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Act No.39 of 1992

An Act made for the control and development of mines and mineral resources

Whereas it is expedient to provide for the control and development of mines and mineral resources;

Now, therefore, it is herewith enacted as follows:-

1. Short title.- This Act may be called the Mines and Mineral Resources (Control and Development) Act, 1992.

2. Definitions.- Unless there is anything repugnant in the subject or context, in this Act-

- a) "prospecting licence" means a licence to prospect on any site for minerals or mineral resources for the purpose of discovering mines and mineral resources;
- b) "mineral resources" means any substance which can be found, generally without artificial means, as part of the crust of the earth, or which is soluble or suspended in water within, or on the surface of, the crust of the earth or any substance which can be extracted from such substance and shall include-
 - i) clay used in the production of ceramic, refractory and absorbent articles;
 - ii) silica, including silica sand used for sand for the scouring and moulding of chemical articles;
 - iii) sand, pebbles or stone used in broken or unbroken form or in slabs;
 - iv) all kinds of limestone;
 - v) all kinds of coal including peat;
 - vi) hydrocarbone connected with the excarvation, extraction or production of coal or shale and methane gas required for the expansion of coal mining programmes;
 - vii) mineral oil or gas extracted or produced by processing coal or shale on the site where such substances are found;but shall not include-
 - i) any living matter;
 - ii) salt extracted from sea water, or
 - iii) water;
 - iv) petroleum under the Petroleum Act, 1974;
- c) "mine" means any excavation work for the purpose of searching and extracting mineral resources;
- d) "rule" means rule made under this Act;
- e) "site" shall include-
 - i) the bottom of rivers, canals, water courses, flooded areas;
 - ii) all land situated within that part of the ocean which lies within the territorial waters of Bangladesh or which covers the continental shelf of Bangladesh;
 - iii) water in, on and on the surface of any site.

3. Prospecting licence and mining lease, etc. .- No prospecting licence or mining lease or facility shall be granted otherwise than in accordance with the provisions of the rules.

4. Power to make rules.- (1) The Government may, by notification in the official Gazette, make rules for regulating the grant of prospecting licences, mining leases or facilities and for the purpose of preserving and developing mineral resources.

(2) In particular, and without prejudice to the generality of the power conferred under sub-section (1), such rules shall provide for all or any of the following matters, namely:-

- a) the manner in which prospecting licences and mining leases and facilities shall be granted and the authorities which shall receive applications therefore and the application fees;
- b) the conditions subject to which prospecting licences and mining leases and facilities shall be granted;
- c) the form for the grant of prospecting licences, mining leases and facilities and the form for their renewal;
- d) the rejection of applications for prospecting licences, mining leases and facilities and the annulment of granted licences, leases and facilities;
- e) the fixing of the taxes, rents and royalties to be paid by the receivers of licences or the recipients of leases and facilities and the conditions and rules subject to and in accordance with which such taxes, rents and royalties are to be paid;
- f) the refinement of mineral ores;
- g) the control of the production, storing and distribution of mineral resources;
- h) the development of mineral resources through the control of engines, machines or other equipments;
- i) the stoppage of the waste of mineral resources;
- j) the stoppage of the illegal excavation of mineral resources and the confiscation of illegally excavated mineral resources and their utilization;
- k) any matter required for or incidental to anything mentioned above.

5. Punishment.- The punishments for transgression of the rules made under sub-section (4) shall be provided for by rules:

Provided that whoever has committed such transgression shall be punishable with imprisonment for a term which may extend to three years, and may also be punishable with an additional fine.

6. Power to make exemptions.- The Government may, by notification in the official Gazette,-

- a) exempt any mineral resource or any class of mineral resources from all or any of the provisions of the rules;
- b) subject to the amendments or conditions of the rules referred to in the notification, regulate the application of rules with respect to any mineral resource or any class of mineral resources.

7. Repeal and Savings.- (1) The Mines and Minerals (Regulation and Development) Act, 1967 (E.P. Act II of 1968) stands herewith repealed.

(2) Notwithstanding such repeal,-

- a) all rules under the repealed Act shall, subject to their being not inconsistent with the provisions of this Act, continue to have effect until they are repealed or amended;
 - b) all licences, leases and facilities granted under the repealed Act shall continue to be valid until they are amended or altered in accordance with the requirements of this Act.
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