

# The Mines Act, 1923

( ACT NO. IV OF 1923 )

**♣An Act to amend and consolidate the law relating to the regulation and inspection of mines.**

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; It is hereby enacted as follows:-

## CHAPTER I PRELIMINARY

- Short title, extent and commencement** 1.(1) This Act may be called the Mines Act, 1923.  
(2) It extends to the whole of Bangladesh.  
(3) It shall come into force on the first day of July, 1924.
- [Omitted]** 2. [Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.]
- Definitions** 3. In this Act, unless there is anything repugnant in the subject or context,-  
(a) "agent", when used in relation to a mine, means any person appointed or acting as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act;  
1[\* \* \*];  
(b) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;  
(c) "child" means a person who has not completed his <sup>2</sup>[eighteenth year];  
<sup>3</sup>[(cc) "day" means a period of twenty-four hours beginning at midnight;]

(d) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations;

(e) "Inspector" means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform;

(f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine:

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals;

(g) "owner", when used in relation to a mine means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(h) "prescribed" means prescribed by regulations, rules or bye-laws;

<sup>4</sup>[(i) "qualified medical practitioner" means any person registered under the Medical Council Act, 1973, and includes any person declared by the Government by notification in the official Gazette to be a qualified medical practitioner for the purposes of this Act;]

(j) "regulations" "rules" and "bye-laws" means respectively regulations, rules and bye-laws made under this Act;

<sup>5</sup>[(jj) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a 'relay';]

(k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days; and

(l) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

## CHAPTER II INSPECTORS

### Chief Inspector and Inspectors

4.(1) The Government may, by notification in the official Gazette, appoint a duly qualified person to be Chief Inspector of Mines for the whole of Bangladesh <sup>6</sup>[\* \* \*] and duly qualified persons to be Inspectors of Mines subordinate to Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or, having been appointed shall continue to hold such office who is or becomes directly or indirectly interested in any mine or mining rights in Bangladesh.

(3) The District Magistrate may exercise the powers and perform the duties of Inspector subject to the general or special orders of the Government:

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 19 or section 32.

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the <sup>7</sup>[Penal Code].

### Functions of Inspectors

5.(1) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in

the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(2) The Inspector shall give information to owners, agents and managers of miners, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under subsection (1) as to all regulations and rules which concern them respectively and as to the places where copies of such regulations and rules may be obtained.

### **Powers of Inspectors of Mines**

6. The Chief Inspector and any Inspector may-

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine;

(b) with such assistants(if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine;

(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

### **Powers of special officer to enter, measure, etc.**

7. Any person in the service of the <sup>8</sup>[Republic] duly authorised by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, leveling or measuring in any mine, after giving not less than three day's notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

**Facilities to be afforded to Inspectors**

8. Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under section 7 all reasonable facilities for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

**Secrecy of information obtained**

9.(1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the Inspector of any mine under this Act or acquired by any person authorised under section 7 in the exercise of his duties thereunder, shall be regarded as confidential, and shall not be disclosed to any person other than a Magistrate or an official superior or the owner, agent or manager of the mine concerned, unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the safety of any persons.

(2) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses contrary to the provisions of sub-section (1), any such information as aforesaid without the consent of the Government, he shall be guilty of a breach of official trust, and shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) No court shall proceed to the trial of any offence under this section except with the previous sanction of the Government.

### **CHAPTER III**

#### **MINING BOARDS AND COMMITTEES**

**Mining Boards**

10.(1) The Government may constitute for any part of Bangladesh <sup>9</sup>[\* \* \*], for any group or class of mines, a Mining Board consisting of-

(a) a person in the service of the <sup>10</sup>[Republic], not being the Chief Inspector or a Inspector, nominated by the Government to act as Chairman;

(b) the Chief Inspector or an Inspector;