

A
Bill

further to amend the Khyber Pakhtunkhwa Mines and Minerals Act, 2017

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Mines and Minerals Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Mines and Minerals (Third Amendment) Act, 2024.

(2) It shall come into force at once.

2. **Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XXXVI of 2017.**---In the Khyber Pakhtunkhwa Mines and Minerals Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017), hereinafter referred as the said Act, in section 3, in sub-section (2), after clause (i), the following new clauses shall be inserted, namely:

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| “(i-a) | Minister for Finance or Advisor or Special Assistant to the Chief Minister for Finance; | Member |
| (i-b) | Minister for Climate Change, Forestry, Environment and Wildlife or Advisor or Special Assistant to the Chief Minister for Climate Change, Forestry, Environment and Wildlife; | Member |
| (i-c) | Minister for Law, Parliamentary Affairs and Human Rights or Advisor or Special Assistant to the Chief Minister for Law, Parliamentary Affairs and Human Rights; | Member |
| (i-d) | Minister for Industries, Commerce and Technical Education or Advisor or Special Assistant to the Chief Minister for Industries, Commerce and Technical Education; | Member”. |

3. **Amendment of section 9 of the Khyber Pakhtunkhwa Act No. XXXVI of 2017.**---In the said Act, in section 9, in sub-section (3), for the words “three years”, the words “one year” shall be substituted.

4. **Insertion of new section to the Khyber Pakhtunkhwa Act No. XXXVI of 2017.**---In the said Act, after section 22, the following new section shall be inserted, namely:

“22A. Enlistment of Company.---(1) The Directorate General of Mines and Minerals, Khyber Pakhtunkhwa, shall maintain a list of Companies, for the purpose of obtaining mineral titles under this Act:

Provided that for the purpose of obtaining mining lease for minor minerals enlistment of Company is not required.

(2) For the purpose of enlistment with the Directorate General under sub-section (1), the Company shall apply to Directorate General through an application, accompanying such other documents as the Directorate General deems it necessary.

5. Amendment of section 23 of the Khyber Pakhtunkhwa Act No. XXXVI of 2017.---In the said Act, in section 23, for sub-section (2), the following shall be substituted, namely:

“(2) Mineral titles shall only be granted to companies, registered with Securities and Exchange Commission of Pakistan from the commencement of the Khyber Pakhtunkhwa Mines and Minerals (Third Amendment) Act, 2024, however, no company shall hold more than ten mineral titles:

Provided that the cement manufacturers, public organization, multi mineral based industries or, as the case may be, the large scale mineral title holders subject to the provision of sub-section (2A), shall be exempted from the bar on number of mineral titles:

Provided further that an individual or firm, who or which is already holding mineral titles before the commencement of the Khyber Pakhtunkhwa Mines and Minerals (Third Amendment) Act, 2024, shall be exempted from switching their mineral title into company unless they intend to do so on their own initiative. However, an individual or firm already holding mineral titles before the commencement of the Khyber Pakhtunkhwa Mines and Minerals (Third Amendment) Act, 2024, shall not exceed maximum limit of five number of mineral titles.”.

7. Amendment of section 56 of the Khyber Pakhtunkhwa Act No. XXXVI of 2017.---In the said Act, in section 56, in sub-section (1), before the full stop, appearing at the end, the words “and the machinery seized or vehicles impounded shall be confiscated and shall be handed over to the Licensing Authority for further disposal in the manner as may be prescribed” shall be inserted.

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STATEMENT OF OBJECTS AND REASONS.

It is desirable to amend the Khyber Pakhtunkhwa Mines and Minerals Act, 2017 (Khyber Pakhtunkhwa Act No. XXXVI of 2017), for the purposes mentioned below:

- (a) to make the Mineral Investment Facilitation Authority broad based by inclusion of Ministers/Advisors/Special Assistance of various Departments with enhanced political ownership;
- (b) to grant of mineral titles to companies with the aim to formalized mining sector by bringing the mineral title holders in mainstream economy; and
- (c) to make the provision of unauthorized mining more stringent in order to curb illegal mining effectively. Hence, this Bill.

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Peshawar,
dated the
,2024.

Ab. Amin
MINISTER-IN-CHARGE
CHIEF MINISTER
Khyber Pakhtunkhwa