

Punjab Minerals (Cancellation Of Sand Leases In Restricted Areas) Ordinance, 1984

7 of 1984

[20 September 1984]

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An Ordinance to provide for cancellation of sand leases in certain areas of the Province of Punjab Preamble.- Whereas it is expedient to provide for cancellation of sand leases in certain areas of the Province of Punjab in the manner hereinafter appearing; NOW, THEREFORE, in pursuance of the Proclamation of the 5th day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977) and the Provisional Constitution Order, 1981 (C.M.L.A. Order No. 1 of 1981), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Commencement :-

- (1) This Ordinance may be called the Punjab Minerals (Cancellation of Sand Leases in Restricted Areas) Ordinance, 1984.
- (2) It shall extend to the Province of Punjab.
- (3) It shall come into force at once.

2. Definitions :-

In this Ordinance, unless the context otherwise requires,-

- (1) "Authority" means the Authority competent to grant a lease under Rules;
- (2) "Government" means Government of the Punjab;
- (3) "Sand lease" means a mining lease of ordinary sand granted under the Rules;
- (4) "Restricted area" means-
 - (a) the entire width of the river Ravi for a distance of two miles upstream and two miles downstream from the Shahdara Railway Bridge;
 - (b) any other area notified by Government as a restricted area within a radius of 1500 ft. from any part of-
 - (i) a flood bund along a river or a water channel or of a spur projecting into a river;
 - (ii) any irrigational work;
 - (iii) a defence installation;
 - (iv) any other public work;
 - (v) an historical monument or work of archaeological importance;
 - (vi) a residential or commercial locality; and
 - (vii) reserved forest.
- (5) "Rules" means the Pakistan Mining Concession Rules, 1960 issued under the Regulation of Mines and Oilfields and Mineral Development (Government Control) Act, 1948.

3. Cancellation :-

- (1) Notwithstanding anything to the contrary contained in any law for the time being in force or in any agreement, lease deed, decree or order of any Court, Government may, by notification in the official Gazette, cancel or terminate any sand lease within a restricted area.
- (2) Any action taken or order passed under sub-section (1) shall not be called in question in any Court or before any officer or Authority.
- (3) No person, after the issuance of a notification under sub-section (1), shall carry on or allow any other person on his behalf to carry on any operation under the sand lease which has been cancelled under sub-section (1).

4. Payment Of Compensation :-

- (1) Where a lease has been cancelled under section 3, the lessee shall subject to availability, be offered an alternative area, outside

the restricted area, and if the same is acceptable to the lessee, a fresh lease shall be granted to him on such terms and conditions as may be determined by the Authority:

Provided that if the lessee does not avail himself of this offer within a period of fifteen days, he shall be considered to have surrendered his right to the substituted or alternative lease.

(2) If a fresh lease is granted to the lessee under sub-section (1), the lease money, if any, paid by the lessee in respect of the cancelled lease proportionate to the unutilized period of the lease, shall be adjusted towards the fresh lease.

(3) Where a lessee had paid the lease money for a specified period and that period or part thereof is still unexpired on the date of cancellation of his lease and no fresh lease has been granted to him under sub-section (1) he shall be entitled to the refund of his lease money proportionate to the unutilized period of the lease.

(4) Where a lessee has constructed any road or building for the purpose of carrying on operations under the lease which has been cancelled under section 3, he shall be paid such compensation in respect of those roads and buildings as may be determined by the Authority.

(5) Any person aggrieved by the decision of the Authority under sub-section (4), may file an appeal to Government within a period of one month from the date of the decision of the Authority and the order of Government in this respect shall be final.

5. No Lease In Restricted Area :-

No sand lease shall, henceforth be granted in respect of any restricted area.

6. Penalty :-

Any person acting in contravention of the provisions of this Ordinance, shall be liable to simple imprisonment which may extend to one year or with fine or both.