



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 28th OCTOBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA MINERAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 25th September, 2020.

No.S.O(Appeal)/MDD/6-1/M&M Act/2020-In exercise of the powers conferred by the section 103 of the Khyber Pakhtunkhwa Minerals Sector Governance Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017) read with section 10A thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA MINERALS AND MINOR MINERALS (TEMPORARY PERMIT) RULES, 2020.

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Minerals and Minor Minerals (Temporary Permit) Rules, 2020.

(2) These rules shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the text or context otherwise requires,-

- (a) "Act" means the Khyber Pakhtunkhwa Mines and Minerals Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017);
- (b) "contractor" means a person who owns a contract for carrying out a public project;
- (c) "Form" means the application Form as given in Schedule-I;
- (d) "person" means an individual, firm or company;
- (e) "project" means a public sector project having national importance executed by a Government agency itself or through a contractor;
- (f) "Schedule" means a Schedule appended to these rules; and
- (g) "temporary permit" means grant of temporary permission for use of minerals or minor minerals for such a period as determined by the Licensing Authority.

(2) Words and expressions used in these rules but not defined shall have the same meaning as are assigned to them in the Act.

3. Application for grant of temporary permit.---(1) A contractor desirous of obtaining temporary permit for use of minor minerals or minerals shall submit an application to the Licensing Authority or its authorized officer on the Form.

(2) The Form shall be accompanied by the following documents, namely:

- (i) receipt of the application fee;
- (ii) sketch of the area;
- (iii) computerized National Identity Card of the individual, directors of the company or partners of the firm, as the case may be;
- (iv) income tax registration certificate;
- (v) duly registered partnership deed along with certificate of registration in case of partnership firm;
- (vi) the articles and memorandum of the association along with certificate of incorporation in case of a company;
- (vii) copy of the contract awarded by the executing agency;
- (viii) quantity of minerals or minor minerals required for the project, duly verified by the respective Department; and
- (ix) certificate of financial soundness by a scheduled bank.

(3) Separate application shall be made in respect of each area and for each mineral.

(4) Incomplete Form shall not be accepted by the Licensing Authority or its authorized officer, as the case may be.

(5) The Form received under sub-rule (1) shall be referred to a technical committee comprising of Assistant Director Minerals of the respective district, geologist and surveyor concerned for inspection of the applied area in order to assess the quantity of minerals or minor minerals requirement of the contractor for the project as well as fixation of permit amount as per scheduled rates. The technical committee shall submit its report along with recommendations for consideration of the Licensing Authority.

(6) The Form along with report of the technical committee shall be scrutinized by the Licensing Authority or its authorized officer. The Director General shall, before the grant of temporary permit, confirm the availability of area applied for:

Provided that the application is made only for an area not granted or reserved for auction under the Act.

(7) In case of approval of the application, the contractor shall be informed through an offer letter duly conveyed through an address given in the application Form or through email.

(8) In case the contractor accepts the offer, he shall, while complying with terms and conditions of the offer letter, deposit the first installment as down payment, to be determined by the Licensing Authority, within fourteen days from date of issuance of the offer letter.

(9) The officer authorized by the Licensing Authority shall issue allotment letter immediately after compliance of the offer letter.

(10) In case of non-compliance of the offer letter within specified period, the offer letter shall stand withdrawn.

(11) Consequent upon the issuance of allotment letter, the contractor shall be issued transit *challan* book duly verified by the Assistant Director Minerals Development of the district concerned for the transportation of minor minerals or minerals, as the case may be.

(12) The contractor shall be bound to submit monthly production report at the end of each month.

(13) The contractor shall pay monthly permit amount on the basis of monthly production report on the rates as specified in **Schedule-II**, on or before the fourteen day of each preceding month failing which a fine at the rate of five thousand rupees (5000) per day shall be imposed upon the contractor.

(14) Where the contractor fails to deposit the permit amount for two consecutive months, the permit shall be cancelled by the Licensing Authority subject to a notice of seven days.

(15) The contractor shall submit an affidavit that he shall use the minerals or minor minerals, as the case may be, only for the project for which the permission is obtained.

4. Period of temporary permit.---The temporary permit shall be valid for the specific period to be agreed upon by the respective executing Department, Licensing Authority and the contractor; provided that the period of the permit shall not exceed the project life.

5. Determination of rates.---(1) The rates of minerals or minor minerals, as the case may be, to be recovered by the Licensing Authority shall be such as provided in **Schedule-II**.

(2) The contractor shall be bound to pay all Government dues including withholding tax, royalty, excise duty and any other Government dues.

(3) The contractor shall also furnish a security amount under proper head of account at the rate of twenty five (25) percent of the initial permit amount fixed by the Licensing Authority, technical committee or its authorized officer, as the case may be.

(4) The Department may, by notification in the official Gazette, amend **Schedule-II**.

6. Circumstances in which permit may be granted.---The permission for use of minor minerals or minerals, as the case may be, to a contractor of a project may be granted by the Licensing Authority in the following circumstances, namely:

- (a) in case the area is not granted as a mineral title under the Act; and
- (b) the area is not reserved for auction for minor minerals or minerals, as the case may be, under the Act.

7. Termination of the temporary permit.---The Licensing Authority may terminate the temporary permit subject to fifteen days notice in case the contractor-

- (a) fails to pay the Government dues;
- (b) use the area under temporary permit for a purpose other than for which it was granted; or
- (c) does not comply with the instructions of the Licensing Authority or his authorized officer.

SCHEDULE-I
APPLICATION FORM
(See clause (c) of rule 2)

Application form for grant of Temporary Permit for minerals/minor minerals.

1. Name of applicant: _____
2. Address: _____
3. Contact: _____
4. CNIC: _____
5. Passport Number (In case of foreign nationals): _____
6. NTN: _____
7. Location of the area: _____
8. Coordinates of the area: _____
9. Location: _____
10. Executing Agency/Department (Federal/Provincial):
 - a. Federal: _____
 - b. Provincial: _____
11. Nomenclature of the Project: _____
12. Cost of Project: _____
13. Date of work order: _____ (14). Date of Project completion: _____
15. Period of permit: _____

Documents to be attached

- (i) Original copy of Treasury *challan* No. _____ dated _____ for Rs. _____ /- (Rupees in words) as application fee (non-refundable) under the proper Head of the Account deposited in the State Bank of Pakistan/National Bank of Pakistan/Government Treasury at _____
- (ii) Sketch of the area having coordinates.
- (iii) Attested copy of CNIC of individual, partners or directors.
- (iv) Passport copy (In case of foreign national).
- (v) NTN (if applicable).
- (vi) Attested copies of memorandum and article of association along with certificate of incorporation (In case of a company).
- (vii) Authenticated copy of partnership deed duly registered with the registrar concerned (in case of partnership firm only).
- (viii) Copy of contract awarded by Executing Agency/Department.
- (ix) Quantity of minerals or minor minerals required for the project, duly verified by the respective Department.

Dated: _____

Signature of the applicant.

SCHEDULE-II
(See rule 3(13) and rule 5(1))

(a) Minerals		
S.NO	Name of mineral	Rate per ton (in rupees)
1.	Limestone	180
2.	Dolomite	80
3.	Sandstone	80
4.	Slate stone	80
5.	Clay	50
6.	Other minerals	110]
(b) Minor Minerals		
S.NO	Name of mineral	Rate per ton (in rupees)
1.	Bajri, Shingle, Gravel and Sand	100]

**SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT
DEPARTMENT**

1. Subs by No. 50 (Appel)/MDD/B-1/M & M Act/2022 dated
15th November, 2022.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 28th DECEMBER, 2022.

GOVERNMENT OF
KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar Dated. the 15th November, 2022.

No.SO(Appeal)/MDD/6-1/M&M Act/2022:- In exercise of the powers conferred by sub-rule (4) of rule 5 of the Khyber Pakhtunkhwa (Temporary Permit) Rules, 2020, the Minerals Development Department, Government of Khyber Pakhtunkhwa is pleased to direct that in Schedule-II of the Rules ibid, the following amendments shall be made, namely:

AMENDMENTS

In Schedule-II,-

- (a) Under the heading "Minerals" in column No. 3, for the existing entries, against Serial No. 1, 2, 3, 4, 5 and 6, the following shall be substituted respectively, namely:

3
"80
80
80
80
50
"110"; and

- (b) Under the heading "Minor Minerals", in Column No.3, for the existing entry, against Serial No. 1, the following shall be substituted, namely:

3
"100"

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT.