

WEST BENGAL MINING SETTLEMENTS (HEALTH AND WELFARE) ACT, 1964

GOVERNMENT OF WEST BENGAL LEGISLATIVE DEPARTMENT West Bengal Act XXV of 1964
 THE WEST BENGAL MINING SETTLEMENTS (HEALTH AND WELFARE) ACT, 1964. [Passed by the West Bengal Legislature.] CA—at of the Governor and published in the Official Gazette, of the 19th November, 1964.) [26th November, 1964.] An Act to provide for the better control and sanitation of mining settlements in West Bengal. It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, follows CHAPTER 1. PRELIMINARY. (Z) This Act may be called the 'West Bengal Mining Settlements (Health and Welfare) Act, 1964. (2) It extends to the whole of West Bengal. extent and commencement (3) This section shall come into force at once ; the remaining sections shall come into force on such date or dates as the State Government may, by notification, appoint and, for this purpose, different dates may be appointed for different sections of this Act or for different areas as specified in the notification. 2. (1) The Bengal Mining Settlements Act, 1912, is hereby repealed : Ben. Act 11 of 1912, Provided that— (i) any mining settlement declared, Mines Board of Health appointed, limits defined, appointment, rule, by-law or order made, notification or notice issued, expenses charged or assessed, or contract entered into under the said Act, shall, so far as may be, be deemed to have been respectively declared, established, defined, made, issued, charged or assessed, or entered into under this Act ; (2) any legal proceeding commenced under the said Act may be continued as if the said Act had not been ; Price—Indian, 20 P. ; English, 4d. Donnie 2 The West Bengal Mining Settlements (Health and Welfare) Act, 1964. Ben. Act (Chapter 8.) (iii) the State Government may, by notification, abolish any such Mines Board of Health or reconstitute it in accordance with the provisions of this Act. (2) All property, movable or immovable and all interests of whatever nature or kind therein, held by or on behalf of any Mines Board of Health appointed under the Bengal Mining Settlements Act, 1912, shall continue to be Ben. Act vested in such Board, being a Board deemed under clause (i) of the proviso to sub-section (1) to have been established under this Act, and, where a notification abolishing or reconstituting such Board is issued under clause (iii) of the proviso to sub-section (1), shall stand transferred on and from such date and to such other Mines Board of Health, whether established under section 6 or deemed under clause (i) of the proviso to subsection (1) to have been established under this Act, as may be specified in the notification. a. In this Act, unless there is anything repugnant in the subject or context,— "Board" means Mines Board of Health established or deemed to have been established under this Act and when used in relation to a mining settlement means the Board for such mining settlement ; "notification" means notification published in the Official Gazette ; "owner", when used in relation to a mine, means any person who is in occupation of the mine or any part thereof and carries on the business, or is a contractor for the working, of such mine or part and, except for the purposes of section 27, includes the Government : Provided that where any person is deemed, under the proviso to section 26 of the Mines Act, 1952, to be the owner of a mine for the purposes of that Act, such person shall be deemed to be the owner of the mine also for the purposes of this Act ; (d) "prescribed" means prescribed by rules made by the State Government under this Act ; (e) the expressions "employed" and "mine" have the same meaning as in the Mines Act, 1952. The West Bengal Mining Settlements (Health and Welfare) Act, 1964, XXV of (Chapter 4, 5.—Chapter 11.—The Mines Board of Health.—Section 6.) 4, (1) Whenever it appears to the State Government that it is necessary in the public interest to provide for the planned construction of buildings and structures, proper sanitation and water supply and prevention of the outbreak and spread of epidemic disease, in any area, not being or not forming part of any mine, within which persons employed in a mine or mines reside, the State Government may publish in the Official Gazette a notice of its intention to declare such area to be a mining settlement for the purpose of this Act. (2) A notice under subsection (1) shall define the limits of the area intended to be declared to be a mining settlement and shall specify a period within which any objection or suggestion in regard to the intended declaration may be submitted by any person to the State Government for consideration. (3) the expiry of the period for submitting objections or suggestions specified in a notice published under subsection (1) the State Government may, after considering the objections or suggestions, (a) declare that the area, the limits whereof have been notified (a) withdraw the notice, or (b) declare that the area, the limits whereof have

defined in the notice, or such part (hereof as may be specified in the notification, 'shall, for the purposes of this Act, be a mining settlement. (4) The State Government may, by like notification, add to or alter the area included in a mining settlement. 5, 'The provisions of this Act shall not apply to any area included within a municipality constituted under the provisions of the Municipal Act, 1932. Aob

CHAPTER 11. THE MINING BOARD OF HEALTH, State Government may, by notification, establish a Mining Board of Health for a mining settlement. The Board shall be known by the name of the Mining Board of Health for the mining settlement for which it is established. The Board shall be a body corporate and shall have perpetual succession and 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 for the purposes of this Act, and to sue and be sued in its corporate name. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. [West Bengal Act (Chapter 11) of 1964. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. Section 7.] 7. (1) A Board shall consist of not less than sixteen and not more than seventeen members as follows : (a) four members to be elected by owners of mines which employ persons residing within the mining settlement or by representatives of such owners duly authorised in the prescribed manner one member to be elected by the members of the National Association of Colliery Managers and the member of the Indian Mines Managers' Association from amongst themselves ; one member to be elected by the members of the West Bengal Branch of the Indian Medical Association from amongst medical practitioners registered under any law for the time being in force and residing or carrying on profession within the mining settlement; the Coal Mines Welfare Commissioner, ; not less than nine and not more than ten members to be appointed by the State Government of whom— (i) one shall be a District Magistrate having jurisdiction within the mining settlement; (ii) two shall be members of the State Legislature residing within, or representing a territorial constituency extending over the whole or any part of, the mining settlement; (iii) one shall be a member of the Zilla Parishad having jurisdiction within the mining settlement; (iv) one shall be a woman social worker ; (v) two shall be persons representing mine labourers; and (vi) not less than two and not more than three shall be such persons as the State Government may think fit. (2) The time and manner of election of members under sub-section (1) shall be such as may be prescribed. (3) If any of the electoral bodies mentioned in sub-section (1) fails to elect the requisite number of members within the prescribed period, the State Government shall fill up the seat or seats by appointment of a person or persons eligible for election by such body and any person so appointed shall be deemed to be a member of the Board if he had been duly elected by such body, West Bengal Mining Settlements (Health and Welfare) Act, 1964. XXV (Chapter 11) —The Mining Board of Health. —Section 8, 9.) (4) An appointed or elected member of the Board shall hold office for term of four years from the date of the first meeting of the newly formed Board after general election of members, at which a quorum is present : Provided that if the State Government thinks fit to do for special reasons to be specified, it may, by notification in the Official Gazette, extend the said term of four years by such period or periods, not exceeding one year in the aggregate, as it may consider necessary. (5) The term of four years referred to in sub-section (4), or, if the said term is extended under the provision that sub-section then, the term so extended, shall be held to include any period which may elapse between the expiry of the said term or extended term, as the case may be, and the date of the first meeting of the newly formed Board at which quorum is present

8. The State Government shall appoint two of the members of a Board to be the Chairman and the Vice-Chairman respectively of the Board, 9.(1) The Chairman or the Vice-Chairman or any other member of a Board may resign his office by giving notice in writing— (a) in the case of the Chairman of a Board, to the State Government, and (b) in the case of the Vice-Chairman or any other member of a Board, to the Chairman of the Board who shall forthwith lay the notice before the Board, and such resignation shall take effect from the date on which the resignation is accepted by the State Government or the Board, as the case may be. (2) Leave of absence may be granted— (a) to the Chairman of the Board, by the State Government, and (b) to the Vice-Chairman or any other member of the Board, by the Board. (3) Casual vacancies in the office of the Chairman, the Vice-Chairman or any other elected member of the Board may be filled up by appointment or election, as the case may be, in the same manner in which the persons, in

whose seats such casual vacancies occur, were appointed or elected and any person appointed or elected to fill any such casual vacancy shall hold office for the remainder of the term of office of the person in whose place he is so appointed or elected. 5 Chairman and Vice-Chairman. Election of the Chairman, Vice-Chairman and other members of the Board and filling of vacancies. 6 Delegation of powers and duties of Board to the Chairman. Delegation of powers and duties of Chairman to Vice-Chairman. 7 Sanitary Inspector and other officers and servants of the Board. Powers and duties of Sanitary Inspector and other officers and servants. 8 The Bengal Mining Settlements (Health and Welfare) Act (Chapter I).—The Board of Health 70, 10. Subject to such conditions as may be prescribed, a Board may, for the transaction of business under this Act or the rules, by-laws or regulations made thereunder or for the purpose of making any order authorised thereby, delegate to the Chairman of the Board such of the powers or duties of the Board under this Act or the rules, by-laws or regulations made thereunder as the Board may think fit, and may, at any time, withdraw or modify any such delegation.

11. Subject to such conditions as may be prescribed, the Chairman of a Board may by order in writing delegate to the Vice-Chairman or any officer of the Board such of the powers or duties assigned to him by this Act or the rules, by-laws or regulations made thereunder as he may think fit, and may, at any time, in like manner withdraw or modify any such delegation

CHAPTER 11. ESTABLISHMENT 12. (1) A Board shall appoint a Health Officer or, if so required by the State Government, more than one Health Officer for the mining settlement. (2) Such Health Officer or Health Officers shall be appointed in consultation with the State Government from amongst the members of the West Bengal Health Service on such terms and conditions as may be prescribed. (3) Where more than one Health Officer are appointed for a mining settlement, the area over which each such officer shall have jurisdiction shall be specified in the order of appointment. 13. (1) A Board may, with the approval of the State Government, determine the number of Sanitary Inspectors and other officers and servants necessary for its administration and fix the salaries and allowances to be paid to them. (2) The Board shall have the power to appoint such Sanitary Inspectors and other officers and servants as are referred to in sub-section (1). (3) In appointing Sanitary Inspectors and other officers and servants the Board may specify the area or areas over which they shall exercise jurisdiction. 14. (1) A Health Officer shall exercise within the area under his jurisdiction the powers conferred on him and perform the duties imposed upon him by or under this Act, and such other powers and duties consistent with the objects of this Act as the State Government or the Board concerned may, by general or special order, specify. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. XXV of (Chapter XV.—Duties of owners and occupiers of huts, buildings or structures in mining settlements.— section 15.) (2) A Sanitary Inspector shall, in respect of any area within the mining settlement for which he has been appointed, be subordinate to the Health Officer having jurisdiction over such area and shall perform such duties and exercise such powers as may be conferred upon him by or under this Act, or as may be delegated to him by the Health Officer with the consent of the Board concerned. (3) Every Health Officer or Sanitary Inspector or such other officer of the Board as may be specified in this behalf by the State Government may, within the area over which he has (a) (b) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) 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18. Subject to such restrictions as may be prescribed, a board may, on the recommendation of the Health Officer or otherwise undertake in as far as it is deemed necessary to provide for—(i) the supply of fuel and other ; (i) sanitation, drainage, conservancy, maintenance of public health and prevention or abatement of nuisances ; (ii) the boning of in the mining settlement, whether permanent or temporary ; (iii) preventing the outbreak and spread of, and combating, epidemic and other disease ; (iv) the proper treatment of the sick by the establishment and maintenance of hospital." and dispensary and a medical ; (v) the regular inspection of food-stuffs exposed for sale in the mining settlement and report to food inspectors appointed under the Prevention of Food Adulteration Act, 1954; the registration of birth, deaths and marriages in the mining settlement ; (vi) the carrying out of the purpose of the 'The West Bengal Mining Settlement' (Health and Welfare) Act

4 / 9

recoverable from the defaulting owner or occupier of the land, building or structure concerned, as a public demand

22. Any person aggrieved by any declaration made under sub-section (3) of section 19 or by an order passed under sub-section (2) of section 20 may appeal to the Commissioner of the Division within which the mining settlement is situated within thirty days from the date of such declaration or order : Provided that the filing of such an appeal shall not by itself operate, unless the Commissioner so directs, as to the execution of any work to be executed in carrying out any measure by the Board during the pendency of the appeal : Provided further that where any work is executed during the pendency of any such appeal and the appeal is subsequently allowed, the costs of execution shall be borne by the Board.

23.(1) For the purpose of meeting the expenses to be incurred by a Board under this Act, the Board may, in such manner and subject to such terms and conditions as may be prescribed, impose and assess on the owners of mines or mines, the employees of which reside within the mining settlement, after giving such owners an opportunity of being heard,— (a) a fee payable by all such owners, and also (b) a water rate and a conservancy rate, payable by the owners of mines the employees of which reside within the area or areas in respect of which provision has been made by the Board— (i) in the case of water rate, for the supply of water, and (ii) in the case of conservancy rate, for the cleansing of private latrines, drains and cesspools. (2) The assessment of conservancy rate referred to in sub-section (1) shall be made, on the basis of quantity of annual output of the mine, at such rate, not exceeding,— (i) in the case of the fee, rupees ten per hundred metric tonnes, 'The West Bengal Mining Settlement' (Health and Welfare) Act, 1964. (c) Chapter I.—Duties of owners and occupiers of lands, buildings or structures in mining settlements.— Section 24.—4 Chapter I.—The Mining Settlement Fund. —...Section 26.) (i) in the case of the water rate, fifteen paise per metric tonne, and (iii) in the case of the conservancy rate, twenty-five paise per metric tonne, the Board may fix with the previous approval of the State Government. (3) The fee, water rate or conservancy rate, imposed under this section, shall be recoverable as a public demand. (4) Subject to the approval of the State Government the Board may, on such terms as may be prescribed, supply water or render conservancy services to private persons, Railway Authority, local authorities and industrial concerns within the mining settlement. 24. (1) When any land whether within or without the acquisition limits of a mining settlement is required for the purpose of or land. of this Act, the State Government may, on the application of the Board, proceed to acquire it under the provisions of the Land Acquisition Act, 1894. (2) The Board shall be bound to pay to the State Government the expenses of acquiring any land for the Board on its application under the provisions of sub-section (1). Such expenses shall include the compensation awarded under the Land Acquisition Act, 1894, the charges incurred by the State Government in acquiring the land and the costs, if any, incurred by the State Government in proceedings, subsequent to the acquisition, relating to the enhancement of the award for the land. (3) The State Government shall, on payment to it by the Board of the expenses referred to in sub-section (2), relating to the acquisition of any land, by notification, vest land in the Board, and thereupon the land shall vest in the Board free from all incumbrances

CHAPTER V. THE MINING SETTLEMENT FUND. 25. (1) Every mining settlement shall have a fund (i) Mining be called "the Mining Settlement Fund". Such fund shall be vested in the Board, and there shall be placed to the credit thereof— (a) all sums charged and received by the Board under the provisions of this Act ; 12 The West Bengal Mining Settlements (Health and Welfare) Act, 1964. (c) u. Act (Chapter V.—The Mining Settlement Fund.—Section 26.) (b) all sums paid to the Board out of the Consolidated Fund of the State by the State Government and of all sums borrowed by the Board under the Local Authorities Loans Act, 1914, for the purpose of carrying out the provisions of this Act ; (c) all grants received from any local authority, association or private person ; (d) all sums realized as expenses, fees, fines penalties or otherwise under this Act or the rules or by-laws made thereunder ; (6) all other sums received by or on behalf of the Board. (2) The mode and the investment of the money to the credit of a Mining Settlement Fund shall be such as may be prescribed. 26. (1) A Mining Settlement Fund shall be applied for Application of the following purposes, namely : Fund. (i) the payment of expenses incurred by the Board for the purposes of this Act and the rules, by-laws and regulations made thereunder ; (ii) the payment of contributions or grants for the prevention and control of epidemic and other diseases and for welfare activities in the mining settlement, including contributions referred in sub-section (2) ; (iii) the payment of any sums which the Board may be liable to pay on interest on loans, and

to the re-payment of the principal of such loan; (iv) the payment of the cost of audit; (v) the payment of the salaries and allowances of the officers and servants employed by the Board; the payment of expenses incurred by the Board providing medical assistance, in accordance with regulation made under this Act, to the officers and servants employed by the Board; the payment of contributions to a provident or annuity fund for the officers and servants employed by the Board; (vi) the payment of pensions and gratuities to the officers and servants employed by the Board and to the members of the families of such officers and servants; The West Bengal Mining Settlements (Health and Welfare) Act, 1964. xxv. (Chapter 27,) (e) the payment of travelling allowance to members of the Board; (z) the payment of any advances to the officers and servants employed by the Board to enable them to acquire or construct residences for themselves or to enable them to purchase vehicles for use in discharging the duties imposed on them by or under this Act; (1) the payment of any other lawful expenses or of any expenses specially sanctioned by the State Government. (2) If any medical or public health institution, hospital, dispensary or clinic is established and maintained by the State Government within a mining settlement for the benefit of persons residing within the settlement including those employed in mines, the State Government may require the Board to contribute such share of the cost of establishment and maintenance of the institution, hospital, dispensary or clinic, so as may be determined by the State Government as may be reasonable. CHAPTER VI. 27. (1) Whoever obstructs any Health Officer or Sanitary Inspector or other person duly authorised by a Board to discharge any duties under this Act or the rules or by-laws made thereunder in the discharge of such duties 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 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 to be given by or under this Act containing 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 thousand rupees. (3) Whoever commits a breach of the requirements— (a) of any notice or order made under any provision of this Act or any rule, by-law or order made or 14 offences committed. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. xxv. (Chapter 28,) (b) of any provision of this Act or any rule, by-law or order made thereunder, for which no penalty is otherwise provided, shall be punishable with fine which may extend to five thousand rupees, and, in the case where such breach is a continuing breach, with a 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 on which the requirements become operative. 28. (1) If the person committing an offence punishable under this Act is a company, every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that in the case of an offence punishable with fine the company shall also be liable to be proceeded against and punished. (2) Notwithstanding anything contained in sub-section (Z), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, not being a person deemed under sub-section (1) to be guilty of the offence, such director, manager, secretary or other officer shall be deemed to be guilty of abetment of such offence and shall be liable to be proceeded against and punished in the same manner as the person deemed under sub-section (1) to be guilty of the offence. the purposes of this section— (a) "company" means any body corporate and includes a firm or other association of individuals, and (b) "director" includes a shareholder and 180— (i) in relation to a firm, a partner in the firm, and (ii) in relation to an association of individuals, a member of the association. Act 46 of 1964. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. XXV (Chapter 28.) CHAPTER VII. 29. No act or proceedings of a Board, and no act of any of its officers, shall be called in question merely on the ground of the existence of any vacancy in, or defect in the constitution of, the Board or any defect in the appointment of any officer. 30. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or any instrument made thereunder. 31. All Health Officers and all Sanitary Inspectors and such other officers and servants of the Board as the State Government may specify by order made in

this behalf shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code

32. No suit or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act or the rules, by-law* or regulations made thereunder.

33. No person shall be liable for any breach of contract if such breach be due to an order from a Board under this Act or the rules, by-law or regulations made thereunder. 34. (1) The State Government may, by notification, make, after previous publication, rules for carrying out the purposes of Act in respect of any mining settlement or any group or class of mining settlements and different rules may be made for or different mining settlements or for different groups or classes of mining settlements. and without prejudice to the (2) In particular, generality of the foregoing power, such rules may provide for— (a) the time and manner of holding elections of members of the Board under sub-section section 7; (b) to override other laws, etc. Health officers, Sanitary Inspectors and other officers and servants of the Board public servant'. Protection to persons acting in good faith, persons obeying orders. Power to make rules. [6 The West Bengal Mining Settlement' (Health and Welfare) Act, 1964. Part IV. Chapter 34: (b) leave of members of the Board including leave of the Chairman and the Vice-Chairman ; (c) the powers and procedure of the Board including the calling of, and the conduct of business at, meetings and the number of members required to form a quorum thereat, the delegation to, and exercise by the Chairman of powers vested in a Board, and the delegation by the Chairman of his powers and functions to the Vice-Chairman or any officer of such Board ; (d) the powers and duties of Health Officers and Sanitary Inspectors ; (e) appeals from any orders passed under this Act where no specific provision exists in this Act for such appeals ; (f) the manner in which and the terms and conditions subject to which the imposition and assessment of fees and rates referred to in section 23, may be made by the Board ; (g) the control of expenditure to be incurred by the Board ; (h) the custody of the Mining Settlement Fund, the maintenance of accounts of a Board and audit thereof and the preparation and submission of its estimates of income and expenditure ; (i) the conditions relating to sanitation, safety of dwellers and public health, to which mining buildings or structures within a settlement should conform and controlling the construction thereof ; (j) determining the standards of accommodation in cases where accommodation is provided by a Board or owners of mines within the mining settlement for persons employed in mines ; (k.) defining the medical assistance to be provided by the owners of mines for their employees who reside within a mining settlement ; (l) any other matter which may be or is required to be prescribed. (3) All rules so made shall be laid for not less than fourteen days before the State Legislature as soon possible after they are made and shall be subject to such modifications, if any, as the State Legislature may make during the session in which they are so laid. The West Bengal Mining Settlement' (Health and Welfare) Act, 1964. XXV (Chapter VII. U, 36.) (4) Any modification made by the State Legislature under sub-section (3) in the said rules shall be published by the State Government by notification, and shall, unless some later date is specified in such notification in this behalf, come into force on the date of such publication. 35. (1) Subject to such rules as may be made under Power of section 34, a Board may, after previous publication, make Board to by. by-1078,— (i) defining the duties of the owners of mines the employees of which reside within the mining settlement, and of all persons acting under them, in respect of such mining settlement ; (ii) defining the matters in respect of which returns and reports shall be furnished by such the form of such notices, owners of mines, returns and reports, the persons and authorities to whom they are to be furnished, and the particulars to be contained therein ; defining the plans (if any) relating to the mines to be kept by such owners of mines and the manner and places in which they are to be kept for purposes of record ; (iv) providing for measures for the supply of filtered or other water and for sanitation, drainage 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 for the prevention or abatement of nuisances affecting the public health committed by any person within the limits of the mining settlement; and (vii) generally for promoting the safety, health and welfare of employees of mines residing within the mining settlement. (2) By-laws made under this section shall not take effect until they have been submitted to, and confirmed and published in the Official Gazette by, the State Government

38. Rules and by-laws made under this Act shall be subject to, and shall have effect in so far as they are not inconsistent with, the provisions of the Mines Act, 1952 and the rules and regulations made thereunder. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. Part IV. Chapter 34: (b) leave of members of the Board including leave of the Chairman and the Vice-Chairman ; (c) the powers and procedure of the Board including the calling of, and the conduct of business at, meetings and the number of members required to form a quorum thereat, the delegation to, and exercise by the Chairman of powers vested in a Board, and the delegation by the Chairman of his powers and functions to the Vice-Chairman or any officer of such Board ; (d) the powers and duties of Health Officers and Sanitary Inspectors ; (e) appeals from any orders passed under this Act where no specific provision exists in this Act for such appeals ; (f) the manner in which and the terms and conditions subject to which the imposition and assessment of fees and rates referred to in section 23, may be made by the Board ; (g) the control of expenditure to be incurred by the Board ; (h) the custody of the Mining Settlement Fund, the maintenance of accounts of a Board and audit thereof and the preparation and submission of its estimates of income and expenditure ; (i) the conditions relating to sanitation, safety of dwellers and public health, to which mining buildings or structures within a settlement should conform and controlling the construction thereof ; (j) determining the standards of accommodation in cases where accommodation is provided by a Board or owners of mines within the mining settlement for persons employed in mines ; (k.) defining the medical assistance to be provided by the owners of mines for their employees who reside within a mining settlement ; (l) any other matter which may be or is required to be prescribed. (3) All rules so made shall be laid for not less than fourteen days before the State Legislature as soon possible after they are made and shall be subject to such modifications, if any, as the State Legislature may make during the session in which they are so laid. The West Bengal Mining Settlement' (Health and Welfare) Act, 1964. XXV (Chapter VII. U, 36.) (4) Any modification made by the State Legislature under sub-section (3) in the said rules shall be published by the State Government by notification, and shall, unless some later date is specified in such notification in this behalf, come into force on the date of such publication. 35. (1) Subject to such rules as may be made under Power of section 34, a Board may, after previous publication, make Board to by. by-1078,— (i) defining the duties of the owners of mines the employees of which reside within the mining settlement, and of all persons acting under them, in respect of such mining settlement ; (ii) defining the matters in respect of which returns and reports shall be furnished by such the form of such notices, owners of mines, returns and reports, the persons and authorities to whom they are to be furnished, and the particulars to be contained therein ; defining the plans (if any) relating to the mines to be kept by such owners of mines and the manner and places in which they are to be kept for purposes of record ; (iv) providing for measures for the supply of filtered or other water and for sanitation, drainage 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 for the prevention or abatement of nuisances affecting the public health committed by any person within the limits of the mining settlement; and (vii) generally for promoting the safety, health and welfare of employees of mines residing within the mining settlement. (2) By-laws made under this section shall not take effect until they have been submitted to, and confirmed and published in the Official Gazette by, the State Government

37.—39.) Power of Board to make regulations for certain matters relating to the Board, Cognizance of offences. 37. (a) (b) (c) (1) A Board may make regulations providing for— the payment of contribution or grant for the prevention and control of epidemic and other diseases and for welfare activities in the mining settlement ; the qualifications, recruitment, suspension, dismissal, leave, Salaries and allowances, medical assistance, and other conditions of service, of the officers and servants, other than Health Officers, employed by the Board ; the grant of pensions and gratuities out of the Mining Settlement Fund to the officers and servants of the Board other than Health Officers, including the grant of pensions and gratuities to members of the families of such officers and servants of the Board who have died of any disease contracted or injury suffered in the discharge of duties imposed by or under this Act which were attended with extraordinary bodily risk ; the creation and maintenance of a provident or annuity fund. contributions to be made thereto by and servants of the Board, other than Health Officers, and by the Board ; the payment of advances to the officers and servants of the Board for the purpose of enabling them to acquire or construct residence for themselves or to vehicles for hire by them in discharging the duties imposed on them by or under this Act. (2) Regulations made by the Board under sub-section (1) shall not take effect until they have been submitted to, and confirmed by, the State Government. (3) The State Government may rescind any regulation which it has confirmed and thereupon such regulation shall cease to have effect. 38. No prosecution shall be instituted for offence under this Act or under any rule, by-law or order made thereunder, except under the authority of the Board. 39. No Magistrate other than first class or Subdivisional Magistrate shall try any offence under this Act or under any rule, by-law or order made thereunder which is punishable with imprisonment. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. xxv 1004.1 (Chapter VII.—Miscellaneous.—Sections 40—43.) 40. A Board shall have all 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

41. Any notice under section 19 shall, unless the contrary is proved, be deemed to have been duly served after seven days have elapsed from the date of its despatch by registered post to the usual place of residence or business of the person to whom it is addressed. 42. (1) The Director of Health Services, West Bengal, or any other officer specially authorised by the State Government in this behalf, shall be entitled— (a) to inspect any movable or immovable property used or occupied by a Board or any work in progress under its direction ; (b) to inspect any work or institution constructed or maintained in whole or in part at the expenses of a Board and all registers, books, accounts or other documents relating thereto; (c) to supervise the work of the Health Officers of a Board and to record, in writing, for the consideration of the Board, any observations he thinks proper in regard to the promotion of public health and mining settlement ; (d) to attend meetings of members on any health and welfare settlement. (2) Every Board shall submit accounts, reports or copies of for from time to time by the welfare services within the Board and to address its matter relating to public services within the mining settlement furnish such statements, documents as may be called for by the Director of Health Services, West Bengal, or such other officer as the State Government may authorise in this behalf

43. The State Government may, if it is of opinion that a Board or any officer any order passed under this Act or servant of the Board is unreasonable or would work hardship or be not in the public interest, rescind or modify such order. 19 Power of Director of Health Services for obtaining service of notices. Power of Director of Services, West Bengal. Power of State Government to alter or rescind order, 20 compliance with directions of State Government. The West Bengal Mining Settlements (Health and Welfare) Act, 1964. Bu. Act XXV of 1964.] (Chapter V g.) (1) A Board shall comply with all such directions as may be given to it from time to time by the State Government having regard to the provisions of this Act. (2) If at any time it appears to the State Government that a Board has made persistent default in carrying out any direction given to it under sub-section (1), whether in relation to the functions of the Board referred to in section 18 or otherwise, the State Government may, by order in writing, fix a time for the carrying out of such direction. (3) If within the time so fixed such direction is not carried out, the State Government may, by order in writing, appoint an officer not below the rank of District Magistrate to carry out such direction and the expenses of carrying it out shall be paid by the Board, within such time as may be fixed by the State Government in the order, from the Mining Settlement Fund to the

officer so appointed. (4) If such expenses are not paid under sub-section (3), the officer appointed under that sub-section may, with the previous sanction of the State Government, make an order directing the persons having the custody of the balance of the Mining Settlement Fund to pay either at one time or by instalments such expenses in priority to any other charge and such person shall pay accordingly. WBGP-6516-406A.5M

