

THE HYDERABAD PREVENTION OF THEFTS
FROM GOLD MINES REGULATION, 1859F.

No. XXIII of 1859 F.

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***THE HYDERABAD PREVENTION OF THEFTS
FROM GOLD MINES REGULATION, 1359 F.**

No. XXIII OF 1359 F.

Whereas it is expedient to make provision for the prevention of thefts from gold mines;

Now, Therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation:—

1. (1) This Regulation may be called the Hyderabad Prevention of Thefts from Gold Mines Regulation, 1359 F.

Short title
and com-
mencement.

(2) This section shall come into force at once and Government may by notification in the Jarida direct that the remaining provisions of this Regulation shall come into force in such areas and from such date in respect of each area as may be specified in the notification.

(3) Government may by notification in the Jarida direct that the remaining provisions of this Regulation shall cease to be in force in any area in which they are for the time being in force by virtue of a notification under sub-section (2).

2. In this Regulation unless there is anything repugnant in the subject or context:—

(a) "notified area" means an area in which sections 2 to 12 of this Regulation are for the time being in force;

(b) "prescribed" means prescribed by rules made under this Regulation;

(c) "unwrought gold" includes—

(i) bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce;

(ii) gold ores, native gold, gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of gold mines in any stage of treatment or extraction;

(d) words and expressions defined in the Hyderabad Mines Regulation, 1359 F. shall have the meanings assigned to them in that Regulation.

* Published in the Extraordinary Jarida No. 27 dated 24th January, 1950

Licence
required for
dealings in
unwrought
gold.

3. No person, not being the owner or manager of a gold mine or a person acting under the authority of such owner or manager, shall buy, sell or otherwise deal in unwrought gold save under the authority of a goldsmith's licence.

Grant and
conditions
of licence.

4. (1) A goldsmith's licence shall be granted by such authority, in such form, on payment of such fee and subject to such conditions, including conditions as to the duration, renewal and cancellation of the licence, as may be prescribed.

(2) The grant or refusal of a goldsmith's licence shall be within the absolute discretion of the prescribed authority.

Punishment
for con-
travention
of section 3.

5. Whoever commits a contravention of section 3 shall be punishable with imprisonment of either description for a term which may extend, where the offender has not been previously convicted of an offence punishable under this section, to one year, and where he has been so convicted, to three years, or in either case with fine which may extend to five hundred rupees or to the value of the unwrought gold in respect of which the contravention was committed whichever is greater, or with both.

Presump-
tions.

6. (1) A person proved to have been in possession of unwrought gold without the written permission of the owner or manager of a gold mine shall be presumed, unless the contrary is proved, to have committed a contravention of section 3.

(2) If any unwrought gold is found on any premises the occupier of the premises shall, until the contrary is proved, be presumed to have been in possession of the unwrought gold so found.

Punishment
for breach
of condi-
tions of
licence.

7. Whoever commits a breach of the conditions of a goldsmith's licence shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Restriction
on possession
and remo-
val of
unwrought
gold by
persons
employed in
gold mines.

8. (1) Without prejudice to the generality of the provisions hereinbefore contained no person employed in a gold mine shall, save under the authority of the owner or manager of the mine—

(a) have unwrought gold in his possession within a notified area, or

(b) remove or attempt to remove unwrought gold from the precincts of the mine.

(2) Whoever commits a contravention of sub-section (1) shall be punishable with imprisonment of either description for a term which may extend, where the offender has not been previously convicted of an offence punishable under this section, to one year, and where he has been so convicted, to three years, or in either case with fine which may extend to five hundred rupees or to the value of the unwrought gold in respect of which the contravention was committed whichever is greater, or with both.

9. (1) With a view to satisfy himself that a person employed in a gold mine has not committed or is not about to commit an offence punishable under section 8, the owner or manager of the mine or any person authorised by such owner in this behalf may within the precincts of the mine search any person so employed. ^{Power of search.}

(2) Any person who offers resistance to, or obstructs, the exercise of the power conferred by sub-section (1) shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

10. (1) If Government is satisfied, upon the report of an officer exercising jurisdiction in a notified area or otherwise, that the presence in a notified area of any person resident therein is calculated to lead the commission of offences punishable under this Regulation, Government may, by a written order served upon such person, require him to remove himself from the area within such time as may be specified in the order and not to re-enter the area while the order remains in force. ^{Power to remove from area.}

(2) Whoever fails to comply with, or acts in contravention of, an order served upon him under sub-section (1) shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

11. Notwithstanding anything contained in the Hyderabad Code of Criminal Procedure all offences punishable under this Regulation shall be cognizable. ^{Offences to be cognizable.}

12. Government may by notification in the Jarida make rules— ^{Rules.}

(1) for the matters which under section 4 are to be prescribed; and

(2) generally for the carrying out of the purposes of this Regulation.

