GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar, dated the 01/11/2018.

No. S.O. Appol/Min. No. 1(D) 1/15

In exercise of the powers conferred by section 11 of the
with the Government of Pakistan, Ministry of Health, Labour and Social Welfare
(Labour and Social Welfare Division) Notification No. SRO(K)68, dated 10th July,
1968, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the
Khyber Pakhtunkhwa Excise Duty on Minerals (Labour Welfare) Rules, 1969, the
following further amendments shall be made, namely:

AMENDMENTS

1. In rule 20, in sub-rule (1), before the word “Government” the words “Finance
Department of” shall be inserted.

2. For rule 23, the following shall be substituted, namely:

“23. Budget.--- (1) The annual budget as prepared by the Commissionerate
of Mines Labour Welfare, Khyber Pakhtunkhwa shall be considered by the
Miners Welfare Board. The budget approved by such Board shall be
forwarded, not later than 30th June each year, for sanction to the Finance
Department of Government, which may make such alterations therein as it
thinks fit before according sanction.

(2) The budget to be forwarded to the Finance Department of
Government shall be accompanied by a detailed self-contained note
explaining new schemes included therein.”.

3. In rule 32,-

(a) for the words “1st November” the words “30th June” shall be
substituted; and

(b) before the word “Government” the words “Finance Department of”
shall be inserted.

4. In rule 36,-

(a) in sub-rule (1), after the word and comma “mines,” the words “in case
the excise duty on minerals is not auctioned” shall be inserted; and

(b) in sub-rule (2), after the word and comma “rail,” the words “in case the
excise duty on minerals is not auctioned” shall be inserted.

5. In rule 36-A,-
(a) in sub-rule (1), (2), (3) and (5), for the word “Government” the words “Secretary Minerals Development Department Khyber Pakhtunkhwa” shall respectively be substituted;

(b) in sub-rule (4), for the word “thirty” the word “fifteen” and for the word “Government” the words “Secretary Minerals Development Department” shall respectively be substituted;

(c) in sub-rule 6,-

(i) in clause (i), for the words “rejection of the bid by the competent authority or confirmation by Government” the words “rejection or confirmation of the bid by the Secretary Minerals Development Department” shall be substituted; and

(ii) for clause (ii), the following shall be substituted, namely:

“(ii) The successful highest bidder, whose bid has been confirmed by the Secretary Minerals Development Department, shall, within three working days of such confirmation, deposit fifteen percent (15%) of the amount of the confirmed bid as security for the performance of his obligation for collection of excise duty on minerals and payment of the contract money, failing which the earnest money deposited by him shall stand forfeited in favour of Government and the bids offered by the next two highest bidders (second highest and third highest) may be treated as the highest bids, subject to the condition that the next highest bid is not less than ten percent of the first highest bid in series respectively.”;

(d) for sub-rule (7), the following shall be substituted, namely:

“(7) The security deposit shall be refunded to the person making it after completion of the contract period for which the collection of excise duty on minerals was awarded to him subject to the condition that he has paid all the monthly installments, fines (if any), withholding tax and other Government taxes for the time being imposed and has duly performed all his obligations with regard to the collection of excise duty.”;

(e) for sub-rule (8), the following shall be substituted, namely:

“(8) In addition to the security deposit referred to in sub-rule (6)(ii), the successful highest bidder (hereinafter called the “contractor”) shall within seven days of confirmation of his offered bid, deposit a sum equal to twenty five percent (25%) of the amount of the bid in the manner laid down in sub-rule (2) and (3) of rule 39. The balance amount shall be paid by him in ten equal monthly installments till the 30th day of the month for which the installments are due in the
same manner; provided that nothing in this sub-rule preclude him from payments of the balance amount in lump sum. In case of his failure to deposit the twenty five percent (25%) amount within the prescribed period, his security shall be forfeited in favour of Government.

(f) for sub-rule (9), the following shall be substituted, namely:

"(9) If a contractor fails to deposit two consecutive monthly installments under sub-rule (8) or commits breach of any provision of these rules or persistently violates any of the terms and conditions of the agreement executed between him and the Commissioner under sub-rule 9(i), the Commissioner may, after giving him a show cause notice and an opportunity of being heard, cancel his contract and forfeit his security and adjust it against the outstanding dues. The remaining dues may be recovered from the contractor as arrears of land revenue in the manner specified in rule 44."

(g) after sub-rule (9), the following new sub-rules shall be inserted, namely:

"(9)(i) Every contractor shall, within one month of issuance of the offer letter to him, enter into an agreement with the Commissioner with regard to the contract for collection of excise duty on minerals, failure of which the offer letter shall be deemed withdrawn and the security deposited under sub-rule (6)(i) and twenty five percent (25%) amount deposited under sub-rule (8) may be forfeited in favour of Government.

(9)(ii) A work order shall be issued to every contractor by the Commissioner after compliance by the contractor with the terms and conditions of the offer letter."); and

(h) in sub-rule (10), (11) and (12) for the word "lessee" wherever occurring the word "contractor" shall be substituted.

6. In rule 42,-

(a) in sub-rule (1), after the word "owner" the words "under sub-rule (2) of rule 37 or rule 41" shall be inserted; and

(b) in sub-rule (3), for the words "two hundred" the words "two thousand" shall be substituted.