

**THE PUNJAB PANAH GAH AUTHORITY ACT 2021
(II of 2022)**

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TEXT

**THE PUNJAB PANAH GAH AUTHORITY ACT 2021
(II of 2022)**

[12th January, 2022]

An
Act

to establish the Punjab Panah Gah Authority.

It is necessary to provide for a comprehensive, efficient, effective and sustainable system for protection and relief of shelterless persons by providing them place for temporary stay; and to provide the ancillary matters.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.– (1) This Act may be cited as the Punjab Panah Gah Authority Act 2021.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.– In this Act:

- (a) “Authority” means Punjab Panah Gah Authority established under this Act;
- (b) “Chairperson” means the Chairperson of the Authority;
- (c) “Director General” means the Director General of the Authority;
- (d) “Government” means Government of the Punjab;
- (e) “member” means a member of the Authority or a Regional Board, as the case may be;
- (f) “Panah Gah” means a place for temporary shelter established under this Act for the shelterless;
- (g) “prescribed” means prescribed by rules or regulations made or framed under this Act;
- (h) “regulations” means the regulations framed under this Act;
- (i) “rules” means the rules made under this Act; and
- (j) “shelterless” means a person who is a *musafir*, a labourer or a destitute who may be entitled to stay at a Panah Gah for a night or for such period as may be prescribed by the regulations or as may be determined by the Authority.

3. Establishment of the Authority.– (1) The Government shall, by notification in the official Gazette, establish an Authority to be known as the Punjab Panah Gah Authority to carry out the purposes of this Act.

¹This Act was passed by the Provincial Assembly of the Punjab on 12 January 2022; assented to by the Governor of the Punjab on 12 January 2022; and, was published in the Punjab Gazette (Extraordinary), dated: 12 January 2022, pp. 3401-3406.

(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 may, by the said name, sue and be sued.

(3) The Authority shall not dispose of any immovable property without prior approval of the Government.

4. Powers and functions of the Authority.— The Authority shall, in such manner as may be prescribed by the regulations, perform the following functions:

- (a) establish, maintain, monitor, operate and construct Panah Gahs;
- (b) identify potential partners to run the existing Panah Gahs;
- (c) handover complete or partial service delivery to partners in one or more Panah Gahs;
- (d) control, and oversee the administration and functioning of the Panah Gahs;
- (e) execute the policies made by the Government for the provision of Panah Gahs;
- (f) determine the terms and conditions and enter into agreements for handing over the established or constructed buildings of Panah Gahs to potential partners;
- (g) issue necessary instructions, directions or guidelines to any person or body who is engaged in the functioning of Panah Gahs;
- (h) formulate and ensure minimum standards, code of conduct and standard operating procedures (SOPs) to be followed by the persons or organizations engaged to run Panah Gahs;
- (i) undertake projects for the purposes of this Act;
- (j) approve the annual report about the key performance indicators, operations of the Panah Gahs and gaps in the implementation of the Panah Gahs for submission to the Government;
- (k) accept donations such as land, vehicles, equipment, money or human resource for smooth functioning of the Panah Gahs;
- (l) acquire property, both movable and immovable to undertake any works, incur any expenditure and enter into contracts for this purpose;
- (m) seek assistance for the establishment of Panah Gahs or for the execution and operations of all Panah Gahs from any person, or any Department or agency of the Government; and
- (n) take such other measures and perform such other functions as may be assigned to it by the Government for carrying out the purposes of the Act.

5. Composition of the Authority.— (1) The Authority shall consist of fifteen members including the Chairperson.

- (2) The non-official members shall be appointed by the Government.

- (3) The Authority shall have the following members:
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| (a) | Additional Chief Secretary or Secretary to the Government, Home Department, as the case may be; | member |
| (b) | Secretary to the Government, Finance Department; | member |
| (c) | Secretary to the Government, Social Welfare and Bait-ul-Maal Department; | member |
| (d) | Secretary to the Government, Primary and Secondary Healthcare Department; | member |
| (e) | Secretary to the Government, Specialized Healthcare and Medical Education Department; | member |
| (f) | Secretary to the Government, Local Government and Community Development Department; | member |
| (g) | eight non-official members; and | members |
| (h) | Director General | member/
secretary |

(4) The non-official members of the Authority shall hold office for a period of three years and shall be eligible for reappointment for another term.

(5) A non-official member of the Authority may, by writing under his hand, resign from his office.

(6) A non-official member of the Authority shall cease to hold office if he remains absent from three consecutive meetings of the Authority or from all the meetings of the Authority for a continuous period of three months, whichever is longer.

6. Qualification of non-official members.— A person may be considered for appointment as a non-official member of the Authority if he:

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| (a) | is a Pakistani citizen of sound mind and not less than thirty five years of age; |
| (b) | has not been convicted by a court on charges of corrupt practices, moral turpitude or misuse of power or authority under any law; |
| (c) | is not an un-discharged insolvent; |
| (d) | does not have any conflict of interest with the purposes of the Authority or any financial interest in any project or scheme, directly or indirectly, launched by the Authority; and |
| (e) | is a renowned social worker, technocrat, businessman or philanthropist. |

7. Meetings of the Authority.— (1) The Authority shall meet at least once in three months at such time and place, and shall observe such procedure in regard to

transaction of its business and meetings as may be prescribed by the regulations and until so prescribed as the Authority may determine.

(2) The meetings of the Authority shall be presided over by the Chairperson and in the absence of the Chairperson, by a member elected for the purpose by the members present.

(3) The quorum for a meeting of the Authority shall be one third of the total number of members including two non-official members.

(4) No act or proceedings of the Authority shall be invalid by reason of any vacancy or defect in the constitution of the Authority.

8. Chairperson.— (1) The Chairperson shall be appointed by the Government from amongst the non-official members of the Authority for a non-extendable term of three years.

(2) The Chairperson shall perform such functions as may be entrusted to him by the Authority from time to time.

(3) The Chairperson shall draw such remuneration, perks and privileges as the Government may determine.

9. Removal of Chairperson or members.— The Government may remove the Chairperson or a non-official member from office if he:

- (a) fails to discharge his duties or becomes incapable of discharging his duties under this Act;
- (b) has become insolvent;
- (c) has been convicted of an offence involving moral turpitude; and
- (d) 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 on behalf of the Authority in any land or property which in his knowledge is likely to be beneficial for him as a result of operation of the Authority.

10. Director General.— (1) The Government shall, on such terms and conditions as it may determine, appoint the Director General of the Authority.

(2) The Director General shall be the Chief Executive of the Authority and shall:

- (a) be a whole time officer of the Authority; and
- (b) perform such duties as may be prescribed or as may be assigned or delegated to him by the Authority.

(3) In case the office of Director General is vacant for any reason, the Government may make such temporary arrangements for the discharge of functions of the Director General as may be deemed appropriate.

11. Delegation of powers.— The Authority may delegate to the Chairperson, a member, Director General or an officer of the Authority any of its powers, duties or functions, except the powers to:

- (a) approve the annual budget;

- (b) approve the annual performance report;
- (c) frame regulations; and
- (d) make policy decisions.

12. Appointments.— (1) The Authority may, in such manner as may be prescribed by the regulations, appoint such officers, advisors and employees as it considers necessary for efficient performance of its functions and determine the terms and conditions of service.

(2) The Authority may acquire the services of such officers, advisors and employees on deputation from any agency as it deems necessary.

13. Regional Boards.— (1) The Authority shall, with approval of the Government, notify a Regional Board for each Division of the Punjab.

(2) A Regional Board shall consist of eleven members including the Chairman.

(3) A Regional Board shall have the following members:

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| (a) Commissioner of the Division concerned; | member |
| (b) one officer of the Primary and Secondary Healthcare Department of the Government as may be nominated by the Commissioner of the Division concerned | member |
| (c) one Medical Superintendent of a hospital of the Government to be nominated by the Commissioner of the Division concerned; | member |
| (d) one officer of the Local Government and Community Department of the Government to be nominated by the Commissioner of the Division concerned; | member |
| (e) six non-official members; and | members |
| (f) Divisional Director, Social Welfare and Bait-ul-Maal Department of the Government. | member/
Secretary |

(4) A non-official member of a Regional Board shall be appointed by the Chief Minister for a period of three years, and shall be eligible for reappointment for another term.

(5) The Chairman of a Regional Board shall be appointed by the Chief Minister from amongst the non-official members of the Regional Board for a non-extendable term of three years, and the Chairman shall perform such functions as may be assigned by the Authority.

(6) The Chairman or a non-official member may, by writing under his hand, resign from his office.

(7) The provisions regarding qualification, appointment and removal of the Chairman and members of the Regional Boards shall be same as provided for qualification, appointment and removal for Chairperson and members of the Authority under this Act.

(8) The Regional Boards shall perform such functions as may be assigned by the Authority.

14. Public servants.— All persons acting or purporting to act under this Act shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (*XLV of 1860*).

15. Liability for loss.— Any person employed by or serving under the Authority, charged with the administration of the affairs of the Authority, acting on behalf of the Authority or acting under a contract with the Authority, shall be responsible for any loss, waste, misappropriation of any money or property belonging to the Authority; and shall be liable to compensate the Authority as determined by it after affording reasonable opportunity of being heard.

16. Funds.— (1) The Authority shall maintain two separate funds, both at Provincial and Divisional levels, one for the funds received from Government and second for the donations received.

(2) The Funds shall vest in the Authority at the provincial level and shall vest in the Regional Board at the divisional level and shall be utilized by the Authority or the Regional Board, as the case may be, in connection with its functions under this Act.

(3) The Funds shall consist of:

- (a) budgetary allocations;
- (b) grants made by the Federal Government, the Government, or any other authority or agency including international agencies and donors;
- (c) donations received from individuals, philanthropists, private organizations and overseas Pakistanis; and
- (d) all such moneys as may be determined from time to time by the Government.

(4) The Funds shall be kept in such custody, utilized and regulated in such manner as may be prescribed by the rules.

17. Accounts.— The Authority shall cause its accounts to be kept in such form and manner as may be prescribed by the regulations.

18. Budget.— The Authority shall prepare and approve every year, in such form and manner and at such time as may be prescribed by the regulations, a budget in respect of the next financial year showing the estimated receipts and expenditure of the Authority.

19. Audit.— (1) The public accounts of the Authority or Regional Board, whatever the case may be, shall be audited by the Auditor General of Pakistan and the donations' accounts by a firm of Chartered Accountants.

(2) The Authority shall also make such arrangements for pre-audit or concurrent audit of accounts as may be necessary.

20. Performance Audit.— (1) The Authority within its establishment shall develop quality standards for running the Panah Gahs.

(2) The Government may, at any time, direct to have the performance audit of the Authority or Regional Board, whatever the case may be, by a person or agency appointed by the Government.

21. Annual report.— (1) The Director General shall, within three months of the end of a financial year, submit the annual performance report to the Authority enumerating all activities, developmental initiatives undertaken, the targets achieved during the previous financial year and the future plans.

(2) The Authority shall publish the report for public information and submit it to the Government and the Government shall lay it before Provincial Assembly of the Punjab within ninety days of its receipt.

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

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

24. Power to frame regulations.— The Authority may, by notification in the official Gazette, frame regulations for carrying out the purposes of this Act.