

THE BALOCHISTAN MINING CONCESSIONS (ACQUISITION)

ACT, 1973

(Baln Act VIII of 1973)

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'THE BALOCHISTAN? MINING CONCESSIONS (ACQUISITION)
ACT, 1973

(Balochistan Act VIII of 1973)

[12" June, 1973]

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

Balochistan.

Preamble. WHEREAS it is expedient in the public interest to
acquire certain mining concessions in the Province of
Balochistan;

It is hereby enacted as follows: —

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

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

(3) It shall come into force at once.

Definitions. 2. (1) Expressions used herein and not defined
otherwise shall have the same meaning as are assigned to them
in the Balochistan 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, making merchantable, smelting
or otherwise converting or working for the purposes of any
manufacture, carrying away in mines and outside it already
excavated.

Preliminary Notice. 3. (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

1 This Act, was passed by the Balochistan Assembly on 10" January, 1973; assented to by the Governor of Balochistan on 2nd
1973; and published in the Balochistan Gazette (Extraordinary) No. 23, dated 12" June, 1973.

2 Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u"; as per
Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

These Rules have been repealed and replaced by the Balochistan Mineral Rules, 2002; published in the Balochistan Gazette

(Extraordinary) No. 13, dated 9 March, 2002.

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Hearing of
objections.

Declaration of
Mining
Concession
required for

public purpose.

Vesting of the
Mining
Concessions in
Government
absolutely.

Compensation.

published by notification in the official Gazette.

4. (1) A lessee or a licensee of the mining concession which has been notified under sub-section (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 sub-section (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. (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 sub-section (1) shall be published in the official Gazette.

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

6. (1) Upon the publication of Notification under sub-section (2) of section 5, the mining concession shall vest

absolutely in the Government free from all encumbrances and charges.

(2) | Upon the publication of Notification under sub-section (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. (1) A lessee or a licensee may, within a period of a 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.

Magistrate to
enforce
surrender.

Disposal of the
acquired
Mining
concession.

Bar on Jurisdiction
of Courts.

Exemptions.

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

(3) The Committee appointed under sub-section (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. 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. The mining concession acquired under this Act may be granted to any of the following: —

(a) The Mineral Directorate of Government of Balochistan;

(b) a Corporation set-up for the purpose by the Government;

(c) any statutory corporation;

(d) Government in partnership with a private company.

10. 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. 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.

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

other laws.

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

Repeal. 14. The Balochistan Mining Concession (Acquisition) Ordinance, 1972! (Balochistan Ordinance No. XV of 1972) is hereby repealed.

1 An Ordinance made by the Governor of Balochistan under Article 135 of the Interim Constitution of the Islamic Republic of Pakistan (1972); and published in the Balochistan Gazette (Extraordinary), dated 26" October, 1972. Now repealed. S. 14.