

ALTERNATIVE ENERGY DEVELOPMENT BOARD ACT, 2010

Act No. XIV OF 2010

[25th May, 2010]

An Act to provide for establishment of Alternative Energy Development Board

WHEREAS it is expedient to provide for establishment of Alternative Energy Development Board (AEDB) as an autonomous body for the purpose of implementation of various policies, programmes and projects in the field of Alternative or Renewable Energy Technologies;

AND WHEREAS the objective of the Alternative Energy Development Board is to assist and facilitates development and generation of Alternative or Renewable Energy in order to achieve sustainable economic growth with transfer of technology.

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Alternative Energy Development Board Act, 2010.

It extends to the whole of Pakistan.

It shall come into force at once.

2. Definitions.—(1) this Act unless there is anything repugnant in the subject or context,—

(a) "alternative or renewable energy" means energy that is produced by alternative or renewable resources as compared to the conventional or that are replenished naturally which do not deplete when consumed and are non-polluting and environment friendly;

(b) "Board" means Alternative Energy Development Board (AEDB), established under section 3;

(c) "Chairman" means the Chairman of the Board;

(d) "Chief Executive Officer (CEO)" means the Chief Executive Officer of the Board appointed under section 5;

(e) "Chief Secretary" means Chief Secretary of a Province;

(f) "Fund" means the Alternative Energy Fund (AEF) established under section 13;

(g) "Institute" means Institute of Alternative and Renewable Energy Technologies established under section 11;

(h) "Member" means Member of the Board;

(i) "organization" means an organization of alternative and renewable energy established under section 10;

(j) "prescribed" means prescribed by rules or regulations made under this Act;

(k) "President" means President of the Islamic Republic of Pakistan;

(l) "Prime Minister" means Prime Minister of the Islamic Republic of Pakistan;

(m) "Provincial Secretary" means a Secretary of a Provincial Government;

(n) "regulations" means the regulations made under this Act; and

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

CHAPTER II

ALTERNATIVE ENERGY DEVELOPMENT BOARD

3. Establishment of the Board.—(1) There shall be established an Alternative Energy Development Board for carrying out the purposes and objectives of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with administrative and financial powers, subject to the provisions of this Act, to enter into agreements, contracts, acquire and hold property, both moveable and immoveable and to sue and be sued in its name.

(3) The head office of the Board shall be at Islamabad and the Board may set up sub-offices at such place or places as it may deem necessary.

(4) The Board shall consist of the Chairman and Members.

4. Chairman of the Board. —The Chairman of the Alternative Energy Development Board shall be appointed by the Federal Government on such terms and conditions as may be determined by the Federal Government.

5. Terms and conditions of office of the Chief Executive Officer (CEO).—(1) The Chief Executive Officer shall be appointed by the Federal Government and the terms and conditions of the Chief Executive Officer, his remuneration and privileges shall be such as may be determined by the Federal Government.

(2) The Chief Executive Officer shall be an eminent engineering professional of known integrity, competence and expertise in handling Alternative Energy development projects.

(3) The Chief Executive Officer may resign from his office by giving one month notice, by writing under his own hand, addressed to the Federal Government. The age of Chief Executive Officer shall not be more than sixty five years.

(4) The Chief Executive Officer will be answerable to the Board for all administrative, financial and technical matters of the Board. The Board may delegate such administrative and

financial powers to the Chief Executive Officer for carrying out day to day affairs of the Board.

6. Members of the Board.—(1) The composition of the Board shall be as follows:-

(a) Chairman;

(b) Secretary, Finance Division or his nominee not below the rank of Additional Secretary or equivalent;

(c) Secretary, Ministry of Water and Power or his nominee not below the rank of Additional Secretary or equivalent;

(d) Secretary, Planning and Development Division or his nominee not below the rank of Additional Secretary or equivalent;

(e) Secretary, Ministry of Petroleum and Natural Resources or his nominee not below the rank of Additional Secretary or equivalent;

(f) Secretary, Ministry of Science and Technology or his nominee not below the rank of Additional Secretary or equivalent;

(g) Secretary, Ministry of Environment or his nominee not below the rank of Additional Secretary or equivalent;

(h) Six Members from private sector, of whom at least three shall be experts on alternative energy, as full-time Members to be appointed by the Prime Minister on the recommendations of the Board;

(i) Chief Secretaries of the governments of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh or their nominees, not below the rank of Provincial Secretary; and

Gj) The Chief Executive Officer of the AEDB.

(2) The Secretary of the Board shall be appointed by the Federal Government on the recommendations of the Board.

(3) The Federal Government may increase or decrease the number of Members of the Board from time to time as it may consider appropriate.

(4) The Federal Government may prescribe the qualifications and mode of appointment of Members from private sector in such manner as it may consider appropriate.

(5) The business of the Board shall be conducted as prescribed.

(6) One-half of the total membership of the Board shall constitute the quorum and in case of equality of votes the Chairman shall have the casting vote.

(7) In the absence of the Chairman, a Member designated by the Chairman shall preside over the Board meeting.

7. Terms and conditions of office of Members.—(1) A Member, other than an ex r

officio Member, shall be appointed by the Federal Government for a period of three years, extendable for another term of three years.

(2) A Member, other than ex officio Member, may at any time resign from his office by giving one month's notice, in writing under his own hand, addressed to the Federal Government.

(3) The Federal Government may remove any Member, other than ex officio Member, on grounds of misconduct and physical incapacitation.

8. Functions of the Board.— The functions of the Board shall be following, namely:—

(a) to develop national strategy, policies and plans for utilization of alternative and renewable energy resources to achieve the targets approved by the Federal Government in consultation with the Board;

(b) to act as a forum for evaluating, monitoring and certification of alternative or renewable energy projects and products;

(c) to act as a coordinating agency for commercial application of alternative or renewable technology; and

(d) to facilitate energy generation through alternative or renewable energy resources by,-

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acting as one window facility for establishing, promoting and facilitating alternative or renewable energy projects based on wind, solar, micro-hydel, fuel cells, tidal, ocean, biogas, biomass, etc;

setting up alternative and renewable energy projects on its own or through joint venture or partnership with public or private entities in order to create awareness and motivation of the need to take such initiatives for the benefit of general public as well as by evaluating concepts and technologies from technical and financial perspective;

conducting feasibility studies and surveys to identify opportunities for power generation and other applications through alternative and renewable energy resources;

undertaking technical, financial and economic evaluation of the alternative or renewable energy proposals as well as providing assistance in filing of required licensing applications and_ tariff petitions to National Electric Power Regulatory Authority (NEPRA)

established under the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997):

interacting and co-ordinating with national and international agencies for promotion and development of alternative energy;

assisting the development and implementation of plans with concerned authorities and provincial governments and special areas for off-grid electrification or rural areas: and

(vii) making legislative proposals to enforce use and installation of equipment utilizing renewable energy.

9. Committees of Board.—(1) The Board may, for carrying out its functions, constitute such committees, from time to time, as may be considered appropriate by the Board.

(2) The committees shall conduct their business in such manner as may be prescribed by the Board.

10. Organization of the Board.—(1) The Board may, for carrying out its functions for promotion of alternative and renewable energy, development of alternative and renewable energy technologies, certification of alternative and renewable energy products and projects and project management may establish one or more organizations as it may consider necessary.

(2) The organization established under sub-section (1) shall be subject to control and supervision of the Board and shall function within the framework of this Act.

(3) An organization established under sub-section (1) shall perform such business as may be prescribed by regulations by the Board for the purpose.

11. Institute of Alternative and Renewable Energy Technologies.- (1) The Board may, for carrying out its functions of commercial application of alternative or renewable energy and corresponding human resource development in the area of alternative and renewable energy, establish an Institute of Renewable Energy Technologies.

(2) The Institute shall conduct the business in such manner as may be prescribed by regulations by the Board.

12. Appointment of officers and staff of the Board.- (1) The Board may appoint such officers, experts, advisors, consultants and members of staff as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

(2) The officers, members of the staff, advisors, consultants and experts and other persons appointed by the Board shall not be civil servants within the meaning of the Civil Servants Act, 1973 (LXXI of 1973).

(3) The Chairman and non-official Members of the Board, officers, advisors, consultants, employees and staff of the Board when acting or purporting to act under any of the provisions of this Act, or rules and regulations, shall be deemed to be public servants within the meaning of section 21 of Pakistan Penal Code (Act XLV of 1860).

CHAPTER III FUND, ACCOUNTS AND AUDIT

13. Alternative Energy Fund.—(1) There shall be established a non-lapsable fund vesting in the Board to be known as the "Alternative Energy Fund" for the purpose of meeting expenses in connection with the functions and operations of the Board, Institute, Projects and Organizations under this Act, including payment of salaries and other remuneration payable to the CEO, Members, members of its staff, experts, consultants, advisors and other officers and employees of the Board, Institute and the Organizations.

(2) The fund shall consist of,-

- (a) funds provided by the Federal Government for payment of salaries establishing infrastructure and running the day to day business of the Board;
- (b) loans or grants by the Federal Government or any Provincial Government or local authority;
- (c) other loans or funds obtained by the Board;
- (d) foreign aid, grants and loans negotiated and raised, or otherwise obtained by the Board, directly or through the Economic Affairs Division;
- (e) charges for services or for the provision of any information or report automated or otherwise to any government, private or any other person or entity;
- (f) fees and commissions collected by the Board as prescribed from time to time;
- (g) income from the sale of moveable or immoveable property;
- (h) funds from floating bonds, shares, debentures, commercial papers, or other securities issued by the Board or through any other means;
- (i) all other sums received or earned by the Board; and
- (j) income from investments; receipts.

(3) The Alternative Energy Fund shall be kept in one or more accounts maintained by the Board, in local or foreign currency in any commercial bank in Pakistan and shall be operated in accordance with the directions of the Board.

(4) The Federal Government shall fund all administrative, operational and any other expenses:

Provided that the responsibility of the Federal Government to exclusively fund the operations and functions of the Board shall cease at such appropriate time when in the opinion of the Federal Government the Board shall have become capable of funding its functions and operations envisaged under this Act to be funded by the Board;

14. 'Accounts and audit.—(1) The Board, Institute and Organizations, shall prepare their own budget in respect of each financial year, in accordance with the prescribed procedure and shall maintain complete and accurate books of accounts of their actual expenses, and receipts including that of the Alternative Energy Fund.

(2) The accounts of the Board, Institute and Organizations, shall be audited by a reputable firm of Chartered Accountants, who are within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961) appointed by the Board in consultation with the Auditor-General of Pakistan, from a panel of chartered accountants proposed by the Board on such terms and conditions as the Board may determine.

(3) The Auditors appointed under sub-section (2) shall be provided access to the books,

accounts and other documents as may be considered necessary by them for audit of the accounts.

(4) The Auditor-General may conduct each year external audit of the Board as per Auditor General's (Functions, Powers and Terms and Conditions of Service) Ordinance, 2001 (XXIII of 2001).

CHAPTER IV MISCELLANEOUS

15. Delegation of powers.—(1) The Board may delegate all or any of its powers and functions to the Chief Executive Officer (CEO) subject to such conditions and limitations, as it may prescribe.

(2) The Board may delegate all or any of its powers and functions under this Act to any Member or Officer of the Board, subject to such conditions and limitations, as may be prescribed.

16. Issuance of policy directives.— The Federal Government may, as and when it considers necessary, issue policy directives to the Board in respect of its activities and the compliance of such directives shall be binding on the Board.

17. Annual report.— On conclusion of each financial year, the Chief Executive Officer shall submit an annual report to the Federal Government in respect of all activities of the Board including the status of its existing programmes, projects and future plans formulated in furtherance of its aims and objectives and the Federal Government shall cause a copy of the report to be presented in the Committees of the National Assembly and Senate and to be laid before the Parliament.

18. Power to make rules.— The Federal Government may, on the recommendations of the Board, make rules to carry out the purposes of this Act.

19. Power to make regulations.—(1) The Board, may make regulations, not inconsistent with this Act and the rules, to carry out the purposes of this Act.

(2) Without prejudice to the generality of the forgoing provisions, the regulations may provide for.—

(a) disciplinary proceedings and award of punishments;

(b) terms and conditions alongwith remuneration and privileges, etc. appointments of officers, staff members, experts, advisors and consultants etc;

(c) prescription of different scales and grades etc. for the remuneration and privileges of officers, staff members, experts, advisors and consultants of the Board;

(d) procedure for appointment of members of different committees and laying down regulations for the conduct of their business; and

(e) all or any of the matters which by this Act are to be or may be prescribed by

the regulations.

20. Authorities to aid the Board.— All executive authorities in the Federation and in the Provinces shall render such assistance to the Board as may be necessary for the execution of its programmes and projects being carried out under this Act.

21. Indemnity of the Board.— No suit, prosecution or other legal proceeding shall lie against the Board; the Chairman, the Chief Executive Officer (CEO), the Members, professionals, officers, advisors, consultants, another persons and employees of the Board, in respect of anything done or intended to be done in good faith under this Act.

22. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the President may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary of removing the difficulty.

23. Dissolution of Board. Upon the commencement of this Act, the Alternative Energy Development Board established vide Notification No. F. 1/7/2003-Admn II, dated 12th May 2003, thereafter referred to as the former Board shall stand dissolved and upon such dissolution.—

(a) all asset, rights, powers, authorities and privileges and property; moveable and immoveable, cash and bank balance, reserve funds, investments and all, other interests and rights in or arising out of such property and all debts, liabilities and obligations of whatever kind of the former Board subsisting immediately before its dissolution shall stand transferred to vest in the Board;

(b) all officers and other employees of the former Board shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand transferred to the Board and shall be deemed to have been appointed or engaged by the Board in accordance with the terms and conditions of service applicable to them: and no officer or other employee whose services are so transferred shall be entitled to any compensation because of such transfer;

(c) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the former Board before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Board; and

(d) all suits and other legal proceedings instituted by or against the former Board before its dissolution shall be deemed to be suits and proceedings by or against the Board and may be proceeded or otherwise dealt with accordingly.

24. Exemption from taxes.—Notwithstanding anything contained in the Income Tax Ordinance, 2001 (XLIX of 2001), or any other law for the time being in force relating to income tax, the Board shall not be liable to pay any such tax on its income, investment, capital profit, wealth, gifts or gains.