

## Law vision (Pakistan)

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### Alternative Energy Development Board (Procedure) Rules, 2008

22nd April, 2008

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**S. R. O. 470(I)/2008** .-In exercise of the powers conferred by section 18 of the Alternative Energy Development Board Ordinance, 2007 (LVI of 2007), the Federal Government on the recommendations of the Alternative energy Development Board makes the following rules, namely:-

**1. Short title.** -These Rules may be called the Alternative Energy Development Board (Procedure) Rules, 2008.

**2. Definitions.** -(1) Unless there is anything repugnant in the subject or context,-

- (a) "Ordinance" means the alternative Energy Development Board Ordinance, 2007 (LVI of 2007);
  - (b) "projects " means the projects planned and development by the Board for promotion and implementation of alternative or renewable energy;
  - (c) "schemes" means the schemes planned and development by the Board for promotion and implementation of alternative or renewable energy; and
  - (d) "section" means section of the Ordinance.
- (2) The words and expressions used herein but not defined shall have the same meaning as assigned to them in the Ordinance.

**3. Nomination of Members from private sector.** -Members of the Board to be nominated under clause (h) of sub-section (1) of section 6 shall be from the private sector on the recommendation of the Board who shall be eminent engineering professional of known integrity, competence and experience of top level management. At least one Member shall be from each Province.

**4. Functions of Members from private sector.** -The Members of the Board from private sector shall perform the following functions, namely:-

- (a) formulation of policies to encourage private and public sector participation on the development of alternative and renewable energy technology and resources;
- (b) encourage the diversity and security of energy supplies through optimum utilization of alternative and renewable energy technology resources;
- (c) promotion of renewable energy in place of fossil fuels in order to substantially reduce green houses effect and other pollutants;
- (d) promotion of renewable energy for rural electrification with a view to providing electricity to the rural poor thereby generating employment and improving quality of life; and
- (e) formulation of policies including support mechanisms for promotion of renewable energy and to provide guidance to be able to co-ordinate with the regulatory authority within the framework of power sector reform.

**5. Establishment of organization.** -(1) The Chief Executive Officer may, on the direction of the Board from time to time, prepare plan for its approval for establishment of an organization under section 10 of the Ordinance which may include organization's infrastructure, qualification, terms and conditions of service of head of the organization and other proficient staff.

(2) The head of an organization established under section 10 shall be appointed by the Board on approval of the plan prepared under sub rule (1).

**6. Meetings of the Board** .-(1) The Chairman may from time to time and at least twice in a year, convene meeting of the Board at such time and place as he thinks fit:

**Provided that** on a requisition signed by not less than three Members, the chairman shall within ten days of the receipt of the requisition, convene meeting of the Board.

- (2) Notice specifying the time and place for the Board meeting along with its agenda shall be sent to the members not less than ten days prior to the commencement of the meeting.
- (3) When the chairman by reason of absence or any other reasons, is unable to perform functions, a technical Member designated by the Chairman shall preside over the meeting of the Board.
- (4) The Chairman may invite any official of the Board. or a person from private sector to attend meeting on special invitation. Such invitee shall have right to take part in the proceedings of a meeting of the Board but shall not by virtue of this sub-rule be entitled to vote.

**7. Member's attendance** .-Attendance of the Members present during any meeting shall cause to be recorded for the purpose of the minutes of the proceedings together with the names and signature of the Members present at such meetings.

**8. Adjournment of meeting.** -In case of lack of quorum, the chairman shall adjourn the meeting to a date as he may decide in consultation with the Members of the Board.

**9. Matters to be decided by majority of votes** .-(1) All matters at a Board meeting shall be decided by a majority of Members present.

(2) In case of an equality of votes, the Chairman or the person presiding over meeting shall have a casting vote.

**10. Resolution on circulation basis.**-(1) A resolution in writing signed by all Members of the Board shall be as valid and effective as if it had been passed at a meeting that has been duly called and convened.

(2) Text of each resolution together with the working paper giving full justifications of the resolution to be considered at the meeting shall reach the Secretary not later than ten days before the date fixed for the Board meeting.

(3) Every resolution and working paper prepared by any Wing or Section shall be signed by the head of the Wing or Section.

(4) If any Member has any query on any working paper, the same shall be conveyed five days prior to the meeting.

(5) A resolution and working paper of which due notice has not been given or which is tabled just prior to or during the meeting may be voted upon as an additional agenda item if the majority of the Members present so decide.

**11. Agenda of the meeting.**-(1) Agenda of the meeting shall be compiled by the Secretary and shall include all such items as desired by the Chairman or by any of the Members which the approval of the Chairman.

(2) No business other than that for which the meeting is convened shall be discussed at the meeting except with the permission of the Chairman or subject to sub-rule (5) of rule 10.

(3) Members may discuss the items of the Agenda in any order they may decide.

**12. Record or minutes.**-The Secretary of the Board shall record minutes of the meeting and shall be responsible for the custody of record of the meeting.

**13. Circulation of minutes.**-(1) A copy of the minutes of every meeting, duly approved by the Chairman of the meeting, shall be circulated by the Secretary of the Board as soon as possible after the meeting.

(2) The minutes shall be circulated among all the Members and the relevant offices which moved the working papers or agenda items.

(3) The Minutes so circulated shall again be approved by the Board at the succeeding Board meeting with the amendments or otherwise, as the case may be.

(4) The finally approved minutes duly signed by the Chairman shall be circulated fresh among all the Members and the concerned offices for their record.

(5) All draft minutes shall be kept confidential till final approved by the Board after which these shall be communicated to Members and the concerned offices.

**14. Evidence of proceedings.**-Minutes shall be approved by the Chairman on the basis of prima facie evidence of actual passing of the resolutions recorded, transaction or occurrence of the proceedings so recorded and of the regularity of the meeting at which the same shall appear to have taken place.

**15. Duties of Secretary of the Board .**-(1) The Secretary of the Board shall attend to all matters concerning the Board affairs.

(2) The Secretary shall issue notices of meetings.

(3) The Secretary shall be responsible for the custody of all record of the Board and for carrying out such other duties as may be entrusted to him by the Chairman.

(4) The Secretary shall ensure compliance of all decisions and directives of the Board. Any difficulty arising in discharge of his function shall be brought to the notice of the Chairman.

**16. Delegation of powers and exercise of powers in case of emergency .**-(1) The Board may from time to time delegate all or any of its powers to the Chief Executive Office subject to such conditions and limitations as may be determined.

(2) The Chief Executive Officer may, except the powers delegated to him under sub-section (5) of section 5 of the Ordinance and sub-rule (1), delegate all or any of his powers and functions under the Ordinance to any Member or officer of the Board subject to such conditions and limitations as may be determined.

(3) In case of justified emergency, the Chairman may accord anticipatory approval to any matter which falls within the jurisdiction of the Board:

Provided that the formal approval of the Board shall be obtained in its meeting convened subsequent to occurring of such emergency.

**17. Particulars, address and contact numbers .**-Every Member shall notify in writing to the Secretary of the Board his particulars and office and residential addresses, telephone, fax numbers and email etc. The information so received shall be retained in the Board's Secretariat for the purpose of timely delivery of notice of meeting, resolutions and working papers etc., by the Secretary office.

**18. Fees for attending meeting.**- (1) for attending each Board meeting, the Chairman, each Member and Secretary of the Board shall be paid an amount of five thousand rupees as fee for attending the meeting. In addition, all reasonable expenses on travelling, board and lodging shall be borne by the Board.

(2) In case the Board meets at a station or place where no air connection is available, suitable alternative transport shall be arranged or provided by the Board otherwise actual expenditure shall be reimbursed on claim.

**19. Policies, projects and schemes.**-(1) In order to carry out the purposes of establishment of the Board, it shall submit the case to the Federal Government for approval, where applicable, including but not limited to statutory formulation and policy recommendations for utilization of alternative and renewable energy resources, legislative proposals to enforce use and installation of equipment utilizing renewable energy and projects and schemes in order to create awareness and motivation of the need to take such initiatives for alternative and renewable energy promotion and implementation.

(2) All projects and schemes shall be processed as follows:-

(a) proposal to be formulated by the concerned organization on prescribed format containing such information as may be required;

(b) evaluation of proposal by the competent forum within the Board constituted by the Board; and

(c) consideration of the proposal by the Board which shall make its recommendations to the Federal Government based on the feasibility and the availability of funds for the purpose.

(3) The Board may hire the services of specialists, consultants or advisors to evaluate the project proposal on such terms and conditions as considered appropriate as per the instructions of the Federal government issued from time to time.

**20. Head of the committee of the Board.**-Every committee constituted under section 9 of the Ordinance shall be headed by the Chief Executive Officer.

**21. Secrecy etc. to be - maintained .**-Every person engaged in the business of the Board at any office, any work or at any stage in any capacity, shall observe strict security and secrecy respecting all transactions, records, assets and properties of the Board which come to his knowledge through any way except when required to do so by the Board or by a Court or by such other authority recognized by law.

Case Law

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