NOTIFICATION
2nd October, 2001

No. Legis: 1(5)/92/6158.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:


AN
ORDINANCE

to provide for the establishment of a fund for the development of hydel electricity in the North-West Frontier Province.

WHEREAS it is expedient to provide for the establishment of a fund for the development of hydel electricity in the North-West Frontier Province in the manner hereinafter appearing.

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended up to date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the North-West Frontier Province Hydel Development Fund Ordinance, 2001.
(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(a) “Board” means the Board constituted under section 4;

(b) "Chairman" means the Chairman of the Board;

(c) “Fund” means the Fund established under section 3;

(d) “Government” means the Government of the North-West Frontier Province;

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

(f) “PDWP” means the Provincial Development Working Party established in the Planning and Development Department of Government under the chairmanship of Additional Chief Secretary to Government;

(g) “prescribed” means prescribed by rules made under this Ordinance;

(h) “project” means large, macro-economic and income generating project or scheme pertaining to the development of hydel electricity to be financially assisted from the Fund;

(i) “section” means a section of this Ordinance; and


3. Establishment of the Fund.—(1) As soon as may be after the commencement of this Ordinance, Government shall establish a Fund to be known as the Hydel Development Fund.

(2) Subject to the availability of resources, with particular reference to over all liabilities, Government shall, on yearly basis, contribute to the Fund, an amount as it may determine, out of the total amount received from the Federal Government or an authority of the Federal Government on account of net profit earned by it from the generation of hydro electricity, for the purposes of this Ordinance, and may, in cases of exigencies, contribute to the Fund from other grants received from the Federal Government or any other agency or from its own budget pertaining to the Annual Development Programme.

(3) All profits from hydel projects undertaken from the Fund shall be deposited in the Provincial Consolidated Fund at the close of each financial year Provided that Government shall contribute ten per cent of such profits to the Hydel Development Fund.
(4) The amount contributed to the Fund shall be exclusively utilized for the development of hydel electricity in the Province and shall be operated upon in accordance with the provisions of this Ordinance and the rules made thereunder.

(5) All expenditure from the Fund shall be deemed to be an expenditure charged upon the Provincial Consolidated Fund within the meaning of Article 121(e) of the Constitution of the Islamic Republic of Pakistan.

(6) No project costing less than five hundred million rupees shall be financially assisted from the Fund. The Board may consider and approve viable projects costing less than five hundred million rupees; provided that such a project is a joint venture being executed with the collaboration of the private sector.

(7) Each project shall be undertaken on the basis of equity participation and the extent of equity participation shall be determined by the Board on case to case basis.

(8) Investment of all moneys received into the Fund shall be decided by the Board.

4. Constitution of the Board.—(1) For carrying out the purposes of this Ordinance, there shall be a Board comprising the following:

(i) Governor of the North-West Frontier Province or his nominee not below the status of a Provincial Minister, other than the Ministers at clauses (ii) and (iii), Chairman

(ii) Minister for Finance, North-West Frontier Province; Member

(iii) Minister for Power, North-West Frontier Province; Member

(iv) Chief Secretary to Government; Member

(v) Additional Chief Secretary to Government; Member

(vi) Managing Director, Bank of Khyber; Member

(vii) one Provincial Chief of any leading public sector bank or development financial institution stationed at Peshawar to be nominated by Government; Member

(viii) the Secretary to Government, Finance Department; Member

(ix) Managing Director, SHYDO; and Member

(x) the Secretary to Government, Power Department. Member-cum-Secretary
(2) The Board shall meet at such time and place and on such dates as the Chairman may direct.

(3) The Chairman and three members shall form quorum for a meeting.

(4) All decisions in a meeting of the Board shall be taken by majority of votes of members present; provided that the Chairman shall have a casting vote in case of equality of votes of the members.

(5) The Board shall, until rules are made in this regard, evolve its own procedure for the conduct of its business under this Ordinance.

(6) No remuneration shall be admissible to any member including the Chairman.

5. **Functions and powers of the Board.**—(1) The Board shall, in consultation with Government, if need be, have the power to control, operate and utilize the Fund for the purposes of this Ordinance:

Provided that the Board shall approve only such projects or schemes including feasibility studies, for being financially assisted from the Fund as may, for reasons to be recorded in writing, result in direct economic growth to the Province or augment the provincial receipts:

Provided further that the Board may for the purpose of this Ordinance, seek such independent expert advice from proper source appropriate to evaluate whether a particular project or scheme is feasible to be financially assisted from the Fund or not.

6. **Submission of projects and schemes to the Board.**—(1) For the purposes of this Ordinance, the En höch durch the Power Department of Government shall submit each case for financing of a project or scheme from the Fund to the Board and the Board shall, after it has been scrutinized by the PDWP, subject to the provisions contained in the provision to section 5, approve the same in the prescribed manner:

Provided that until the rules are made in this regard, the case shall be submitted to the Board in such manner as the Board directs.

7. **Accounts and audit.**—(1) The Power Department of Government shall maintain the accounts of the Fund in such form and manner as may be prescribed.

(2) No amount from the Fund shall be withdrawn and incurred, except with the prior approval of the Board, and every such drawal shall be jointly signed by the Minister for Power and the Secretary Power as members of the Board.
NOTIFICATION

2nd May, 2002.

No. Legis:I(5)/92/2710/2854.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:

THE NORTH-WEST FRONTIER PROVINCE HYDEL DEVELOPMENT FUND (AMENDMENT) ORDINANCE, 2002.


AN
ORDINANCE

to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001.

WHEREAS it is expedient to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.-W.F.P. Ordinance No. XXVI of 2001) for the purposes hereinafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended up to date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the North-West Frontier Province Hydel Development Fund (Amendment) Ordinance, 2002.
2. **Amendment of N.W.F.P. Ordinance No. XXVI of 2001.**—In the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.W.F.P. Ordinance No. XXVI of 2001), hereinafter referred to as the said Ordinance, for the words "Power Department", wherever occurring, the words "Irrigation and Power Department" shall be substituted.

3. **Amendment of section 3 of N.W.F.P. Ordinance No. XXVI of 2001.**—In the said Ordinance, in section 3, in sub-section (1), the full-stop appearing at the end shall be replaced by a colon and thereafter the following proviso shall be inserted, namely:

"Provided that the erstwhile Fund with the title 'North-West Frontier Province Development of Hydel Electricity Fund', established administratively before the commencement of this Ordinance shall, on establishment of the Fund under this Ordinance, stand merged with the Fund so established under this Ordinance and shall always be construed and deemed to have been so merged with effect from the date of its establishment."

4. **Amendment of section 4 of N.W.F.P. Ordinance No. XXVI of 2001.**—In the said Ordinance, in section 4, in sub-section (1), in clause (iii), for the expression "Minister for power, North-West Frontier Province", the expression "Minister for Irrigation and Power, North-West Frontier Province" shall be substituted.

5. **Amendment of section 7 of N.W.F.P. Ordinance No. XXVI of 2001.**—In the said Ordinance in section 7—

(a) in sub-section (2), for the expression "Minister for Power and the Secretary Power", the expression "Chief Secretary, North-West Frontier Province, and the Secretary Irrigation and Power Department" shall be substituted;

(b) in sub-section (3), the following shall be added at the end, namely:

"A copy of these accounts shall be rendered to the Accountant General, North-West Frontier Province, by the 31st August each year, for incorporating in the Civil Accounts."

Peshawar, Dated the 26th April, 2002.

Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH, Governor of the North-West Frontier Province.

SALIM KHAN, Secretary to Government of North-West Frontier Province, Law Department.
FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE NORTH-WEST FRONTIER PROVINCE

PROVINCIAL ASSEMBLY SECRETARIAT
NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 25/3/2003.


having been passed by the Provincial Assembly of North-West Frontier Province on the 05-09-2003 and assented to by the Governor of the North-West Frontier Province on 15-09-2003 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE
HYDEL DEVELOPMENT FUND (AMENDMENT)
ACT, 2003
(N.-W.F.P. ACT NO. X OF 2003)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.W.F.P. (Extraordinary), dated the 25-09-2003.

(Here print as in the accompaniment).

SECRETARY,
Provincial Assembly of NWFP.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with a request to publish the same in the extraordinary issue of the North-West Frontier Province Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

SECRETARY,
Provincial Assembly of NWFP.


A copy is forwarded to:

1. The Secretary to Governor, NWFP.
2. The Secretary to Govt: of NWFP, Irrigation Department.
3. The Secretary to Govt: of NWFP, Law Department.
4. The Director of Information, NWFP.

SECRETARY,
Provincial Assembly of NWFP.
AN ACT

further to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001

PREAMBLE.----WHEREAS it is expedient further to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.-W.F.P. Ord. No. XXVI of 2001);

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the North-West Frontier Province Hydel Development Fund (Amendment) Act, 2003.

(2) It shall come into force at once.

Amendment of section 4 of N.-W.F.P. Ord. No. XXVI of 2001.---

In the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.-W.F.P. Ord. No. XXVI of 2001), in section 4, in sub-section (1), in clause (I), for the word "Governor", the words "Chief Minister" shall be substituted.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

NAZIR AHMAD
SECRETARY,
PROVINCIAL ASSEMBLY OF NWFP
FOR THE EXTRAORDINARY GAZETTE ISSUE OF THE NORTH-WEST FRONTIER PROVINCE

PROVINCIAL ASSEMBLY SECRETARIAT
THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 21/12/2006.

No.PA/NWFP/Legis-1/2006/3714
The North-West Frontier Province

Hydel Development Fund (Amendment) Bill, 2006

having been passed by the Provincial Assembly of North-West Frontier Province on the 06-11-2006 and assented to by the Governor of the North-West Frontier Province on 26-11-2006 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH-WEST FRONTIER PROVINCE
HYDEL DEVELOPMENT FUND (AMENDMENT) ACT, 2006
(H.-W.F.P. ACT NO. IX OF 2006)

(First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary), dated the 24 December 2006.)

(Here print as in the accompaniment.)

SECRETARY,
Provincial Assembly of NWFP.

No. and date (as per notification above).

"A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationary and Printing Department, Peshawar, with a request to publish the same in the extraordinary issue of the North-West Frontier Province Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

SECRETARY,
Provincial Assembly of NWFP.

dated 21/12/2006.

A copy is forwarded to:
1. The Secretary to Governor, NWFP.
2. The Secretary to Govt. of NWFP, Irrigation and Power Department.
3. The Secretary to Govt. of NWFP, Law Department.
4. The Director of Information, NWFP.

SECRETARY,
Provincial Assembly of NWFP.
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Further to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001.

Preamble—WHEREAS it is expedient further to amend the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.-W.F.P. Ord. No. XXVI of 2001), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the North-West Frontier Province Hydel Development Fund (Amendment) Act, 2006.

(2) It shall come into force at once.

2. Amendment of section 3 of N.-W.F.P. Ord. No. XXVI of 2001.—In the North-West Frontier Province Hydel Development Fund Ordinance, 2001 (N.-W.F.P. Ord. No. XXVI of 2001), hereinafter referred to as the said Ordinance, in section 3, after sub-section (8), the following new sub-section shall be added, namely:

"(9) An Investment Committee, consisting of the following, shall be constitute to make recommendation to the Board for making investment out of the Fund:

1. Chief Secretary to Government Chairman
2. Secretary to Government, Irrigation and Power Department Member
3. Secretary to Government, Finance Department Member
4. Managing Director, SHYDO Member
5. Director Finance and Administration SHYDO Member"

3. Amendment of section 4 of N.-W.F.P. Ord. No. XXVI of 2001.—In the said Ordinance, in section 4, in sub-section (3), for the word "three", the word "four" shall be substituted.

4. Amendment of section 7 of N.-W.F.P. Ord. No. XXVI of 2001.—In the said Ordinance, in section 7,

(a) in sub-sections (1) and (3), for the words "Irrigation and Power Department", the words "Finance Department" shall be substituted; and

(b) in sub-section (2), for words "Chief Secretary", the words "Secretary Finance" shall be substituted.

**BY ORDER OF MR. SPEAKER,**

**PROVINCIAL ASSEMBLY OF NORTH-WEST FRONTIER PROVINCE**

**HAZAR AHMAD**

Secretary,

Provincial Assembly of NWFP