

BEFORE THE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD.

W.P.No.1316/2015

[Dr. Fuzail Siddiqui Versus Federation of Pakistan & others]

Report on behalf of Respondents No.1, 3, 4 & 5

Respectfully Sheweth:

Constitutionally, minerals other than oil, gas and nuclear substances are Provincial subject. Subject to Article-172(3) and Federal Legislative List of the Constitution, executive authority for mineral exploration, development and regulation of mineral sector rests with the Provinces. Federal Government is mandated with geological surveys, national policies/plans formulation and coordination at national and international levels.

2. First National Mineral Policy was formulated by the Government of Pakistan, Ministry of Petroleum & Natural Resources (MPNR) in 1995 with the consensus of all the federating units. In follow-up of this Policy, Government of Pakistan also prepared a proposal in 1997 for administrative restructuring of the mineral sector of the country with the assistance of Australian Agency for International Development (AusAID). Accordingly the concerned government organizations/federating units implemented the restructuring proposal in 2002 and interalia created the Directorate General of Mines & Minerals adopting the technical qualifications proposed in the restructuring report. In order to ensure alignment with the contemporary practice and to enhance the international competitiveness of Pakistan's mining sector, the National Mineral Policy was reviewed/updated with consensus of all stakeholders and launched for implementation in February, 2013 after approval by the Council of Common Interests (CCI). The Policy 2013 provides for appropriate institutional arrangements, a modern regulatory framework, internationally competitive fiscal and regulatory regimes and a programme to expand Pakistan's geological database.

3. Dr. Fuzail Siddiqui has filed the instant Writ Petition as a geoscientist seeking implementation of National Mineral Policy 2013. The petitioner has highlighted his professional profile/achievements and concern about non-adherence to international standards for reporting of mineral resources potential with particular reference to Chiniot iron/copper ore discovery recently presented by Punjab Government and that expertise of local geoscientists/geologists are being ignored in mineral exploration works. The petitioner's contentions are not based on facts as explained in the enclosed parawise comments. The petitioner has never approached MPNR about any grievance on the matter and has as such got no locus standi/cause of action to file the instant writ petition, which may kindly be dismissed in limine. However, the petitioner is welcomed to submit his suggestions/recommendations to the answering respondents which would be given due consideration.

-----  
AZHAR KHAN

BEFORE THE HONOURABLE ISLAMABAD HIGH COURT, ISLAMABAD.

W.P.No.1316/2015

Dr. Fuzail Siddiqui

.....Petitioner

Versus

Federation of Pakistan & others

.....Respondents

(Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973)

Parawise Comments on behalf of Respondents No.1, 3, 4 & 5

Respectfully Sheweth:

- Para-1 to 6: Contents of these paras merely highlight the petitioner's professional profile/achievements and need no comments by the answering respondents. However, the petitioner is welcomed to submit his suggestions which would be given due consideration by the answering respondents.
- Para -7: Not Admitted. Mineral development in the country is regulated under the Regulation of Mines & Oil-fields and Mineral Development (Government Control) Act, 1948 and the mining concession rules framed thereunder by the respective Government. Services of geoscientists and mining engineers are also utilized in mineral sector activities.
- Para-8: Admitted to the extent that first national mineral policy of Pakistan was formulated in 1995 and it was followed by updated version in 2013.
- Para-9: Not correct as laid. Constitutionally, minerals other than oil, gas and nuclear substances and those occurring in special areas are Provincial subject and regulatory authority for the same vests in the Provincial Government, both before and after the 18<sup>th</sup> Constitutional Amendment.
- Para-10: Admitted to the extent that National Mineral Policy 2013 envisages adoption of recognized international reporting standards for estimation/evaluation of mineral resources potential by mineral title holders.
- Para-11: Not correct as laid. Findings of mineral exploration are shared and publicized as per recognized standards/industry practice and qualified professionals including geologists/geoscientists are fully engaged in mineral exploration works. The concerned organization/Respondent No.5 is regularly strengthened through induction of qualified persons for geological, geophysical and geochemical mapping, geodata generation, research and publication etc.

*Azhar Khan*

The matter relates to Government of the Punjab/Respondent No.8.

Para-12: Admitted.

Para-13: Not admitted. The petitioner has not specified any instance of maltreatment by the answering respondents.

Para-14:

Not admitted. Qualified professionals including geologists/geoscientists are fully engaged in mineral exploration works and employed by the concerned organizations of Respondents. The impugned announcement regarding discovery of metallic mineral resources in Chiniot area relates to Government of the Punjab/Respondent No.8.

Para-15:

Para-16 to 18: Admitted to the extent that National Mineral Policy 2013 provides for an implementation mechanism under clause-20 thereof. The Policy was notified and circulated to all stakeholders for implementation including adherence to internationally recognized standards accordingly. Follow-up action in this regard is under way by the concerned organizations. As far as the Federal Government is concerned, it keeps on consulting/facilitating the federating units on all the important issues.

Para-19:

Not admitted. The respondents have not infringed any right of the petitioner or others. All positions are filled in strictly in accordance with the prescribed rules after due publicity.

Para-20:

As already stated, the Policy has been notified and circulated to stakeholders for implementation.

Para-21 & 22:

The petitioner has got no locus standi/cause of action to file the instant petition. The Policy has already been notified and circulated to stakeholders for implementation and follow-up action in this regard is under way by the concerned organizations. The petitioner never approached the respondents for any proposal in this regard. However, any suggestion advanced by the petitioner would be duly considered.

Prayer:

In view of above submissions, the instant writ petition merits no consideration and it may kindly be dismissed in limine, being not maintainable.

On behalf of Respondents No. 1, 3, 4 & 5