

ALL PAKISTAN LEGAL DECISIONS

BALUCHISTAN STATUTES

ACT VIII OF 1973

BALUCHISTAN MINING CONCESSIONS (ACQUISITION ACT, 1973)

An Act to empower the Provincial Government to acquire certain mining concessions in the Province of Baluchistan

[Gazette of Baluchistan, Extraordinary, 12th June 1973]

No. Legs. 1—50/Law/72.—The Baluchistan Mining Concessions (Acquisition) Act, 1973, having been passed by the Provincial Assembly on the 10th January 1973, and assented to by the Governor of Baluchistan on the 2nd June 1973, is hereby published as an Act of the Provincial Legislature of Baluchistan.

Preamble.—Whereas it is expedient in the public interest to acquire certain mining concessions in the Province of Baluchistan ;

It is hereby enacted as follows :—

1. *Short title, extent and application.*—(1) This Act may be called the Baluchistan Mining Concessions (Acquisition) Act, 1973.

(2) It extends to the whole of the Province of Baluchistan except the Tribal Areas.

(3) It shall come into force at once.

2. *Definitions.*—(1) Expressions used herein and not defined otherwise shall have the same meaning as are assigned to them in the Baluchistan Mining Concessions Rules, 1970.

(2) Unless there is anything repugnant in the subject or context "Mining purposes" include the sinking and searching for, winning, working, getting, taking merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away in mines and outside it already excavated.

3. *Preliminary Notice.*—(1) Whenever the Government is satisfied that a mining concession is needed for a public purpose it may acquire such mining concession in accordance with the provisions of this Act.

(2) If the Government intends to acquire any mining concession, the particulars and description of the same shall be published by notification in the official Gazette.

3. *Hearing of objections.*—(1) A lessee or a licensee of the mining concession which has been notified under subsection (2) of section 3, may, within a period of thirty days of the publication of such Notification, object to the acquisition of his mining concession.

(2) Every objection under subsection (1) shall be made to the Licensing Authority in writing and the Licensing Authority shall give the objector an

opportunity of being heard and shall, after making such further inquiry, if any, as he thinks necessary, submit the case to the Government together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the case shall be final.

5. *Declaration of Mining Concession required for public purpose.*—(1) After the expiry of a period of thirty days of the publication of Notification under section 3 (2) or after the decision of the Government on an objection, if any, filed under section 4 (1), the Government shall make a declaration to the effect that the mining concession in question has been acquired for public purposes.

(2) The declaration referred to in subsection (1) shall be published in the official Gazette.

(2) The said declaration shall be conclusive evidence that the property has been acquired for a public purpose.

6. *Vesting of the Mining Concessions in Government absolutely.*—(1) Upon the publication of Notification under subsection (2) of section 5, mining concession shall vest absolutely in the Government free from all encumbrances and charges.

(2) Upon the publication of Notification under subsection (2) of section 5, the Licensing Authority or a person duly authorised by the Licensing Authority in this behalf, may enter upon and take possession of the area of mining concession acquired by the Government.

7. *Compensation.*—(1) A lessee or a licensee may, within a period of thirty days from the taking over of possession by the Licensing Authority under section 6, apply to the Committee constituted by the Government, constitution of which shall be notified by the Government in the official Gazette, for determination of compensation of the acquisition of such mining concession.

(2) Application under subsection (1) shall be in writing and shall give details upon which compensation is claimed.

(3) The Committee appointed under subsection (1) of section 7 shall give an opportunity to the applicant to adduce evidence in support of his claim and shall also call upon the Licensing Authority to produce evidence in support of his case.

(4) After hearing both the parties the Committee shall determine the amount of compensation. While giving the Award, the Committee shall keep in view the developments made by the licensee, or lessee and the benefits derived by him from such concession, and shall also take into consideration improper working of the mine, violation of law, regulations, rules and directions given together with the consequences of such violations.

(5) The Award made by the Committee shall be final and shall not be called into question in any Court.

8. *Magistrate to enforce surrender.*—If the Licensing Authority or any person authorised on his behalf is opposed or impeded in taking possession of the area of concession under this Act, he shall apply to a Magistrate, having jurisdiction in the area and such Magistrate shall enforce the surrender of the area of the mining concession to the Licensing Authority.

9. *Disposal of the acquired Mining concession.*—The mining concession acquired under this Act may be granted to any of the following:—

- (a) the Mineral Directorate of Government of Baluchistan;
- (b) a Corporation set-up for the purpose by the Government;
- (c) any statutory corporation.
- (d) Government in partnership with a private company.

10. *Bar on Jurisdiction of Courts.*—Action taken, order made, proceedings held or decision given under this Act and the rules made thereunder, shall not be called into question in any Court, including the High Court and the Supreme Court.

11. *Exemptions.*—Government may exempt any mine or class of mines or mining concession from the operation of this Act; and may release any mine from acquisition in favour of the original lessee or the licensee, on such terms as it may deem fit.

12. *Provisions of this Act to override other laws.*—The provisions of this Act shall prevail notwithstanding anything contained to the contrary in any other Law.

13. *Powers to make Rules.*—The Government may make rules for carrying out the purposes of this Act.

14. *Repeal.*—The Baluchistan Mining Concession (Acquisition) Ordinance, 1972 (Baluchistan Ordinance No. XV of 1972) is hereby repealed.