

THE PUNJAB EHSAAAS PROGRAMME ACT 2022

(XXXI of 2022)

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'THE PUNJAB EHSAAAS PROGRAMME ACT 2022

(XXXI of 2022)

[14 November 2022]

An
Act

to provide for establishment of the Punjab Ehsaas Programme.

It is necessary to provide for establishment of the Punjab Ehsaas Programme as a new umbrella social protection and poverty alleviation programme of the Government to develop new programmes and to reform, reorganize and consolidate the existing initiatives of poverty alleviation and social protection in the Punjab to optimize their effectiveness, efficiency and responsiveness.

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 Ehsaas Programme Act 2022.

(2) This Act extends to whole of the Punjab.

(3) This Act shall come into force at once.

2. Definitions.– In this Act:

(a) “Chairperson” means Chairperson of the Ehsaas Council;

(b) “CEO” means the Chief Executive Officer of the Programme;

(c) “Ehsaas Council” means the Executive Council of the Programme constituted under section 8 of this Act;

(d) “Government” means Government of the Punjab;

(e) “implementing agencies” means:

(i) in case of the public sector, the administrative departments, attached departments, corporations, autonomous bodies, organizations or trusts notified under this Act; and

(ii) in case of the private sector, all NGOs, trusts or development partners responsible for executing any poverty alleviation and social protection programme, including the Programme, whether under any relevant Federal, Provincial or local law, or, as the case may be, its charter, memorandum of association or other constitutional or governing document, adopted voluntarily, or under the poverty alleviation and social protection policy framework of the Government;

(f) “member” means a member of the Ehsaas Council;

(g) “Non-Governmental Organization (NGO)” means any not-for-profit entity established under any law for the time being in force for the purpose of promoting social welfare, charity or any other useful object;

(h) “Programme” means the Punjab Ehsaas Programme established under section 3 of this Act;

¹This Act was passed by Provincial Assembly of the Punjab on 01 November 2022; and was deemed to have been assented to by Governor of the Punjab in terms of Article 116(3) of the Constitution; and was published in the Punjab Gazette (Extraordinary), dated: 14 November 2022, pp.1989-1994.

- (i) “regulations” means the regulations framed under this Act; and
- (j) “rules” means the rules made under this Act.

3. Establishment of Programme.– (1) There shall be a Programme of the Government to be known as the Punjab Ehsaas Programme for carrying out the purposes of this Act.

(2) The Programme shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire and hold property, movable and immovable, and to sue and be sued in its name.

(3) The principal office of the Programme shall be at Lahore, and additional offices of the Programme may be established at any other places in the province of the Punjab with approval of the Ehsaas Council.

4. Objective and purposes of Programme.– The objective and purposes of the Programme shall be to:

- (a) develop new programmes and reform, reorganize and consolidate the existing initiatives involving poverty alleviation and social protection to optimize their effectiveness, efficiency and responsiveness, to promote the social and economic well-being of the people;
- (b) provide an integrated policy and strategy for new as well as existing poverty alleviation and social protection programmes in order to reduce gaps and eliminate overlaps, so that deserving persons are equitably assisted, and resources are optimally utilized for socio-economic uplift of the poor;
- (c) facilitate coordination, identify gaps, and induce synergy amongst implementing agencies with regard to new as well as existing poverty alleviation and social protection programmes in the context of social safety nets, livelihood support, and financial access to health, education, nutrition and allied matters;
- (d) reduce inequalities, build human capital and resilience to shocks, increase financial inclusion and provide care, food and shelter to the needy; and
- (e) employ modern technology and data analytics, develop and maintain databases, and invest in effective governance, to insulate poverty alleviation and social protection institutions from abuse and malpractices, misuse of discretion, and political interference, and to enhance efficiency, responsiveness, transparency and merit-based delivery.

5. Secretariat of Programme.– The Planning and Development Board of the Government shall provide secretarial support to the Programme.

6. Governance and administration of Programme.– (1) There shall be a CEO of the Programme, who shall be appointed by the Government on such terms and conditions as it may determine.

(2) The CEO shall be responsible for the day to day management and administration of the Programme, and shall also serve as the principal accounting officer of the Programme.

(3) Any specific scheme established under and pursuant to the Programme, or the related implementing agency designated under subsection (4),

may have its own principal accounting officer.

(4) The Ehsaas Council may, from time to time, by notification in the official Gazette, designate any implementing agency for purposes of administering, managing and implementing any specific scheme established under and pursuant to the Programme in view of the capacity of such implementing agency as well as its expertise, personnel, resources, powers, functions and scope of work:

provided that the name or title of every scheme established under and pursuant to the Programme shall commence with the word "Ehsaas" or shall otherwise have the word "Ehsaas" included therein.

7. Powers and functions of CEO.— (1) The CEO shall, as administrative in charge of the Programme, prepare its budget and ensure consistency of operations with the Programme policies approved by the Ehsaas Council.

(2) The Ehsaas Council shall provide strategic guidance to the Programme and ensure implementation of the Programme in accordance with its decisions and the provisions of this Act.

(3) The CEO shall execute the decisions of the Ehsaas Council for the purposes of the Programme.

(4) The CEO shall have the power to enter into an agreement, contract or memorandum of understanding with any international organization, institution, donor agency or other counterparty with the approval of the Ehsaas Council.

(5) The CEO shall assist the Ehsaas Council in publicizing the Programme as well as raising funds.

8. Establishment of Ehsaas Council.— (1) There shall be an Executive Council of the Programme to be known as the Ehsaas Council consisting of the following:

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| (a) Chief Minister, Punjab; | Chairperson |
| (b) a person who holds at least a master's degree recognized by the Higher Education Commission established under the Higher Education Commission Ordinance, 2002 (LIII of 2002) with at least five years' experience in the social sector, to be nominated by the Chairperson; | Vice Chairperson |
| (c) Chairman, Planning and Development Board of the Government or his nominee not below the rank of an Additional Secretary; | member |
| (d) Additional Chief Secretary (Home) to the Government, Home Department or his nominee not below the rank of an Additional Secretary; | member |
| (e) Secretary to the Government, Social Welfare and Bait-ul-Maal Department or his nominee not below the rank of an Additional Secretary; | member |
| (f) Secretary to the Government, Zakat and Ushr Department or his nominee not below the rank of an Additional Secretary; | member |
| (g) Secretary to the Government, Labour and Human Resource Department or his nominee not below the rank of an Additional Secretary; | member |

- (h) three representatives of civil society to be nominated members by the Government; and
- (i) the CEO. member/Secretary

(2) In absence of the Chairperson, the Vice Chairperson of the Ehsaas Council shall exercise all powers of the Chairperson.

(3) The Chairperson or in his absence, the Vice Chairperson of the Ehsaas Council, may co-opt any other person as a member for a specified period or for a specified purpose.

(4) The term of the members mentioned at clause (h) of subsection (1) shall be three years extendable for another term of one year.

(5) The members of the Ehsaas Council, except the CEO, shall serve in honorary capacity, and shall be entitled only to such facilities and privileges in the nature of compensatory costs as the Government may, from time to time, determine.

(6) The Ehsaas Council shall have the powers to conduct its business and regulate its proceedings as it may prescribe by the regulations from time to time.

(7) The Ehsaas Council may, through a majority decision of its members and subject to such conditions as it deems necessary, delegate any of its functions and powers to the CEO or any member.

(8) All actions taken in the exercise of all such delegated functions and powers shall be submitted to the Ehsaas Council for approval in the subsequent Ehsaas Council meeting.

(9) No act or proceeding of the Ehsaas Council shall be invalid merely by reason of any vacancy or defect in the constitution of the Ehsaas Council.

9. Powers and functions of Ehsaas Council.– (1) The powers and functions of the Ehsaas Council shall be to:

- (a) provide integrated policy guidelines for the Programme to enable efficient co-ordination with the implementing agencies;
- (b) approve the budget of the Programme prepared by the CEO;
- (c) take decisions on the financial aspects of the Programme submitted by the CEO for consideration of the Ehsaas Council;
- (d) monitor the Programme in an apolitical, merit-based and transparent manner;
- (e) mobilize financial resources for the Programme;
- (f) direct the CEO on poverty reduction policies, enhancement of the Programme, and reaching out to donors through the Chairperson; and
- (g) make regulations and approve policies and manuals in order to carry out the purposes of this Act.

(2) The Ehsaas Council shall meet at least four times in a year and a special meeting of the Ehsaas Council may be convened by the Chairperson or on the request of three members at any time by giving a reasonable notice of such meeting:

provided that the Ehsaas Council shall meet at such time and place and in such manner as may be laid down by the Ehsaas Council and until such time as determined by the Chairperson.

10. Eligible persons or families for financial assistance.– All individuals or

families who fall below the poverty line as notified by the Government shall be eligible to receive financial assistance from the Programme.

11. Disbursement procedure.— Funds of the Programme shall be applied towards providing assistance and support to eligible persons and families in cash or in kind or both in such manner as may be prescribed by the regulations:

provided that all cash disbursements under the Programme shall be made solely through proper banking channels, into bank accounts held in the direct names of eligible persons and families.

12. Fund.— (1) There shall be established a Fund to be known as Punjab Ehsaas Programme Fund.

(2) The Fund shall consist of:

- (a) revolving funds or budget amount approved by the Government;
- (b) grants made by local, domestic or international bodies, organizations, entities and the Government;
- (c) aid given to the Government for the purpose of the Programme;
- (d) donations made by individuals or associations of persons; and
- (e) all other sums as may be received by the Programme.

(3) The Fund shall be administered in such manner as may be prescribed by the regulations.

(4) Notwithstanding anything contained in any other law for the time being in force, donations and grants received by the Programme shall be exempt from all taxes.

13. Budget of Programme.— (1) The CEO shall, in respect of each financial year, prepare the annual budget estimates of the Programme and submit the same to the Ehsaas Council for approval in accordance with such financial procedures as may be approved by the Ehsaas Council.

(2) The CEO shall have full powers to incur expenditure or re-appropriate funds, subject to any general or specific instructions of the Ehsaas Council.

14. Employees of Programme.— The CEO may appoint such employees as he may consider necessary on such terms and conditions as may be prescribed by the regulations:

provided that until such regulations are made to determine pay, pension and allowances as otherwise in vogue in the Government applicable to civil servants, the terms and conditions applicable to the employees immediately before the commencement of this Act shall continue to apply in accordance with such directions as the Government may, in case of its employees, issue from time to time.

15. Public servants.— The employees of the Programme shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

16. Indemnity.— No prosecution, suit or other legal proceedings shall lie against the Ehsaas Council, its members, the CEO and other employees of the Programme for anything done in good faith for carrying out the purposes of this Act or rules or regulations or orders made or issued thereunder.

17. Maintenance of accounts and internal control.— (1) The Programme shall

maintain complete and accurate books of accounts in connection with the discharge of its responsibilities as may be prescribed by the Auditor General of Pakistan.

(2) The internal audit of the Programme shall be carried through an independent internal audit officer who shall report directly to the Ehsaas Council, and the internal audit reports shall be presented to the Ehsaas Council for comments and follow up on the remedial actions.

18. Audit.— The accounts of the Programme shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed by him.

19. Annual report.— The Ehsaas Council shall approve the annual report of the Programme, and cause such report to be laid before Provincial Assembly of the Punjab.

20. Redressal of grievance.— Any person or family aggrieved by a decision involving the eligibility under the Programme may, within thirty days of the decision by the relevant implementing agency, prefer an appeal to the prescribed authority of such implementing agency in such manner as may be prescribed by the rules.

21. Act not to prejudice other laws.— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

22. Power to make rules.— The Government may make rules for carrying out the purposes of this Act.

23. Power to frame regulations.— (1) The Ehsaas Council may frame regulations for carrying out the purposes of this Act.

(2) Without prejudice to or limiting subsection (1), the regulations shall provide, inter alia, for matters involving financial assistance, payment schedule, grievance redressal, social audits and operation of all schemes established and implemented under the Programme.

24. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order, not inconsistent with provisions of this Act or any other law regulating the implementing agencies, as is necessary or expedient to remove such difficulty.