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THE SINDH MINING CONCESSIONS (CANCELLATION) ORDINANCE, 1978.

SINDH ORDINANCE NO. XVI OF 1978.

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THE SINDH MINING CONCESSIONS (CANCELLATION) ORDINANCE, 1978.
SINDH ORDINANCE NO. XVI OF 1978.

[5th November, 1978]

An Ordinance to provide for cancellation of mining concessions granted in an irregular manner or, as a political favour.

Preamble.

WHEREAS it is expedient to provide for cancellation of mining concessions granted in an irregular manner or, as a political favour, in the manner hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the laws (continuance in force) Order, 1977 the Governor of Sindh is pleased to make and promulgate the following Ordinance :—

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Mining Concessions (Cancellation) Ordinance, 1978.

(2) It shall come into force atonce.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "arbitrator" means a person who has worked or is working as a District Judge;

(b) "Government" means the Government of Sindh;

(c) "loss" means the loss resulting from dismantling or removal of such installations or structures which were erected to remain intact for the whole period of mining concession and any other sum such as lease money which has been paid in advance;

(d) "mining concession" includes mining lease or licence.

Power to cancel mining concessions.

3. (1) Notwithstanding any law or rule or agreement, Government may cancel any mining concession which, in its opinion, has been granted in violation of the law or rules or as a political favour, during the period from 1st January, 1972 to 4th July, 1977.

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(2) Where any mining concession has been cancelled under sub-section (1), Government shall make a reference to such arbitrator as it may appoint in this behalf.

(3) The arbitrator shall determine the compensation which he deems fit to the paid to the person whose mining concession has been cancelled, for any loss sustained by him in consequence of the cancellation.

(4) The arbitrator shall, for the purpose of determining the compensation make such summary enquiry as he may deem fit and the order passed by him shall be final.

(5) For the purpose of an enquiry under sub-section (4), the arbitrator shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters :—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents.

4. Government shall pay the compensation within ninety days of the order of the arbitration :— **Payment of Compensation.**

Provided that Government may resume possession of the area covered by the mining concession at any time after the cancellation of the concession.

5. Government may make rules for carrying out the purposes of this Ordinance. **Rules.**