

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for the establishment of the Pakistan Council of Renewable Energy Technologies

WHEREAS it is expedient to provide for the establishment of the Pakistan Council of Renewable Energy Technologies for the research and development, acquisition, promotion, propagation and dissemination of renewable energy technologies and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: —

1. **Short title, extent and commencement.**— (1) This Act may be called the Pakistan Council of Renewable Energy Technologies Act, 2010.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) “Board” means the Board of Governors of the Council;

(b) “Council” means the Pakistan Council of Renewable Energy Technologies;

(c) “Director-General” means the Director-General of the Council;

(d) “Executive Committee” means the Executive Committee of the Council;

(e) “member” means a member of the Board;

(f) “prescribed” means prescribed by rules or regulation;

(g) “President” means the President of the Board;

(h) “regulations” means regulations made under this Act;

(i) “renewable energy” includes photovoltaic, biogas or biomass, mini or micro hydel, wind and other alternate and renewable energy;

(j) “rules” means rules made under this Act;

(k) “Technical Advisory Committee” means the Technical Advisory Committee of the Council; and

(l) “Vice-President” means the Vice-President of the Board.

3. **Establishment of the Council.**— (1) As soon as may be after the commencement of this Act, the Federal Government may, by notification in the official Gazette, establish a Council to be known as the Pakistan Council for Renewable Energy Technologies in accordance with the provisions of the Act.

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property and shall by the said name sue and be sued.

(3) The headquarter of the Council shall be at Islamabad.

(4) Until the Council is established under this Act, notwithstanding its dissolution by section 25, it shall continue to function and while so functioning be deemed to be the Council established under this Act.

4. **Functions of the Council.** — The functions of the Council shall be to —

- (a) acquire, develop and disseminate techniques and processes for promotion and propagation of photovoltaic, solar, thermal, hydrogen, biogas or biomass, mini or micro hydel, wind and other alternate and renewable energy techniques;
- (b) establish facilities and expertise for developing suitable technologies to produce materials, devices and appliances in the fields of alternate and renewable energy sources;
- (c) organize, coordinate, promote and execute research and development in various fields within the concept of alternate, new and renewable energy technologies;
- (d) create training and educational facilities to meet the requirements of expanding indigenous renewable energy technologies;
- (e) arrange conferences, workshops, demonstration, motivation, dissemination, training and extension for wide adoption of renewable energy technologies including to establishing data base on related activities;
- (f) establish liaison with other related national and international organizations and promote co-operation in the related technical fields;
- (g) advise and assist the Federal Government and relevant industries in the establishment of facilities for industrial level production in renewable energy technologies;
- (h) collect, disseminate, arrange utilization of information and research processes and results locally and internationally;

- (i) accept fees, donations, endowments and gifts for further achieving the objectives of the Council;
- (j) determine the economic and technical feasibility of related technologies and undertake pilot plant investigations and field trials;
- (k) establish technical advisory service cells for all type of renewable energy technologies;
- (l) undertake research activities on contract basis in collaboration with the public and private sectors; and
- (m) undertake any further activities to promote generally the aims and objectives of the Council.

5. Management of the Council.— The management of the Council shall consist of the Board of Governors, the Director-General and the Executive Committee.

6. Board of Governors.— The general control and superintendence of the affairs of the Council shall vest in the Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Council.

7. Composition of the Board of Governors.— (1) The Board shall consist of the following, namely:—

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| (a) Minister for Science and Technology | <i>President</i> |
| (b) Secretary, Scientific and Technological Research Division | <i>Vice-President</i> |
| (c) Representative from Ministry of Science and Technology not below the rank of Joint Secretary | <i>Member</i> |
| (d) Representative of Ministry of Finance not below the rank of Joint Secretary | <i>Member</i> |
| (e) Representative of Ministry of Water and Power not below the rank of Joint Secretary | <i>Member</i> |
| (f) Representative of Alternate Energy Development Board Islamabad | <i>Member</i> |
| (g) four representatives, one each to be nominated by the Provincial Governments from the energy sector | <i>Member</i> |
| (h) Director-General, Pakistan Environmental Protection Agency | <i>Member</i> |
| (i) four representatives from the private sector dealing with renewable energies to be nominated by the Federation of Pakistan, Chamber of Commerce and Industries | <i>Members</i> |
| (j) Director-General, PCRET | <i>Member</i> |

(2) The Director-General shall act as Secretary of the Board.

8. Functions and powers of the Board.— In particular and without prejudice to the generality of the powers conferred by section 6, the Board shall-

- (a) approve overall plans, policies and programmes of the Council;
- (b) review and approve annual and long term business plans of the Council;
- (c) review and approve research projects proposed by the Technical Advisory Committee;
- (d) approve the annual development and non-development budget of the Council;
- (e) create posts of such officers and servants and engage such consultants or experts, as it may consider necessary for the efficient performance of the functions of the Council on such terms and conditions as it may deem fit;
- (f) recommend to the Federal Government to terminate the contract of the Director General before the expiry of his tenure in case of unsatisfactory performance; and
- (g) approve rules and regulations for carrying out the activities considered necessary for achieving efficient functioning of the Council under this Act.

9. Term of office of members.— (1) Save as hereinafter provided, a member, other than an *ex officio* member, shall hold office for a period of three years from the date of his nomination.

(2) A person who becomes, or is nominated to be, a member by virtue of his holding an office or appointment shall cease to be a member when he ceases to hold that office or appointment.

(3) A member, other than an *ex officio* member, may at any time resign his office by writing under his hand addressed to the Federal Government but shall continue to perform his functions until his resignation has been accepted.

(4) A vacancy caused by resignation or any other reason shall be filled by the nomination of a person qualified to fill such vacancy.

(5) No act or proceeding of the Board shall be invalid on the ground only of the existence of a vacancy in, or defect in constitution of, the Board.

(6) The Federal Government may increase or decrease the number of members of the Board of Governors and prescribe the qualifications and mode of appointment of such members in such manner as it may prescribe.

10. Meetings of the Board.— (1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings.

(2) Meetings of the Board shall be called by its President on such date and at such time and place as he may deem fit:

Provided that not less than two meetings shall be held in a year.

(3) Eight members shall constitute the quorum for a meeting of the Board.

(4) Each meeting of the Board shall be presided over by the President and, in his absence, by the Vice-President.

11. Director-General of the Council.— The Director-General shall be an eminent scientist or engineer preferably holding a Ph.D degree from recognized University having at least fifteen years experience in the relevant field or having an accredited M.Sc or M.E with twenty years relevant experience and shall be appointed by the Federal Government on the recommendation of Board of Governors for a term of three years on such terms and conditions as may be determined. The Federal Government, on the recommendation of Board of Governors, may extend the tenure of the Director-General for another term or terms it may deem fit.

12. Powers and functions of the Director-General.— The Director-General, who shall be the chief executive of the Council, shall work under the general policy guideline of the Board and have such powers, functions and duties as may be conferred or vested in him by or under this Act. The Director-General—

- (a) may, from time to time, for the purpose of ensuring efficient functioning of the Council and to facilitate its day to day functions, delegate to the Secretary or other officers of the Council, such of his functions, powers or duties as he may consider necessary;
- (b) shall in consultation with the Technical Advisory Committee formulate business and research plans and submit to the Board for approval;
- (c) shall ensure the protection of all assets of the Council including intellectual property assets;
- (d) shall promote commercialization of research and development work of the Council linking it with the market demand;
- (e) arrange for annual performance evaluation of the Council;

- (f) prepare the annual report of the Council for submission to the Federal Government which shall place it before the Parliament;
- (g) identify areas of strength and weakness and formulate remedial programs;
- (h) commission industry specific studies to identify technical problems and to approve plans for technical or scientific input by the Council towards their solution;
- (i) arrange management courses on a regular basis for managerial levels of the Council; and
- (j) may subject to the provisions clause (e) of section 8, appoint such officers and employees as may be necessary for the efficient performance of the functions of the Council on such terms and conditions as may be prescribed under the rules.

13. **Executive Committee.**— (1) The Executive Committee shall assist the Director-General in the running the day to day functions of the Council and be responsible for administrative as well as financial matters of the Council. The Committee shall comprise the following members, namely:-

- (a) Director-General;
- (b) two most senior scientific or technical officers;
- (c) Financial Adviser Ministry of Science and Technology; and
- (d) Director (Administration) of the Council who shall also act as its Secretary.

(2) All decisions of the Executive Committee shall be reported to the Board for approval and information.

14. **Technical Advisory Committee.**— (1) There shall be a Technical Advisory Committee of the Council comprising-

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| (a) Director-General | <i>Chairperson</i> |
| (b) two members of Board to be nominated by the Board | <i>Member</i> |
| (c) two experts from Engineering Universities to be nominated by the Higher Education Commission | <i>Member</i> |
| (d) Chief Executive National Rural Support Programme, Islamabad | <i>Member</i> |
| (e) two experts from the manufacturers of machinery and equipments in the field of renewable energies technologies | <i>Member</i> |

(f) Deputy-Director General of the Council

Member

(2) The Deputy-Director General of the Council shall act as Secretary of the Committee.

(3) The Committee shall,—

- (a) identify and prepare research programmes relevant to the market demand;
- (b) propose Annual, Five Year and Ten Year Development Programmes of the Council;
- (c) advise and report on any technical matters referred to it by the Board; and
- (d) conduct performance evaluation of the research programme for consideration by the Board.

15. **Fund of the Council.**— The Funds of the Council shall consist of —

- (a) funds of the Council which stand transferred to the Council under section 25;
- (b) grants from the Federal Government and the Provincial Governments;
- (c) donations and endowments;
- (d) funds generated through sale proceeds, technical services, and income from patents; and
- (e) research grants.

16. **Appointments of officer and staff etc.** — (1) All fresh appointments to the Council shall be on contract basis.

(2) Rules shall provide for “two-track” appointments; contractual and permanent.

(3) Recruitment rules shall provide for conversion of contractual appointments to permanent appointments, after contractual appointees have met the prescribed criteria.

17. **Budget and accounts.** — (1) The Director-General shall, in respect of each financial year, submit for the approval of the Board, a statement showing all the expenditures incurred during the year along with estimated receipts and expenditures for the next financial year.

(2) The Council shall, by such date and in such form as may be prescribed by rules, submit to the Federal Government for approval its budget for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Federal Government during the financial year.

(3) The accounts of the Council shall be maintained in such form and manner as the Federal Government may determine in consultation with the Controller General of Accounts.

(4) The accounts of the Council shall be audited by the Auditor- General of Pakistan.

18. **Delegation of powers.**— The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by the President, Executive Committee, or a member or officer of the Council.

19. **Submission of reports, etc.** — The Council shall submit to the Federal Government at such time and at such intervals as the Federal Government may specify-

- (a) annual report on the working of the Council;
- (b) such periodical reports and summaries as may be required by the Federal Government;
- (c) such periodical returns, accounts, statements and statistics as may be required by the Federal Government;
- (d) information and comments asked for by the Federal Government on any specific point;
- (e) copies of the documents required by the Federal Government; and
- (f) original documents required by the Federal Government for examination or any other purpose.

20. **Directives from the Government.**— (1) In the performance of its functions, the Council shall be guided on questions of policy by the instructions given to it in writing by the Federal Government which shall be sole judge as to whether a question is a question of policy.

(2) The Federal Government may dissolve and reconstitute the Board, if deemed necessary, in public interest.

21. **Discoveries and inventions to vest in the Council.**— All rights relating to discoveries and inventions and any improvements in materials, methods, processes, apparatus or equipment made by any officer or employee of the Council in the course of his employment shall vest in the Council and the researchers as per rules.

22. **Declaration of fidelity and secrecy.**— Every member, adviser, officer or other employee of the Council shall make such declaration of fidelity and secrecy as may be prescribed.

23. **Continuance of certain rules etc.**— All rules, regulations and bye-laws made by the Council and in force immediately before the commencement of this Act shall *mutatis mutandis*, and so far as they are not inconsistent with any of the provisions of this Act, continue in force until repealed or altered by rules made under this Act.

24. **Winding up.**— No provision of law relating to the winding up of bodies corporate shall apply to the Council and the Council shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.

25. **Dissolution of Council.**— Upon the commencement of this Act, the Council formed under the Resolution notified *vide* notification No.1(1)/97-CDOAM, dated the 4th August, 1998 shall stand dissolved and upon such dissolution,—

- (a) all assets, rights, powers, authorities and privileges and property, movable and immovable, 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 Council subsisting immediately before its dissolution shall stand transferred to and vest in the Council;
- (b) all officers and other employees of the Council shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand transferred to the Council in accordance with the present terms and conditions of the 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) a regular employee of the Council before the commencement of this Act shall have the option to remain civil servant under the Civil Servants Act, 1973 (LXXI of 1973) and shall be entitled to all the privileges and facilities of the Federal Government such as pension, gratuity, housing and health;
- (d) 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 Council formed under the Resolution before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Council;
- (e) all suits and other legal proceedings instituted by or against the Council formed under the Resolution, before its dissolution shall be deemed to be suits and proceedings by or against the Council and may be proceeded or otherwise dealt with accordingly; and
- (f) the Resolution notified *vide* Notification No.1(1)/97-CDOAM dated the 14th August, 1998 shall stand rescinded.

26. **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 Council shall not be liable to pay any such tax on its income, capital profit, wealth, gifts or gains.

27. **Act IV of 2008 not to apply to the Council.**— Nothing contained in the Industrial Relations Act, 2008 (IV of 2008), shall apply to or in relation to the Council or any of the officers, advisers and employees appointed by it.

28. **Power to make rules.**— The Federal Government may, by notification in the official gazette, make rules, for carrying out the purposes of this Act.

29. **Removal of difficulties.**— If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

1. Nature has gifted Pakistan with enormous renewable and environment friendly energy resources such as solar, biomass, microhydel, wind and geothermal etc. These resources can positively support progress through tangible R & D efforts, designated to develop & promote technologies for sustainability, consistent with our socio-economic conditions.
2. Further, the world sources of fossil fuels are not only limited, these are fast depleting. Indiscriminate use of fossil fuels has environmental dimensions as well. A shift to renewable energy sources has therefore become imperative.
3. A substantial investment in research in renewables for optimum utilization of domestic resources would also tend to improve the current energy mix in its favour of eventual self-sufficiency.
4. The establishment of Pakistan Council of Renewable Energy Technologies, as a statutory organization, is intended to move towards achievement of the above objectives through a coordinated research effort.

MUHAMMAD AZAM KHAN SWATI
Minister for Science & Technology
Member-in-Charge