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26 senators jump in Reko Diq case in SC

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licenses that Balochistan Mining Secretary had announced had been cancelled, terms at which Saindak Smelter was leased to Metallurgical Corporation Of China MCC by Ministry of Petroleum and Natural Resources, all the current prospecting and exploration licences, complete periodical reports as desired under rules, copy of the 100,000-page TCC feasibility report, name of who wrote the report and for how much, schedule payments of the BHP and TCC from 1993 to date, list of local persons trained with details of training, place, institution and qualification for technology transfer.

It was contended that GOB raised annual fee of all the mining companies other than TCC per year to more than what TCC paid in 17 years.

They stated that the feasibility report pertains only to H-15, which comprises only 2 percent area of EL-5, whereas the draft agreement is for the whole EL-5 which is big fraud.

"In view of the fraudulent behaviour of the TCC, the petitioners being representatives of the people of Balochistan and broadly speaking Pakistan are of their considered opinion that the agreement with the TCC may not be executed as it is not binding on the GOB or GOP under the provisions of law, they stated.

They argued that it may be refused on the ground under Rule 48 (2) (vi) of BM rules 2002 that it is not in the interest of the development of the mineral resources of Balochistan to grant the lease. They stated that the technical expert, Dr Zubair, on behalf of the TCC, had admitted before this Court that the TCC is a mining company, which

is engaged in the task of only the mining project and is not concerned with smelting and mining of the metals.

On a question by this Court whether they could install the industry for smelting and refining within Pakistan, he replied that it was beyond the scope of their business, and hence, they would not be involved in the refining process so that the refining process would be done in the foreign countries; therefore, there may not be any possibility of establishing downstream industries for the same purpose.

That they are of the considered opinion that the mining is not a new issue in Balochistan province as mining is already extensively carried out by the local people and many families have mining as their family business, the petitioners stated.

They stated that funds have, therefore, been reserved in the project for purchase of ore from private contractors and the other projects needed for the operation of refining e.g. chromium, coal, limestone, marble and onyx mines are already available in the mining operations in Balochistan.

They prayed that the Respondents No 1 to 3 be directed not to enter into Mineral Agreement with the TCCP, the Respondent No 6 in the interest of the development of the mineral resources of Balochistan, in the light of the feasibility study compiled by the Scientists and technical experts of Pakistan.

They further prayed that Rule 98 and the Notification dated may be declared ultra vires of the Act. Any other relief this court deems just may also be granted.

It is pertinent to mention here that a three-member Supreme Court bench, comprising Chief Justice Iftikhar Muhammad

Chaudhry, Justice Muhammad Sair Ali and Justice Khalilur Rehman Ramday will resume hearing in Reko Diq case today (Tuesday).

The court will also examine the reply submitted by a foreign company Tethyan Copper Company (Pvt) Ltd (TCC), involved in the project to a contempt of court notice, issued to it on Jan 17 for launching advertisement campaign in print media over Reko Diq project, despite the matter was sub judice before.

The court would also examine the replies of Federal and Balochistan governments on the main petition, filed by Tariq Asad advocate against leasing of Reko Diq. On last hearing, the court was informed on behalf of Dr Samar Mubarakmand, a noted nuclear scientist and Member Planning Commission, who is assisting the court on the matter, that he (Dr Samar) was asked by the government to carry out the project as he and his team was fully capable to execute all technical aspects of the project, including mining, extraction and purification of the metals.

Earlier, Dr Samar Mubarakmand, who is also founding chairman of Pakistan's National Engineering and Scientific Commission, had told the court that Pakistan had the capability and expert staff to explore, mine and refine the natural reserves of gold and copper at Reko Diq area in Balochistan at local level.

He had said that TCC wanted to take the raw material abroad, which would cause huge loss to the country. He had further informed the court that the company would give \$160 million to the government annually, however if the government would do it by its own, it (govt) would earn \$2-billion annually.

Our correspondent

Directorate Mines and Mineral Development of Balochistan, Board of Revenue of Balochistan, BHP Minerals Intermediate Exploration, Tethyan Copper Company, Benway Corporation and Ministry of Defence, through its federal secretary, have been made respondents in the petition.

They contended that the 75:25 ratio of shares between the BHP and BDA was a bad deal for the GOB. The BHP never paid their scheduled payments during 1993 to 2000. It may be verified from the records of payments and thus locate the BHP missing payments which GOB forgave whenever BHP sought forgiveness.

But the most important aspect of the senators' petition is the list of "disclosures" that they have asked the SC to order from the company.

These include data collected in Reko Diq, including maps of 300,000 metres that TCCP claims, they have drilled, details of \$500 million spent on the area by TCC, copies of 10

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Secret details from TCC sought; govt asked to stop new gold and copper licences

LAMABAD: The Parliament is moved into the all important Reko Diq case, now being heard by the Supreme Court (SC) after 26 senators moved a petition on Monday and asked the apex court to force the foreign company to give crucial facts and details which have so far been hidden from everyone.

The senators have filed the petition under Article 184(3) of the Constitution, praying to restrain the respondents from executing the mining agreement with Tethyan Copper Company arbitrarily and in unlawful manner against the fundamental rights of citizens and the national and public interest.

The 26 senators included Muhammad Azam Khan Swati, Maulana Abdul Ghafoor Hyderi, Muhammad Ismail Buladi, Maulana Gul Naseeb Khan, Abdul Ghafoor Qureshi, Eng Malik Rashid Ahmed Khan and Muhammad Ghufuran Khan and others.

The Federal Government, through its Ministry of Petroleum secretary, Balochistan chief minister, head of the