

**No. 2(11)/2017-Admn  
Government of Pakistan  
Ministry of Water Resources**

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Islamabad, dated the July 7<sup>th</sup>, 2021

Justice (Retd.) Nasira Iqbal, SI  
Vice Chair,  
Transparency International Pakistan  
Plot 72-F/2, 1<sup>st</sup> floor, 9<sup>th</sup> Street,  
Jami Commercial, Phase VII, DHA  
**Karachi**

**Subject: ALLEGATIONS OF INCOMPLETE INFORMATION, QUALIFICATION, AGE, ETC. ADVERTISED ON 26 JUNE, 2021, BY MOWR FOR APPOINTMENT ON THE POSTS OF WAPDA CHAIRMAN AND MEMBERS WATER & POWER**

I am directed to refer to Transparency International Pakistan's letter dated 27-06-2021 on the subject cited above, wherein this Ministry has been requested to examine certain allegations leveled pertaining to the proposed appointment of Chairman WAPDA, Member (Water) and Member (Power), WAPDA. This Ministry appreciates the efforts of Transparency International Pakistan in helping to ensure transparency and accountability in working of the government agencies.

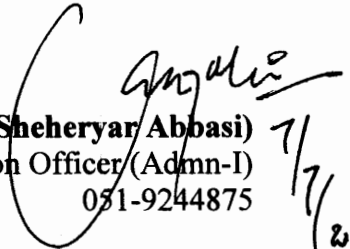
2. The allegations have been examined in detail and this Ministry is of the considered opinion that these are misconstrued and unfounded. The reply to the allegations raised in the above referred letter is given as under in annotated form:-

Sr. No.	Allegations	Remarks
1.	On 26 June 2021, MOWR has advertised vacancy of WAPDA Chairman, Member Water & Member Power, last date of submission is 10 July 2021.	Yes, the Ministry has advertised the posts in the print media.
2.	In all three Advertisements, maximum Age of applicant by mistake is not declared in sixth item, "REMUNERATION AND AGE." which will result in overage applicants applying for the vacancy.	It is stated that Section 4 of the WAPDA Act, 1958 prescribes the appointment and term of office of the Chairman and Members which is reproduced in verbatim extracts(Annex-I): <b>Appointment and term of office of Chairman and Members.—</b> (1) The Authority shall consist of a Chairman and not more than three members appointed by Government. (2) The term of office of the Chairman shall be five years and that of a Member three years. (3) Any person ceasing to be the Chairman or Member by reason of the expiry of the term of his office shall be eligible for re-appointment for another term or for such shorter term as the Government may decide. (4) The Chairman or any Member may at any time resign; provided that his resignation shall not take effect until accepted by the Government.

		<p>The above quoted provisions of the WAPDA Act makes no reference to any maximum age prescribed for the aforesaid appointment rather the Federal Government has the vested Authority for the appointment of Chairman and Members.</p> <p>Further in pursuance of para 13 of the judgment of Honorable Lahore High Court passed in writ petition No. 8199/2017, guiding principles were set out for the appointment procedure of the Chairman and Members WAPDA. In compliance to orders of LHC, regulations for these posts were drafted and submitted to the Cabinet Committee on disposal of Legislative Cases (CCLC). The CCLC in its meeting held on 07-01-2021 approved the regulations which were duly ratified by the Federal Cabinet in its meeting held on 19-01-2021. Accordingly, the approved Regulations were notified by the Ministry on 26-01-2021 in the official gazette. Since neither the WAPDA Act, 1958 nor Pakistan Water and Power Development Authority (Appointment and Terms of Service of Chairman and Members) Regulations, 2020, prescribe any upper age limit for appointment for Chairman and Members WAPDA, therefore, no upper age limit has been mentioned in the advertisement.</p>
3.	<p>However, in sixth item, Chairman will be given MP I Scale, but appointment requirements of MP I Scale are Ph. D, and Maximum age 63 years. As 05 years tenure is advertised, Maximum age therefore shall be 60 years. And Educational Qualification shall be upgraded to Ph.D in Engineering/MBA, as basic requirement in BSC Engineering.</p>	<p>It is clarified that the appointment of Chairman and Members, WAPDA is to be made in accordance with the Pakistan Water and Power Development Authority (Appointment and Terms of Service of Chairman and Members) Regulations, 2020(Annex-II), which are specific in nature and not the same as stipulated for MP scales, therefore, the question of applying the MP scales' policy in the instant case does not arise.</p> <p>Moreover, it is further clarified that the remuneration of the Chairman and Members of WAPDA has been inter alia stipulated as admissible to the MP scales which does not mean that the posts are filled in MP scales. The said reference to MP scales has been given to benchmark the remuneration as per salary packages in vogue, particularly for the prospective candidates coming from the open market and not holding any Govt. position either as Civil Servant or the officers from Military.</p>
4.	<p>Similarly Member Water and Member Power, are in MP II, As 3 years tenure is advertised, Maximum age therefore will be 62 years. And Educational Qualification shall be upgraded to Ph.D in Engineering against basic requirement of only degree in BSC Engineering.</p>	<p style="text-align: center;">As Above</p>

<p>5. Already a number of Prime Ministers/Ministers/Secretaries, are facing NAB References/inquiries in PIA, PSO, NICL, KPT, &amp; Provincial Department, on illegal appointments of CEO/MDs/Senior officers, and unless these appointments are not conducted as per rules / procedure, it may also result in NAB Reference against PM/Minister/Secretary and others.</p>	<p>The appointment of Chairman and Members, WAPDA is regulated under the WAPDA Act, 1958 and Pakistan Water and Power Development Authority (Appointment and Terms of Service of Chairman and Members) Regulation, 2020 made there under. The said regulations have been framed in pursuance of the guiding principles ordained by the Lahore High Court, Lahore in its Judgment dated 23-01-2018. No deviation/ irregularity from the laid down procedural formalities has been committed or carried out by the Ministry, which may attract any future litigation against the officers/ authorities involved in the process of appointment.</p>
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3. The above clarification of the Ministry may have addressed the concerns shown by the Transparency International Pakistan. The Ministry will remain available for any future query in this regard.

  
**(Sheheryar Abbasi)**  
 Section Officer (Admn-I)  
 051-9244875

**Copy to:**

1. Mr. Muhammad Azam Khan, SPM, PM's office, Islamabad
2. Chairman, National Accountability Bureau (NAB), Islamabad
3. Federal Minister of Law, Islamabad
4. Auditor General of Pakistan, Islamabad
5. Registrar, Supreme Court of Pakistan, Islamabad

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

- (i) “Authority” means the <sup>8[8]</sup>[Pakistan Water and Power Development Authority] established under section 3 of this Act;
- (ii) “Chairman” means the Chairman of the Water and Power Development Authority;
- (iii) “controlled station” means a power generating station declared as a controlled station under clause (iv) of sub-section (1) of section 11;
- (iv) “Government” means the <sup>9[9]</sup>[Federal Government];
- (v) “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (vi) “local body” means any District Board, District Local Board, Municipal Corporation, Municipal Committee, Municipality, Small Town Committee or Notified Area Committee;
- (vii) “Member” means Member of the Water and Power Development Authority;
- (viii) “power” includes hydraulic power, electrical energy, steam, gas or any other power notified as such by the <sup>10[10]</sup>[Government] in the official Gazette; and
- (ix) “Regulations” means Regulations framed under this Act.

## CHAPTER II

### CONSTITUTION OF THE AUTHORITY

3. **Constitution of the Authority.**— (1) There shall be established an Authority to be known as the <sup>11[11]</sup>[Pakistan Water and Power Development Authority] for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, shall be entitled to acquire <sup>12[12]</sup>[, hold and dispose of] property, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

4. **Appointment and term of office of Chairman and Members.**— <sup>13[13]</sup>[(1) The Authority shall consist of a Chairman and not more than three members appointed by Government.]

(2) The term of office of the Chairman shall be five years and that of a Member three years.

(3) Any person ceasing to be the Chairman or Member by reason of the expiry of the term of his office shall be eligible for re-appointment for another term or for such shorter term as the Government may decide.

<sup>6[6]</sup>Substituted, for “West Pakistan, except [the Karachi Area and the Tribal Areas]”, by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975). The words in crotchets were earlier substituted, for “the Federal Capital and the Special Areas,” by West Pakistan Laws (Adaptation) Order, 1964.

<sup>7[7]</sup>Substituted by the Pakistan Water and Power Development Authority (Amendment) Act, 1994 (Federal Act XIII of 1994).

<sup>8[8]</sup>Substituted by the West Pakistan Water and Power Development Authority (Amendment) Ordinance, 1979 (LXXII of 1979), for “West Pakistan Water and Power Development Authority”.

<sup>9[9]</sup>Substituted, for “Government of the Province of West Pakistan” by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975).

<sup>10[10]</sup>Substituted, *ibid.*, for “Provincial Government”.

<sup>11[11]</sup>Substituted, for “Water and Power Development Authority” by the West Pakistan Water and Power Development Authority (Amendment) Ordinance, 1979 (LXXII of 1979).

<sup>12[12]</sup>Substituted for the words “and hold” by the Pakistan Water and Power Development Authority (Amendment) Act, 1994 (Federal Act XIII of 1994).

<sup>13[13]</sup>Substituted by the West Pakistan Water and Power Development Authority (Amendment) Ordinance, 1967 (XII of 1967).

(4) The Chairman or any Member may at any time resign; provided that his resignation shall not take effect until accepted by the Government.

**5. Remuneration and conditions of service.**— The Chairman and each Member shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by the Government, and shall perform such duties as are assigned to them under this Act or by any Regulation framed under it.

**6. Removal of Chairman or Members.**— The Government may by notification remove the Chairman or any member—

- (a) if he refuses or fails to discharge or becomes in the opinion of the Government, incapable of discharging, his responsibilities under this Act; or
- (b) if he has been declared insolvent; or
- (c) if he has been declared to be disqualified for employment in, or has been dismissed from the service of Pakistan, or has been convicted of an offence involving moral turpitude; or
- (d) if he has knowingly acquired or continued to hold without the permission in writing of the Government, directly or indirectly or through a partner, any share or interest in any contract or employment with or by or on behalf of the Authority, or in any land or property which, in his knowledge, is likely to benefit or has benefitted as a result of the operation of the Authority.

**7. Meetings of the Authority.**— (1) The Authority shall meet at such time and place and in such manner, as may be prescribed by Regulations:

Provided that until Regulations are made in this behalf, such meetings shall be convened by the Chairman.

(2) The Chairman, or in his absence, a Member authorized by him, and one other Member shall be present to constitute a quorum at a meeting of the Authority.

### CHAPTER III

#### POWERS AND DUTIES OF THE AUTHORITY

**8. General powers and duties of the Authority and framing of schemes.**— (1) The Authority shall prepare, for the approval of the Government, a comprehensive plan for the development and utilization of the water and power resources of <sup>14[14]</sup>[Pakistan] on a unified and multi-purpose basis.

(2) The Authority may frame a scheme or schemes for <sup>15[15]</sup>[a Province] or any part thereof providing for all or any of the following matters, namely—

- (i) irrigation, water-supply and drainage; and recreational use of water resources;
- (ii) the generation, transmission and distribution of power; and the construction, maintenance and operation of power houses and grids;
- (iii) flood control;
- (iv) the prevention of waterlogging and reclamation of waterlogged and salted lands;
- (v) inland navigation; <sup>16[16]</sup>[\*]

<sup>14[14]</sup>Substituted by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975), for “West Pakistan”.

<sup>15[15]</sup>Substituted *ibid.*, for “the Province”.

<sup>16[16]</sup>The word “and” omitted by the Pakistan Water and Power Development Authority (Amendment) Act, 1994 (Federal Act XIII of 1994).

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L-7646

**The Gazette of Pakistan**

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, JANUARY 29, 2021

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

**PAKISTAN WATER AND POWER DEVELOPMENT  
AUTHORITY (WAPDA)**

NOTIFICATION

*Islamabad, the 26th January, 2021*

S. R. O. 106 (I) 2021.—In exercise of power conferred by section 29 of the Pakistan Water and Power Development Authority Act, 1958 (XXXI of 1958), the Pakistan Water and Power Development Authority with the approval of the Government, is pleased to notify the following Regulations, namely:

**Pakistan Water and Power Development Authority (Appointment and Terms of Service of Chairman and Members) Regulations, 2020**

PART-I

1. Short title, extent and commencement.—(1) These Regulations shall be called the Pakistan Water and Power Development Authority (Appointment and Terms of Service of Chairman and Members) Regulations, 2020.

(2) They shall come into force at once.

167(1-8)

Price: Rs. 10.00

[115(2021)Ex. Gaz.]



**4. Disqualifications for Appointment as Chairman or Member.—**

(1) A person shall be disqualified for being appointed as Chairman or a Member of the Authority, if he,

- (a) is not a citizen of Pakistan or holds a dual nationality; or
- (b) has been convicted of an offence which involves moral turpitude or financial irregularity; or
- (c) is an undischarged insolvent; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) has been removed or dismissed from the service of Pakistan or a company or body owned or controlled by the Government; or
- (f) has, in the opinion of the Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as Chairman or Member of the Authority as the case may be.

**5. Pay, Allowances and Facilities of Chairman and Members.—(1)**

The Chairman of the Authority shall be entitled to the following pay and allowances:

- (i) If a civil servant or an officer of the Authority is appointed as Chairman, he shall draw pay in BPS-22 including such allowances as may be admissible from time to time in MP-I Scale:

Provided that where a civil servant who has been appointed as Chairman has not been promoted to BPS-22, he shall draw the pay of his substantive pay scale along with such allowances as may be admissible from time to time in MP-I Scale.

- (ii) If an officer of the armed forces is appointed as Chairman, he shall draw the pay and allowances that he was drawing immediately prior to such appointment.
- (iii) If any other person is appointed as Chairman, he shall draw the pay and allowances as may be admissible from time to time in MP-I scale.

(2) The Members of the Authority shall be entitled to the following pay and allowances:

- (i) If a civil servant or an officer of the Authority is appointed as a Member, he shall draw pay in BPS-21 including such allowances as may be admissible from time to time in MP-II Scale:

Provided that where a civil servant who has been appointed as a Member has not been promoted to BPS-21, he shall draw the pay of his substantive pay scale along with such allowances as may be admissible from time to time in MP-II Scale.

- (ii) If an officer of the armed forces is appointed as a Member, he shall draw the pay and allowances that he was drawing immediately prior to such appointment.
- (iii) If any other person is appointed as a Member, he shall draw the pay and allowances as may be admissible from time to time in MP-II scale.

(3) The Chairman and Members of the Authority shall be entitled to entertainment allowance, accommodation, transport, personal staff, daily allowance, fare concession and other privileges as prescribed by the Government for MP-I and MP-II scales respectively. In addition, they shall be entitled to free electricity by the Authority to the maximum limit allowed to an officer of the Authority under the Authority's relevant rules.

(4) The Chairman and Members of the Authority, if civil servants or officers of the Authority or officers of the armed forces shall be governed by the medical attendance rules applicable to them in their parent department or the Authority whichever may be more advantageous to them. In all other cases, the Chairman and the Members of the Authority shall be entitled to medical facilities as prescribed by the Government for MP-I and MP-II scales respectively.

6. Leave.—(1) The Chairman and Members of the Authority, if civil servants or officers of the Authority or officers of the armed forces shall continue to be governed by the leave rules applicable to them in their respective services prior to appointment in the Authority. In all other cases, the Chairman and the Members of the Authority shall be entitled to leave as prescribed by the Government for MP-I and MP-II scales respectively.

(2) Casual leave, in the case of the Chairman shall be sanctioned by the Secretary, Water Resources Division and in the case of Members, by the Chairman. All leave other than casual leave for the Chairman and Members shall be sanctioned by the Secretary, Water Resources Division.