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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 21st January, 2022

No. F. 22(4)/2022-legis.—The following Bill has been introduced in the National Assembly on the 21st January, 2022

N.A. BILL NO. 12 OF 2021

A

BILL

further to amend the Private Power and Infrastructure Board Act, 2012

WHEREAS it is expedited to merge the Alternative Energy Development Board into the Private Power and Infrastructure Board (PPIB) due to similar mandate of both the autonomous bodies, for implementation of various policies, programs and projects in the field of alternative or renewable energy technologies by the Private Power and Infrastructure Board;

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AND WHEREAS upon dissolution of the Alternative Energy Development Board, it is expedient further to transfer all its resources, grants, rights, powers, funds, liabilities, etc. to the Private Power and Infrastructure Board and to repeal the Alternative Energy Development Board Act, 2010 (XIV of 2010);

AND WHEREAS in the interest of certainty and consistency in the smooth functioning of the power sector, it is expedient further to amend the Private Power and Infrastructure Board Act, 2012 (VI of 2012), for the aforesaid purposes in the manner hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Private Power and Infrastructure Board (Amendment) Act, 202/.

(2) It shall come into force at once.

2. **Amendment of preamble, Act VI of 2012.**—In the Private Power Infrastructure Board Act, 2012 (VI of 2012), hereinafter called as the said Act, in the preamble, in the second paragraph after the word “investors”, the expression “and to assist and facilitate development of transmission, distribution and generation of conventional and alternative or renewable energy and related infrastructure in order to achieve sustainable economic growth with transfer of technology for development of an indigenous technological base through a diversified energy generation” shall be inserted.

3. **Amendments of section 2, Act VI of 2012.**—In the said Act, in section 2,—

(i) the existing clause (a) shall be renumbered as (aa);

(ii) before clause (aa), renumbered as aforesaid, the following new clause shall be inserted, namely:—

“(a) “alternative or renewable energy” means energy that is produced by alternative or renewable resources as compared to the conventional or that are replenished naturally which do not deplete when consumed and are non-polluting and environment-friendly

(iii) in clause (b), after the word “Board”, the expression “appointed under this Act” shall be inserted;

(iv) after clause (c), the following new clause (ca) shall be inserted, namely:

“(ca) “institute” means institute of alternative and renewable energy technologies established under this Act;”;

(v) after clause (e), the following new clause (ea) shall be inserted, namely:—

“(ea) “organization”- means an organization of the alternative and renewable energy established under this Act;”;

(vi) in clause (g), after the word “regulations,” the words, “made under this, Act” shall be inserted; and

(vii) after clause (g), amended as aforesaid, the following new clause (ga) shall be inserted, namely:

“(ga)” “Prime Minister” means the Prime Minister of the Islamic Republic of Pakistan”.

4. **Amendments of section 5, Act VI of 2012.**—In the said Act, in section 5, in sub-section (2),—

(i) in clause (a), after the word “policies”, the expression “, including for the utilization of alternative or renewable energy resources” shall be inserted; and

(ii) after clause (b), the following new clauses shall be inserted, namely:—

“(ba) develop national strategy, policies and plans for utilization of alternative and renewable energy resources to achieve the targets approved by the Federal Government in consultation with the Board;

(bb) act as a forum for evaluating proposals, monitoring of the projects and alternative and renewable energy products and certify their vendors, installers and service providers;

(bc) create awareness and motivation of the need to set up alternative and renewable energy projects for benefit of general public as well as evaluating concepts and technologies from technical and financial perspective;

(bd) conduct feasibility studies and surveys to identify opportunities for power generation and other applications through conventional and alternative and renewable energy resources;

- (be) make legislative proposals to enforce use and installation of equipment utilizing alternative and renewable energy;
- (bf) setup alternative or renewable energy projects on its own or through joint venture or partnership with public or private entities in order to create awareness and motivation of the need to take such initiatives for the benefit of general public as well as by evaluating concepts and technologies from technical and financial perspectives;
- (bg) interact and co-ordinate with international and national agencies for promotion and development of alternative or renewable energy;
- (bh) assist in development and implementation of plans with concerned authorities and provincial governments and special areas for off-grid
- (bi) to develop or cause to be developed electric power installations and infrastructure in accordance with the power policies and act as an independent auction administrator and perform other functions in the electric power market;
- (bj) to act as a coordinating agency for commercial application of alternative or renewable technology;”.

5. **insertion of sections 5A and 5B, Act VI of 2012.**—in the said Act, after section 5, amended as aforesaid, the following new sections 5A and 5B shall be inserted, namely:—

“5A. Organization of the Board.—(1) The Board may, for carrying out its functions for promotion and development of transmission, distribution and generation of conventional and alternative and renewable energy and related infrastructure, monitoring of alternative and renewable energy products and projects, project management and certification of vendors, installers and service providers, establish one or more organizations as it may consider necessary.

(2) An organization established under sub-section (1) shall be subject to control and supervision of the Board and shall function within the framework of this Act, and perform such functions as may be prescribed by regulations.

5B. Institute of energy technologies.—(1) The Board may, for carrying out its functions of commercial application of alternative or renewable energy and development and promotion of generation, transmission and distribution and related infrastructure, establish an institute for the development of corresponding human resource. The

institute shall also provide economic and policy counseling and conduct alternative or renewable economic research.

(2) The institute established under sub-section (1) shall conduct its business in such manner as may be prescribed by regulations.

(3) The institute may be funded subject to the Public Finance Management Act, 2019, by such fees and charges as may be prescribed by rules.”.

6. Amendments of section 6, Act VI of 2012.—(1) In the said Act, in section 6, in sub-section (1),—

(i) in clause (a), for the expression “Minister for Water and Power”, the expression “Secretary of the administrative division” shall be substituted;

(ii) clause (b) shall be omitted.

(iii) after clause (c), the following new clause (ca) shall be inserted, namely:—

(ca) Secretary of the division to which business of climate change stands allocated or his nominee not below the rank of Additional Secretary or equivalent – Member;

(iv) in clause (d), for the expression “; Ministry of Petroleum and Natural Resources”, the expression “of the division to which business of Petroleum stands allocated” shall be substituted; and

(v) in clause (j), the expressions “each”, “and FATA” and “and Governor Khyber Pakhtunkhwa respectively” shall be omitted.

7. Amendment of section 7, Act VI of 2012.—In the said Act, in section 7, in sub-section (7), in clause (c), for the words “Federal Government”, the word “Board” shall be substituted.

8. Amendment of section 14, Act VI of 2012.—In the said Act, in section 14, in sub section (1), in clause (e), the word “and” at the end shall be omitted and in cause (f), for the full stop, a semi colon shall be substituted and thereafter the following new clauses shall be inserted, namely: -

“(g) funds provided by the Federal Government for meeting the objectives of this Act including for payment of salaries, establishing infrastructure and running day to day business of the Board;

- (h) foreign aid, grants, loans negotiated or raised or otherwise obtained by the Board, directly or through the division to which business of economic affairs stands allocated;
- (i) income from sale of movable or immovable property; and
- (j) funds from floating bonds, shares, debentures, commercial papers or other securities issued by the Board or through any other means.”.

9. **Amendment of section 23, Act (VI) of 2012.**—In the said Act, in section 23, for the word “Board”, the words “Federal Government” shall be substituted.

10. **Amendment of section 24, Act VI of 2012.**— In the said Act, in section 24, for the words “Managing Director” the word “Board” shall be substituted and the expression “, with the approval of the Board,” shall be omitted.

11. **Insertion of sections 30, 31, 32 and 33, Act VI of 2012.**— In the said Act, after section 29, the following new sections shall be inserted, namely:—

“30. Dissolution of Alternative Energy Development Board.—

(1) Upon commencement of the Private Power and Infrastructure Board (Amendment) Act, 2021, the Alternative Energy Development Board established under section 3 of the Alternative Energy Development Board Act, 2010 (Act XIV of 2010) shall stand dissolved and upon such dissolution,

- (a) the alternate energy fund established under section 13 of the Alternative Energy Development Board Act, 2010 (Act XIV of 2010) shall stand transferred to and vest in the Private Power and Infrastructure Development Board Fund established under section 14;
- (b) all assets, rights, powers, authorities and privileges and all property, cash and bank balances, reserve funds, investment and all other interests and rights in or arising out of such property and all debts, liabilities and obligations of whatever kind of the dissolved Alternative Energy Development Board subsisting immediately before its dissolution, shall stand transferred to and vest in the PPIB;
- (c) notwithstanding anything contained in this section or any other law for the time being in force or in any agreement, deed, document or other instrument, all officers, consultants, advisers, auditors and other employees and staff of the dissolved Alternative Energy Development Board shall, after the commencement of the Private Power and Infrastructure

Board (Amendment) Act, 2021, stand transferred and to be officers, consultants, advisor, auditors and employees and staff of the PPIB:

Provided that —

- (a) upon such transfer the emoluments of all officers, other employees and staff of the dissolved Alternative Energy Development Board shall not be varied to their disadvantage as they were entitled to receive in accordance with the dissolved. Alternative Energy Development Board Act, 2010 (Act XIV of 2010n);
- (b) the persons so transferred shall be deemed to have been appointed or engaged by the PPIB in such grades and on such terms and conditions as will be determined by the Board having regard to equivalence of respective grades, qualifications and experience of employees of the dissolved Alternative Energy Development Board with the respective grades, qualifications and experience of existing staff of PPIB:
- (c) persons so transferred shall not be entitled to additional compensation only because of such continuance or transfer; and
- (d) any civil servants appointed to or working in the dissolved Alternative Energy Development Board shall upon theft transfer to the PPIB continue to be governed by the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder;
- (d) immediately after the commencement of the Private Power and Infrastructure Board (Amendment) Act, 2021, the Board shall announce and notify a voluntary separation allowance under a voluntary separation scheme for such transferred officers, other employees and staff who may opt for such voluntary separation allowance within a period of three months after such notification. After such option is exercised and payment of such voluntary separation allowance is made to such officers, other employees and staff, their employment shall stand terminated with immediate effect. After such maximum period of three months such transferred officers, employees and staff who have not opted for voluntary separation allowance shall be deemed to have

been appointed and engaged by the Board from the date of such transfer. All payments made in respect of such voluntary separation scheme by PPIB shall be reimbursed by the Federal Government within a period of six months;

- (e) all debts and obligations incurred or contracts entered into, guarantees issued, rights acquired and all matters and things engaged to be done by, with or for the dissolved Alternative Energy Development Board shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the PPIB;
- (f) all suits, arbitrations and other legal proceedings instituted by or against the dissolved. Alternative Energy Development Board before its dissolution shall be deemed to be suits, arbitrations and proceedings by or against the PPIB and shall be proceeded or otherwise dealt with accordingly; and
- (g) any reference to the Alternative Energy Development Board so dissolved in any statutory instrument, policy or other document or instrument shall, unless the context otherwise requires, be read and construed as reference to be PPIB.

(2) Notwithstanding anything contained to the contrary in the Private Power and Infrastructure Board (Amendment) Act, 2021, the terms and conditions of the existing PPIB officers, other employees and staff shall not be varied to their disadvantage due to appointment and engagement of such transferred officers, employees and staff.

(3) All rules, regulations, policies, notifications, orders, tax exemptions as provided under section 24 of the Alternative Energy Development Board Act, 2010 (Act XIV of 2010) or instructions in force pertaining to or in any way concerned with or affecting the dissolved Alternative Energy Development Board immediately before commencement of the Private Power Infrastructure Board (Amendment) Act, 2021, shall, so far as they are not inconsistent with any of the provisions of this Act, continue to be in force until repealed, altered or rescinded by rules or regulations made under this Act.

31. 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 Board shall not be liable to pay any such tax on its income, investment, capital profit, wealth, gifts or gains.

32. **Issuance of policy directives.**—The Federal Government may as and when it considers necessary issue policy directives, not inconsistent with this Act, to the Board in respect of its activities and compliance of such directives shall be binding on the Board.

33. **Repeal.**— The Alternative Energy Development Board Act, 2010 (XIV of 2010) is hereby repealed.”.

STATEMENT OF OBJECTS AND REASONS

In 2003, the Alternative Energy Development Board (AEDB) was created and thereafter was given legal status in 2010 through the enactment of the Alternative Energy Development Board Act, 2010 (Act XIV of 2010) as statutory body to “facilitate development and generation of alternative or renewable energy in order to achieve sustainable economic growth with transfer of technology for development of an indigenous technological base through a diversified energy generation”. Originally, the Alternative and Renewable Energy (ARE) project development was within the mandate of PPIB through Policy for Power Generation Projects 2002 and short, medium, and long-term targets were envisioned thereunder.

2. From the administrative perspective, the AEDB is essentially tasked with the similar functions as that of PPIB’s, except that its scope is limited to development of ARE projects, resulting in duplication of functions, resources and efforts. The existence of AEDB as a separate administrative unit is contrary to the spirit of “one-window operation” and “ease of doing business”, as investors have to deal with two different entities, having similar mandate and scope of work. It also runs contrary to concept of creating synergies for optimum output and undermine the concept of cost and resource effectiveness. It is now a serious apprehension that with the current structure and resource, the AEDB may not be able to match the expectation of accelerated pace of GOP’s renewed focus on ARE development in Pakistan that has been set out in ARE Policy 2019.

3. The merger of AEDB into PPIB is also part of the overall scheme of the Competitive Trading Bilateral Contract Market (CTBCM), which envisions an Independent Auction Administrator (IAA) for conducting auction/biddings on behalf of DISCOs for procurement of new power generation capacity. Thus, it is imperative that IAA functions are carried out try by a single entity.

4. For reasons above, it is felt that the AEDB may be merged into the PPIB, which has been in existence since 1994, and has therefore developed the requisite skill set and ability to act as a one window facility for all segments of the energy sector. The merger of AEDB into PPIB will not only pave the way for smooth and seamless development and processing of power projects of all technologies including ARE projects but it will also ensure operational

efficiency and facilitate investors by extending a true one-window for all technologies.

5. This Bill has been developed to achieve the aforesaid objectives.

MUHAMMAD HAMMAD AZHAR,
Minister-In-Charge.

Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following report of the Standing Committee, presented in the National Assembly on 21st January, 2022 is published for information:

**REPORT OF THE STANDING COMMITTEE ON AVIATION DIVISION
ON THE PAKISTAN AIRPORTS AUTHORITY BILL, 2022
(GOVERNMENT BILL)**

I, the Chairman of Standing Committee on Aviation Division, have the honor to present this report on the Bill to establish the Pakistan Airports Authority for ownership and management of airports [Pakistan Airports Authority Bill, 2022 (Ordinance No. XIV of 2021)] (Government Bill) referred to the Committee on 9th August, 2021.

2. The Committee consists the following:—

(1) Haji Imtiaz Ahmed Chaudhary	Chairman
(2) Ch. Shaukat Ali Bhatti	Member
(3) Mr. Faiz Ullah	Member
(4) Malik Karamat Ali Khokhar	Member
(5) Mr. Tahir Iqbal	Member
(6) Mr. Niaz Ahmed Jakhar	Member
(7) Ms. Munawara Bibi Baloch	Member
(8) Ms. Asma Qadeer	Member
(9) Ms. Saira Bano	Member
(10) Mr. Jai Parkash	Member

(11) Dr. Khalid Maqbool Siddiqui	Member
(12) Ms. Shahnaz Saleem Malik	Member
(13) Chaudhary Faqir Ahmed	Member
(14) Dr. Aisha Ghaus Pasha	Member
(15) Ms. Romina Khursheed Alam	Member
(16) Dr. Darshan	Member
(17) Sardar Muhammad Bux Khan Mahar	Member
(18) Mr. Naveed Dero	Member
(19) Jam Abdul Karim Bijar	Member
(20) Mr. Kamal Ud Din	Member
(21) Chaudhary Ghulam Sarwar Minister for Aviation	Ex-Officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex 'A' in its meetings held on 07-10-2021, 24-11-2021 and Committee unanimously recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-
TAHIR HUSSAIN,
Secretary.

Sd/-
HAM IMTIAZ AHMED CHAUDHARY,
Chairman.

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to establish the Pakistan Airports Authority

WHEREAS it is expedient to provide for the establishment of the Pakistan Airports Authority; for ownership, management, operation and development of

airports and aerodromes in Pakistan and for matters connected generally with management of airports;

AND WHEREAS it is expedient to provide for services and facilities including air navigation services necessary for the safe, efficient, adequate, economical and properly coordinated air transport operations in Pakistan;

AND WHEREAS to transfer the airports, undertakings and its allied infrastructure vested in Pakistan Civil Aviation Authority to the Pakistan Airports Authority so established and formatters connected therewith and incidental thereto;

It is hereby enacted as follows.—

1. **Short title, extent application and commencement.**—(1) This Act shall be called the Pakistan Airports Authority Act, 2022.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all airports, except works, airports, aerodromes, airfields and things connected therewith which are owned by the Federal Government and established for the exclusive use of defence services.

(4) The Federal Government may, by notification in the official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf.

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

(a) “aerodrome” shall have the same meaning as assigned thereto in Civil Aviation Act, 2022;

(b) “airport” shall have the same meaning as assigned thereto in the Civil Aviation Act, 2022;

(c) “Authority” means the Pakistan Airports Authority established under section 3;

(d) “airport facilities” includes CNS or ATM services and facilities of all kinds including runways, taxiways, hangars, parking facilities and all other facilities necessary or desirable for the landing and taking off of an aircraft; embarkation and disembarkation of passengers, loading, unloading and handling of passenger baggage, cargo; transportation facilities, all necessary appurtenances, machinery and equipment; terminal building with developed commercial concessions including shops, hotels, restaurants and catering facilities for passenger comfort and convenience; aircraft

maintenance and repair facilities considered necessary or convenient by the Authority in connection therewith;

- (e) “airport property” means all tangible or intangible property, assets and rights of whatsoever kind used or intended to be used in connection with the airport and whether in the possession or control of the Pakistan Civil Aviation Authority, including the airport lands, land records and all documents of whatsoever kind relating to the airport;
- (f) “Board” means the Board constituted under section 7;
- (g) “Communication, Navigation and Surveillance and Air Traffic Management Services” or “CNS/ATM services” means provision of communication, navigation and surveillance and air traffic management services of the Authority;
- (h) “Chairperson” means the Chairperson of the Board;
- (i) “Director General” means the Director General of the Authority; and “division concerned” means the division to which the business of this Act stands allocated.

3. **Establishment of the Authority.**—(1) As soon as may be, after the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish an authority to be known as the Pakistan Airports Authority.

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

4. **Power of the Federal Government to issue directives, etc.**—(1) The Federal Government may, by notification in the official Gazette as and when it considers necessary, issue directives to the Authority on matters of policy and such directives shall be binding on the Authority and where a question arises as to whether any matter is a matter of policy or not, the decision thereof of the Federal Government shall be final.

5. **Power and functions of the Authority.**—(1) The powers and function of the Authority shall be to.—

- (a) plan, promote and prepare schemes for the construction, development, operation and maintenance of airports, its allied infrastructure and facilities for safe, efficient, adequate,

environmental friendly, economical and properly coordinated civil air transport services and air navigation services;

- (b) conduct its airport operations in a cost-effective and efficient manner;
- (c) take measures as are necessary for the efficient operation and management of the airspace;
- (d) ensure application of safety standards at the airport;
- (e) ensure smooth operation of functions of different agencies at airports;
- (f) plan, develop, construct and upgrade airport and airport facilities including aviation infrastructure in Pakistan;
- (g) operate, manage and maintain airports and aerodromes in an efficient and business-like manner including provision of airport services and facilities such as—
 - (i) landing and taking off of aircraft, airfields, runways, taxiways, parking aprons, lighting of airfield; marking and signage of airfields, runways, taxiway and apron;
 - (ii) search and rescue services; assistance to an aircraft in distress over the territory of Pakistan, provision of crash landing, fire fighting at all airports and aerodromes to aircraft in need and environmental hazard control services;
 - (iii) airfield supervisory, security services and any other services necessary for the safe, efficient operations for aircraft during landing and take-off;
 - (iv) service, maintenance and repair of aircraft; aircraft hangars;
 - (v) common hydrant infrastructure, its allied services and facilities for aircraft refueling including waste disposal;
 - (vi) services and facilities for the handling of cargo, storing and processing of cargo, customs and quarantine services for cargo;
 - (vii) passenger terminals, concourses, ground handling facilities, baggage handling systems and equipment, inter-terminal transit systems, flight information and public address systems, flight catering services and facilities;

- (viii) services and facilities for the operation of customs, immigration, narcotics control, public health and quarantine checks and control;
 - (ix) management of commercial concessions, licenses and leases at the airport for facilitation of passengers including airport retails;
 - (x) operation, management, maintenance and serviceability of systems, equipment, buildings, allied infrastructure including their periodic up-gradation, replacements, overhauls; and
 - (xi) any service or facility connected thereto or ancillary to the operation of airports as may be prescribed;
- (h) plan, procure, install, maintain navigational aids, communication equipment, beacons and ground aids at the airports and at such locations as may be considered necessary for provision of communication navigation services (CNS), air traffic management services (ATM) to provide safe and efficient operation of aircrafts and communication services;
- (i) develop and implement master plan and airport layout plan for management of estates and land at airports and aerodromes;
- (j) ensure security clearance of all persons performing functions of the Authority; and
- (k) prescribe and collect the rates, fees and charges authorised by this Act or by any rules and regulations made thereunder.
- (2) The Authority may, if it considers necessary,—
- (a) approve estimates of development projects and maintenance works and award of contracts for construction, maintenance and operation of airports and facilities;
 - (b) subject to clause (a) undertake any approved works, incur any expenditure, procure vehicles, plants, machinery and material, required for its use and enter into and perform all such contracts as it may consider necessary or expedient;
 - (c) approve capacity building programmes, trainings and training facilities which are associated thereto and in furtherance of its functions or any matter relating to airport management;

- (d) enter into contracts for the supply of goods, services or any other contracts as may be necessary for the exercise, performance and discharge of its functions;
- (e) enter into public-private partnership or private sector participation arrangements;
- (f) acquire by purchase, lease, exchange or otherwise any land or immovable property or any interest in such land or property;
- (g) pledge any property vested in it, including the immovable assets transferred to it under this Act for purposes including raising finances for the development projects to be undertaken by it;
- (h) grant lease of land for airport or for development of allied infrastructure; and
- (i) form one or more companies under the Companies Act, 2017 (XIX of 2017) for performance of its functions under this Act.

(3) Notwithstanding anything contained in this Act, the Authority may provide consultancy, construction and management services, and technical services for establishment of private airports and undertake operations in Pakistan and abroad in relation to airports, ground aids and safety services or any facilities thereat. For such services the Authority may enter into any arrangement on such terms and conditions as may be agreed to between the Authority and the sponsor or agency.

(4) Subject to the provisions of any other law for the time being in force, the Authority and the Director General may exercise such powers and perform such functions, as the Federal Government may, by notification in the official Gazette, specify.

(5) The acquisition of any land or any interest in land for the Authority or for any development or establishment of airports under this Act shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall apply to all such proceedings.

(6) The Director General or any person authorised by him may enter upon and survey any land, erect pillars for the determination of intended lines of works, make borings and excavations and do all other acts which may be necessary for the preparation of any scheme, provided that, when the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause the least interference with and the least damage to the rights of the owner thereof.

(7) When any person enters into or upon any land in pursuance of sub-section (6), he shall at the time of entering or as soon thereafter as may be practicable pay or tender payment for all necessary damage to be done as aforesaid and in case of dispute as to the sufficiency of the amount so paid or tendered the dispute shall be referred to the deputy commissioner of the district whose decision shall be final.

6. **Operation, control of airports etc.**—(1) For the purposes of this Act the Authority shall apply to the Pakistan Civil Aviation Authority for issuance or renewal of a licence to establish, develop, maintain and operate an airport.

(2) The airports and aerodromes transferred to the Authority on the commencement of this Act, shall be exempted from the provision of licensing under sub section (1) for a period of one year and shall progressively apply for issuance of licences for the operation and maintenance of such airports and aerodrome.

(3) The Authority for the purpose of operation, management and/or development of airports or aerodrome may enter into such agreements, arrangements and contract a it may deems appropriate, subject to me conditions as may be prescribed.

7. **Board.**—(1) The general direction and administration of the Authority and its affairs shall vest in a Board consisting of the following members which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done under this Act by the Authority, namely:—

Sr. No.	Name	Status
1.	Secretary of the division concerned	Chairperson
2.	Vice Chief of Air Staff, Pakistan Air Force	Member
3.	Director General of the Authority	Member
4.	a representative not below BPS-21 of the division to which business of planning and development stands allocated	Member
5.	a representative not below BPS-21 of the Finance Division	Member
6.	Member of Federal Board of Revenue	Member
7.	Any officer of the Authority duly qualified to hold the post of Secretary of the Board	Secretary

(2) The Federal Government may, by notification in the official Gazette, amend sub-section (1) so as to add any clause thereto, or modify any clause thereof or omit any clause therefrom.

(3) The Board may co-opt not more than three technical (independent) members having requisite experience and qualification, for such period as it may determine.

(4) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed by regulations.

(5) For the purpose of advising or assisting the Board in the performance of its functions, the Board may appoint such committees as it deems fit.

(6) Each committee appointed by the Board shall consist of at least two members together with such other persons as the Board under sub section (5) may deem fit for the purpose in respect of which the committee is appointed.

(7) On receipt of advice from any of its committees, the Board shall decide whether or not to adopt that advice, in whole or in part or with such modifications as the Board thinks fit.

(8) A committee appointed under sub section (5) shall, in the performance of its functions delegated by the Board, at all times be subject to such directions, conditions and restrictions as may be imposed by the Board and shall adhere to all policies of the Board.

(9) The chairman of each committee appointed under sub section (5) shall ensure that the committee prepares and submits to the Chairperson of the Board a report of the functions delegated to the committee, and the progress thereof, before the end of every quarter in the year.

8. Meetings and proceedings of Board.—(1) The meetings of the Board shall be held as and when convened by the Chairperson, at least quarterly.

(2) The Chairperson or, in his absence, a member authorised by him in this behalf and three members shall constitute a quorum for a meeting of the Board.

(3) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairperson or, as the case maybe, the member presiding the meeting shall have a casting vote in addition to his original vote.

(4) The Chairperson, or in his absence a member authorised by the Board in this behalf shall preside meeting of the Board.

(5) Subject to the quorum, the Board may act notwithstanding any vacancy in its membership.

(6) Subject to the provisions of this Act, the Board may regulate its own procedure generally and in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the recording and keeping of minutes and the custody, production and inspection O. such minutes.

9. **Executive committees.**—(1) There shall be an executive committee of the Authority consisting of the Director General, who shall be its head, additional director general, deputy director general[s], director human resource and director finance to be its members including such other members as may be nominated by the Director General from amongst the most senior officers of the Authority.

(2) The executive committee shall exercise such administrative, executive, financial and technical powers as may be delegated to it by the Board.

(3) The executive committee may, in an emergency which in its opinion requires immediate action, take such action as it considers necessary, and shaft report it for approval to the Board in its next meeting.

10. **Director General duties, powers and functions.**—(1) The Federal Government shall appoint the Director General who shall be an eminent professional of known integrity and competence with at least twenty years of related experience in airport management, business, engineering, finance, accounting, economics or the aviation industry.

(2) The Director General shall be the executive head of the Authority and shall be responsible for the day-to-day management and administration of the Authority and exercise such powers and functions subject to the provisions of this Act including.—

- (a) the overall operation, management and maintenance of airport including all safety aspects;
- (b) financial and operational matters;
- (c) superintend the performance of the functions of the Authority as set out in section6 of this Act;
- (d) oversee the works and ongoing provision of airport services and air navigation services;

- (e) have responsibility for the enforcement and administration, on behalf of the Board as specified from time to time.

(3) In the absence or inability of the Director General to perform his functions, the Chairperson of the Board may appoint a senior most employee of the Authority to discharge the functions of the Director General during his absence or inability.

11. Term of office of the Director General.—(1) Subject to the provisions of this Act, the Director General shall hold office for a term of three (03) years from the date of his appointment or till attaining the age of sixty (60) years whichever is earlier and shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

(2) The Director General may be eligible for re-appointment for a period of up to two years subject to upper age limit of sixty years.

12. Resignation by the Director General.—The Director General by notice in writing to the Federal Government may resign from his office: Provided that such resignation shall take effect from the date of acceptance by the Federal Government.

13. Removal of the Director General.—(1) Subject to sub-section (2), the Federal Government may, remove the Director General from his office.

(2) The Director General may be removed from his office, if he,—

- (a) in the opinion of the Federal Government, fails to discharge, or becomes incapable of discharging, his duties under this Act; or
- (b) has been convicted of an offence involving moral turpitude; -or
- (c) has knowingly acquired or continued to hold without the permission in writing of the Federal Government, directly or indirectly or through a partner, any share or interest tangible or intangible in any licence, certificate, permit, authorization, inspections, examinations, contract related to aviation industry affecting the regulatory control of the Authority.

14. Disclosure of interest by Director General.—(1) In case of any, directly or indirectly interest in any matter relating to a contract or other transaction or project of the Authority, the Board member or the Director General, as the case may be, shall disclose the nature of his interest in the first meeting of the Board after which its come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member or Director General shall not take part in any deliberation of the Board with respect to that contract, transaction or project. For the purpose of determining whether there is a quorum, a member or Director General shall be treated as being present at a meeting notwithstanding that they cannot vote or have withdrawn from the meeting in respect of the matter in question.

15. Delegation of powers.—(1) The Authority may, by general or special order, delegate to the executive committee, the Director General or an officer of the Authority any of its powers, functions under this Act, subject to such conditions as it may think fit to impose:

Provided that every delegation under this section shall be in writing and shall be revocable by the Board, but no such delegation shall prevent the Board from exercising the powers so delegated.

16. Recruitment of officers, etc.—(1) The Authority may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions.

(2) The Authority shall prescribe by regulations the procedure for appointment of its officers, servants, experts and consultants, and the terms and conditions of their service.

17. Members, officers etc., to be public servants.—The Director General, members, officers, servants, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

18. Intentional damage to airport facilities or property.—Whosoever intentionally damages any airport facility or property in or about any airport or interferes with the navigational or communication aids for landing or take-off of aircraft at any airport or in flight in such manner as to endanger, or likely to endanger the life of any person or property, shall commit an offence under this Act, on summary conviction, punishable with imprisonment for a term not exceeding ten years or with fine not exceeding ten million rupees or with both.

19. Making false, misleading statement.—Whosoever makes, either knowingly or recklessly, any statement which is false or misleading in any material return, claim or other document, which is required or authorised to be made under this Act, rules and regulations made thereunder shall commit an offence under this Act and on summary conviction, punishable with imprisonment for a term not exceeding three years or with fine not exceeding five million rupees or with both.

20. **Contravention of this Act, rules and regulations.**—Whosoever, while on duty or lawfully employed on any airport or aerodrome, or on any aircraft used by or for the purposes of air transport and cargo services or vehicle endangers the safety of any person —

- (a) by contravening of the provisions of this Act, or any rules or regulations made thereunder; or
- (b) by contravening any lawful order, direction given in writing to such person, or made in respect of his service; or
- (c) by being under the influence of any drug, narcotic substances, etc; or
- (d) by any rash or negligent act;

shall commit an offence under this Act, on summary conviction, punishable with imprisonment for a term not exceeding one year or with fine not exceeding five hundred thousand rupees or with both.

21. **Commission of intentional fraud.**—Whosoever, with intent to defraud, demands or receives from any other person delivering goods for carriage or warehousing by means of the Authority or from any other person making use of the facilities provided by means of the Authority, and greater or less amount than he should demand or receive, shall commit an offence under this Act and, on summary conviction, punishable with imprisonment for a term not exceeding three years or with fine not exceeding one million rupees or with both.

22. **Offence of trespass, etc.**—(1) Whosoever—

- (a) enters a prohibited or restricted area of any airport. facility or property, refuses to leave such airport facility or property after being requested to do so by an officer-in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force shall be deemed to be a trespasser for the purpose of this Act;
- (b) being on airport facility or property, or upon any vehicle used by or for the purposes of the Authority
 - (i) refuses when called upon by an officer-in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force to give his name and address, or gives a false name or address, for the purpose of avoiding prosecution;

- (ii) behaves in an offensive or a violent manner to the annoyance of any other person;
- (iii) discharges any firearm or does anything which may cause injury to any person on such airport facility or property or vehicle;
- (iv) commits any nuisance which directly or indirectly endangers flight safety by any means including but not limited to laser lights, kite flying, fireworks or flying a drone within the restricted area;
- (v) commits any act of indecency, or uses abusive or foul language;
- (vi) without lawful excuse, contravenes any lawful direction given by officer-in-charge of airport or any authorised employee or member of the Airport Security Force;
- (vii) save with the express permission of the Director General, deals, sells or exposes for sale any article or advertise, applies for or solicits customers of any description;
- (viii) smokes in any part of such airport facility or property or aircraft or vehicle bearing a notice that smoking is prohibited;
- (ix) disposes of garbage or deposit refuse or any other object at an airport or aerodrome except by placing it in the receptacle provided for the purpose;
- (x) abandons any property or other thing at an airport or aerodrome; and
- (xi) engages in gambling, or operate a gambling device, at an airport or aerodrome;
- (c) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation or character upon any airport facility or property or upon any aircraft or vehicle within the airport or aerodrome;
- (d) defaces the writings on any board or any notice authorised to be maintained upon any airport facility or property or upon any aircraft or vehicle within the airport or aerodrome;
- (e) damages or without lawful excuse interferes with any airport facility or property;

- (f) being a driver or conductor of any vehicle, disobeys within the premises of the Authority, any reasonable directions given by an officer in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force;
- (g) fails to deliver at the earliest possible opportunity to any authorised employee any property, which there is reason to believe has been lost or forgotten or found on any premises of the Authority, or on any aircraft or vehicle used by or for the purposes of the Authority;
- (h) willfully obstructs or impedes any other person in the discharge of his duties arising out of his employment in or for the purposes of the Authority.
- (i) gives or offers to any other person money or money's worth for the purpose of avoiding payment of any sum due to the Authority; or
- (j) unlawfully removes any property of the Authority,

shall commit an offence under this Act, on summary conviction, punishable with imprisonment for a term not exceeding three years or with fine not exceeding one million rupees or with both.

23. **Arrest without warrant.**—(1) Whosoever commits any offence mentioned in section 19, section 20, section 21 or section 22 under this Act may be arrested without warrant by officer-in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force.

(2) Whosoever commits any offence against this Act or any rules or regulations made thereunder, other than an offence mentioned in subsection (1), may be arrested without warrant by officer-in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force, if

- (a) there is reason to believe that such person will abscond;
- (b) he refuses on demand to give his name and address; or
- (c) there is a reason to believe that the name and address given by him are incorrect:

Provided that, save where there is reason to believe that such person will abscond, he shall, if his true name and address are ascertained, be released on his executing a bond without sureties for his appearance before a Special Magistrate when required under this Act.

(3) Any person who commits any of the offences set out in section 22 may be required by officer-in-charge of the airport or any authorised officer of the Authority or member of the Airport Security Force to leave the premises, aircraft or vehicle, as the case may be, in which such person is at the time of the commission of the offence; and if such person fails to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

24. **Maintenance of public order.**—The officer-in-charge of the airport or any duly authorized officer of the Authority shall be responsible for maintenance of public order or good order at the airport or aerodrome under this Act and shall be vested with powers necessary for implementation of this provision.

25. **Power to try offences summarily.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 [Act V of 1898] or in any other law for the time being in force, an officer-in-charge of the airport and duly authorized officer of the Authority trying an offence in accordance with the Act or rules made thereunder shall, for the purpose of the trial, be deemed to be Special Magistrate of the First Class specially empowered under section 14 of the Code of Criminal Procedure, 1898 [Act V of 1898], and any punishment of fine summarily imposed shall be deemed to have been passed by the Special Magistrate.

26. **Penalty for abetment of offences and attempted offences.**—Whosoever abets the commission of any offence under this Act or attempts to commit such offence shall be liable to the punishment provided for the offence.

27. **Recovery of dues as fine under the Code of Criminal Procedure, 1898.**—Notwithstanding anything contained under this Act or any other law for the time being in force, all fee, charges, sums, rents and dues under section 20 and all arrears of such charges, fees, dues and rents under this Act, may be recovered in addition to other modes as prescribed, upon summary proceedings before a magistrate in the manner provided in the Code of Criminal Procedure 1898 [V of 1898] for recovery of fines.

28. **Financial year.**—(1) The financial year of the Authority is the period of twelve months ending on the 30th day of June occurring first after such establishment.

(2) The first financial year shall consist of the period commencing on the date of the establishment of the Authority and ending on the 30th day of June of the following year.

29. **Budget.**—The Board shall approve the budget of each financial year by such date and in such form as may be prescribed including a statement

showing the estimated receipts and current and development expenditure and sums which are likely to be required during the next financial year.

30. **Fund.**—(1) There shall be a fund to be known as the “Pakistan Airports Authority Fund” which shall vest in the Authority and shall be utilised by the Authority to meet charges in connection with its functions under this Act including the payment of salaries and other remuneration to the Director General, officers, servants, experts and consultants of the Authority.

(2) The Pakistan Airports Authority Fund shall consist of

- (a) grants made by the Federal Government ;
- (b) loans obtained from the Federal Government ;
- (c) sale proceeds of bonds issued under the authority of the Federal Government;
- (d) loans obtained by the Authority with the special or general sanction of the Federal Government ;
- (e) foreign aid and loans obtained with the sanction of and on such terms and conditions as may be approved by the Federal Government ; and all other sums received and fees collected by the Authority.

(3) Subject to the provisions of any other law for the time being in force the Authority shall be competent to levy and collect.

- (a) aeronautical charges related to landing, parking & hanger, passenger services, security & vigilance, noise related, emission related aircraft, aero-bridges, aircraft power supply and throughput charges;
- (b) fees paid by individuals in respect of airport infrastructure development charges; and
- (c) fees and charges in respect of commercial exploitation of the Authority’s properties, including land, buildings and aircraft.

(4) The Pakistan Airports Authority Fund shall be kept in scheduled bank of Pakistan.

31. **Maintenance of accounts.**—The accounts of the Authority shall be maintained in such form and manner as the Federal Government may determine in consultation with the Auditor General of Pakistan.

32. **Audit of accounts.**—(1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan.

(2) Copies of the audit report shall be sent to the Authority and the Authority shall forward the report along with its comments to the Federal Government.

(3) The Authority may, in addition to the audit under sub-section (1), cause to be carried out internal audit of its accounts.

33. **Authority to be deemed to be a local Authority.**—The Authority shall be deemed to be a local authority for the purpose of borrowing money under the Local Authorities Loans Act, 1914 (IX of 1914), and the making and execution of any scheme under this Act shall be deemed to be a work which such authority is legally authorised to carry out.

34. **Liability of the Federal Government to be limited.**—The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by it and the loans raised by the Authority with the sanction of the Federal Government.

35. **Submission of yearly report, returns, etc.**—The Authority shall submit to the Federal Government periodical reports, accounts statements, or any other report at such time and at such intervals as the Federal Government may specify

36. **Exemption from taxes.**—Notwithstanding anything contained in the Income Tax Act, 2001 (XLIX of 2001), or any other law for the time being in force relating to income tax, super tax, sales tax on services, property tax the Authority shall be exempted from paying any such taxes as aforesaid on its incomes, services, profits or gains, property, from the date of commencement of this Act till five years period or as such extended from time to

37. **Act X of 2012 not to apply to Authority.**—The Industrial Relations Act, 2012 (Act X of 2012) or any other law related to industrial relations for the time being in force, shall not apply to or in relation, to the Authority or any person in the service of the Authority.

38. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Authority, the Director General, or any member, officer, servant, expert or consultant of the Authority in respect of anything, done or intended to be done in good faith under this Act or of any rule or regulation made there under or for any damage sustained by anything belonging to or under the control of the Authority.

39. **Transfer of airports, undertakings etc.**—(1) On commencement of this Act, the Federal Government shall, by notification to be published in the

official Gazette, determine the date, mode and manner in which all assets and undertakings, including lands, buildings, airports and aerodromes, works, machinery, apparatus, equipment, material, plants, cash balances, share in pension fund according to the pension liability, capital, reserves, reserve funds, investments, concessions, licence, leases and book debts and all other rights and interests arising out of such undertakings as were immediately before that day vested in the Pakistan Civil Aviation Authority, Airports and Operations Division shall, without any conveyance or assignment, be transferred to and vest in the Authority in fee simple absolute and all liabilities in respect of the said assets shall be the liability of the Authority.

(2) The undertaking of the Pakistan Civil Aviation Authority, Airports and Operations Division which is transferred to, and which vests in, the Authority under sub-section (1) shall be deemed to include all assets, rights, obligations, powers and privileges, in relation to its undertaking, all books of account and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Pakistan Civil Aviation Authority, in relation to its undertaking.

(3) The assets and liabilities of the Pakistan Civil Aviation Authority, Airports and Operations Division shall be evaluated by the Federal Government and taken on books, and the excess of the assets over the liabilities will be deemed to be the Federal Government's contribution to the Authority either as equity or loan as may be determined by the Federal Government.

(4) The evaluation of the net assets transferred to the Authority under sub-section (3), the terms governing the transfer, the return on equity, if any, and the conditions governing the loan shall be determined by the Federal Government.

(5) The Federal Government Lands and Buildings (Recovery of Possession) Act, (LIV of 1965) 1965 shall apply to lands and buildings vesting in the Authority and for the purpose of such application shall have effect as if reference therein to the Federal Government included a reference to the Authority.

40. Transfer of service of existing employees.—(1) Subject to the provisions of this Act, any person or category of persons who immediately before the commencement of this Act has been in the service of the Pakistan Civil Aviation Authority, Airport and Operation Division, shall be transferred to the Authority, on the same terms and conditions as were applicable to them, unless modified or amended under the provisions of this Act:

Provided that pay and allowances to which such employees shall be entitled shall not be less favorable than those to which he was entitled immediately before such transfer.

(2) Provided that the Federal Government shall, by notification in the official Gazette, specify a date to be the date on which the existing employees of the Pakistan Civil Aviation Authority of the Airport and Operations Division shall be transferred to the Authority.

(3) The service of a person transferred under subsection (2) as an employee of the Authority shall be taken for all purposes to have been continuous with the service of the person, immediately before the transfer date, as an employee of the Pakistan Civil Aviation Authority.

(4) Notwithstanding any provision of law, no person transferred the service of the Authority under sub-section (1) shall be entitled to receive any payment or other benefit merely because he stopped being an employee of the Pakistan Civil Aviation Authority as a result of this section or of any other provision of this Act, or on account of the abolition of his office in the Pakistan Civil Aviation Authority.

(5) If any question arises as to whether any person or any category of persons has been transferred to the service of Authority under subsection (1), a certificate under the hand of the Director General shall be conclusive evidence that the person or category of persons was or was not so transferred.

41. Certain existing arrangements to continue.—All contracts and working arrangement made and all liabilities incurred by the Pakistan Civil Aviation Authority, Airports and Operations Division in connection with, or for the purpose of, the Authority, before the establishment of the Authority, shall be deemed to have been made or incurred by the Authority and have effect accordingly.

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

43. Power of the Authority to make regulations.—The Authority may make regulations, not inconsistent with this Act and the rules made thereunder, to provide for all internal matters and for which provision is necessary or expedient for carrying out the purposes of this Act.

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

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

STATEMENT OF OBJECTS AND REASONS

Considering the sensitivity of operations and involvement of airspace being a strategic asset, the role of Civil Aviation in Pakistan shall be bifurcated into two entities: one responsible for regulation of civil aviation activities in Pakistan; whereas, the other shall be responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan. Pakistan Civil Aviation Authority (PCAA) shall be entrusted with regulatory functions; whereas, the Pakistan Airport Authority (PAA) shall be entrusted with commercial and operational aspects of airports.

2. The existing institutional arrangement and legal instruments envisages regulatory as well as service provider roles being performed by a single entity which tantamount to infringement upon the regulatory functions being performed by the regulatory authority: To improve services, enhance efficiency at airports and to comply with the Standard and Recommended Practices (SARPs) of international Civil Aviation Organization (ICAO), an institutional arrangement is needed to create separate authorities for civil aviation regulations and services provision.

3. The Pakistan Airports Authority Ordinance 2021 envisages establishment of separate civil aviation services provision body.

4. The Ordinance is designed to achieve the aforesaid purpose.

GHULAM SARWAR KHAN,
Minister for Aviation.

**REPORT OF THE STANDING COMMITTEE ON AVIATION DIVISION
ON THE PAKISTAN CIVIL AVIATION BILL, 2022 (GOVERNMENT
BILL)**

I, the Chairman of Standing Committee on Aviation Division, have the honor to present this report on the Bill to consolidate and amend laws relating to regulation of civil aviation activities and further to confer functions on Pakistan Civil Aviation Authority [Pakistan Civil Aviation Bill, 2022 (Ordinance No. XIII of 2021)] (Government Bill) referred to the Committee on 12th August, 2021.

2. The Committee consists the following:—

- | | | |
|-----|-----------------------------|----------|
| (1) | Haji Imtiaz Ahmed Chaudhary | Chairman |
| (2) | Ch. Shaukat Ali Bhatti | Member |

(3)	Mr. Faiz Ullah	Member
(4)	Malik Karamat Ali Khokhar	Member
(5)	Mr. Tahir Iqbal	Member
(6)	Mr. Niaz Ahmed Jakhar	Member
(7)	Ms. Munawara Bibi Baloch	Member
(8)	Ms. Asma Qadeer	Member
(9)	Ms. Saira Bano	Member
(10)	Mr. Jai Parkash	Member
(11)	Dr. Khalid Maqbool Siddiqui	Member
(12)	Ms. Shahnaz Saleem Malik	Member
(13)	Choudhary Faqir Ahmed	Member
(14)	Dr. Aisha Ghaus Pasha	Member
(15)	Ms. Romina Khursheed Alam	Member
(16)	Dr. Darshan	Member
(17)	Sardar Muhammad Bux Khan Mahar	Member
(18)	Mr. Naveed Dero	Member
(19)	Jam Abdul Karim Bijar	Member
(20)	Mr. Kamal Ud Din	Member
(21)	Chaudhary Ghulam Sarwar Minister for Aviation	Ex-Officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex 'A' in its meetings held on 07-10-2021, 24-11-2021 and unanimously recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-
TAHIR HUSSAIN,
Secretary.

Sd/-
HAM IMTIAZ AHMED CHAUDHARY,
Chairman.

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to consolidate and amend laws relating regulation of civil aviation activities;
and further to confer functions on Pakistan Civil Aviation Authority*

WHEREAS it is expedient to consolidate and reenact laws relating to powers and functions of the Pakistan Civil Aviation Authority; for development, promotion and regulation of civil aviation activities; to ensure civil aviation safety and security; to give effect to the conventions, treaties and agreements on international civil aviation;

WHEREAS to make provisions for the control and regulation of development, operations and maintenance of aerodromes, airports and related infrastructure; and to control and regulate safe, secure, efficient, adequate, economical and properly coordinated civil air transport service and air navigation services;

AND WHEREAS to make better provisions for the control and regulation of manufacture, design, possession, use, acquisition, operation, sale, import and export of aircraft; and to provide for any matters arising out of or connected therewith or ancillary thereto;

It is hereby enacted as follows:—

CHAPTER- I**GENERAL**

1. **Short title, extent, application and commencement.**—(1) This Act shall be called the Pakistan Civil Aviation Act, 2021.

(2) It extends to the whole of Pakistan.

(3) It shall apply to

(a) all civil airports and aerodromes within Pakistan;

(b) all citizens of Pakistan and persons on any aircraft registered or operated in Pakistan, wherever such citizen or aircraft may be;

(c) all persons on board any aircraft while in Pakistan; and

(d) all persons carrying on any activity relating to or connected with, the purposes of this Act:

Provided that the provisions of this Act shall not APPLY in respect of any —

- (i) aircraft belonging to or exclusively employed in the naval, military or air force of Pakistan, or persons employed in connection with any such aircraft, unless the Federal Government, by notification in the official Gazette, applies to any such aircraft or person, with or without modification, any of the provisions of this Act or the rules; or
- (ii) lighthouse to which the Lighthouse Act, 1927 (XVII of 1927), applies, or prejudice or affect any right or power exercisable by any authority under that Act.

(4) The Federal Government may, by notification in the official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf.

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

(a) “**accident**” means;

- (1) an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which
 - (i) a person is fatally or seriously injured as a result of being in the aircraft, or have direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or have direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
 - (ii) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, (including its cowlings or accessories), or for damage limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor

blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); and

- (2) an occurrence associated with the operation of air navigation services, management of aerodromes or such other incidents as specified by the Authority;
- (b) **“aerodrome”** means a defined area on land or water including any buildings, installations and equipment; intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- (c) **“aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air other than the- reactions of the air against the earth’s surface, and includes balloons, whether captive or free, airship, kites, gliders, flying machine and unmanned aerial vehicle;
- (d) **“airport”** means an aerodrome at which facilities have, in the opinion of the Federal Government, been sufficiently developed to be of importance to civil aviation;
- (e) **“airport licence”** means a license granted under this Act;
- (f) **“air transport service”** means a service of aircraft for the purpose of effecting public transport of passengers, goods, mails and other things;
- (g) **“Annexes to the Chicago Convention”** means documents issued modified and amended by the International Civil Aviation Organization from time to time, containing the standards and recommended practices applicable to civil aviation;
- (h) **“Authority”** means the Pakistan Civil Aviation Authority established under section 3;
- (i) **“Board”** means the Board referred to in section 4;
- (j) **“Chairperson”** means the Chairperson of the Board;
- (k) **“Code”** means the Code of Criminal Procedure 1898 (Act V of 1898);
- (l) **“commercial flying”** means flying for carriage by air of any passenger, mail or goods for hire or reward and such other flying for the purposes of any trade or business as may be specified by the Authority and “commercial flight” shall be construed accordingly;

- (m) **“Court”** means a court of competent jurisdiction, but not inferior to the Court of Magistrate of the first class;
- (n) **“device”** means any mechanical or electronic equipment, apparatus, tool or thing made or adapted to disrupt or interrupt or obstruct flight operations;
- (o) **“director general”** means the Director General of the Authority;
- (p) **“division concerned”** means the division of the Federal Government to which the affairs of the Authority stand allocated under the Rules of Business, 1973;
- (q) **“export”** means taking out of Pakistan;
- (r) **“import”** means bringing into Pakistan;
- (s) **“incident”** means an occurrence other than accident, associated with the operation of aircraft which affects or could affect the safety of operations;
- (t) **“landing area”** means the part of the movement area intended for the landing or take off of aircraft;
- (u) **“person”** means any individual, firm, partnership, corporation, company, limited liability company, association of persons, joint stock association, government entity, body politic, and includes any trustee, assignee and receiver or other representative or employees thereof;
- (v) **“prescribed”** means as prescribed by rules or regulations made under this Act;
- (w) **“regulations”** means the regulations made under this Act;
- (x) **“rules”** means the rules made under this Act;
- (y) **“secretary”** means the Secretary of the division concerned; and
- (z) **“weapon”** means any firearm, explosives, missile, detonating device, improvised explosive device, precursor chemicals or any inflammable substances, biological weapon, nuclear weapon or any other thing that may cause or likely to cause injury or death to human life or damage to aircraft.

CHAPTER -II

ESTABLISHMENT OF THE AUTHORITY

3. **Establishment of the Authority.**—(1) The existing Pakistan Civil Aviation Authority shall be deemed to be the Authority established for purposes of this Act.

(2) The authority shall be a body corporate, having perpetual succession and a common seal with power, subject to provisions of this Act, to acquire and hold property, both movable and immovable, and shall sue and be sued by the name assigned to it by sub-section (1).

4. **Management.**—(1) The general direction and administration of the Authority under this Act and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board shall consist of the following members, namely;

- | | |
|--|-------------|
| (i) Secretary of the division concerned | Chairperson |
| (ii) Vice Chief of Air Staff, Pakistan Air Force | Member |
| (iii) Director General of the Authority | Member |
| (iv) Member Federal Board of Revenue | Member |
| (v) An officer of BPS 20 or equivalent and above of the division concerned | Member |
| (vi) Senior officer of the Authority | Secretary |

(3) The Federal Government may, by notification in the official Gazette, amend sub-section (2) so as to add any clause thereto, or modify or omit any clause thereof.

(4) The Federal Government may appoint not more than three additional members having technical experience and qualification, for such period as it may determine.

(5) The Board may co-opt not more than three technical members having requisite experience and qualification, for such period as it may determine.

(6) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed by regulations:

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened by the Chairperson.

(7) The Chairperson or, in his absence, a member authorized by him in this behalf and three members shall constitute a quorum for a meeting of the Board.

5. **Executive committee.**—(1) There shall be an executive committee of the Authority consisting of the Director General, who shall be its head, and four other members who shall be nominated amongst the senior officers of the Authority.

(2) The executive committee shall exercise such administrative, executive, financial and technical powers, as may be delegated to it by the Authority.

(3) The executive committee may, in any extraordinary event take immediate action, as it considers necessary, and shall report such action for approval of the Board in its next meeting.

6. Directorates of the Authority.—The Authority may establish one or more directorates, to control and regulate aircraft, aerodromes, airports and civil enclaves; air transport and air navigation in order to ensure safe, secure, efficient, adequate and properly coordinated civil aviation activities within Pakistan.

7. Recruitment of officers, etc.—(1) The Authority may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions under this Act.

(2) The Authority shall make regulations for appointment procedures of its officers, servants, experts and consultants, and their terms and conditions of service.

8. Members, officers etc., to be public servants.—The Director General, members, officers, servants, experts and consultants of the Authority, shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

CHAPTER -III

POWERS AND REGULATORY CONTROL OF AUTHORITY

9. Powers and functions of the Authority.—(1) Subject to the provisions of this Act, the Authority shall have the responsibility for controlling, regulating and supervising all matters related to civil aviation activities within Pakistan.

(2) Without prejudice to the generality of the powers and functions under sub section (1), the Authority shall be responsible for-

- (a) control and regulate the safety and security of civil aviation activities including the establishment and enforcement of standards and to exercise safety regulatory oversight of the civil aviation activities and operators within Pakistan;
- (b) regulation of civil air transport services and operations within the territory of Pakistan in accordance with the provisions of this Act;
- (c) control and regulation of manufacturing, design, possession, use, acquisition, operation, sale, import and export of aircraft; including repair, maintenance and training organizations;
- (d) control and regulation of development, operation, maintenance of all airports and aerodrome within Pakistan;
- (e) control and regulation of air navigation services and facilities;
- (f) control and regulation of search and rescue services to aircraft in distress;
- (g) issuance of certificates, licences, permits and any other authorization or document required to be issued by or under the provisions of this Act;
- (h) development of air routes and airways in Pakistan, in consultation with the division concerned;
- (i) encouragement, promotion, facilitation and assistance in the development and improvement of civil aviation capabilities, skills and services in Pakistan;

- (j) ensuring that the provisions of this Act, rules and regulations made there under are administered, enforced, given effect to, carried out and complied with; and
 - (k) performing any other functions that are incidental or consequential to any of its functions under this Act.
- (3) The Authority may,
- (a) carry out all activities in connection with the performance of its functions;
 - (b) seek assistance from any government agency, authorities, company or corporation, or person whether local or foreign for the purpose of this Act;
 - (c) own and hold on behalf of the Federal Government, any property both movable or immovable duly vested and transferred to the Authority under this Act; utilize in such manner as it may think expedient including the raising of loans by mortgaging such property with the approval of the Federal Government;
 - (d) enter into contracts for the supply of goods, services or materials or for the execution of works as may be necessary for performance of functions of the Authority under this Act;
 - (e) initiate and carry out study, surveys, research and development into regulatory aspect of civil aviation; and to promote education and training in connected matters;
 - (f) hold negotiations with foreign countries to settle technical matters arising out of bilateral air transport agreements with the approval of the Federal Government;
 - (g) advise the Federal Government on all matters relating to civil aviation;

- (h) impose fine in case of breach of any condition as prescribed or specified for holder of any licence, certificate, permit, authorization, validation or approval under this Act;
- (i) any matter connected thereto or ancillary therewith for the implementation of objects and purposes of this Act.

(4) Nothing in this section shall entitle the Authority to exercise any regulatory power in respect of such works, airports, aerodromes, airfields and things connected therewith as are owned by the Federal Government and established for the exclusive use of defence services.

10. Regulation of civil aviation activities.-(1) In exercise of the power conferred under this Act, the Authority shall ensure,

- (a) the regulation of air transport services and commercial flying, and the prohibition of the use of aircraft in such services and in commercial flights except under the authority of, and in accordance with, a licence authorizing the establishment of any such service or flight;
- (b) the registration and marking of aircraft in Pakistan;
- (c) the imposition of conditions under which an aircraft may be allowed to fly from or to an aerodrome or airport while entering or leaving Pakistan or from one place within Pakistan to another; and over territories in Pakistan including conditions related to airworthiness, maintenance and repair, of such aircraft;
- (d) the prohibition of flight by aircraft over any prescribed area, either absolutely or at specified times, or subject to specified conditions and exceptions;

- (e) the inspection or supervision of aircraft for the purpose of enforcing the provisions of this Act and the facilities to be provided for such inspection or supervision;
- (f) the licensing, inspection and regulation of aerodromes and airports, the conditions under which aerodromes or airports may be developed, operated, managed, maintained and for services provided at, such aerodromes or airports, prohibition on the use of unlicensed aerodromes or airports, and the regulation of conduct of persons in the vicinity of aerodromes or airports;
- (g) the inspection and control of the manufacture, design, repair and maintenance of aircraft and of places where such aircraft are manufactured, designed, repaired or kept;
- (h) the conditions on persons that may be engaged or employed in, or in connection with, air navigation, aerodromes and airports;
- (i) the conditions subject to which persons may be employed in the operation, manufacture, design, repair or maintenance of aircraft, training organizations;
- (j) the conditions for acquisition, sale, import and export of aircraft;
- (k) the regulation and control of air-route beacons, aerodrome or airport lights, and lights at or in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes; and installation and maintenance of lights on private property in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes;
- (l) the regulation of transmission and making of signals and communications by or to an aircraft, and by or to persons carried therein;

- (m) the regulation of measures for securing the requirements of obstruction clearances at aerodromes and airports, for the safety or security, efficiency and regularity of air navigation, and for preventing aircraft from endangering other persons and property; the formulation and compliance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at aerodromes and airports;
- (n) the prohibition or restriction on carriage in an aircraft of any specified article or substance or technology;
- (o) the regulation and recognition, for the purposes of this Act, relevant foreign valid licences and certificates relating to aircraft or to the qualifications of persons employed in the operation, manufacture, design, repair or maintenance of aircraft;
- (p) the regulation of use of the civil air ensign and any other ensign established in connection with air navigation;
- (q) the regulation related to establishment, construction and design of civil airports, aerodromes, whether public or private, within Pakistan subject to measures related to conservation of energy and environmental protection;
- (r) the regulation of air routes in Pakistan, in consultation with the division concerned;
- (s) the certification, inspection and regulation of air navigation services including air traffic management communications, navigation and surveillance systems, meteorological services pertaining to aviation activities, search and rescue, aeronautical charts and aeronautical information services;
- (t) the control of airspace management;

- (u) the regulation for issuance and maintenance of log-books;
- (v) the issuance of licence, certificate, permit, authorization, validation and approval; conduct examination and test in connection therewith, and the form, custody, production, endorsement, cancellation, suspension, or surrender of any such license except those issued with the approval of the division concerned, certificate, logbook, permit, authorization, validation or approval;
- (w) the economic oversight, consumer protection and regulation of aspects such as air fare, tariff and charges for air transport services, airports and aerodromes; and
- (x) any matter connected thereto or ancillary therewith for the implementation of objects and purposes of this Act.

11. Power to issue licence, certificate, permit, authorization or approval.-

Subject to the prescribed conditions, the Authority may issue, renew or validate licence to all persons performing functions related to or connected with civil aviation activities under the provision of this Act.

12. Power to issue licence for airport, aerodrome, etc.,-Subject to prescribed conditions, the Authority may issue and renew a licence to establish, maintain and operate an airport, aerodrome, airstrip, etc:

Provided that all notified civil airports and aerodromes within ninety days after the commencement of this Act shall apply for the issuance of licence for the purpose specified in this section (1), on such conditions as may be prescribed.

13. Cancellation or suspension of licence, certificate, permit, authorization, etc.- If any person contravenes any of the provisions of this Act, the rules and regulations, or has consistently failed to comply with the terms and conditions of licence, certificate, permit,

authorization, validation or approval, as the case may be, the Authority may suspend or cancel or revoke the licence, certificate, permit, authorization, validation or approval:

Provided that before taking any action for cancellation or revocation, the Authority shall issue a notice to person likely to be affected thereby and by providing him an opportunity of being heard.

CHAPTER IV

APPOINTMENT AND POWERS OF DIRECTOR GENERAL

14. Appointment and term of office of the director general.-(1) The Federal Government shall appoint the director general who shall be the executive head of the Authority and exercise powers and functions subject to the provisions of this Act, rules and regulations made there under and the powers as delegated by the Federal Government or the Authority from time to time.

(2) Subject to the provisions of this Act, the director general shall hold office for a term of three years from the date of his appointment or till attaining the age of sixty years whichever is earlier and shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

(3) The Federal Government, if it deems appropriate, may extend the term of initial appointment of the director general under sub-section (2) for a period up to two years.

15. Resignation by the Director General.-The Director General may resign from his office under this Act:

Provided that the resignation shall not take effect unless accepted by the Federal Government.

16. Removal of the Director General.-(1) Subject to sub-section (2), the Federal Government may remove the director general from his office.

(2) The Director General may be removed from the office, if,-

(a) the Federal Government is of the opinion that he has failed to discharge, or becomes incapable of discharging, his duties under this Act; or

(b) has been convicted of an offence involving moral turpitude; or

(c) has knowingly acquired or continued to hold without the permission in writing of the Federal Government, directly or indirectly or through a partner, any share or interest tangible or intangible in any license, certificate, permit, authorization, inspections, examinations, contract related to aviation industry compromised the regulatory control of the Authority under this Act.

17. Prohibition from certain undertakings for a limited period.-The Director General shall not undertake any employment or assignment (contractual or otherwise) for a period of one year after ceasing to hold office as Director General of the Authority with any entity in the aviation industry which has been subjected to regulatory control of the Authority during the tenure of his appointment under this Act.

18. Power to issue directions, orders, instructions and circulars.-(1) The director general, may by order in writing issue directions, instructions and circulars from time to time, under this Act, rules and regulations made there under.

(2) Every direction or instruction or circular issued under sub-section (1) shall be binding on the person or persons for whom such direction or instruction or circular is issued.

(3) Notwithstanding the terms and conditions of any licence, certificate, permit, authorization, validation or approval, granted or issued under this Act, the director general may suspend, with immediate effect any licence, certificate, permit, authorization, validation or approval where there is sufficient reason to believe that the holder of such license,

certificate, permit, authorization, validation or approval is likely to cause a threat to the national security or flight safety or security.

(4) In case of suspension under sub section (3) the Director General shall immediately inform the controlling division of the Federal Government in writing regarding the threat or suspicion of threat to national security for appropriate actions by law enforcement agencies in addition to any regulatory measure prescribed under this Act.

19. Power to obtain information.-(1) The Director General or any officer authorized by him that behalf by the Authority may, in writing, obtain any information for the purpose of this Act, rules and regulations made there under.

(2) Such information under sub section (1) shall be provided without any delay to the Director General or authorized officer as the case may be.

20. Power of entry, inspection, etc.-(1) The Director General may authorize any officer or inspectors to enter any airport, aerodrome, radar, control tower, premises, aircraft, aircraft manufacturing unit, aircraft maintenance organization, air transport operator facilities and offices, hangers, workshops, ramps, flying clubs, flight kitchens, cargo and ground handling facilities, fuel storage facilities, vehicle or any aeronautical establishment for the purpose of periodic and random inspections to verify implementation of this Act, rules, regulations and orders made there under including specified conditions of the licence, certificate, permit, authorization, operating manuals, technical procedures, personnel files and personnel licences.

(2) In case of any breach of specified conditions or contravention of this Act, rules or regulations made there under, the matter shall be immediately reported to the Director General for an appropriate action as prescribed.

(3) In case of any reported violation of conditions with reference to aircraft operations or airworthiness the inspectors shall have the power to prevent the aircraft from flying unless such violation or breach is rectified or remedied.

21. Safety oversight functions.-(1) The Director General shall ensure enforcement of state safety programme for safe and efficient civil aviation activities.

(2) For the purpose of sub section (1) the Director General or an authorized officer or inspectors shall conduct audit and survey of personnel, licensing, aircraft operations, air navigation services, aerodromes, airworthiness, all operators and persons connected with civil aviation activities to ensure that regulatory safety risk controls are integrated into safety management system in a manner as specified from time to time.

22. Power to detain aircraft.-The Director General may detain any aircraft, if in his opinion such detention is necessary to secure compliance with any of the provisions of this Act or the rules or the regulations made thereunder.

23. Power to authorize foreign aircraft to operate.-(1) Subject to the transfer agreement, either wet or dry lease, the Director-General may exercise such powers and perform such functions and duties, in respect of an aircraft registered in a contracting state which is operated pursuant to an agreement for the lease, charter or interchange of aircraft or any similar arrangement by an operator who has his permanent place of business or his permanent residence in Pakistan, as are exercisable or performable, by the Director-General in respect of an aircraft registered in Pakistan under this Act, rules and regulations made thereunder.

(2) The Director General may, by an agreement with the authorities of the State of the operator, transfer to that state functions and duties with respect to an aircraft registered in Pakistan.

CHAPTER -V

PROHIBITIONS

24. Prohibition on use of weapon or device against civil aircraft.-(1) No weapon shall be used against any civil aircraft in flight over the territory of Pakistan, unless

such aircraft causes or is likely to cause direct threat to the national security or defence of Pakistan.

(2) If any civil aircraft is in flight over the territory of Pakistan for any purpose other than for carriage of passengers, goods and mails and fails to satisfy its purpose of flight, such aircraft may be intercepted and directed to land at any specified aerodrome.

(3) Upon interception of an aircraft under sub section (2), sufficient measures shall be taken to protect and secure the lives of person(s) on board.

(4) Whosoever contravenes or fails to comply with any provision of sub section (1) shall commit an offence under this Act punishable with rigorous imprisonment for a term not exceeding twenty-five years or with fine not exceeding one million rupees or with both and his property movable and immovable shall be forfeited to the Federal Government.

25. Prohibition on pilotless aircraft.-(1) No aircraft capable of being flown shall fly without a pilot over the territory of Pakistan:

Provided that unmanned aerial vehicle operation, which is related to work, business and recreation, may be permitted subject to prescribed conditions.

(2) Whosoever contravenes or fails to comply with sub section (1), shall commit an offence under this Act punishable with imprisonment for a term not exceeding five years or with fine not exceeding five hundred thousand rupees or with both.

26. Flying to cause danger.-(1) No civil aircraft shall be flown to cause danger to any person or property on land or water over the territory of Pakistan.

(2) Whosoever contravenes or fails to comply with sub section (1) shall commit an offence under this Act punishable with imprisonment for a term not exceeding five years or with fine not exceeding five hundred thousand rupees or with both, unless the pilot or person in control of the aircraft proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity.

27. Prohibition or restriction on construction of buildings, structures, planting of trees, etc.-(1) If the Authority is of opinion that it is necessary or expedient for the safety and security of aircraft operations it may, with the approval of the Minister in-Charge or Secretary of the division concerned, by order,-

- (a) direct that no building or structure shall be constructed or erected, or no tree shall be planted on any land within such radius not exceeding fifteen kilometers from the aerodrome reference point, as may be specified in the notification;
- (b) in case where there is any building, structure or tree on such land, direct the owner or the person having control of such building, structure or tree to demolish such building or structure or cut the tree within such period as may be specified in the notification;
- (c) direct that no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding fifteen kilometers from the aerodrome reference point, as may be specified in the notification; and
- (d) in case where the height of any building or structure or tree on such land is higher than the specified height, direct the owner or the person having control of such building, structure or tree to reduce the height thereof so as not to exceed the specified height, within such period as may be specified in the notification:

Provided that any person who sustains any loss or damage in consequence of any direction contained in clause (b) or (d) shall be paid compensation in accordance with the prescribed criteria.

(2) In specifying the radius under clause (a) or clause (c) of sub section (1) and in specifying the height of any building, structure or tree under the said clause, the Authority shall take into consideration;

- (a) the nature of requirement of the safety and security of aircraft operations including environmental hazards;
- (b) the nature of the aircraft operated or likely to be operated in the aerodrome or airports; and
- (c) the international standards and recommended practice governing the operations or aircraft.

(3) Where any order has been issued under sub-section (1) directing the owner or the person having the control of any building, structure or tree to demolish such building or structure or to cut such tree or to reduce the height of any building, structure or tree, a copy of the notification to that effect shall be served, on the owner or the person having the control of the building, structure or tree, as the case may be,-

- (a) by delivering or tendering it to such owner or person; or
- (b) if it cannot be so delivered or tendered, by delivering or tendering it to any owner or persons or any adult male member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain; or
- (c) failing service by these means; by registered post or other courier services.

(4) Every person shall be bound to comply with any direction contained in the order issued under sub-section (1).

(5) If any person willfully fails to comply with any direction contained in any order issued under this section, shall commit an offence under this Act punishable with imprisonment for a term not exceeding one year or with fine not exceeding five hundred thousand rupees but which shall not be less than two hundred and fifty thousand rupees or with both.

(6) Without prejudice to the provisions of sub-section (5), if any person fails to demolish any building or structure or cut any tree or fails to reduce the height of any building, structure or tree in pursuance of any direction contained in any order issued under sub-section (1), within the period specified in the order, then it shall be competent for the licensee of the aerodrome or airport, as the case may be, or any officer authorized by the Authority in this behalf, with such assistance as may be required, to demolish such building or structure or cut such tree or reduce height of such building, structure or tree.

(7) If any officer authorized to take action under sub-section (6) requires police assistance in the exercise of his power thereunder, he may send requisition to the officer-in-charge of a police station who shall, on such requisition, render such assistance.

CHAPTER -VI

POWERS OF FEDERAL GOVERNMENT

28. Issuance of directives and exemptions.-(1) The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy, and such directives shall be binding on the Authority, and if a question arises whether any matter is a matter of policy or not; the decision of the Federal Government shall be final.

(2) Except section 29 of this Act, the Federal Government may, by notification in the official Gazette, either exempt from all or any of the provisions of this Act, any aircraft or class of aircraft, and any person or class of persons, or may direct that all or any of such

provisions shall apply to any aircraft or person subject to such modifications or conditions as may be prescribed in the notification.

29. Implementation of certain international commitments.-(1) The Federal Government may, by notification in the official Gazette, make such rules as appear it to be necessary for carrying out the provisions of,-

- (a) the Convention on International Civil Aviation signed in Chicago on the seventh day of December, 1944, and any amendments of the Convention or Annexes thereto made in accordance with the provisions of Article 94 of the Convention;
- (b) the Convention on International Recognition of Rights in Aircraft signed in Geneva on the nineteenth day of June, 1948, and any amendment thereto;
- (c) the Convention on damage caused by foreign aircraft to third parties on the surface signed in Rome on the seventh day of October, 1952, and any amendment thereto; and
- (d) any other treaty, agreement or convention between Pakistan and any other country or any decision taken at any international body relating to civil aviation.

(2) Notwithstanding anything contained above, the Authority may make such regulations as it considers necessary and expedient to give effect to implement Annexes to the Chicago Convention and any amendment thereto under clause (a) of sub-section (1).

30. Establishment of Safety and accident investigation agency.-(1) The Federal Government may establish, an independent Aircraft Accident Investigation Board under this Act, comprising such members as it may deem necessary from time to time.

(2) The Federal Government, may prescribe procedure for the investigation of any aircraft accident and incident under this Act.

(3) In particular and without prejudice to the generality of the power under sub section (2), such procedures may-

- (a) require notice to be given of any aircraft accident in such manner and by such person as may be prescribed;
- (b) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of aircraft accidents;
- (c) prohibit, pending investigation, access to, or interference with an aircraft to which an accident has occurred and authorize any person, so far as may be necessary for the purposes of investigation, to have access to, examine, remove, take measures for the preservation of or otherwise deal with any such aircraft; and
- (d) authorize or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognized under this Act, rules or the regulations made thereunder, if it appears on investigation that the licence ought to be so dealt with and provide for the production of any such licence for such purpose.

31. Orders in times of war or other emergency.-(1) In the event of war or other emergency or in the interests of public safety, security or tranquility, if Minister in-Charge or the Federal Government, as the case may be, is of opinion that the issue of all or any of the following orders is expedient, he or it may, direct the Authority to;

- (a) cancel or suspend, either absolutely or subject to such conditions as it may think fit to specify in the order, all or any of the licences or certificates or permits or authorizations or approvals issued under this Act, the rules or the regulations made thereunder;

- (b) suspend the licence of the airport company, take temporary possession of any designated airport and operate any airport and aviation services in it, in such manner as it thinks fit;
- (c) withdraw the use of any airport on the whole or any part from any person or class of persons or from the public at large;
- (d) prohibit or restrict, either absolutely or subject to such conditions as it may think fit to specify in the order, in such manner as may be specified in the order the flight of all or any aircraft or class of aircrafts over the whole or any part of Pakistan;
- (e) prohibit or restrict the construction, maintenance or use of any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircrafts are manufactured, designed, repaired or kept, or any class or description thereof; and
- (f) direct that any aircraft or class of aircrafts or any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircrafts are manufactured, designed, repaired or kept, together with any machinery, plant, material, equipment or things used for the operation, manufacture, design, repair or maintenance of aircraft shall be delivered forthwith or within a specified time, for being placed at the disposal of the Division concerned to such authority and in such manner as it may specify in the order.

- (2) Any person who suffers direct injury or loss for rendering service under clause (f) of sub-section (1) shall be paid compensation:

Provided that the Authority upon taking into consideration the service rendered shall determine the amount of compensation.

(3) The amount of compensation may be fixed by agreement and shall be paid in accordance with the terms of such agreement.

(4) Where the dispute arises with reference to amount of compensation, such dispute shall be settled through mediation or negotiations in the prescribed manner.

(5) Where no such agreement can be reached through mediation or negotiations, any party may approach the Secretary of the Division concerned and his decision shall be final and binding on the parties.

(6) The Division concerned may authorize the Authority to take steps to secure compliance with any order made under sub-section (1) as appear to it to be necessary.

(7) Whoever knowingly contravenes, fails to comply with, the order made under sub-section (1) shall commit an offence under this Act punishable with imprisonment for a term not exceeding three years, or with fine not exceeding five hundred thousand rupees but not less than three hundred thousand rupees, or with both and the aircraft or any property used in the commission of offence shall also be forfeited to the Federal Government.

32. Measures for protection of public health.—If the Authority is satisfied that Pakistan or any part thereof is visited by, or threatened with an outbreak of any dangerous epidemic and other communicable disease(s) and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to public health through the introduction or spread of the disease by the activity of aircraft, the Authority may make order to take such measures as it deems necessary to prevent such danger.

CHAPTER -VII

OFFENCES AND PENALTIES

33. Contravention of provisions of Act and rules.—(1) Whosoever contravenes or fails to comply with any provision of this Act shall commit an offence under this Act, and where no penalty is expressly provided, shall be punishable with imprisonment for a term not

exceeding five years or with fine not exceeding five million rupees but which shall not be less than five hundred thousand rupees or with both.

(2) Whosoever contravenes or fails to comply with any provisions of rules or regulations made under this Act shall commit an offence punishable with imprisonment for a term not exceeding one year or with fine not exceeding two million rupees but which shall not be less than four hundred thousand rupees or with both.

34. Contravention of conditions of licence.-Notwithstanding anything contained herein, any company which contravenes any of the conditions of the licence issued under this Act shall commit an offence under this Act, punishable with fine not exceeding two million rupees but which shall not be less than five hundred thousand rupees, provided that the licence of the company may also be suspended or cancelled subject to the provisions of this Act.

35. Offence by body corporate.-Where an offence is committed by a body corporate under this Act or rules or regulations made thereunder, every person who was a director, secretary or manager or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of the affairs of the body corporate shall be deemed to have committed the offence and shall be punished accordingly, unless such person proves that the offence was committed without his consent or connivance and that he had exercised due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

36. Cognizance of offences.-(1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Authority or any of its authorized officers.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898),

- (a) no court inferior to the court of Magistrate of the first class of the respective province or Islamabad Capital Territory, as the case may be, shall try an offence punishable under this Act;
- (b) all offences under this Act shall be non-bailable; and
- (c) it shall be lawful for any court of the respective province or Islamabad Capital Territory to pass any sentence authorized by this Act.

37. Penalty for abetment of offences and attempted offences.—Whoever abets the commission of any offence under this Act or attempts to commit such offence shall be liable to the punishment provided for the offence.

38. Power of court to order forfeiture.—Where any person is convicted of an offence for breach of any provision of this Act and rules made thereunder, the court by which he is convicted may direct that the aircraft or article or substance, as the case may be in respect of which the offence has been committed, shall be forfeited to the Federal Government or the Authority.

CHAPTER -VIII

FINANCE

39. Civil Aviation Authority Fund.—(1) There shall be a fund to be known as the "Pakistan Civil Aviation Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Act including the payment of salaries, pensions and other remuneration to the Director General, officers, servants, experts and consultants of the Authority.

- (2) The Civil Aviation Authority Fund shall consist of the following, namely:—
 - (a) grants;
 - (b) loans;
 - (c) sale proceeds of bonds issued under the authority of the Federal Government;

- (d) proceeds of any investment by the Authority; and
- (e) all other sums received and fees collected by the Authority.

(3) The Authority shall be competent to levy, collect or recover its dues and fines at such rates and manner as may be prescribed by regulations from time to time in respect of the following, namely:-

- (a) fees paid in connection with any survey, inspection, examination, test, certificate, licence, permit, authorization, approval either issued or renewed;
- (b) fees and charges in respect of commercial exploitation of the Authority's properties, whether movable or immovable including land, building and aircraft; and
- (c) collection of dues, imposition of fine and penalty for violation of prescribed and prescribed conditions.

(4) The Civil Aviation Authority Fund shall be kept in any of the scheduled banks.

(5) For the purpose of investment under clause (d) of sub section (2), no investment shall be made in any non-banking financial institution, modaraba, stock exchange and leasing companies, etc.

(6) Notwithstanding anything contained in any other law for the time being in force on the commencement of this Act, all investments along with its proceeds kept in any non-banking financial institution, investment modaraba, stock exchange, leasing companies, etc. shall immediately be transferred to scheduled banks where funds of the Authority have been kept and maintained.

40. Recovery of dues as fine under Code of Criminal Procedure, 1898.-

Notwithstanding anything contained under this Act or any other law for the time being in force, all fees, charges, sums, dues, fines and penalties imposed under sub-section (3) of

(2) Subject to such conditions as it may think fit to impose, the Authority may, by general or special order, delegate to the Executive Committee, the Director General or an officer of the Authority any of its powers, functions and responsibilities under this Act.

48. Industrial Relations Act, 2012 (X of 2012) not to apply to Authority.-The Industrial Relations Act, 2012 (X of 2012) or any other law related to industrial relations for the time being in force, shall not apply to or in relation to the Authority or any person in the service of the Authority.

49. Authority to be deemed to be a local Authority.-The Authority shall be deemed to be a local authority for the purpose of borrowing money under the Local Authorities Loans Act, 1914 (IX of 1914), and the making and execution of any scheme under this Act shall be deemed to be a work which such authority is legally authorized to carry out.

50. Use of patent.-The exceptions to patent right under clause (b) of sub-section 5 of section 30 of the Patents Ordinance, 2000 (LXI of 2000), shall apply to foreign registered aircraft while in Pakistan.

51. Wreck and salvage.-(1) The provisions of Part XII of the Merchant Shipping Ordinance, 2001 (Ordinance LII of 2001), relating to wreck and salvage shall apply to an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or tidal waters as they apply to ships, and the Federal Government may, by notification in the official Gazette, make such modifications of the said provisions in their application to aircraft as appear to it to be necessary or expedient.

(2) Any services rendered in assisting or in saving life from, or in saving the cargo or apparel of an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage in cases in which they would have been salvaged had they been rendered in relation to a ship, and where services are rendered

by an aircraft to any property or person, salvor shall be entitled to the same reward for those services as he would have been entitled to had the aircraft been a ship.

(3) The provisions of sub-section (2) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and that the services in question are rendered beyond the limits of the territorial waters of Pakistan.

52. Liability of the Federal Government to be limited.-The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by it and the loans raised by the Authority with the sanction of the Federal Government.

53. Bar to certain suits.-No suit shall be brought in any civil court in respect of trespass or nuisance by reason only that such civil aircraft in flight over any property, is at a reasonable height above the ground having regard to wind, weather and all other the circumstances including the ordinary incidents of such flight and regulatory actions such as suspension or cancellation of licence, certificate, permit, authorization, validation or approval in the flight safety interest or any offence.

54. Winding-up of the Authority.-No provision of any law relating to the winding-up of bodies corporate shall apply to the Authority and the Authority shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.

55. Indemnity.-No suit, prosecution or other legal proceedings shall lie against the Authority, the Director General, or any member, officer, servant, expert or consultant of the Authority in respect of anything, done or intended to be done in good faith under this Act.

56. Continuance of funds, investment, assets and liabilities of the Pakistan Civil Aviation Authority, Regulatory Division.-(1) All funds, investment, assets and undertakings, including lands, buildings, works, machinery, apparatus, equipment, material and plants, records, cash balances, share in pension fund according to its pension liability,

capital, reserves, reserve funds, investments, concessions, licence, leases and book debts and all other rights and interests arising out of such undertakings as were immediately before that day vested in the Pakistan Civil Aviation Authority, Regulatory Division shall, without any conveyance or assignment, be transferred to and vest in the Authority in fee simple absolute and all liabilities in respect of the said assets shall be the liability of the Authority.

(2) The undertaking of the Pakistan Civil Aviation Authority, Regulatory Division which is transferred to, and which vests in, the Authority under sub-section (1) shall be deemed to include all assets, rights, obligations, powers and privileges, in relation to its undertaking, all books of account and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Pakistan Civil Aviation Authority, in relation to its undertaking.

(3) The assets and liabilities of the Pakistan Civil Aviation Authority, Regulatory Division shall be evaluated by the Federal Government and taken on books, and the excess of the assets over the liabilities shall be deemed to be the Federal Government's contribution to the Authority either as equity or loan as may be determined by the Federal Government.

(4) The evaluation of the net assets transferred to the Authority under sub-section (3), the terms governing the transfer, the return on equity, if any, and the conditions governing the loan shall be determined by the Federal Government.

(5) The Authority logo, insignia, stationary, printed forms and online communication shall continue to be utilized, unless specified otherwise by the Authority.

57. Continuance of rules, regulations, etc. in force.-(1) All existing rules, regulations, notifications, orders, aeronautical publications, notices to airmen, permits, directions, approvals, or exemptions, license, certificate, actions taken, deeds, contracts, working arrangements, document or agreement made, fee directed, charges levied, direction given, proceedings taken or instrument executed or issued, decision taken and acts done by the Pakistan Civil Aviation Authority, Regulatory Division which were in force and in effect

before the commencement of this Act, shall continue to be in force unless modified, rescinded, altered, revised or amended by the Authority under this Act.

(2) All liabilities incurred by the Pakistan Civil Aviation Authority, Regulatory Division in connection with, or for the purpose of, the Authority, shall be deemed to have been made or incurred by the Authority under this Act.

58. Continuance in the service of existing employees.-Subject to the provisions of this Act, any employee who immediately before the commencement of this Act has been in the service of the Pakistan Civil Aviation Authority, Regulatory Division, the service of such employee shall stand transferred to Authority under this Act, on the same terms and conditions as were applicable to him, unless modified or amended under the provisions of this Act.

59. Power to make rules.-The Federal Government may, by notification in the official Gazette, make rules to carry out purpose of this Act..

60. Power to make regulations.-The Authority may, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act in respect of internal matters of the Authority or where specific provision of this Act so requires.

61. Repeal of laws and savings.-(1) Subject to the provisions of sub section (2), the Civil Aviation Ordinance, 1960 (Ordinance XXXII of 1960) and the Pakistan Civil Aviation Authority Ordinance, 1982 (Ordinance XXX of 1982), are hereby repealed.

(2) Notwithstanding the repeal of any enactment under sub-section (1) but subject to sections 6 and 24 of the General Clauses Act, 1897 (X of 1897),-

- (a) any notifications, rules, regulations, orders, aeronautical publications, notices to airmen, permits, directions, approvals, or exemptions issued, made, prescribed, granted under or in pursuance of any such enactment

hereby repealed shall be deemed to have been issued, made, granted under the corresponding provision of this Act and shall continue in force until amended, repealed, modified under the provisions of this Act;

- (b) any member, officer, servants, staff, experts and consultants, appointed under or in pursuance of any such enactment hereby repealed and shall be deemed to have been, appointed, as the case may be, under the corresponding provision of this Act;
- (c) any document referring to any enactment hereby repealed shall be construed as referring, as far as may be, to this Act, or to the corresponding provision of this Act;
- (d) aircraft registration maintained by Civil Aviation Authority, Pakistan under or in pursuance of any enactment hereby repealed shall be deemed to have been registered and maintained under the corresponding provision of this Act or rules and regulations made thereunder;
- (e) any licence, certificate of competency or licence of commercial operations, airworthiness certificates, aerodrome licensing and certification, air-operator certificate, radio equipment licence or any certificate, authorization, concessions or document issued made or granted under or in pursuance of any enactment hereby repealed shall be deemed to have been issued, made or granted under the provisions of this Act and shall continue in force unless cancelled, suspended or revoked or lapsed on the date specified in the licence or certificate or document;

- (f) no licence or certificate or document cancelled, suspended, revoked, lapsed under or in pursuance of any enactment hereby repealed shall be deemed to have been cancelled, suspended, revoked, lapsed under this Act, unless renewed, reissued in pursuance of the provisions of this Act;
- (g) exercise of power and functions by the Board, its members, Director General, officers, etc. under or in pursuance of any enactment hereby repealed or otherwise shall have effect as power and functions had been exercised under the corresponding provision of this Act;
- (h) any constitution of the Board under or in pursuance of any enactment hereby repealed or otherwise shall have effect as constituted, made under the corresponding provision of this Act and shall continue in force until re-constituted under the provisions of this Act;
- (i) all funds, investment and accounts constituted or maintained under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been constituted or maintained under the corresponding provision of this Act;
- (j) all inquiries, proceedings under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been pending under the corresponding provision of this Act;
- (k) where any offence has been committed under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been committed under the corresponding provision of this Act; and
- (l) anything done, actions taken, deeds, contracts, documents or agreements made, fee directed, charges levied, directions given, working arrangements made, proceedings taken or instruments

executed or issued, under or in pursuance of any enactment hereby repealed by this Act and any such action, deed, contracts, document or agreement made, fee directed, direction given, proceedings taken or instruments executed shall, if in force at the commencement of this Act, shall continue in force, and have effect as if it were respectively done; taken, commenced, made, directed, given, executed or issued under the corresponding provision of this Act.

60. 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 provision of this Act, as may appear to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

Considering the sensitivity of operations and involvement of strategic asset i.e. Airspace, the role of Civil Aviation in Pakistan shall be bifurcated into two entities: one responsible for regulations of civil aviation activities in Pakistan; whereas, the other shall be responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan. Pakistan Civil Aviation Authority (PCAA) shall be entrusted with regulatory functions; whereas, the Pakistan Airports Authority (PAA) shall be entrusted with commercial and operational aspects of airports.

2. The existing institutional arrangement and legal instruments envisages regulatory as well as service provider roles being performed by a single entity which tantamount to infringement upon the regulatory functions being performed by the regulatory authority. To improve services, enhance efficiency at airports and to comply with the Standard and Recommended Practices (SARPs) of International Civil Aviation Organization (ICAO), an institutional arrangement is needed to create separate authorities for civil aviation regulations and services provision.

3. The Pakistan Civil Aviation Authority Ordinance 2021 envisages establishment of separate civil aviation regulatory body.

4. The Ordinance is designed to achieve the aforesaid purpose.

GHULAM SARWAR KHAN,
Minister for Aviation.

NATIONAL ASSEMBLY SECRETARIAT**REPORT OF THE STANDING COMMITTEE ON SCIENCE AND TECHNOLOGY ON THE PAKISTAN COUNCIL OF RESEARCH IN WATER RESOURCES (AMENDMENT) BILL 2021 (ORDINANCE NO. XIX of 2021).**

I, the Chairman of the Standing Committee on Science and Technology, have the honor to present this report on the Bill further to amend the Pakistan Council of Research in Water Resources Act, 2007 [The Pakistan Council of Research in Water Resources (Amendment) Bill, 2021 (ORDINANCE NO. XIX of 2021)] (Government Bill) referred to the Committee on 21st October, 2021.

2. The Committee comprises the following:

1.	Mr. Sajid Mehdi	Chairman
2.	Engr. Usman Khan Tarakai	Member
3.	Mr. Noor Alam Khan	Member
4.	Mr. Jawad Hussain	Member
5.	Ch. Farrukh Altaf	Member
6.	Ch. Shoukat Ali Bhatti	Member
7.	Mr. Farrukh Habib	Member
8.	Mr. Rahat Aman Ullah Bhatti	Member
9.	Mr. Abdul Shakoor Shad	Member
10.	Ms. Sobia Kamal Khan	Member
11.	Mr. Hussain Elahi	Member
12.	Dr. Mukhtar Ahmed Malik	Member
13.	Mr. Saad Wasim	Member
14.	Ch. Muhammad Ashraf	Member
15.	Ms. Zaib Jaffer	Member
16.	Ms. Samina Matloob	Member
17.	Mr. Khursheed Ahmed Junejo	Member
18.	Mr. Sikandar Ali Rahoupoto	Member

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|-----|---|-------------------|
| 19. | Mr. Naveed Aamir Jeeva | Member |
| 20. | Mr. Aftab Hussain Saddiqui | Member |
| 21. | Shibli Faraz
Minister for Science and Technology | Ex-officio Member |

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meeting held on 01st December, 2021. The Committee recommended that the Bill as reported by the Standing Committee placed at (Annex-B) may be passed by the National Assembly.

Sd/-
TAHIR HUSSAIN,
Secretary.

Sd/-
SAJID MEHDI,
Chairman.

Annex-A

AS INTRODUCED IN THE NATIONAL ASSEMBLY

ORDINANCE NO. XIX OF 2021

AN

ORDINANCE

to amend the Pakistan Council of Research in Water Resources

WHEREAS, it is expedient to amend the Pakistan Council of Research in Water Resources Act, 2007;

AND WHEREAS, the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance shall be called the Pakistan Council of Research in Water Resources (Amendment) Ordinance, 2021.

2. It shall come into force at once.

1. **Substitution of Section 16, Act I of 2007.**—In the said Act, for Section 16, the following shall be substituted, namely:—

16. **Appointments.**—(1) The Council may appoint such employees as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

(2) All appointments and promotions in the Council shall be in accordance with the service rules and regulations of the Council.

(3) The Council may engage experts, advisers and consultants on contract on such terms and conditions as it may determine.

STATEMENT OF OBJECT AND REASONS

Pakistan Council of Research in Water Resources (PCRWR) was established in 1964 and is working as a body corporate *vide* PCRWR Act 2007 under Ministry of Science and Technology (MoST). According to PCRWR Act 2007, rules of PCRWR shall have provision for two-track appointment: contractual and permanent which is a complicated way of recruitment as it allows to advertise a specific post twice. In order to make recruitment process simple and much transparent the amendment is proposed in the Act.

SENATOR SHIBLI FARAZ,
Federal Minister for Science & Technology.

Annex-B

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to amend the Pakistan Council of Research in Water Resources

WHEREAS, it is expedient to amend the Pakistan Council of Research in Water Resources Act, 2007.

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Pakistan Council of Research in Water Resources (Amendment) Act, 2021.

(2). It shall come into force at once.

2. **Substitution of Section 16, Act 1 of 2007.**—In the said Act, for Section 16, the following shall be substituted, namely:—

- “16. **Appointments.**—(1) The Council may appoint such employees as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.
- (2). All appointments and promotions in the Council shall be in accordance with the service rules and regulations of the Council.
- (3) The Council may engage experts, advisers and consultants on contract on such terms and conditions as it may determine.”

STATEMENT OF OBJECT AND REASONS

Pakistan Council of Research in Water Resources (PCRWR) was established in 1964 and is working as a body corporate *vide* PCRWR Act, 2007 under Ministry of Science and Technology (MoST). According to PCRWR Act, 2007, rules of PCRWR shall have provision for two-track appointment: contractual and permanent which is a complicated way of recruitment as it allows to advertise a specific post twice. In order to make recruitment process simple and much more transparent the amendment is proposed in the Act.

TAHIR HUSSAIN,
Secretary.

SENATOR SHIBLI FARAZ,
Federal Minister for Science and Technology.