



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 2ND APRIL, 2014.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 2nd April, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/10625.—The Khyber Pakhtunkhwa Energy Development Organization (Amendment) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 19th March, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 27th March, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA ENERGY DEVELOPMENT ORGANIZATION (AMENDMENT) ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XIII OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 2nd April, 2014).

AN
ACT

further to amend the Pakhtunkhwa Hydel Development Organization Act, 1993.

WHEREAS it is expedient further to amend the Pakhtunkhwa Hydel Development Organization Act, 1993 (Khyber Pakhtunkhwa Act No. I of 1993) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Energy Development Organization (Amendment) Act, 2014.

(2) It shall come into force at once.

2. **General amendment of the Pakhtunkhwa Act No. I of 1993.**—In the Pakhtunkhwa Hydel Development Organization Act, 1993 (Pakhtunkhwa Act No. I of 1993), hereinafter referred to as the said Act, for the words “Pakhtunkhwa Hydel Development Organization”, wherever occurring the words “Pakhtunkhwa Energy Development Organization” and for the words “Managing Director” wherever occurring the words “Chief Executive Officer” shall respectively be substituted.

3. **Amendment of section 2 of the Pakhtunkhwa Act No. I of 1993.**— In the said Act, in section 2,—

(i) for clause (iii), the following shall be substituted, namely:

(iii) “Chairman” means the Chairman of the Energy Apex Committee or Board or Executive Committee or investment Committee, as the case may be;”;

(ii) after clause (iii), the following new clause shall be inserted, namely:

“(iii-a) “Energy Apex Committee” means the Energy Apex Committee constituted under section 3-A of this Act;”;

(iii) in clause (xii), after the word “gas” the words and comma “thermal generation, alternative renewable sources of energy” shall be inserted.

4. **Amendment in the heading of chapter-II of the Pakhtunkhwa Act No. I of 1993.**— In the said Act, in CHAPTER-II, for the existing heading, “Constitution of Board”, the heading “Constitution of Energy Apex Committee and Board”, shall be substituted.

5. **Insertion of section 3-A to the Pakhtunkhwa Act No. I of 1993.**— In the said Act, after section 3, the following new section 3-A, shall be inserted, namely:

“3-A Constitution of Energy Apex Committee.— (1) The Government shall constitute an Energy Apex Committee to provide policy guide line to the Board.

(2) The Energy Apex Committee shall be headed by the Chief Minister, Khyber Pakhtunkhwa and shall consist of such other persons as the Government may determine.

(3) The meeting of the Energy Apex Committee shall be held in such a manner as may be prescribed.”.

6. **Substitution of section 4 of the Pakhtunkhwa Act No. I of 1993.**—In the said Act, for section 4, the following shall be substituted, namely:

“4. Board of Directors.—(1) Subject to the provisions of section 3-A of this Act, the powers, functions and management of the Organization shall vest in a Board constituted under this section.

(2) The Board shall have a Chairman to be appointed by Government for a period of three years from amongst the persons having at least twenty years experience in the field of energy and power or industries or financial sector, in such a manner and on such terms and conditions as the Government may determine.

- (3) The other members of the Board shall be as under:
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|-------|--|----------------------|
| (i) | Secretary to Government Energy and Power Department; | Member |
| (ii) | Secretary to Government, Finance Department; | Member |
| (iii) | Secretary to Government, Home and Tribal Affairs Department; | Member |
| (iv) | President, Khyber Pakhtunkhwa Chamber of Commerce and Industries; | Member |
| (v) | seven persons to be appointed by Government for a period of three years from amongst the persons having at least ten year experience in the field of energy and power or industries or financial sector; and | Members |
| (vi) | Chief Executive Office. | Member/
Secretary |

(4) The Board may co-opt any other Government functionary or sectoral expert as a co-opted member of the Board for a specific meeting as and when need so arises.

(5) The Chairman and members at clause (v) may at any time resign from his office by writing under his hand to Government.

(6) Government may remove, the Chairman and members at clause (v) before the expiry of their term on the ground of misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity:

Provided that before removing the Chairman and members at clause (v), as the case may be, Government shall give them an opportunity of being heard in person."

7. **Amendment of section 5 of the Pakhtunkhwa Act No. I of 1993.**— In the said Act, in section 5, for sub-section (1), the following shall be substituted, namely:

"(1) Government shall appoint the Chief Executive Officer of the Organization from amongst the persons having expertise in the field of energy and power sector on such terms and conditions as the Government may determined."

8. **Deletion of section 6 of the Pakhtunkhwa Act No. I of 1993.**—In the said Act, section 6, shall be deleted.

9. **Amendment of section 15 of Pakhtunkhwa Act No. I of 1993.**— In the said Act, in section (15), in sub-section (2), in clause (e), the word "and" appearing at the end shall be deleted and thereafter the existing clause shall be renumbered as clause (g) and before clause (g), as so renumbered the following new clause shall be inserted, namely:

“(f) establish thermal, solar, wind or other alternate renewable energy based power houses, erect test masts, collect wind and solar data for power generation, lay or cause to be laid, pipelines for supply of fuel, establish fuel supply means, engage in transmission, trading, distribution and sale of energy to industries and domestic consumers, manage demand discipline, cause setting of tariff, recover and collect charges, fees and tariffs and do all other things necessary and incidental with power produced or generated by or through the Organization; and”.

10. **Amendment of section 24A of Pakhtunkhwa Act No. I of 1993.**— In the said Act, in sub-section (1),—

(i) for the existing clause (iii) and (iv), the following shall respectively be substituted, namely:

“(iii) General Manager, Administration and Finance, Member
Pakhtunkhwa Energy Development Organization;

(iv) Assistant Director Budget and Finance Pakhtunkhwa Member”; and
Energy Development Organization; and

(ii) after clause (iv), as so amended, the following new clause shall be inserted, namely:

“(v) a representative of Energy and Power Departemnt Member”.
not below the rank of Deputy Secretary.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa