

(2) In any proceeding held before a Collector or Court in such cases the local authority or company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same. Exemption from stamp-duty and fees.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends. Notice in case of suits for anything done in pursuance of Act.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act. Code of Civil Procedure to apply to proceedings before Court.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court, and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure [and in Order XLV thereof].<sup>1</sup> Appeals in proceedings before Court.

55. (1) The President of the Union shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement. Power to make rules.

(2) The power to make rules under sub-section (1) shall be subject to the condition of the rules being made after previous publication.

(3) All such rules shall be published in the Gazette, and shall thereupon have the force of law.

**THE LAND ACQUISITION (MINES) ACT.**  
[INDIA ACT XVIII, 1885.] (16th October, 1885.)

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 Land Acquisition Act ; It is hereby enacted as follows :—

1. This Act shall extend only to such part of the Union of Burma as the President of the Union may, by notification, direct. Extent.

<sup>1</sup> Order XLV has been omitted from the Code of Civil Procedure by the Union of Burma (Adaptation of Laws) Order, 1948.

Saving for mineral rights of the Government.

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

Declaration that mines are not needed.

3. (1) When the President of the Union makes a declaration under the Land Acquisition Act that land is needed for a public purpose or for a company, he may, if he thinks fit, insert in the declaration a statement that the mines of coal, iron-stone, 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 the Land Acquisition Act, and the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under the Land Acquisition Act in respect of the mines, and may—

- (a) when he makes an award under that Act, insert such a statement in his award ;
- (b) when he makes a reference to the Court under that Act, insert such a statement in his reference ; or
- (c) when he takes possession of the land under that Act, publish such a statement in such manner as the President of the Union 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, iron-stone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in the State when the land so vests under the said Act.

Notice to be given before working mines lying under land.

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 President of the Union notice in writing of his intention so to do sixty days before the commencement of working.

Power to prevent or restrict 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 sixty days, the President of the Union may cause the mines or minerals to be inspected by a person appointed by him for the purpose ; and

(2) If it appears to the President of the Union 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 President of the Union may publish a declaration of his 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

(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 President of the Union may in the 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 President of the Union.

(5) Every declaration made under this section shall be published in such manner as the President of the Union 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 modifications, be ascertained in the manner provided by the Land Acquisition Act for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively.

Mode of determining persons interested and amount of compensation.

7. (1) If before the expiration of the said sixty days the President of the Union 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.

If President does not offer to pay compensation, mines may be worked in a proper manner.

(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 President of the Union so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the 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

Mining communications.

shall be of greater dimensions or section than may be prescribed by the President of the Union 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.

Government  
to pay com-  
pensation for  
injury done  
to mines :

9. The 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 mines 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 the surface or works, and for any minerals not acquired by the Government which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the 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.

and also for  
injury aris-  
ing from  
any airway or  
other work.

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 reason 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 the mines having been so prevented or restricted as aforesaid, the Government shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to  
enter  
and inspect  
the working  
of mines.

11. For better ascertaining whether any mines lying under land 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 President of the Union 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.

Penalty for  
refusal to  
allow inspec-  
tion.

12. If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the President of the Union for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

13. If it appears that any such mines have been worked contrary to the provisions of this Act, the President of the Union may, if he 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 for making safe the land acquired and the works thereon, the Government may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

If mines worked contrary to provisions of this Act, President may require means to be adopted for safety of land acquired.

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 a local authority or company, then sections 4 to 13, both inclusive, shall be read as if for the words "the President of the Union" or "the Government," wherever 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.

Construction of Act when land acquired has been transferred to a local authority or company.

15. \* \* \* \*

16. In this Act—

Definition of company.

(a) \* \* \* \*

(b) "company" means a company registered under any of the enactments relating to companies from time to time in force in India or Pakistan or the Union of Burma, or formed in pursuance of an Act of Parliament of the United Kingdom of Great Britain and Ireland or by Royal Charter or Letters Patent.

17. This Act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act.

This Act to be read with Land Acquisition Act.