

SINDH ACT NO.XXVIII OF 2013
THE SINDH COAL ACT, 2012

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An Act to provide' for regulation
development of coal in the Province of Sindh.

and

[26'» March, 2013]

WHEREAS it is expedient to provide for regulation Preamble.
and development of coal in the Province of Sindh and to
provide for matters connected therewith or ancillary
thereto;

It is hereby enacted as follows:-

PART 1

PRELIMINARY

1. (1) This Act may be called the Sindh Coal Short title, extent and Act, 2012. commencement.
- (2) It shall extend to the whole of Province of Sindh.
- (3) It shall come into force at once.
2. In this Act, unless there is anything repugnant in the Definitions.

subject or context -

(i) "coal" means a mineral formed below

earth's surface and includes anthracite,
bituminous coal, sub-bituminous coal and

lignite;

(ii) "coal mine" means any deposit of coal for
production, processing or transformation of

coal within the Perimeter for such coal mine;

(iii) "coal title' means the legal entitlement
which includes reconnaissance

exploration license, mineral
retention license or mining lease;

license,
deposit

(iv) "deposit" means any concentration of coal
that can be economically exploited in any

form;

(v) "Government" means the Government of Sindh;

(vi) "holder" means a person or a company in

whose name a Coal Title is issued by Government and includes his successor in

title and interest:

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(vii) "licencee" means a person or a Company to whom a licence is granted and includes his successor in title and interest

(viii) "mining" means any process through which the coal is exploited which includes surface mining, underground mining, underground coal gasification and any other process;

(ix) "perimeter" means an area identified and physically demarcated on the surface of a coalfield;

(x) "prescribed" means prescribed by rules; and

(xi) "rules" means the rules made under this Act.

**PART II
ADMINISTRATION OF
COAL ACTIVITIES**

3. (1) There shall be an Inspectorate of Coal Mines as an attached department of Coal and Energy Development Department responsible for the implementation and enforcement of coal mine safety, rescue and recovery operations, conducting mine environment sample testing, monitoring the health and welfare of coal mine workers, and the provision of training and testing for its staff.

(2) Government may appoint a duly qualified person to be Chief Inspector of Coal Mines for all coalfields in the province, and duly qualified persons to be Inspectors of Coal Mines subordinate to the Chief Inspector.

4. (1) Government may constitute a Committee which shall be headed by the Director General Coal Mines and such other members as may be prescribed.

(2) The Committee shall perform such functions and exercise such powers as may be prescribed.

**PART III
COAL MINING AND RELATED
OPERATIONS**

5. (1) Government may issue coal title under the provisions of this Act.

Mines

Mining Committee.

Coal Title

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(2) No person, company or other legal entity shall conduct reconnaissance, exploration, exploitation or mining operations without a coal title granted by Government in accordance with this Act.

(3) A coal title shall authorize its holder to occupy land within its perimeter to the extent required for conducting the mining activities.

(4) A coal title does not confer upon its holder any ownership interest in the land.

6. All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall conduct environmental impact and social assessment, in the manner as may be prescribed.

7. All persons and companies engaged in exploration and exploitation of coal, coal-based power generation or any other use of coal shall make environmental management plan, in the manner as may be prescribed.

8. All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall make health and safety plan, in the manner as may be prescribed.

9. All persons and companies engaged in exploration or exploitation of coal, coal-based power generation or any other use of coal shall comply with the Resettlement Policy of Government.

10. All persons and companies engaged in exploitation of coal, coal-based power generation or any other use of coal shall fulfill their obligations with regard to corporate social responsibility, as may be prescribed.

11. Government may frame policy for the development of coal sector including but not limited to exploration and exploitation of coal, coal-based power generation, gasification, liquefaction, beneficiation, or any other use of coal.

Environmental Impact
and Social
assessment.

Environmental
Management Plan.

Health and Safety

Plan.

Resettlement Policy.

Corporate Social

Responsibility.

Coal Sector Policies.

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PART IV
PROTECTION OF COAL
INVESTMENTS

12. Government may permit private coal mine ownership and investment that may include local or international corporations, joint ventures, partnerships, sole proprietorships or any other legal structure, as may be prescribed.

13. Holders of coal titles and their sub-contractors shall be subject to the applicable laws, rules and regulations regarding investment, tax and banking for the time being in force.

14. Subject to the compliance with the provisions of this Act, Government shall provide all necessary facilities to the holders of coal titles to organize their assets and business, employ sub-contractors and recruit personnel necessary for carrying out the coal activities; provided that in the recruitment of personnel, preference shall be given to the locals and the residents of the Province of Sindh.

15. The Coal Title holders shall pay fees, charges and furnish guarantees as may be prescribed.

16. The Coal Title holders shall pay royalties on all extracted or other exploited coal, at the rates, as may be prescribed.

PART V
MISCELLANEOUS

17. No suit or legal proceedings shall lie against Government or any person in respect of anything done or intended to be done under this Act.

18. — This Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Investment.

Application of laws,
rules and regulations.

Facilitation by
Government.

Fees, charges and
guarantees.

Royalty.

Indemnity.

Act to Override Other
Laws

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19. If any difficulty arises in giving effect to the provisions of this Act, Government may, within two years of the commencement of this Act, make such order, not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing such difficulty.

20. Government may by notification in the official gazette, make rules consistent with this Act, for the purpose of giving effect to the provisions of this Act.

Removal of
difficulties.

Power to make rules