unless the appellate authority is satisfied

(a) that substantial loss may result to the party applying for stay of execution unless the order is made;

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such order as may ultimately be binding upon him.

(7) Notwithstanding anything contained in sub section (6), the appellate authority may make an ex parte order for stay of execution pending the hearing of the application.

46. Power of Revision :-

The Government may at any time for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by or as to the regularity of the proceedings, of, the Board or officer subordinate to the Government or the Board acting in the exercise of any power or authority conferred by or under this Act, call for and examine the record of any case pending before, or disposed of by, such Board or officer and may pass such order with reference thereto as it thinks fit; Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

47. Power of Board to delegate its powers :-

(1) The Board may delegate all or any of its powers under this Act or the rules and bye laws made thereunder except the power to make bye laws to the Chairman, Executive Officer, Medical Officer of Health or any other officer or servant of the Board, or, with the approval of the Government, to any other officer.

(2) The Board shall have power at any time to rescind, modify or withdraw the powers so delegated.

48. Mode of proof of the Boards records :-

A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of the Board shall, if duly certified by the legal keeper thereof, or other person authorised by any bye law in this behalf, be received as prima facie evidence of the existence of the entry or document, and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

49. Restriction on summoning servants of the Board to produce documents :-

No officer or servant of the Board shall in any legal proceeding to which the Board is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the court made for special cause.

50. Powers and duties of police in respect of offences and assistance to authorities :-

Every police officer employed within the limits of a Mining

Settlement shall give immediate information to the Board of any offence committed against any provision of this Act or the rules or bye laws made thereunder and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

51. Penalties for offences :-

(1) Whoever obstructs any Executive Officer, Medical Officer of Health or Sanitary Inspector or any other officer appointed under Section 19 in the discharge of his duties under this Act or the rules or bye laws made thereunder, 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, or withhold any information, necessary for the purposes of such inquiry, shall be punishable with fine which may extend to five hundred rupees.

(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 rupees.

(3) Whoever

(a) fails to comply with any requisition or order made under any provision of this Act or 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 rupees and in the case of a continuing breach under clause (a) of this sub section with a further fine which may extend to twenty rupees 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.

52. Cognizance of offences :-

(1) No Court inferior to that of a Magistrate of the first class shall try any offence against this Act or any rule, bye law or order thereunder.

(2) Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or

bye law made thereunder, except on the complaint of, or upon information received from the Board of any person authorised by the Board in this behalf.

(3) The Board may authorise any person to make complaints or give information without previous reference to the Board, either generally in regard to all offences against this Act and any rules or bye laws made thereunder, or particularly in regard to specified offences or offences of a specified class. Such person may be authorised by virtue of this office, if he is the Chairman, Vice Chairman, Executive Officer, Medical Officer of Health, Sanitary Inspector or any other officer appointed under Section 19, or the officer in charge of a police station ; in other cases the authority shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Board.

53. Limitation for prosecutions :-

No prosecution for an offence under this Act or any rule or bye law made thereunder shall be instituted except within three months next after the commission of such offence.

54. Power to compound offence :-

(1) The Board or, with the authorisation of the Board, its Chairman or any other officer empowered in this behalf may compound any offence against this Act or any rule or bye law made thereunder which under the law for the time being in force may legally be compounded.

(2) On payment of the amount by way of composition no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

(3) Authorisation under sub section (1) to accept composition for alleged offences may be given by the Board either generally in regard to all offences under this Act and the rules and bye law made thereunder or particularly in regard only to specified offences or a specified class of offences, and may, at any time, be withdrawn by the Board.

55. Bar of suit in respect of act done in good faith :-

No suit shall be maintainable against the Board or any member, officer or servant thereof or any person acting under the directions of any such Board, member, officer or servant in respect of anything lawfully and in good faith and with due care and attention

done under this Act or any rule or bye law made thereunder.

56. Bar of suit in absence of notice :-

No suit shall be instituted against the Board or any member, officer or servant thereof or any person acting under the direction of any such Board, member, officer or servant for anything done or purporting to be done under this Act, until after the expiration of two months next after a notice in writing, stating, stating the cause of action, the name and place of abode of the attending plaintiff and the relief which he claims Such notice shall be in the case of a Board delivered or left at its office and in the case of any such member, officer, servant or person as is aforesaid, delivered to him or left at his office or usual place of abode and the plaint shall contain a statement that such notice has been so delivered or left.

57. Power of Board to compromise suits :-

Subject to rules made under this Act, a Board may compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient.

58. Powers of Board for obtaining evidence :-

The Board shall 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 the Board to furnish information before it shall be deemed to be legally bound to do so within the meaning of Section 176 of the Indian Penal Code.

59. Mode of Service of notice, etc :-

When any notice, bill, summons or other document is required by this Act, or by any rule, regulation or bye law made thereunder to be served upon or issued or presented to any person or owner or occupier such service, issue or presentation shall be made

(a) by delivering or tendering to such person a copy thereof signed by the Executive Officer or any officer authorised in this behalf;

(b) if there are more than one owner or occupier, by delivering or tendering a copy thereof to any one of the owners or occupiers.

(c) wherever it is practicable, service shall be made on the addressee on the person, unless he has an agent empowered to accept service, in which case, service on such agent shall be

sufficient;

(d) in case the person does not reside within the limits of the Mining Settlement, service on any manager or agent, who at the time of service, personally carries on such business or works for such person within such limits, shall be deemed to be good service;

(e) where the person has no manager or agent empowered to accept service of the notice, bill or summons on his behalf, service may be made on any adult male member of the family;

Explanation:- A servant is not a member of the family within the meaning of this clause;

(f) where the serving officer delivers or tenders a copy thereof to the addressee personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original copy;

(g) where the person or his agent or such person as aforesaid refuses to sign the acknowledgment or where the serving officer, after using all due and reasonable diligence cannot find the person, and there is no agent empowered to accept service of the notice, bill or summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy thereof on the outer door or some other conspicuous part of the house in which the person to whom it is addressed, ordinarily resides or carries on business or personally works for gain, and shall then return the original to the Executive officer by whom it was issued, with a report endorsed thereon or annexed thereto, stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed;

(h) the serving officer shall, in all cases in which the notice, bill, or summons has been served under clause (e) endorse or annex or cause to be endorsed, or annexed, on or to the original copy thereof, return stating the time when and the manner in which it was served and the address of the person, if any, identifying the person served and witnessing the delivery or tender to such notice, bill or summons.

60. Delegation of powers by Government :-

The Government may by notification delegate any of its powers

under this Act except the power to make rules, to the Board or any authority which it may deem fit.

CHAPTER 10

Rules and Bye Laws

61. General provisions regarding rules :-

(1) All rules for which provision is made in this Act shall be made by the Government and shall be laid before the Legislature Assembly.

(2) Such rules may be general for all Boards or may be special for the whole or any part of the area subject to the jurisdiction of any one or more Boards, as the Government may direct.

(3) All rules shall be subject to previous publication.

(4) In making any such rules the Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine, which may extend to twenty rupees for every day after the first during which the breach is proved to have been persisted in.

62. Matters as to which rules may be made :-

(1) Without prejudice to any power specially conferred by this Act, the Government may make rules generally for the purpose of carrying into effect all or any provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules with regard to

(i) elections under sub section (1) of Section 5 and sub section (2) of Section 6;

(ii) regulation or creation of posts, appointments, transfers, punishments and sanction of leave to the employees of the Board referred to in Section 14 and the classes of employees who shall have a right of appeal against any order passed by the Board or Chairman or any other authority and the authorities to whom such appeal shall lie;

(iii) the powers and procedure of the Board, the delegation, to and exercise by, the Chairman of the powers vested in the Board, and the delegation by the Chairman of his powers and functions to the Vice Chairman or any officer of the Board;

(iv) the powers and duties of Executive Officer, Medical Officers of Health and Sanitary Inspectors and other officers appointed under Section 19 and appeals from their orders;

(v) []

(vi) the custody of the Mining Settlement Fund, the keeping and audit of accounts and the preparation and submission of estimates;

(vii) all expenditure to be incurred by the Board for the purposes of this Act, and the methods under which sums due to it may be calculated and recovered;

(viii) any other matter which has to be or may be prescribed.

63. General provision regarding bye laws :-

(1) All bye laws for which provision is made under this Act shall be made by the Board at a special meeting and shall be consistent with this Act and with the rules made thereunder.

(2) A bye law may be general for the whole area under the jurisdiction or the Board or Special for any part of such area, as the Board may direct.

(3) No bye law shall take effect until it has been confirmed by the Government.

(4) No bye law shall take effect until it has been published in the manner prescribed.

(5) In making any bye law Board may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees, and where the breach is a continuing one, with further fine which may extend to twenty rupees for every day after the first during which the breach is proved to have been persisted in.

64. Matters as to which bye laws may be made :-

In addition to any power of making bye laws specially conferred by this Act, the Board may make bye laws

(i) prescribing the duties of owners, agents and managers of mines in respect of the Mining Settlement and of all persons acting under them;

(ii) prescribing 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) prescribing the plans (if any) to be kept by owners, agents and managers of mines within the Mining Settlement and the manner and place 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 dangerous epidemic disease 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 houses for the accommodation of persons employed in mines within the Mining Settlement;

(viii) securing decent lodging and accommodation for persons employed in mines within the Mining Settlement;

(ix) prescribing the Medical assistance to be provided by the owners of mines within the Mining Settlement for the labourers employed under them;

(x) providing for the prevention or abatement of nuisance affecting the public health committed by any persons within the Mining Settlement;

(xi) regulating the disposal of sewage, offensive matter and rubbish and the maintenance of latrines, urinals, cesspools and drains within the Mining Settlement;

(xii) 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.