



## THE LAND ACQUISITION (MINES) ACT, 1885



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# THE LAND ACQUISITION (MINES) ACT, 1885

## <sup>1</sup>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 the <sup>2</sup>[Land Acquisition Act, 1894].**

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the <sup>2</sup>[Land Acquisition Act, 1894([I of 1894](#))] ; it is hereby enacted as follows :—

**1. Short title, commencement and local extent.**-(1) This Act may be called the Land Acquisition (Mines) Act, 1885 ; and

(2) It shall come into force at once.

<sup>3</sup>[(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 territory under its administration].

**2. Saving for mineral rights of the Government.** Except as expressly provided by this Act, nothing in this Act shall affect the right of <sup>4</sup>[the Government] to any mines or minerals.

**3. Declaration that mines are not needed.**-(1) When the <sup>5</sup>[Provincial Government] makes a declaration under section 6 of the <sup>2</sup>[Land Acquisition Act, 1894 ([I of 1894](#))], 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 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 <sup>2</sup>[Land Acquisition Act 1894([I of 1894](#))], and the Collector is of opinion

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<sup>1</sup>For the Statement of Objects and Reasons, see Gazette of India, 1885, Pt. V, p. 145; for Report of the Select Committee, see *ibid.*, Pt. IV, p. 264; and for Proceedings in Council, see *ibid.*, Supplement, pp. 336 and 1520, and *ibid.*, Extra, Supplement, dated 14th March, 1885, p. 41.

<sup>2</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for "Land Acquisition Act, 1870".

<sup>3</sup>Sub-section (3) which was originally amended by A.O., 1949, have been subs., *ibid.*

<sup>4</sup>The original word "Government" has successively been amended by A.O., 1937, and A. O., 1961, Art. 2 (with effect from the 23rd March, 1956), to read as above.

<sup>5</sup>Subs. by A.O., 1937, for "L. G.".

that the provisions 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 <sup>1</sup>[11] of that Act, insert such a statement in his award;
- (b) when he makes a reference to the Court under section <sup>2</sup>[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 <sup>3</sup>[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, ironstone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in <sup>4</sup>[The Government] when the land so vests under the said Act.

**4. Notice to be given before working mines lying under land.** 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 <sup>5</sup>[Provincial Government] notice in writing of his intention so to do sixty days before the commencement of working.

**5. Power to prevent or restrict working.**—(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 sixty days, the <sup>5</sup>[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 <sup>5</sup>[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 <sup>5</sup>[Provincial Government] may publish <sup>6</sup>\* \* \* a declaration of its willingness, either—

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

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<sup>1</sup> Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for “14”.

<sup>2</sup> Subs. *ibid.*, for “15”.

<sup>3</sup> Subs. by A. O., 1937, for the words “L. G.”, which had been subs. for “G. G. in C.” by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

<sup>4</sup> The original word “Government” has successively been amended by A.O., 1937, and A.O., 1961, Art. 2 (with effect from the 23rd March, 1956), to read as above.

<sup>5</sup> Subs. by A.O., 1937, for “L.G.”.

<sup>6</sup> The words “in such manner as the G.G. in C. may, from time to time, direct” rep. by Act 38 of 1920, s. 2 and Sch. I.

(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 restrictions as the <sup>1</sup>[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 <sup>1</sup>[Provincial Government].

<sup>2</sup>[(5) Every declaration made under this section shall be published in such manner as the <sup>1</sup>[Provincial Government] may direct.]

**6. Mode of determining persons interested and amount of compensation.** 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 modifications, be ascertained in the manner provided by the <sup>3</sup>[Land Acquisition Act, 1894 ([I of 1894](#))], for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

**7. If Provincial Government does not offer to pay compensation, mines may be worked in a proper manner.**-(1) If before the expiration of the said sixty days the <sup>1</sup>[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 <sup>1</sup>[Provincial Government] so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the <sup>1</sup>[Provincial Government] may execute the same and recover from the owner, lessee or occupier the expense occasioned thereby.

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<sup>1</sup>Subs. by A.O., 1937, for "L. G.".

<sup>2</sup>Ins. by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

<sup>3</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for "Land Acquisition Act, 1870".