

SINDH ACT NO.XX OF 2011

THE THAR COAL AND ENERGY BOARD ACT, 2011.

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[6th July, 2011]

An Act to provide for the establishment of the Thar Coal and Energy Board in the Province of Sindh.

WHEREAS it is expedient to provide for the establishment of the Thar Coal and Energy Board in the Province of Sindh and provide for matters connected therewith or ancillary thereto. **Preamble.**

It is hereby enacted as follows:-

**PART-I
PRELIMINARY**

1. (1) This Act may be called the Thar Coal and Energy Board Act, 2011. **Short title and commencement.**

(2) It shall come into force at once.

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

- (a) "Board" means the Thar Coal and Energy Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "coal" means a mineral formed below earth's surface and includes coal mines anthracite, bituminous coal, sub-bituminous coal and lignite;
- (d) "deposit" means any concentration of coal that can be economically exploited naturally or artificially located in the Province;
- (e) "Government" means the Government of Sindh;
- (f) "Managing Director" means the Managing Director of the Board;
- (g) "Member" means a member of the Board;
- (h) "prescribed" means prescribed by regulations or rules made under this Act ;

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- (i) "regulations" means the regulations made under this Act;
- (j) "rules" means the rules made under this Act;
- (k) "Thar" means the Region comprising of Districts Tharparkar, Umarkot and Mirpurkhas.

PART-II ESTABLISHMENT, POWER AND FUNCTIONS OF THE BOARD

3. (1) Government shall, by notification, establish a Board to be known as the Thar Coal and Energy Board.

**Establishment,
Powers and
Functions of the
Board.**

(2) The Board shall be a body corporate, having perpetual succession and a common seal with powers among others to acquire, hold and dispose of any property both movable and immovable vesting in it and by the said name sue and be sued.

(3) Government may, by notification extend the application of this Act to any areas in the Province of Sindh.

(4) The head office of the Board shall be at Karachi and the Board shall have the power to establish regional offices at such places as it may consider expedient.

(5) The Board shall consist of –

- (i) Chief Minister, Sindh **Chairman**
- (ii) Federal Minister for Water and Power **Vice Chairman**
- (iii) Federal Minister for Finance **Member**
- (iv) Federal Minister for Law **Member**
- (v) One Female MNA from Thar Region **Member**
- (vi) Three Provincial Ministers **Members**
(to be nominated by Government)

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- (vii) Deputy Chairman, Planning Commission **Member**
- (viii) Secretary, Ministry of Water and Power **Member**
- (ix) Chief Secretary, Sindh **Member**
- (x) One eminent person (to be nominated by Government) **Member**
- (xi) Secretary, Coal and Energy Development Department **Member**
- (xii) Managing Director **Member/ Secretary**

(2) Government may include additional members or modify the composition of the Board by notification in the official gazette.

(3) The quorum for the meeting of the Board shall be five members with at least three members from Sindh.

(4) The meetings of the Board shall be held in such manner and at such time and place as may be prescribed by regulations:

Provided that until such regulations are framed the meetings shall be held as and when convened and in the manner as decided by the Chairman.

(5) The Chairman may exercise such powers of the Board as may be necessary but the power exercised and the action taken in pursuance thereof shall be reported to the Board for ratification at its first meeting after such action.

4. (1) No person shall be eligible to become or continue to be a member who -

Membership of the Board.

- (a) is not a citizen of Pakistan;
- (b) is found to be a lunatic or becomes of un-sound mind;
- (c) is or at any time has been convicted of an offence involving moral turpitude;

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- (d) is or has at any time been adjudicated insolvent;
- (e) is or has at any time been disqualified for employment in or dismissed from Government service;
- (f) is acting in contravention of the provisions of this Act;
- (g) has without the permission of Government directly or indirectly any financial interest in any project or scheme or property of the Board.

(2) A non-official member shall hold office for a term of three years, unless he resigns or removed earlier and he shall be entitled for re-nomination.

(3) A non-official member may, at any time, resign from membership by addressing a letter to the Chairman and his resignation shall take effect from the date on which it is accepted by the Chairman.

(4) Government shall, by notification, remove a non-official member who has incurred any of the disqualifications mentioned in sub section (1).

(5) The Board may allow such remuneration to the members as it may determine.

5. The Board shall perform the following functions:-

- (a) to act as one-stop organization on behalf of all the ministries, departments and agencies of the Government of Pakistan and the Government of Sindh in the matters relating to formulation of policies;
- (b) to accord approval of projects for coal mining in Thar and for coal fired power generation plants or for other uses of Thar coal;
- (c) to appraise, evaluate and approve all investment proposals and projects received from the investors;

Functions of the Board.

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- (d) to assist investors in obtaining necessary consents, licenses, permits, and other legal documents required to operate, explore and develop the Thar Coal resources;
- (e) to monitor the progress of investment programmes and projects at all stages and ensure through inter-agency and inter-provincial coordination, prompt implementation and operation;
- (f) to encourage and promote international and national investment for the development of Thar Coal;
- (g) to coordinate and facilitate the domestic, foreign and international institutions for financing of the proposed projects;
- (h) to coordinate and facilitate the activities of Federal, Provincial and District Governments and their respective agencies related to Thar Coal including infrastructure development;
- (i) to correspond with concerned local and international agencies except in matters involving commitment of the Government of Pakistan;
- (j) to develop and approve, fiscal incentives for investors for development of Thar Coal deposits;
- (k) to call special meetings of relevant government agencies to discuss, review, resolve issues related to the development of the Thar Coal;
- (l) to approve any affiliation necessary with international organizations related to the development of the Thar Coal;
- (m) to determine and control the price of coal;
- (n) to open and operate bank accounts in local and foreign currencies;
- (o) to charge or levy fees for any services rendered to the investors;

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- (p) to develop a marketing, image building and public relations strategy to generate interest in the potential and opportunities of Thar Coal and publicize its activities; and
- (q) any other function related to development of the Thar Coal deposits.

PART –III OFFICERS AND STAFF OF THE BOARD

6. (1) The Board may, employ such officers, staff, consultants or experts as it may consider necessary for the performance of its functions. **Employment of Officers and Staff.**

(2) The Board may make regulations for appointment and terms and conditions of the service of its officers, staff, consultants and experts.

(3) The Board shall be competent to take disciplinary action against its officers, staff, consultants and experts.

7. (1) There shall be an Executive Management to assist the Board in the performance of its functions which shall consist of Managing Director and other officers including the staff as may be appointed by the Board. The Managing Director shall be the Chief Executive Officer of the Executive Management. **Management and Secretariat of the Board.**

(2) A Government may appoint an officer not below the rank of BS-20 or a suitable person from private sector as the Managing Director of the Board.

(3) Subject to the provisions of this Act, the Managing Director shall-

- (a) be responsible for implementation of the policies and decisions of the Board;
- (b) be responsible for running day to day affairs of the Board and shall act as Secretary of the Board;

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- (c) supervise the financial and executive administration of the Board and perform all duties assigned and exercise all powers conferred, on or delegated to him by or under this Act;
- (d) have power to exercise administrative control over the personnel of the Board; and
- (e) perform any other function as may be prescribed by regulations.

PART -IV

FUND

8. (1) There shall be a Fund of the Board which shall consist of - **Fund of the Board.**

- (a) grants and subsidies received from Government or any local body;
- (b) loans raised or obtained by the Board with the approval of Government in accordance with law; and
- (c) fee and other charges receivable under this Act.

(2) The amount credited in the fund shall be deposited in any Scheduled Bank approved by the Board.

(3) The funds shall be utilized for carrying out the purposes of this Act including the payment of salaries and remuneration payable to staff and consultants, other expenses necessary to run day to day affairs and for payment of loans and interests thereon, if any.

9. The Board shall maintain accounts in the form and in the manner as may be prescribed. **Maintenance of Accounts.**

10. The Accounts of the Board shall be audited every year by the Auditor General of Pakistan, in addition to the audit by a firm of Chartered Accountants and shall comply with the requirements applicable to companies incorporated under the Companies Ordinance, 1984. **Audit.**

11. All sums due to the Board from any person, body or organization shall be recoverable by Government as arrears of land revenue. **Recovery of dues.**

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**PART-V
MISCELLANEOUS**

12. (1) No Court shall have jurisdiction to grant any injunction or make any order or entertain any proceedings in relation to anything done or intended to be done under this Act. **Jurisdiction barred.**

(2) No act done or proceedings taken or order passed under this Act, shall be rendered invalid merely on the ground of –

- (a) any vacancy in the Board or any committee, or any defect in the constitution thereof;
- (b) non-service of notice on any person where substantial justice has been done; and
- (c) any omission, defect or irregularity not affecting the merits of any case.

13. No suit or legal proceedings shall lie against Government, Board, or any other person in respect of anything done or intended to be done under this Act. **Indemnity.**

14. The provisions of this Act, or the rules and regulations made thereunder shall have effect notwithstanding anything contained in any other law, rules or regulations. **Overriding Provisions.**

15. The Board may, by notification in the official Gazette, make regulations consistent with this Act and rules made thereunder for the purpose of giving effect to the provisions of this Act. **Power to make Regulations.**

16. Government may, by notification in the official Gazette, make rules consistent with this Act for the purpose of giving effect to the provisions of this Act. **Power to make Rules.**

17. The Thar Coal and Energy Board notified by Government before the commencement of this Act shall be deemed to have been established under this Act and all orders made, proceedings taken and acts done thereunder, shall continue to remain in force until altered, repealed or amended by the competent authority. **Saving.**

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18. If any difficulty arises in giving effect to the provisions of this Act, Government may, on the recommendations of the Board give such directions, not inconsistent with the said provisions, as it may consider necessary for the removal of such difficulty.

**Removal of
Difficulties.**