



GOVERNMENT OF SINDH  
MINES & MINERAL DEVELOPMENT  
DEPARTMENT

Karachi, dated the 20<sup>th</sup> September, 2007

## **NOTIFICATION**

**No.SO(ADMN)/M&MD/1-44/2003:-** In exercise of the power conferred by section 2 and 5 of the Regulations of Mines and Oil-fields and Mineral Development (Government Control) Act, 1948, the Government of Sindh are pleased to make the following order:-

“THE SINDH MINING CONCESSION (GRANITE) ORDER -2007”.

**1. Short title and, commencement.**

- (i) This order may be called the Sindh Mining Concession (Granite) Order, 2007.
- (ii). It extends to the whole of the Province of Sindh.
- (iii). It shall come into force at once.

**2. Definitions:-**The definitions prescribed under rule-2 of the Sindh Mining Concession Rules, 2002, herein after referred to as the rules except sub-rules l,o,q,w,cc,ee,gg,(ii) jj,kk,ll, and mm of the rules, shall be applicable to the Sindh Granite Mining Concession Order, 2007.

**3. Grant of Licenses and leases:-** The Licenses and Leases shall be issued and granted in the manner as prescribed under rule-3 of the rules.

**4. Grant of Exploration License:-** (i) An application for Exploration License and its renewal shall be made to the Director General, Mineral Development in Form-A and Form-B respectively of this order.

- (ii). The Exploration License shall be granted to applicant for a period not exceeding one year and for an area not less than **fifteen** acres and more than hundred acres.

- (iii) Every such application shall be accompanied by-
- (a) a fee of rupees **one lac and fifty thousand** or as may be fixed by the Government from time to time, which shall be refunded, after deduction of **ten percent** as processing expenditure, in case the license is not granted.
  - (b) a plan of the area together with description report connecting one of the corner pillar with a fixed reference point in the vicinity.
  - (c) a valid no dues certificate from the Director General, Mineral Development in case the applicant holds or has held any mineral concession, provided that-
    - (i) where the applicant is a partnership firm or a private limited company, such certificate shall be furnished by all partners of the partnership firm or all members of the private limited company, as the case may be:
    - (ii) an affidavit stating that no dues are outstanding shall suffice subject to the condition that the certificate required as above is furnished within sixty days from the date of submission of the applications failing which the application shall become invalid; and
    - (iii) where an injunction order has been issued by a court of Law or other competent authority staying recovery of any dues, the non payment thereof shall not be treated as a disqualification for the purpose of granting or renewing an Exploration Licenses;
  - (d) (i) an affidavit stating that no dues of the Mines & Mineral Development Department are outstanding against any member of his family.
  - (ii) an affidavit giving particulars of mineral-wise areas already held by the applicant or with any person having joint interest or already granted but not executed or registered or applied but not sanctioned.

(e) an affidavit to the effect that the area applied by him is a Government land and not owned by other person.

Provided that where the land is not owned by the applicant, has obtained surface rights over the area or has obtained the consent of the owner of the land to undertake exploration operations.

**(5) Exploration Licence may not be Renewed or Transferred:-**  
An exploration licence shall not be transferred or renewed, and the holder of an exploration licence shall not grant, or assign, any interest in or right to any such licence to any other person.

**(6). Status of grant on death of the applicant for exploration licence.-** (i) Where an applicant for the grant or renewal of an exploration licence dies before the order granting him a exploration licence is passed, the application for the grant or renewal of a exploration licence shall be deemed to have been made by his legal representative.

(ii) In the case of an applicant in respect of whom an order granting an exploration licence is passed but who dies before the deed referred to in **sub-clause (i) of clause 7 is executed**, the order shall be deemed to have been passed in the name of the legal representative of the deceased.

**(7). Execution of the deed of exploration licence.-** (i) Where on any application for an exploration licence, an order has been made for the grant of such licence, a licence deed in Form-'C' shall be executed **within ninety days** of the date of the communication of the order or such further period as the competent authority may allow in this behalf, and if no such deed is executed within the said period due to any default on the part of the applicant, the competent authority may revoke the order granting, the licence and in that event the fee paid shall be forfeited to the Government.

(ii) The date of the commencement of the period for which an exploration licence is granted shall be the date on which the deed is executed under sub-clause (1).

**(8). Security deposit.-** (i) An applicant for an exploration licence shall, before the deed referred to in sub-clause (i) of clause 7 is executed, deposit as security for the due observance of the terms and conditions of the licence a sum of **rupees five thousand per acre** or enhanced by the Government from time to time in the form of **National Savings Certificate or a fixed deposit receipt of a Nationalised Bank duly pledged** in favour of Director General Mineral Development.

(ii) The licensee shall submit to the Director General Mineral Development or to any officer authorized in this behalf, a quarterly report of the work done by stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The report shall be submitted within **one month** from the close of the period to which it relates.

(iii) Any deposit made under sub-clause (i), if not be forfeited shall be refunded to the applicant as soon as the report referred to in sub-clause (ii) is submitted, about the complete exploration work & is accepted by the Director General Mineral Development.

(9) **Registers - (i)** A register of applications for Exploration Licenses shall be maintained by the Director General, Mineral Development.

(ii) A register of Exploration licences shall be maintained by the Director General, Mineral Development.

(10) **Conditions of Exploration licenses -** Every Exploration license granted under these provisions, shall, in addition to any other conditions that may be specified therein be subject to the following conditions:-

(i) The licensee **shall pay for such exploration a fee of two thousand rupees** or as may be fixed by the Government from time to time per acre of land covered by the licence for each year or part of the year of the period for which the license is granted.

Provided that the licensee may win and carry away granite for purposes other than commercial purposes a quantity upto **one fifty tonnes** on payment of royalty as prescribed under clause 17 of this Order.

(ii) With the written approval of the Government, the licensee may carry away quantities of minerals **in excess of one fifty tonnes** on payment of royalty for the time being specified for test purposes.

(iii) Save in the case of land in respect of which the licensee is granted a mining lease, he shall, **within six months** following after the determination of the licence or the date of abandonment of the exploration operations, whichever is earlier, securely plug all bores and fill up or fence all excavations in the land covered by the licence.

(iv) The licensee shall report to the Director General, Mineral Development regarding discovery of any mineral not specified in the licence within a period of 30 days from the date of such discovery and shall not undertake any exploration operations in respect of such minerals unless it is included in the licence.

(v) The licensee shall not employ, in connection with the exploration operations, any person who is not a Pakistan National, except with the previous approval of the Government.

(vi) The licensee shall-

(a) take immediate measures for planting in the same area or any other area selected by the Government not less than twice the number of trees fallen as a result of any exploration operations;

(b) look after them during subsistence of the licence after which these trees shall be handed over to any other authority as may be nominated by the Government;

(c) restore, to the extent possible, other flora destroyed by exploration operations.

(vii) The licensee shall pay to the occupier of surface of the land such compensation in accordance with the law.

(viii) An exploration license may contain other conditions relating to the following as the Government may think fit to impose, namely:-

(a) Compensation for damage to land in respect of which the license has been granted.

(b) indemnity to Government against the claim of a third party for any damage, injury or disturbance caused to him by the licensee.

(c) restrictions regarding felling of trees on unoccupied and unreserved Government land and other environmental conditions as may be decided from time to time.

(d) restrictions on exploration operations in any area prohibited by any competent authority and other environmental conditions as may be decided from time to time.

- (e) Conditions regarding entry on occupied land.
  - (f) Facilities to be given by the licensee for working other minerals in the licensed area or adjacent areas.
- (ix) Every holder of an exploration license for granite shall submit to the Government or any other person authorized in this behalf, **within a period of sixty days**, from the date of execution of exploration license, a scheme of exploration indicating the manner in which he proposes to carry out the exploration operations.
- (x) Every licensee shall be responsible to maintain a correct account of all the expenses incurred by him on exploration operations and also the quantity and other particulars of all minerals obtained during such operations and their dispatch;
- (xi) (a) The licensee shall allow every officer authorized by the Government in this behalf to examine at any time accounts maintained under sub clause (x) and furnish to the Government such information and returns as the government or any officer authorized by it in that behalf may require.
- (b) The licensee shall allow any officer authorized by the Government in this behalf to inspect any exploration operations carried on by him.
- (xii) (a) The exploration operations shall be carried out in such a manner so as to ensure systematic development and conservation of granite deposits and protection of environment.
- (b) In the case of breach of any condition imposed on the holder of an exploration license under this clause, or otherwise the Government or any officer authorised in this behalf, may by order in writing, cancel the license and/or forfeit the security deposited under clause-8 in whole or part thereof.
- (c) No area which was previously held under an exploration licence or in respect of which order granting an exploration licence has been revoked shall be available for grant unless an entry has been made in the register and notification is issued.

**11. Preferential right of certain persons .-** (i) Where a Exploration Licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person subject to condition that the Government are any other officer authorize in this behalf is satisfied that the licensee-

- (a) has undertaken exploration operations to establish granite resources on such land;
- (b) has not committed any breach of the terms & conditions of the exploration licence; and
- (c) is otherwise a fit person for being granted the mining lease.

(ii) Subject to the provision of sub-clause (i) where two or more persons have applied for Exploration Licence in respect of same land, the applicant whose application was received earlier shall have preferential right for the grant of the Exploration Licence over an applicant whose application was received later. However the Government reserves the rights.

(12) **Grant of Mining Lease :-** (i) Application for Mining lease shall be submitted on Form “F” of the rules, alongwith the application **fee of Rs. 100,000/-** 90% of which shall be refundable, if the Mining Lease is not granted.

(ii) The size of plot or area shall be **ten acres** but it may be changed by the Government for reasons to be recorded in writing.

(iii). No mining lease shall be granted unless there is sufficient evidence to show that the area for which the lease is applied-for has been explored earlier for granite or the existence of granite therein has been established otherwise.

(iv). lease shall be granted only in favour of such applicant who undertakes to deploy the mine machinery prescribed under Annexure-1 **within one year** from the commencement of the lease:

Provided that if mine machinery prescribed under Annexure-1 has not been deployed within the prescribed **period of one year**, the Government may allow a further period of six months on payment of a penalty equal to 50% of the annual deadrent.

(v) No person shall acquire an area or areas exceeding **twenty five acres** in the entire Province for one colour of Granite:

Provided that where any person has installed in the Province one or more diamond gangsaw capable of sawing granite block of **2.5m x 1.5m x 1.5m** or diamond circular saw having main motor capacity of 100 HP or more may be granted total area upto limits specified below:-

No. of diamond gangsaws/ Circular saw	Area (Acres)
<b>One</b>	<b>40 acres</b>
<b>Two</b>	<b>50 acres</b>
<b>Three</b>	<b>60 acres</b>
<b>Four or more</b>	<b>70 acres</b>

Provided further that an area upto hundred **acres** may be granted by the Government to a person who has made an investment exceeding Rs. **130 million** in mine mechanization and/or installation of processing plant(s) in the State.

**Explanation:-** A person who has acquired land and has made atleast 50% of the capital investment envisaged in installation of gang saw/circular saw shall be deemed to have taken effective steps for the installation of such plant(s).

**13. Suitability of persons for grant of mining lease.-** (i) Where applications are invited for grant of mining lease in new area, all applications received **within thirty days** from the date notified in the news papers shall be considered on the same footing irrespective of date of submission of the applications.

Provided that during the aforesaid period of **thirty days**, all applications shall be received in a sealed cover and open after completion of the said period.

(ii). Separate application shall be made for each plot.



(iii).Where two or more applications of mining lease referred to in sub-clause (1) or otherwise are received for the same plot or area from the eligible persons, the officer concerned may grant mining lease to one of the applicant in accordance with their merit ascertained by the Mines Committee prescribed under Rule (4) of the rules.

Provided that where the applicant selected for grant of mining lease fails to execute agreement under this order the grant of mining lease shall be revoked and the mining lease shall be granted to the applicant next in the panel of three applicants drawn during the balloting.

#### **14. Reservation for grant of mining lease.-**

(i) Ten percent of the delineated total area shall be kept reserved for persons who have installed granite processing plant or circular saw or have taken effective steps to install such plant(s) as mentioned in sub-clause (V) of clause-12 of this order.

(ii) Thirty percent of the delineated total areas shall be kept reserved for persons who undertake to invest a minimum of Rs. 130 million for mechanization of mines and/ or installation of 100 percent Export Oriented Unit (E.O.U) processing plant (s) in the State or undertake to export 50% of the total produce. The applicant shall submit satisfactory proof of his capacity in this regard. Allotment of such area shall be made by the Government.

(iii) Ten percent of the delineated area shall be kept reserved for local persons, who must be registered voter of the concerned area.

(iv) Ten percent of the delineated area shall be kept reserved for those who already hold the Exploration Licences or permit or Mining lease or Permit of Granite.

(v) Forty percent of the delineated area shall be granted as per procedure prescribed under clause 12 of this Order.

**15. The benefit of reservation under clause 14 shall be given to an applicant only once.**

**16. Grant of Exploration licences or mining lease in landholder or other private land.-** In case of landholder or other private land, Exploration Licence or mining lease shall be granted or renewed in favour of landholder or private land holder or such other person having acquired surface rights from the landholder or land owner on the basis of mutual legal agreement and subject to the conditions that the applicant agrees to undertake mining operations by deploying the mine machinery prescribed in the Annexure-1.

Provided that in case of landholder and other private land, the area which was previously held or which is being held under a Exploration Licence or mining lease or in respect of which the order of grant has been made but the same has been revoked, shall be treated as available for grant after the date of termination or surrender or revocation of the Exploration Licence or mining lease.

Provided further that the size of area granted in the landholder or other private land shall be as far as possible be **10 acres** subject to the condition that if the applicant is landholder or land owner himself where the size of area may be upto the land holdings in his favour but in no case it shall be less than **2 acres**:

Provided also that where the available area is **less than 2 acres** and surrounded by two or more existing leases as provided, it shall be granted to any one adjoining lessee on the basis of no objection of the landholder/ land owner to such person and the new area shall be added to the existing lease.

17. **Payment and Rate of Royalty:-** The Royalty on excavation and dispatches of the Granite shall be paid as prescribed in Part-II of this order.
18. **Conservation and development plan;-** The Granite conservation and development plan shall be provided, alongwith the application submitted for the grant of Mining lease.
19. **Mines Committee:** As mentioned in the rules, except sub rule (7) of rule 4 of the said rules.
20. **Power of Delegation:** - As prescribed under Rule-5 of the rules.
21. **Immunity of Officers etc:** - As prescribed in the rules.
22. **Supersession.-** This order shall supersede all earlier notifications, circulars or any other directions what so ever issued in the matter of grant of Exploration Licences/mining lease for granite.
23. **Appeal:-** As prescribed in the rules.
24. **Arbitration:-** As prescribed in the rules.
25. **Restriction on grant of Exploration Licences or Mining Lease:-** No Exploration Licences or Mining Lease what so ever shall be granted in the Karoonjhar range Mountains of Nagarparkar.
26. **Annual Rentals:-** The Mining Lease holder shall have to pay an amount of Rs. **100 per acre** per annum to the Licencing Authority.
27. **The royalty, terms and conditions are more specified as under:-**

## PART-I

*In consideration of the fee, royalties, covenants and agreements hereinafter reserved and contained and on the part of the licensee/licensees to be paid observed and performed the Government hereby grants and demises into the licensee/licensees the sole rights and licence.*

### **To enter upon the lands and to search for, win or carry away and dispose of mineral won.**

1. To enter upon the said lands and to search for by quarrying, boring and digging, Granite or being within under or throughout the said lands;
2. This licence shall not confer upon the licensee a right to win or carry away the minerals for commercial purposes:

Provided that the licensees may win and carry away for purposes other than commercial purposes-

- a. Any quantity of Granite and or other associated minerals not exceeding 150 (tones) as specified in clause **10(i)** of this order for testing its use in any industry **specified by the Government in this behalf**, on payment of royalty;
- b. With the written approval of the State/Government, the licensee may carry away quantities of minerals in excess the limit specified in clause (a) above for any test purpose.

### **To clear undergrowth the brushwood, etc.**

(3) Subject to the provisions of clauses **(v) and (vi) of part-II** of these presents for the purpose aforesaid to clear undergrowth and brush wood and trees with the sanction of the Collector previously obtained in writing, to make and use any drains or water course on the said lands for purposes as may be necessary effectually carrying on the exploration operations and for the workmen employed thereon and with the like sanction to use any water provided always that such use shall not diminish or interfere with the supply of water to which any cultivated land, village building or watering place for livestock has heretofore been accustomed

and that streams, springs or well shall be fouled or polluted by any such use or the exploration operations hereby licensed.

**To bring upon and erect machinery etc., on the said lands**

(4) To erect and bring upon the said lands all such temporary huts, sheds etc., engine machinery and conveniences, for effectively carrying on the exploration operations hereby licenced or for the workmen employed thereon.

RESERVED nevertheless to the Government full power and liberty at all times to enter into and upon and to grant or demise to any person or persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole right and licence are hereby expressly conferred upon the licensee and particularly (and without hereby in any way qualifying such general power and liberty) to make on, over to through the said lands such roads, etc. shall be considered necessary or expedient for any purpose and to obtain from and out of the said lands such stone, earth or other materials as may be necessary or requisites for making, repairing or maintaining such roads, to pass and repass at all times over and along such roads, for all purposes and as occasion shall require.

**To hold the said right and licence into the licence/licensees from the date of these presents for the term of (hereinafter referred to as the said term).**

Paying therefore in advance a sum of equal to 50% of the exploration fee and immediately on the expiration or sooner determination of the said term clear of all fees, rates, taxes, charges, deductions and royalty at prevalent rate on the minerals won and carried away by the licensee during the said terms.

## PART-II

### Covenants by Licensee

The licensee hereby covenants / covenant with the Government as follows :-

#### Payment and rates of royalty

(i) the royalty on the granite won, mined or found and disposed off shall be payable on the following rates, not later than 30 days after the end of the calendar year in which the granite is disposed off. However, the Government may change the royalty rates from time to time.

<i>Quality shape and size of Granite</i>	<i>Rate of royalty Rs. Per tones</i>	<i>Conversation factor in tones/Cum</i>
<i>a. Blocks including blocks for making slab and tiles</i>	<i>140.00</i>	<i>3.0</i>
<i>b. Small blocks having no dimension more than 70cm &amp; used for making tiles.</i>	<i>60.00</i>	<i>2.0</i>

#### Payment of exploration fee

(ii) To pay annually in advance a exploration fee in respect of ensuing year or part of the year at the following rate and time:-

a:- 50% of the total area at the rate prescribed under Clause 10(i) of this order.

b:- Before the commencement of exploration operations.

#### To carry on work in workman like manner

(iii) To work and carry on the operations hereby licensed in a fair orderly skillful and workman-like-manner and with as little

damage as may be to the surface of the lands and to trees, crops, buildings structures and other property thereon.

To undertake exploration in landholder or any private land with the registered consent of landholder or occupier or owner of such land:

Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees, standing crops, buildings, huts, structures or property of any kind of the occupier of any land or any other person without the written consent of such owner, occupier or person.

### **Maintenance of correct accounts**

(4) Licensee shall maintain a correct and faithful account of all the expenses incurred by him on exploration operations and also the quantity and other particulars of Granite or other minerals obtained during such associated or (Transit pass) operations and their dispatch accordingly.

### **No mining operations within 50 meter from public work, etc.**

(v) The licensee shall not work or carry on or allow to be worked or carried on any exploration operations at or to any points within a distance of 50 meters from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the concern authorities in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway line, reservoir or canal horizontally from the outer toe of the band or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no workings shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous written permission of the competent authority in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Not to enter and cut or injure trees in forest land, etc. without previous permission.

(vi) (a) Not to enter and cut or injure any timber or tree on any forest land except with the permission of concern authorities.

(b) Not to enter upon or commence exploration in any forest land without obtaining the prior written sanction of the concern authorities.

No explosive will be used.

(vii) No explosive will be used for blasting the granite deposits and its boulders.

**Indemnify Government against all claims.**

(viii) (a) To make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury, or disturbance which may be done by him in exercise of the powers granted by this licence and to indemnify and keep indemnified fully and completely the Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and expenses in connection therewith.

(b) To pay a wage not less the minimum wage prescribed by the Government from time to time.

(c) To comply with the provisions of the Mines Act, 1923.

(d) To take measures, at his own expense, for the protection of environment like planting of trees, reclamation of mined land, use of pollution-control devices and such other measures as may be prescribed by the Government from time to time.

(e) To pay compensation to the occupier of the surface of the land on the date and in the manner laid down as per relevant rules.



### **Forfeiture of security deposits, etc.-**

(ix) Whenever the security deposited under clause 8 of this order or any part thereof or any further sum hereinafter deposited with the Government in replenishment thereof shall be forfeited or applied by the Government, pursuant to the power hereinafter declared in that behalf the licensee shall forthwith deposit with the Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the Government up to the amount equal to the security deposit of the total area.

### **Licensee not to be controlled by trust, syndicate, etc.**

(x) The licensee shall not be controlled or permit himself/themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the Government.

### **Plugging of bore holes, fencing, etc., and restoring the surface of land after determination of abandonment.**

(xi) Same in the case of land over which the license shall be granted a mining lease, on or before the expiration or sooner determination of the licence or the site of abandonment of the undertaking, whichever shall first occur, security plug any bore or hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent restore the surface of the land and all building thereon which may have been damaged or destroyed in the course of exploration provided that licensee shall not be required to restore the surface of the land, or any building in respect of which full and proper compensation has already been paid.

### **Removal of machinery, etc. after expiration, determination of abandonment.**

(xii) Upon the expiration or sooner determination the licensee shall remove within 30 days at his own cost all buildings, structures, plant, engines, machinery implements, utensils and other property and effects thereto erected or brought by the licensee and then standing or being upon the said lands and also all minerals theretofore won by the licensee under the authority of

these presents and then being upon the said lands PROVIDED that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the licensee. If the machinery etc. is not removed within specified period it shall be the Government property.

### **Report of work done before the refund of security deposit**

(xiii) At any time before the said security deposit is returned to him or transferred to any other account or within one month after the expiration or sooner determination of the licence or abandonment of the operations whichever is earlier, the licensee shall submit to the Government confidentially a full report of the work done by him and disclose all information acquired by him in the course of the operations carried on under this licence regarding the geology and mineral resources of the area covered by the licence.

### **Report of information by licensee:**

(xiv) A. The licensee shall submit to Government:

- a. a quarterly report of the work done by him stating the number of persons engaged and disclosing in full the geological, geophysical, or other valuable data collected by him during the period. The final report shall be submitted within three months of the close of the period to which it relates;
- b. within three months of the expiry of the licensee, or abandonment of operations or termination of the licensee, whichever is earlier, a full report of the work done by him and all information relevant to mineral resources acquired by him in the course of exploration operations in the area covered by the licensee.

B. While submitting reports under sub-clause A, the licensee may specify that the whole or any part of the report or data submitted by him shall be kept confidential;

and the Director shall there upon keep the specified portions as confidential for a period of two years from the expiry of the license, or abandonment of operations or termination of the license, whichever is earlier.

## **Employment of Foreign nationals**

(xv) The licensee/licensees shall not employ, in connection with the exploration operation any person who is not a Pakistani National except with the previous approval of the Government.

## **PART - III Powers of the Government**

It is hereby agreed as follows:-

### **Cancellation of the licence and forfeiture of the security deposit in case of breach of conditions**

(1) In the case of any breach of any condition of the licence by the licensee or his transferees or assignees, the Government shall give a reasonable opportunity to the licensee of stating his case and where it is satisfied that the breach is such as can not be remedied, on giving thirty days notice to the licensee, determine the licence and forfeit the security deposit paid in accordance with clause 8 of this order. In case the Government considers the breach to be of a remediable nature, it shall give notice to the licensee or his transferees or assignees as the case may be requiring him to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted is such remedy is not made within such period. If the breach is not remedied within prescribed period the licence shall be cancelled with forfeiture of the security deposit.

### **Right of pre-emption**

(a) The Government shall from time to time and at all times during the said term have the right (to be exercised by notice in writing to the licensee of pre-emption of the said minerals lying in or upon the said lands or elsewhere under the control of the licensee and the licensee shall with all possible expedition deliver all minerals or products or minerals purchased by the Government under the power conferred by this provision in the quantities at the time in the manner and at the place specified in the notice exercising the said right.

The price to be paid for all minerals or products of minerals taken in pre-emption by the Government in exercise of the right hereby conferred

shall be the fair market price prevailing at the time of pre-emption. The licensee shall if so required furnish to the Government for the confidential information of the Government, particulars of the quantities, descriptions and prices of the said mineral or products thereof sold to other customers.

## **PART - IV**

### **Preferential right of the licensee for obtaining mining lease**

(1) On or before the determination of the licence or any renewal thereof, the licensee shall have a preferential right for obtaining a mining lease in respect of whole or part of that land over any other person, provided that the Government is satisfied that the licensee has not committed any breach of the terms and conditions of the exploration licence, (has undertaken exploration operations to establish mineral resources in such land) and is otherwise a fit person for being granted the mining lease.

(2) Where an exploration licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person.

Provided that the Government or any other officer authorised in this behalf is satisfied that the licensee:

- i. Has undertaken exploration operations to establish granite resources in such land;
- ii. Has not committed any breach of the terms and conditions of the exploration licence; and is otherwise a fit person for being granted the mining lease.

### **Refund of deposit:**

(1) An applicant for a exploration licence shall before the deed is executed, deposit as security for the due observance of the terms and conditions of the licence, as prescribed under clause 8 of this order duly pledged in favour of Director General Mineral Development concerned, or enhanced by the Government from time to time.

(2) The licensee shall submit to the Government or to any officer authorized in this behalf, a quarterly monthly report of the work done by stating the number of persons engaged and disclosing in full the geological, geophysical or other valuable data collected by him during the period. The report shall be submitted within three months from the close of the period to which it relates.

(3) Any deposit made under clause (1) above, if not forfeited under the **Order** shall be refunded to the applicant as soon as the report is submitted.

## **PART - V**

### **General Provisions**

#### **It is lastly agreed as follows:**

#### **Delay in fulfillment of the terms of licence due to force measure**

(1) Failure on the part of the licensee to fulfill any of the terms and conditions of this licence shall not give the Government any claim against him or to be deemed a breach of the licence in so far as such failure is considered by the Government to arise from force measure. In the fulfillment of the licensee of any of the terms and conditions of this licence by delayed from force measure, the period of such delay shall be added to the period fixed by this licence.

#### **Discovery of new minerals**

(2) The licensee shall report to the Government the discovery of any mineral not specified in the licence within a period of 30 days from the date of such discovery and shall not undertake any exploration operations in respect of such mineral unless such mineral is included in the licence.

IN WITNESS WHEREOF these presents have been executed in the manner hereunder appearing the day and year first above written.

## **Annexure-1**

### **MINE MACHINERY TO BE DEPLOYED**

1. Where one or more plots having total area upto acres is sanctioned, following machinery shall be deployed:

- (i) Compressor    One
- (ii) Rock Drill    Two
- (iii) Chain Pully Block    One
- (iv) Wedges and feathers    As per requirement
- (v) Jib Crane    One

2. Where plots having total area more than 15 acres and upto 40 acres are sanctioned, following machinery shall be deployed:

- (i) Compressor    Two
- (ii) Rock Drill    Four
- (iii) Derrick Jib Crane    One per 7.5 acres
- (iv) Chain Pully Block/Mechanical Winches    As per requirement
- (v) Mechanical Excavator cum Loader    One
- (vi) Flame jet burners    As per requirement
- (vii) Dumpers / Trucks    Two for each excavator

3. Where plots having total area more than 40 acres are sanctioned, following machinery shall be deployed:

- (i) Compressor    Three
- (ii) Rock Drill    Six
- (iii) Diesel/electric operated Crane    One per 7.5 acres

- (iv) Chain Pully Block/Mechanical Winches As per requirement
- (v) Mechanical Excavator cum Loader Two
- (vi) Flame Jet Burner As per requirement
- (vii) Dumpers / Trucks Two for each excavator



**Form A**

"To be submitted in Triplicate"

Received at .....(Place)

On .....(date)

Initial of Receiving Officer

**GOVERNMENT OF SINDH**

**Application for Exploration Licence**

Dated day of 20.....

To,

The Director General,

Mineral Department,

Government of Sindh

.....

Sir,

1. I/We request that an exploration licence for granite and / or other associated minerals under the Sindh Mining Concession Rules 2002 be granted to me/us.

2. A sum of Rs. \_\_\_\_\_/- (Rs. \_\_\_\_\_) being the fee in respect of this application has been deposited.

3. Following are the required particulars:

(a) In case the applicant is an individual:

1. Name of the Applicant
2. Father's Name/Husband's Name
3. Caste
4. Occupation

5. Permanent address

(b) In case the applicant is Firm/Company/Association/Society:

1. Kind of business
2. Place of business
3. Place of registration
4. Nationality of Director/Partners

N.B.: Please enclose copies of certificate of Firm's registration, partnership deed, power of attorney certificate of incorporation, memorandum and Articles of Association and resolution of Board of Directors about applying for mining lease.

4. Details of mining leases and exploration licences, held by the applicant in Sindh Province.

S.No.	Name of District/Town	Mineral for which lease is held	Extent of area held	Period of lease from to	Location of lease area
A.	Mining Lease				
B.	Exploration Licence				

5. Details of application, for mining lease and exploration licences, already submitted/ pending/ applied for, simultaneously.

S.No.	Name of District/Town	Mineral for which lease is applied	Extent of area	Period of lease from to	Location of lease area
A.	Mining Lease				
B.	Exploration Licence				

6. Total area required for the mineral applied for .....

7. Category to which the applicant belongs as specified in this Order (Please attach necessary certificate).

8. Please enclose plan and description report of the applied area with reference to the nearest permanent feature and showing length and bearings of all the lines.

9. Please indicate the distance of the following from the applied area:

(a)	Any important tank or dam falling within 1.00 km. radius of the applied area.
(b)	Any important temple, mosque or any other place of worship or place of archeological, tourist importance including burial ground etc. falling within 1.00 km. radius of the applied area.
(c)	Any river, canal/pucca road/rail line passing within 1.00 km. radius of the applied area.
(d)	Any permanent structure like power line/ microwave tower/ water reservoir etc. within a radius of 1.00 km. from the applied area.

10. No. and date of the valid clearance certificate of payment of mining dues (copy attached).

11. If on the date of application the applicant does not hold an exploration licence, it should be stated whether an affidavit to this effect has been furnished to the satisfaction of the Government.

12. Does the applicant have surface rights over the area for which he requires an exploration licence?

13. If not, has he obtained the consent of the owner, and the occupier of the land for undertaking exploration operations. If so, the consent of the owner and the occupier obtained in writing be filed.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans as may be required by you.

Yours faithfully,

(Signature and designation of the applicant)

Place:

Date:

Note:

1. If the application is signed by an authorized agent of the applicant, Power of Attorney should be attached.
2. The application should relate to one compact area only.
3. Detailed plan and map is to be attached in triplicate with the original application for proper demarcation of the area.

**FORM-B**

Receipt of Applications for Exploration Licence.

**Government of Sindh**  
**Department of Mines & Mineral Development Department, Sindh**

S.No.      Dated :

Received the application with the following enclosures for an exploration licence of Mr./ Mrs..... on .....20.... for about ..... acre of land located in or near village ..... Town ..... District ..... for exploration of mineral granite.

Enclosures:

Place:

Date:

Signature and designation of Receiving Officer

## FORM – C

### Model form of Exploration Licence

<b>When the licensee is an individual</b>	THIS INDENTURE made this ..... day ..... of ..... between the Governor of ..... (hereinafter referred to as the ' Government' which expression shall where the context so admits be deemed to include his successors and assigns) of the one part and .....(name of person with address and occupation) (hereinafter referred to as 'the licensee' which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).
<b>When the licensees are more than one individual.</b>	..... (Name of person with address and occupation) and .....(Name of person with addresses and occupation) (hereinafter referred to as "the licensees" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).
<b>When the licensee is a registered firm</b>	..... (Name and address of partner) son of ..... of .....son of .....of ..... Son of .....of .....all carrying on business in partnership under the firm name and style of (name of the firm) registered under the _____ and having their registered office at ..... in the town of ..... (hereinafter referred to as "the licensees" which expression shall where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns.
<b>When the licensee is a registered company</b>	..... (Name of company) a company registered under ..... (Act under which incorporated) and having its registered office at.....(address) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the other part.

WHEREAS the licensee has/ applied to the Government in accordance with the Sindh Mining Concession Rules -2002, (hereinafter referred to as the said Order) and Granite Policy, 2002 for a licence to explore, for GRANITE and/or

other associated minerals in the same land hereunder written and delineated in the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the Government Rs. .... as the prescribed security in respect of such licence and has/have paid to the Government the sum of Rs. as the prescribed exploration fee for .....months/years in advance in respect of such licence and WHEREAS there is no objection to the grant of such licence (and WHEREAS the Government has approved the grant of this licence) NOW THESE PRESENTS WITNESS as follows:

## **FORM -D**

### **REGISTER OF APPLICATIONS FOR EXPLORATION LICENCES**

The Sindh Mining Concession (Granite) Order-2007.

1. Serial No.
2. Date of application of E.L.
3. Date on which application was received by Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of the minerals which the applicant desired to explore.
8. Application fee paid.
9. Remarks.
10. Final disposal of the application together with number and date of the order.
11. Signature of the Officer.



## **FORM-E**

### **REGISTER OF EXPLORATION LICENCES**

The Sindh Mining Concession (Granite) Order-2007.

1. Serial Number
1. Name of the licensee.
2. Residence with complete address of the licensee.
3. Date of application.
4. Date on which application was received by the Receiving Officer.
5. Omitted].
6. Situation and boundaries of the land.
7. Total area for which licence granted.
8. (a) Number and date of grant of the licence.  
(b) Date of execution of E.L. agreement.
9. The mineral or minerals for which exploration licence has been granted.
10. Period for which granted.
11. Application fee paid.
12. Exploration fee and royalty, if payable.
13. Amount of security deposit.
14. Particulars of disposal of refund of security deposit.
15. Date of application for mining lease (if any).
16. Date of expiry or relinquishment or cancellation of licence or grant of mining lease.

17. Date for which the area is available for regrant.

18. Remarks.

19. Signature of the Officer.

**(ABDUL HAMID AKHUND)**  
SECRETARY TO GOVERNMENT OF SINDH

NO.SO(ADMN)/M&MD/1-44/2003                      Karachi, dated the 20<sup>th</sup> September, 2007.

A copy is forwarded for information and necessary action to:-

1. All Administrative Secretaries, Sindh, Karachi.
2. The Director General, M&MD, Sindh, Karachi.
3. The Director General
4. The DS(Staff) to Chief Secretary, Sindh, Karachi.
5. The Superintendent, Sindh Govt. Printing Press, Karachi for publication in the next Government Gazette.
6. P.S to Minister, M&MD, Sindh, Karachi.
7. P.S to Secretary, M&MD, Sindh, Karachi.
8. The Office Order File.

Sd----

SO (ADMN) M&MDD