

THE LAND ACQUISITION (MINES) ACT, 1885.
(Act No. XVIII of 1885)

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1I[THE LAND ACQUISITION (MINES) ACT, 1885]

(Act No. XVIII of 1885)

[16th October, 1885]

An Act to provide for cases in which mines or minerals are situate under land which it is desired to acquire under ?[Land Acquisition Act, 1870].

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire 1870 under the Land Acquisition Act, 1870? ;

It is hereby enacted as follows :-

1. (1) This Act may be called the Land Acquisition (Mines) Act, 1885; and

(2) It shall come into force at once.

3[(3)] The Provincial Government may, from time to time by notification in the official Gazette, extend this Act, to the whole or any specified part of the territories under its administration.

2. Except as expressly provided by this Act, nothing in this Act, shall affect the right of "[the Government] to any mines or minerals.

3. (1) When the *[Provincial Government] makes a declaration under section-6 of the Land Acquisition Act, 1870.

that land is needed for a public purpose or for a company, it may, if it thinks fit, insert in the declaration a statement that the mines of coal, ironstone, slate or

For the statement of Objections and Reasons, see Gazette of India, 1885, Pt.p.145; for Report of the Select Committee, see ibid, t. pt.IV, p.264, and for Proceedings in Council, see ibid., Supplement, pp.336 and 1520, and ibid., Extra. Supplement, dated 14" March, 1885, p.4l.

Now the Land Acquisition Act, 1894 (I of 1894) subs:by ord.XXVII of 1981.

Subs. section 3.Sub:by Khyber Pakhtunkhwa A.L.O, 1975, and by ord:No.XXVII of 1981.

The original word "Government" has successively been amended by A.O, 1937, and A.O., 1961 Art 2 to read as above.

Substituted by A.O, 1973, for "Local Government".

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other minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

(2) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section-6 of the '[Land Acquisition Act, 1894], and the Collector is of opinion that the provision of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may—

(a) when he makes an award under section 7[11] of the Act, insert such a statement in his award;

(b) when he makes a reference to the Court under section °[19] of that Act, insert such a statement in his reference; or

(c) when he takes possession of the land under section 17 of that Act, publish such a statement in such manner as the "[Provincial Government] may, from time to time, prescribe.

(3) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, or ironstone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in °[the Government] when the land so vests under the said Act.

4. If the person for the time being immediately entitled to work or get any mines or minerals lying under any land so acquired is desirous of working or getting the same, he shall give the °[Provincial Government] notice in writing of his intention so to do sixty days before the commencement of working.

5. (1) At any time or times after the receipt of a notice under the last foregoing section and whether before or after the expiration of the said period of

1 Now the Land Acquisition Act, 1894 (I of 1894).Subs. by ord No. XXVII of 1981.

2 Subs. By ord No. XXVII of 1981.

3 Subs. By ord No. XXVII of 1981.

4 Subs. by A.O. 1937, for the words, "Local Government", which has been subs. For G.G. in c by the Devolution Act, 1920 (XXXVIII of 1920), S-2 and Sch-I.

5 The original word "Government" has successively been amended by A.O., 1937, and A.O., 1961, Art. 2 (with effect from the 23 March, 1956), to read as above.

6 Now the Land Acquisition Act, 1894 (I of 1894).Subs. by ord No. XXVII of 1981.

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sixty days, the '[Provincial Government] may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(2) if it appears to the 7[Provincial Government] that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the *[Provincial Government] may publish [* * *] a declaration of its willingness, either-

(a) to pay compensation for the mines or minerals still un-worked or ungotten, or that part thereof, to all persons having an interest in the same ; or

(b) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restriction as the *[Provincial Government] may in its declaration specify.

(3) If the declaration mentioned in case (a) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(4) If the declaration mentioned in case (b) is made, then those mines or minerals, or that part thereof shall not thereafter be worked or gotten by any person save in the manner and subject to the restrictions specified by the °[Provincial Government].

7[(5) Every declaration made under this section shall be published in such manner as the ®[Provincial Government] may direct].

6. When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them respectively shall, subject to all necessary modification, be ascertained in the manner provided by the °[Land Acquisition Act, 1894] for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

1 Subs. by A.O., for "Local Government".

2 Subs. by A.O., for "Local Government".

3 Subs. by A.O., for "Local Government".

4 The words, " in such manner as the G.G. in C. may, from time to time direct", rep. by the Devolution Act, 1920, (XXXVIII of 1920), s.2 and Sch.I.

5 Subs. by A.O., for "Local Government".

6 Subs. by A.O., for "Local Government".

7 Ins. ibid.

8 Subs. by A.O., for "Local Government".

9° Now the Land Acquisition Act, 1894 (I of 1894). Subs. by Ord. No. XXVII of 1981.

Mode of determining persons interested and amount of compensation.

7. (1) If before the expiration of the said sixty days the ![Provincial Government] does not publish a declaration as provided in section 5 the owner, lessee or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(2) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the 'owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require.

(3) If the repair or removal is not at once effected, or, if the [Provincial Government] so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the [Provincial Government] may execute the same and recover from the owner lessee or occupier the expense occasioned thereby.

8. If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or water-levels through the mines, measures or strata, the working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or ' section than may be prescribed by the '(Provincial Government] in this behalf, 'and where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

9. The *[Provincial Government] shall, from time to time, pay ; to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those lines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure

1 Subs. by A.O., 1937, for "Local Government".

2 Subs. by A.O., 1937, for "Local Government".

3 Subs. by A.O., 1937, for "Local Government".

4 Subs. by A.O., 1937, for "Local Government".

5 Subs. by A.O., 1937, for "Local Government".

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Mining
Communications

Provincial
Government to
Pay
Compensation
for injury done
to mines.

the surface or works, and for any minerals not acquired by the '[Provincial Government] which cannot be obtained by reason of the action taken under the foregoing section ; and if any dispute or question mists between the *[Provincial Government] and the owner, lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the *[Land Acquisition Act, 1894].

10. If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reasons of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of like mines having been so prevented or restricted as aforesaid, the "[Provincial Government] shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

11. For better ascertaining whether any mines lying under and acquired in accordance with the provisions of this Act are being worked, or have been worked, or are likely to be worked so as to damage the land or the works thereon, an officer appointed for this purpose by the *[Provincial Government] may after giving twenty-four hours notice in writing, enter into and return from any such mines or the works connected therewith ;and for that purpose the officer so appointed may make use of any apparatus or machinery belonging to the owner, lessee or occupier of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the parts of the mines which have been, are being or are about to be worked.

12. If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the °[Provincial Government for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which ay extend to 7[twenty five thousand rupees].

1 Subs. by A.O., 1937, for "Local Government".

2 Subs. by A.O., 1937, for "Local Government".

3 Now the Land Acquisition Act, 1894 (I of 1894).Subs. by Ord. No. XXVII of 1981.

4 Subs. by A.O., 1937, for "Local Government".

5 Subs. by A.O., 1937, for "Local Government".

6 Subs. by A.O., 1937, for "Local Government".

7 Subs. by Khyber Pakhtunkhwa Act No. XIX of 2019, for "two hundred rupees".

And also for
injury arising
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airway or other
work.

Power of
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Provincial enter
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Penalty for
refusal to allow
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13. If it appears that any such mines have been worked contrary to the provisions of this Act, the [Provincial Government] ay, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired, and the works thereon, and preventing injury thereto; and if, after such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works necessary to raking safe the land acquired and the works thereon, the *[Provincial Government [may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

14. When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to, or has vested, by operation of law, in 1- a local authority or company, then sections 4 to 13, both inclusive, shall be read as if for the words" the 3[Provincial Government]"where- over they occur in those sections "[except in section 5, sub-section (5),and Section 8],the words "the local authority or company, as the case may be, which has acquired the land", were substituted.

15. {Pending cases], Rep. by the Repealing and Amending Act, 1937 (XX of 1937) ,s. 3 and Schedule ff.

16. In this Act—

(a) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with the control or management of any municipal or local land; and

17. (6) "company" means a company registered under any of the enactments relating to Companies from time to time in force in *[Pakistan], or formed in pursuance of an Act of Parliament or by Royal Charter or Letters Patent. This Act, shall, for the purposes of all enactments for the: 1 time being in force, be read with and taken as part of °[Land Acquisition Act, 1894]

1 Subs. by A.O., 1937, for "Local Government".

2 Subs. by A.O., 1937, for "Local Government".

3 Subs. by A.O., 1937, for "Local Government".

4 Ins. by the Devolution Act, 1920 (XXXVIII of 1920).

5 Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960) s, 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation which had been subs, by A.O. 1949. Arts. 3 (2) and 4, for "British India".

6 Now the Land Acquisition Act, 1894 (1 of 1894). Subs: by Ord. No. XXVII of 19 L

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Contraction of
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Definition of
local authority
and company.

This Act to be
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Act, 1894.

