

Rajasthan Mining Settlement Act, 1956

33 of 1956

[30 October 1956]

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PREAMBLE

An Act to provide for the control and sanitation of Mining Settlements in the State of Rajasthan.

Whereas it is expedient to provide for the control and sanitation of mining settlements in the State of Rajasthan and to make better provision for preventing the outbreak and spread in such settlements of epidemic diseases:

BE it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short title and extent :-

- (1) This Act may be called the Rajasthan Mining Settlement Act, 1956.
- (2) It extends to the whole of the State of Rajasthan.

2. Definitions :-

In this Act, unless the subject or context otherwise requires:-

- (a) the expressions agent, employed, mine and owner when used in relation to a mine, shall have the meanings respectively assigned

to them in section 2 of the Mines Act, 1952 (Central Act 35 of 1952): and

(b) Board means a Mines Board of Health established under this Act,

CHAPTER 2 DECLARATION OF A MINING SETTLEMENT

3. Declaration of area as Mining Settlement :-

(1) Whenever it appears to the State Government that it is necessary to provide for the control and sanitation 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 disease, the State Government may, by notification published in the ¹[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 State 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 sub-section (1) and may then, by notification, declare the said area or any portion thereof to be, for the purposes of this Act, a Mining Settlement 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 State Government may, by like notification include or exclude any area in or from a Mining Settlement.

1. Substituted by Raj. Act 27 of 1957. Pub. in Raj. Govt. Gaz. Ext., Pt. 4(A) dated 13.08.1957.

CHAPTER 3 THE MINES BOARD OF HEALTH

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

(1) The State Government may, by notification, establish a Board to be called a 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 all other things necessary for the purposes of this Act, and may sue and be sued in its corporate name.

5. Constitution of the Board :-

(1) The Board shall consist of not less than nine or more than fifteen members of whom:-

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

(ii) one shall be elected by persons who receive royalties, rents of fines from mines within the Mining Settlement:

(iii) two shall be non-officials elected by the State Government:

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

(v) two or such larger number. not exceeding four as the State Government may determine shall be elected by labourers employed in mines within the mining settlement or their Unions.

(2) The election of members under this section shall be made in such a manner and within such period as may be. prescribed.

(3) If any of the electoral bodies mentioned in sub-section (1) does not, within the prescribed period, elect a person to be member of the Board, the State Government shall nominate a member in his place and the person so nominated shall be deemed to be a member as if he had been duly elected by such body.

(4) No act done by the Board, or by any of its officers ,shall be deemed to be invalid merely by reason of any vacancy among any class of members or by reason of the total number of members being less than that fixed under sub-section (1) of this section.

6. Chairman and Vice-Chairman :-

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

(2) The Vice-Chairman shall be elected by and from the members of the Board.

7. Powers of the Chairman :-

The Chairman may, for the transaction of business connected with this Act or for the purpose of making any order authorised thereby,

exercise such of the powers vested by this Act in the Board as may, subject to the prescribed restrictions (if, any); be delegated to him by the Board.

8. 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.

CHAPTER 4 THE MINING SETTLEMENT FUND

9. 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 known. This fund shall be vested in the Board, and there shall be placed to the credit thereof in a ¹[State Government] Treasury-

(a) all sum charged by the Board under the provisions of this Act to and recovered from land-holders, owners of holdings, owners of mines or receivers of royalties, rents or fines from mines.

(b) all sums allotted to the Board from the Consolidated Fund of the State by the State Government, and all sums borrowed by the Board under any law or authority for the purpose of carrying out the provisions of this Act:

(c) all grants received from any local authority, association or private persons:

(d) all sums realised as costs, fees or otherwise under this Act or rules or bye-laws framed thereunder, not being fines or penalties.

1. Substituted by Raj. Act 27 of 1957. Pub. in Raj. Govt. Gaz. Ext., Pt. 4(A) dated 13.08.1957.

10. Application of the fund :-

The Mining Settlement Fund shall be applicable to the following objects and in the following order:

- (1) to the payment of any sums which the Board may be liable to pay as interest upon loans, and to the repayment of the principal of such loans:
- (2) to the payment of the salaries of the Medical Officer of Health and of the establishment employed by the Board:
- (3) to the- payment of contributions to a provident or annuity fund for the Medical Officers of Health and for the establishment employed by the Board:
- (4) to the payment of travelling allowances to members of the Board, and to its officers and servants:
- (5) to the payment of the cost of audit: and
- (6) to the payment of expenses incurred by the Board for the purposes of this Act and the rules and by-laws made thereunder.

11. Establishments :-

The Board may, save as provided in section 13 and subject to such restrictions as may be prescribed, determine and appoint the establishment to be employed by it, and fix the salaries to be paid to the members of such establishment.

12. Powers to make rules for pension etc :-

(1) The Board may, with the sanction of ¹[x x x] the State Government, make rules:-

(a) for the granting of pensions and gratuities out of the Mining Settlement Fund: or

(b) for the creation and management of a provident, or annuity fund, for compelling contribution thereto on the part of its officers and servants, and for supplementing such contribution out of the Mining Settlement Fund.

(2) The Board may, in accordance with such rules-

(i) grant pensions or gratuities, or grant allowances or annuities out of such provident or annuity fund to any of its officers or servants, as it may deem fit:

(ii) if it thinks fit, grant a pension or gratuity to any member of the family of any of its officers or servants who has died from any disease contracted,, or injury suffered, in the discharge of a duty which was attended with extraordinary bodily risk.

1. Deleted by Raj. Act 8 of 1962. Pub. in Raj. Govt. Gaz. Ext., Pt.

4(A) dated 23.04.1962.

CHAPTER 5 SANITARY OFFICERS

13. Appointment of Medical Officers of Health and Sanitary Inspectors :-

(1) The State Government may appoint for any Mining Settlement or any part thereof so many Medical Officers of Health as it may consider necessary, and shall fix the salary to be paid by the Board to each such officer.

(2) The Board, may appoint for the Milling Settlement or any part thereof as many Sanitary Inspectors as it may consider necessary.

(3) Every medical Officer of Health and Sanitary Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (Central Act 45 of 1860).

14. Their powers and duties :-

(1) Every Medical Officer of Health shall be subordinate to the Board of the Mining Settlement and shall, within the area for which he has been appointed exercise the powers conferred on him and perform the duties imposed upon him by this Act and the rules framed thereunder, and, subject to the Control of the Board, such other powers and duties consistent with the objects of this Act as the State Government may; by general or special order, direct, or as may be delegated to him by the Board.

(2) Every Sanitary Inspector shall be subordinate to the Medical Officer of Health, and shall perform such duties and exercise such powers as may be prescribed, or as may be delegated to him by the Medical Officer of Health with the consent of the Board..

(3) Every Medical Officer of Health or Sanitary Inspector 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 assistance (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 condition of such settlement or part thereof and the sufficiency of the rules for the time being in force therein: and

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

CHAPTER 6 DUTIES OF LAND-HOLDERS OWNERS OF HOLDINGS AND OWNERS, AGENTS, MANAGERS OF MINES

15. Mine owner to provide house accommodation etc. for Labourers :-

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-law, require.

16. Facilities to be afforded to medical officers of Health and Sanitary Inspectors :-

Every owner, agent and manager of a mine in which employed persons residing in any Mining Settlement, and every person holding or occupying land within such Settlement, and every owner or occupier of any holding containing a dwelling house, latrine, urinal or cesspool within such Settlement shall furnish the Medical Officer of Health or Sanitary Inspector, 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 condition of such Settlement.

CHAPTER 7 POWERS AND PROCEDURE OF THE BOARD

17. Power to execute measures :-

Subject to the prescribed restoration 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 provide for and regulate the housing of residents whether permanent or temporary:
- (iv) to prevent the outbreak and spread of epidemic disease:
- (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) to provide for the cleaning of latrines, urinals and cesspools:
- (vii) generally to carry out the purposes. of this Act.

18. Power to require owner of mines and others to execute means :-

(1) If the Board is satisfied that it is necessary that measures should be taken for any of the purposes specified in section 17 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 part of the owner of any holding containing a dwelling house, latrine, urinal or cesspool or the owner of any mine in which 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 land-holder or owner of any holding 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), declare 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, land-holder or owner of any holding.

19. Imposition of latrine tax :-

If the Board is satisfied on the report of the Medical Officer of Health that it is necessary that measures should be taken to provide for the cleaning of latrines, urinals and cesspools situated in any holding in any part of the Mining Settlement, the Board shall impose a latrine tax on holdings containing dwelling houses, latrines, urinals or cesspools and on holdings containing shops or places of business in which, in the opinion of the Board; latrine, urinal or cesspool is required and in fixing the rate at which the tax is to be levied, the Board shall follow the procedure laid down for

the imposition and assessment of taxes by a municipal authority, subject to such exceptions and restrictions, if any, as the State Government may, by notification, direct.

20. Objection against requisition :-

Any person who is required by a notice under sub-section (1) or sub-section (2) of section 18 or in pursuance of any provision under section 19 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 18, if the Board, for reasons to be recorded, is satisfied that immediate remedy is necessary.

21. Power to execute work on default of owner :-

If any work required by a notice under sub-section (1) of section 18 be not executed, or if the order required to be taken under sub-section (2) of section 18 be not taken, or if any, direction made in pursuance of any provision under section 19 is not complied with, 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 18 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 12, 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 public demand.

22. Appeal from orders under section 18(3) or 20 :-

Any person aggrieved by an order passed under section 20 or by a declaration under sub-section (3) of section 18 may appeal to the ¹[Collector] within thirty days from the date of such order or declaration:

Provided that the filing of such an appeal shall not operate, unless the ¹[Collector] so directs, to stay any action by the Board during

the pendency of the appeal.

1. Substituted by Raj. Act 8 of 1962. Pub. in Raj. Govt. Gaz. Ext., Pt. 4(A) dated 23.04.1962.

23. Imposition of assessment :-

(1) The Board shall impose yearly an assessment at rates not exceeding the maximum rates prescribed on-

(a) all owners of mines in which are employed persons residing in the Mining Settlement.

(b) all persons who receive any royalty, rent or fine from such mines, and

(c) all owners of holdings referred to in section 19.

(2) The amount of the assessment shall be such amount as the Board considers likely to be sufficient, together with the other amounts estimated to be received to the credit of the Mining Settlement Fund, to meet the expenditure to be incurred by the Board under this Act.

(3) The assessment shall be based-

(i) in the case of owners of mines, on the annual output from their mines:

(ii) in the case of the receivers of any royalty, rent or fines, on the local cess payable by such persons: and

(iii) in the case of holdings mentioned in clause (c) of sub-section (1) on the annual value of such holding.

(4) The assessment imposed on every such owner or person shall be recoverable as a public demand.

CHAPTER 8 MISCELLANEOUS

24. Power to make rules :-

(1) The State Government may, by notification, and after previous publication, make rules for carrying out: the purposes and objects of this Act in respect of any Mining Settlement or any group or class of Mining Settlements.

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

(a) regulate elections-under sub-section (1) of section 5 and sub-section. (2) of section 6, and prescribe the tenure of office of members of the Board:

(h) regulate the powers and procedure of the Board, the delegation to, and exercise by the Chairman of 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:

(c) regulate the appointment, suspension, dismissal, leave, salaries and allowances of the establishment employed by the Board:

(d) regulate the powers and duties of Medical Officers of Health and sanitary Inspectors and provide for appeals from their orders:

(e) limit the rates at which assessment may be imposed by the Board:

(f) regulate all expenditure to be incurred by the Board and the methods under which sums due to it may be calculated and recovered:

(g) regulate the custody of the Mining Settlement Fund, the keeping and audit of accounts and the preparation and submission of estimates.

25. Powers of Board to make by-laws :-

(1) The Board may, after previous publication, make by-laws consistent with this Act-

(i) prescribing the duties of owners of holdings and 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 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 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 within the Mining Settlement:

(viii) securing the decent lodging and accommodations of persons 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 of feting the public health committed by any person within the limits of 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 within the Mining Settlement.

(2) Bye-laws made under this section shall not take effect until they have been confirmed by the State Government and published in the ¹[Official Gazette].

1. Substituted by Raj. Act 27 of 1957. Pub. in Raj. Govt. Gaz. Ext., Pt. 4(A) dated 13.08.1957.

26. Penalties for offences :-

(1) Whoever obstructs any Medical Officer of Health or Sanitary Inspector in the discharge of his duties under Act or the rules framed thereunder, or refuses or wilfully neglects to furnish him with the means necessary for making my entry, inspection, examination or inquiry thereunder relation to my Mining Settlement, or withholds any information necessary for the purposes of such inquiry, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, 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 one thousand rupees.

(3) Whoever-

(a) fails to comply with any requisition or order made under my provision of this Act or of any rule, by-law, or order made thereunder: or

(b) contravenes any provision of this Act or any rule, by-law or order thereunder, for the breach of which no penalty is otherwise provided, shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing breach under clause (a) of this subsection, with further fine which may extend to one hundred 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.

27. Prosecution of land-holder, owner, etc :-

No prosecution shall be instituted against any owner, agent or manager of a mine or the holder of land or any the owner of any holding within a Mining Settlement for offence any against this Act or any rule, bye-law or order made thereunder, except at the instance of the Board.

28. Limitation of prosecutions :-

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

29. Cognizance of offences :-

No Court inferior to that of a Magistrate of the first class or Sub-divisional Magistrate shall try any offence against this Act or any rule, by-law, order thereunder which :

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

(b) is punishable with imprisonment.

30. Powers of Board for obtaining evidence :-

The Board 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 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 (Central Act 45 of 1860).

31. Notice by post :-

Any notice under section 18 may be sent by post.

32. Powers of State Government to alter or rescind order :-

The State Government may rescind or modify any order passed under this Act by any authority.

