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# **THE PUNJAB POWER DEVELOPMENT BOARD ACT 2011 (XVIII of 2011)**

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## TEXT

# **'THE PUNJAB POWER DEVELOPMENT BOARD ACT 2011 (XVIII of 2011)**

[3<sup>rd</sup> October, 2011]

### **An Act**

*to provide for the establishment of the Punjab Power Development Board for the implementation of policies of the Government to facilitate the private investors in power sector and to harness the energy generation resources in the Province.*

**Preamble.**— Whereas it is expedient to establish the Punjab Power Development Board for the purposes of implementation of policies, programs and projects in the field of energy in the Province and to facilitate the private investors in power sector through one window facility; to harness the available sources of energy generation in the Province; and to provide for ancillary matters.

It is enacted as follows:—

### **CHAPTER I PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Power Development Board Act 2011.

- (2) It extends to whole of the Province.
- (3) It shall come into force at once.

**2. Definitions.**— In this Act—

- (a) “Act” means the Punjab Power Development Board Act 2011;
- (b) “Board” means the Punjab Power Development Board established under section 3 of the Act;
- (c) “Chairman” means the Chairman of the Board;
- (d) “Fund” means the Punjab Power Development Board Fund;
- (e) “Government” means the Government of the Punjab;
- (f) “Managing Director” means the Managing Director of the Board;
- (g) “Member” means a Member of the Board including the Chairman and Secretary;
- (h) “prescribed” means prescribed by the rules or regulations;
- (i) “Province” means the Province of the Punjab;

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<sup>1</sup>This Act was passed by the Punjab Assembly on 15 September 2011; assented to by the Governor of the Punjab on 30 September 2011; and, was published in the Punjab Gazette (Extraordinary), dated 3 October 2011, pages 37367-37371.

- (j) “regulations” means the regulations framed under the Act;
- (k) “rules” means the rules made under the Act; and
- (l) “Secretary” means the Secretary of the Board.

## **CHAPTER II PUNJAB POWER DEVELOPMENT BOARD**

**3. Establishment of the Board.**– (1) The Government may, by notification, establish the Punjab Power Development Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power to enter into contract, acquire or dispose of property, and Board may sue or be sued by the name of the Punjab Power Development Board.

(3) The Board shall establish its head office at Lahore and may set up a sub-office at any place in the Province.

**4. Composition of the Board.**– (1) Subject to this section, the Government shall appoint the Chairman and <sup>2</sup>[twelve] other members.

<sup>3</sup>[(2) The Government shall appoint two members from amongst the representatives of the private power producers including at least one woman, if available and four members of the Provincial Assembly of the Punjab including at least two female members of the Assembly.]

(3) The Government may prescribe qualifications and mode of appointment of any category of member.

(4) The Government may appoint a person as member by virtue of his office.

(5) The Managing Director shall be the Secretary.

**5. Managing Director.**– (1) The Government shall appoint a professional engineer having at least ten years experience in the relevant field as the Managing Director.

(2) The Government shall prescribe terms and conditions of service of the Managing Director.

(3) The Managing Director shall hold office for a term of three years extendable for another term of three years.

(4) The Government shall not appoint a person as Managing Director for more than two consecutive terms.

**6. Terms and conditions of members.**– (1) The Government shall appoint a member, other than an ex-officio member, for a term of three years, extendable for another term of three years.

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<sup>2</sup>Substituted for the word “ten” by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and published in the Punjab Gazette (Extraordinary), dated 12.3.2014, pages 2733-2744, s.2 and Schedule, at serial No.59.

<sup>3</sup>Substituted *ibid*.

(2) A member, other than ex-officio member, may, by a one month prior written notice addressed to the Government, resign from his office.

(3) The Government may remove a member, other than ex-officio member, without assigning any reason.

**7. Conduct of business.**— (1) The Government or the Board shall prescribe or determine the procedure for conduct of business of the Board.

(2) Existence of any vacancy in the constitution of the Board shall not invalidate an act or proceedings of the Board.

**8. Functions of the Board.**— The Board shall—

- (a) facilitate the private investors on behalf of the Government in matters relating to the setting up of power projects in accordance with the policy of the Government;
- (b) implement the policy of the Government relating to power generation and coordinate with various departments and agencies of the Government in the field of power generation;
- (c) negotiate and finalize, with the prospective private investors in the power sector, the implementation plans, feasibility studies and operational plans;
- (d) receive fees and charges from private investors in processing of their applications for power projects and shall deposit and disburse the fees or charges;
- (e) correspond with the local or international agencies in the performance of its functions under this Act;
- (f) issue no objection certificate, permission or licence for use of canal or river water or land of the Government for power generation;
- (g) explore potential sites for hydel and coal power generation and develop non-conventional sources of energy including solar, wind, biomass, biogas and solid waste;
- (h) examine energy policies of the Federal Government and advise the Government on effect of the policies of the Federal Government;
- (i) co-ordinate with the Federal Government or any authority or agency of the Federal Government for installation of power houses, grid stations and transmission lines according to needs of the Province;
- (j) encourage and ensure exploitation of indigenous resources for development of thermal or hydel power projects in the Province;
- (k) encourage the local and foreign entities to form joint ventures for participation in the development of the power projects;
- (l) advise the Government on bulk power supply from the national grid for transmission and distribution within the Province, levy of tax on consumption of electricity, laying of transmission lines and determination of power tariff for distribution of electricity within the Province;

- (m) acquire, where necessary, land for power projects; and
- (n) perform such other functions as may be prescribed to promote power generation in the Province.

**9. Committees.**— The Board may constitute a committee or committees to perform the functions as may be prescribed or entrusted by the Board.

**10. Organization of the Board.**— (1) The Board may, for carrying out its functions, establish one or more organizations.

(2) An organization established under sub-section (1) shall be subject to control and supervision of the Board and perform the functions as may be prescribed.

**11. Appointment of staff.**— (1) The Board may appoint the 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 members, officers, advisors, consultants, employees and staff of the Board, when acting or purporting to act under any of the provisions of this Act, rules or regulations, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

### **CHAPTER III FUNDS, ACCOUNTS AND AUDIT**

**12. Punjab Power Development Fund.**— (1) There shall be established a non-lapsable fund vested in the Board to be known as the Punjab Power Development Fund for the purpose of meeting expenses in connection with the functions and operations of the Board, committees and organizations under this Act, including payment of salaries and other remuneration payable to members, staff, experts, consultants, advisors and other officers and employees of the Board, committees and the organizations.

- (2) The Fund shall consist of:
- (a) funds provided by the Government for payment of salaries, establishing infrastructure and running the day to day business of the Board;
  - (b) loans or grants by the Government;
  - (c) other loans or funds obtained by the Board;
  - (d) foreign aid, grants and loans negotiated and raised, or otherwise obtained, by the Board;
  - (e) charges for services or for the provision of any information or report automated or otherwise to any government, private entity or any other person;
  - (f) fees and commissions collected by the Board as may be prescribed;
  - (g) income from the sale of property;
  - (h) funds from floating bonds, shares, debentures, certificates, or other securities issued by the Board; and
  - (i) all other sums received by the Board.

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

**13. Accounts and audit.**— (1) The Board shall prepare its own budget in respect of a financial year in accordance with prescribed procedure and shall maintain complete and accurate books of accounts of their actual expenses and receipts.

(2) The Board shall appoint a Chartered Accountant or a firm of Chartered Accountants to audit the accounts of the Board and any organization established by the Board.

(3) The auditor appointed under sub-section (2) shall be provided access to the books, accounts and other documents as may be considered necessary for audit of the accounts.

(4) The auditor shall submit the annual audit report or any special audit report to the Board.

#### **CHAPTER IV MISCELLANEOUS**

**14. Delegation of powers.**— The Board may delegate any of its powers, duties or functions to the Managing Director or any other officer in the prescribed manner.

**15. Issuance of policy directives.**— The Government may, as and when it considers necessary, issue policy directives to the Board in respect of its activities and the Board shall be bound to comply with such directives.

**16. Annual report.**— (1) The Board shall, within three months of the conclusion of a calendar year, submit an annual performance report to the Government.

(2) The report shall consist of—

- (a) the statement of accounts and audit reports of the Board and any organization established by the Board;
- (b) a comprehensive statement of the work and activities of the Board during the preceding year; and
- (c) such other matters as may be prescribed or as the Board may consider appropriate.

(3) The Government shall, within two months of receiving the report from the Board, give notice for laying the report in the Provincial Assembly of the Punjab, and shall lay the report in the Provincial Assembly at the earliest.

**17. Power to make rules.**— The Government may make rules to carry out the purposes of this Act.

**18. Regulations.**— (1) Subject to this Act and the rules, the Board may frame regulations, for giving effect to the provisions of this Act.

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

- (a) terms and conditions including remuneration and privileges for appointment of officers, employees, experts, advisors and consultants;
- (b) prescription of different scales and grades for the remuneration and privileges of officers, staff members, experts, advisors and consultants of the Board; and
- (c) procedure for appointment of members of the different committees and conduct of business of the committees.

**19. Authorities to aid the Board.**— All executive authorities in the Province shall render such assistance to the Board as may be necessary for the execution of its programs and projects being carried out under this Act.

**20. Indemnity.**— No suit, prosecution or other legal proceeding shall lie against the Board, members, officers, advisors, consultants and other employees of the Board, in respect of anything done or intended to be done in good faith under this Act.

**21. Removal of difficulties.**— If any difficulty arises in giving effect to any provision of this Act, the Government may make such order, as may be necessary for the removal of the difficulty.