



YOUTH GENERAL ASSEMBLY

**AN ANALYSIS OF ACTS
OF PUNJAB ASSEMBLY
2018-20**

Youth General Assembly is an autonomous assembly that has been formed in order to provide a credible platform that instigates a true sense of policy & strategy making, equitable administration and non-customary legislative, public speaking and social issues by empowering enthusiasm in youth for being the future ambassadors and democrats.

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YOUTH GENERAL ASSEMBLY

PUNJAB ASSEMBLY ACTS

ACT NO. 1

The Punjab Village Panchayats and Neighborhood Councils Act, 2019

Executive Summary:

This Act may be called The Punjab Village Panchayats and Neighborhood Council Act, 2019. This Act was enacted to institutionalize and strengthen civic engagement for non-political action in Punjab through the constitution of village Panchayats and urban neighborhood councils. It extends to the whole of Punjab other than the areas notified as cantonments under the Cantonments Act, 1924, or the Cantonments Ordinance, 2002. The Government of Punjab Constitutes villages and neighborhoods for this Act. Every village and neighborhood shall have a common assembly which shall act through the respective panchayat and neighborhood council. The functions of panchayat and neighborhood council are prescribed in Section 17 of this Act. Section 39 provides the sources of Funds of Panchayat and Neighborhood Councils. The chairpersons and members of the panchayats and neighborhood councils shall be elected through the election. There shall be a local board that inquires allegations against members and chairperson and may suspend and dissolves panchayat or neighborhood council on the grounds mentioned in the thirteenth schedule. The schedules provide powers and functions of panchayat and neighborhood council along with duties and oath of chairperson and members of panchayat and neighborhood council.

Objectives:

The Punjab Village Panchayats and Neighborhood Councils Act 2019 envisages the creation of 22,000 village and neighborhood councils through the adult franchise, and the whole area of the council constitutes one multi-member ward for the election of all members including the chairperson. The candidates for general seats securing highest votes in the descending order will stand elected one by one till all seats earmarked for general members are filled. Interestingly, at this level political parties are barred from using their platforms. However, the Local Government Act 2019 that deals with a higher level of local governance i.e. metropolitan/ municipal corporations and town/tehsil councils allow political parties to use their platforms. But contesting parties and groups have to form panels, list their candidates in order of preference (close list) as the voters have to vote for parties rather than to individual candidates. The parties will grab seats according to the proportion of their share of votes in the respective electoral area. Unlike in the past, under the new local laws, all heads of councils shall be elected through adult franchise. For instance, all the voters registered in Lahore city will elect their mayor, while in the past only a few dozen people would. Also, there is a likelihood of diminishing the control of bureaucracy in local governance. Moreover, all councils have the right to levy taxes and each council will receive funds directly from the province. A detailed document was presented to

explain the power and duties of panchayats, to make sure the rights of the locals are not infringed.

Background:

Power isn't an equalizer. It abhors sharing unless it is forced by emerging dynamics. Appearance and disappearance of local governance in Pakistan provides a best-case study in this regard. Military dictators hated elected assemblies but loved local governance because it would serve their interests well. On the other hand, civilian rulers love having parliaments at national and provincial levels but hate having locally elected councils because local councils undermine their monopoly. Prime Minister Imran Khan has shattered this decades-old inverse relationship by introducing the Punjab Village Panchayats and Neighborhood Councils Act 2019 and the Punjab Local Government and Community Development Act 2019. The new laws could reconfigure power structure at the local level as they not only empower the people but also local councils.

Conclusion:

The second chapter of the PTI'S manifesto says good governance. Firstly, the introduction of a provincial assembly itself satisfied the civilians but now empowering the local government would develop an understanding of various issues at the grass-root level. However, the authority must not be misused which would lead to the subversion of democratic principles. Secondly, the PTI government should field new, qualified, and professional candidates particularly for the position of mayors and chairpersons. Thirdly, at least 33% of these positions should be allocated to female candidates. Fourthly, the PTI must not nominate scions of corrupt political dynasties at any position, especially for the position of mayor. It will be easier to do this under the new law, as the electorates would be voting for parties and not for individuals. In other words, the new local law, if improved, provides a golden opportunity not only to weaken the stranglehold of the so-called electable but also to broaden the social base of our democracy. It's an obligation - a debt - that must be paid back to communities generously.

ACT NO. 2

The Punjab Public-Private Partnership Act 2019

Executive Summary:

This Bill was being introduced and sent to the committee in Punjab Assembly, on 19th September 2019 by Raja M. Basharat. The following bill got passed on 25th September 2019. This is an Act to foster an enabling environment for private sector participation in the development in Punjab through a public-private partnership.

It is necessary to create an enabling environment to promote the private sector participation and investment in partnership with the public sector for the provision of public infrastructure and services for accelerated economic growth; to bridge the gap in demand and supply of public infrastructure and services; to harness the substantive role of public-private partnership as a means of mobilizing private sector funding, resources, and expertise; and for the matters connected therewith or ancillary thereto. This is also called as Act XXX of 2019.

Introduction and Problem Statement:

The Act is divided into the following chapters, including the key points:

CHAPTER I: PRELIMINARY

1. Short title, extent and commencement.
2. Applicability.
3. Definitions.

CHAPTER II: INSTITUTIONAL ARRANGEMENTS

4. The Board.
5. Disqualifications to become a Member.
6. Functions of the Board.
7. The PPP Cell.
8. Authority.
9. Functions of the Authority.
10. Chief Executive Officer.
11. Executive Committee.
12. Functions and Powers of the Executive Committee.

CHAPTER III: PROJECT DELIVERY PROCESS

13. PPP arrangements.
14. Project identification and preparation.
15. Project prioritization and approval.
16. Approval of Government support.
17. Consideration by the Board.

18. Selection of the private party.
19. Pre-qualification.
20. Bidding.
21. Single-stage three envelope bidding.
22. Bid evaluation.
23. Bid security.
24. Government support.
25. Unsolicited proposals.
26. Non-observance of timelines.
27. Preparation and negotiation of PPP agreement.
28. Project implementation and operation.
29. Setting and adjustment of user levies.
30. Dispute resolution.
31. Termination of the PPP agreement.
32. Vesting of the project in the private party.
33. Transfer of the project.

CHAPTER IV: MISCELLANEOUS

34. Conflict of interest.
35. Disclosure of generic risks.
36. Integrity pact.
37. Public disclosure.
38. Prescribing and enforcing standards.
39. Indemnity by the private party.
40. Recovery of costs, dues and fees.
41. Protection of actions taken in good faith.
42. Power to make rules.
43. Power to frame regulations.
44. Applicability to Government Agencies.
45. Appointment by transfer.
46. Public servants.
47. Authority Fund.
48. Budget and accounts.
49. Audit.
50. Overriding provision.
51. Transition provision.
52. Repeal and savings.
53. Repeal.

Conclusive Remarks:

Given the current macroeconomic challenges and the consequent stress on public finances, the provincial government has decided to explore public-private partnerships (PPP) as a preferred financing tool for infrastructure and social sectors' development in Punjab. Budget documents

highlight that the government has aimed to increase the size of PPP financing to 10% of the Annual Development Program (ADP) by 2023. The allocation under innovative financing of PPPs for the upcoming fiscal year (FY 2019-20) has been set at Rs42 billion.

To tap the full potential of PPP financing, the Punjab government has already revisited and reformed the PPP framework of the province. A new PPP legislation titled 'Punjab Public-Private Partnership Act, 2019' is already in the process of enactment which proposes the formulation of a PPP Policy Board headed by the chief minister, and the establishment of Punjab Public-Private Partnership Authority (PPPPA) to identify and execute multi-sectoral PPP projects.

Punjab Governor, Chaudhry Muhammad Sarwar, has promulgated the Punjab Public-Private Partnership Ordinance 2019 in a bid to foster an enabling environment for the development of Punjab through Public-Private Partnership (PPP). Though provincial assembly was absent during the session, Sarwar still expressed satisfaction that circumstances existed which rendered it necessary to take immediate action on this ordinance.

According to the ordinance, a PPP policy and monitoring board would be established to promote, facilitate, coordinate, direct, and oversee these projects. The board would be headed by the Punjab chief minister and will comprise of 15 other members from different departments. Through notification in the official gazette, the government would establish a PPP cell within the Planning and Development Board to act as a secretariat of PPP policy and monitoring board.

Besides the cell, the government will also establish 'Punjab PPP Authority', which would have the powers to enter into contracts and dispose of both moveable and immovable property. A chief executive officer of the authority would also be appointed from the public or private sector. Subject to the ordinance, the authority would enter a PPP agreement with a private party for the performance of functions or provision of services, management, and finance for construction of a project besides arranging applicable payment to the private party. The authority would also be liable to identify and conceptualize potential projects which relate to development activities falling within the sector or geographical area of the PPP project.

"The board shall, by taking into account the recommendations of the PPP cell and the risk management unity, consider a project proposal submitted by the authority and may, within 30 days, either approve or reject the proposal and return it to authority for amendment and resubmission," the ordinance stated.

Following the board's approval, the authority would be allowed to select a private party for the project through competitive public tendering, using a process of prequalification and bidding. However, the entity would not be permitted to enter into direct negotiations with any person without competitive public tendering. The ordinance further said that the draft PPP agreement shall clearly define the legal relationship between the authority and the selected private party; the rights and responsibilities, including specific government support for the project.

The authority shall set user levies at levels that ensure the financial viability of the project by fully covering the capital, operation, and maintenance costs plus a reasonable rate of return to the private party or the authority. The ordinance also stated, that in case of any dispute, the

parties shall resolve it either by the first deliberation to achieve a consensus, settling the dispute amicably by meditation, or by attribution in the city of Lahore or any other place.

Ref: <https://tribune.com.pk/story/2051089/2-punjab-takes-measures-boost-private-sector-participation>

ACT NO. 3

The Punjab Finance Bill 2019

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 14th June 2019, by Makhdoom Hashim Jawan Bakht. The following bill got passed on 26th June 2019. This act has the following objectives:

1. The stamp duty on the instruments of 'Agreements to Deposit' of title deeds, pawn, pledges, and mortgages was imposed through the Punjab Finance Act, 2006 which amended the Stamp Act, 1899. It is now required to be revised.
2. The rates of Land-Based Agricultural Income Tax under the First Schedule of the Punjab Agricultural Income Tax Act, 1997 were fixed in 2003 which are in force for the last 16 years even though support price of wheat has increased from rupees 350/- per 40 Kg in 2003 to Rs.1350 in 2019. Additionally, the exemption threshold of rupees eighty thousand for payment of Agricultural Income Tax was fixed in 2001 and the same has not been enhanced for the last 18 years. It is the genuine demand of the farmer community that the exemption granted under the Second Schedule of the Punjab Agricultural Income Tax Act, 1997 should be enhanced. Accordingly, the Government has decided to increase the exemption limit from rupees eighty thousand to rupees four hundred thousand aiming inter alia at promoting the Agriculture sector.
3. To broaden the tax base in the Province of Punjab, the tax has been proposed to be collected from the high-value properties along highways and motorways to ensure the provision of better public services. Further, the registration fee for imported vehicles to be brought at par with that being charged in the Islamabad Capital Territory and other provinces to ensure uniformity of fees and rates across Pakistan. Besides, property tax relief has been proposed to be given to divorced women and single female orphans in line with relief already provided to widows; moreover, outdated rates of Professional Tax have been proposed to be rationalized.
4. The operational experience of the Punjab Revenue Authority during the last financial year has convincingly necessitated certain procedural and technical amendments in the Punjab Sales Tax on Services Act, 2012 for better compliance of the Act ibid. while ensuring "Ease of Doing Business" in the Province. Apart from the change in some penal provisions, these amendments provide for minimum tax liability, updating appeal related provisions, improving recovery of tax, and introducing a modern electronic invoicing system to plug revenue leakages. Further descriptions of a few taxable services have been modified for removal of gaps and misapplications and updated for a clearer understanding of tax obligations. Besides, some new services have also been included in the tax net. The overall objective is to broaden the tax base of Punjab Sales Tax on Services, to achieve the eventual goal of a Negative Tariff List for Punjab Sales Tax and maximizing mobilization of revenue in the public interest. Hence this Bill.

Introduction and Problem Statement:

This is a Bill *to levy, alter and rationalize certain taxes, fees and duties in Punjab.*

It is necessary, for the public interest, to levy, alter and rationalize certain taxes, fees and duties in Punjab; and, to deal with ancillary matters.

Conclusive Remarks:

The Punjab Assembly passed the provincial budget for the fiscal year by approving the finance bill 2019-20 without any notable resistance from the opposition whose majority remained away from the House most of the time.

The brisk session which lasted less than 40 minutes was chaired by Speaker, Ch Parvez Elahi, while Chief Minister, Sardar Usman Khan Buzdar, remained in the House till the end. Opposition Leader, Hamza Shahbaz, stayed in his chamber and notable opposition members also remained away, thinning the strength of the opposition legislators in the House.

The Finance Bill 2019-20 included five new services in the ambit of the Punjab Revenue Authority by levying sales tax on them ranging from 5-16 per cent, whereas the government withdrew sales tax earlier proposed on intercity air-conditioned passenger busses at the rate of 16 per cent. The new services included in the ambit of Punjab Revenue Authority imposing 16 per cent tax on dress designing and stitching, renting bulldozers, and heavy building machinery equipment including containers, generators, and refrigerators, leather textile sector, cloth treating, embroidery, knitting, leather staining, color separation, and shrinking services. The registration fee on imported vehicles was raised to equalize the rate of Islamabad and other provinces. Hajj, Umrah, international, and local air travels, excluding diplomats would be levied 5 per cent tax without subjected to input adjustment.

Apart from increasing the rate of several existing taxes, including stamp duty, new taxes have been levied on businesses and professions previously not falling into the tax net including all stockbrokers, money changers, doctors, Hakeems, homoeopaths, contractors, builders, and property dealers. The companies with up to Rs. 5 million liquidity have to pay Rs. 10,000 annual tax, that of up to Rs. 50 million Rs 30,000, up to Rs 100 million Rs 70,000 and that of more than Rs 100 million Rs 1,00,000.

An annual tax of Rs. 1,500 has been levied on factories with a workforce of up to 10 persons, Rs. 5,000 on those employing 25, and Rs. 7,500 on those employing more than 25 persons. The government has also levied Rs. 1,000 tax on lawyers, Rs 2,000 on jewellers and cable operators, Rs 4,000 on health clubs/gymnasiums in metropolitan limits and cigarette/tobacco dealers, Rs 6,000 on audit firms, taxation consultants, architects, money changers, engineering and scientific consultants, Rs 6,000-10,000 on motorcycle/scooter dealers, Rs 10,000 on stock exchange members, Rs 10,000 on motor car dealers and real estate agents in small cities and Rs20,000 on those working in metropolitan corporation limits.

The government also imposed Rs 20,000 tax on recruiting agents, Rs 1,000 on contractors/builders with a business volume of up to Rs 1 million and Rs 6,000 on those exceeding the said volume. It imposed Rs 5,000 tax on medical consultants/specialists and

dental surgeons, Rs 4,000 on registered medical practitioners, and Rs 4,000 on homoeopaths and Hakeems.

The tax has been imposed on high-value properties along highways and motorways. The registration fee for imported vehicles has been increased and brought on a par with that being charged in Islamabad and other provinces. Those travelling on domestic and international flights will have to pay a 5 per cent tax which will not be adjusted as input tax. The government has doubled the agriculture tax. However, holders of up to 12.5-acre land had been given tax exemption. Holders of up to 25-acre land will have to pay Rs 300, up to 50 acre Rs 400, and those holding more than 50-acre land will have to pay Rs 500 agriculture tax.

Property tax relief has been given for divorcee women and single female orphans in line with relief already being provided to widows.

Ref: <https://www.thenews.com.pk/print/490159-punjab-assembly-passes-budget-approves-finance-bill-2019-20>

ACT NO. 4

The Punjab Local Government Act 2019

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 22nd April 2019, by M Basharat Raja. The following bill got passed on 30th April 2019. The Government has decided to reconstitute and revamp the local government system in Punjab aiming at devolving political, administrative, and financial responsibility and authority to the elected representatives of the local governments in true spirit; hence, this Bill was introduced. This is also called **Act XIII of 2019**.

Introduction and Problem Statement:

This is an *Act to reconstitute local governments in Punjab and for related purposes.*

Whereas it is expedient to reconstitute local governments in Punjab for effective discharge of certain public services and to provide for their authority and duties for this purpose, and matters connected therewith and ancillary thereto.

Conclusive Remarks:

It would be a five-tier local government system which will include a city district government, followed by a district council government, a tehsil and town administration, and lastly, a village and neighborhood council.



The General Elections in July 2018 saw a PTI-led government coming to power at the federal level in Punjab, while in Khyber Pakhtunkhwa the PTI again formed a coalition government and continued its rule of the province which initially began in 2013. In line with its election manifesto, PTI announced its intention to modify the local government systems of both provinces i.e.

Punjab and KP. With considerable influence from the national (federal) level, the provincial governments in KP and Punjab started drafting amendments to the existing laws (KP) resp. of new legislation on local bodies (Punjab). The Provincial Assembly of Punjab passed two pieces of legislation on 30 April 2019: the Punjab Local Government Act 2019 (PLGA-19), and the Punjab Village Panchayats and Neighborhood Councils Act 2019 (VP&NCA-19). Both pieces of legislation were assented by the Governor on 3 May 2019 and entered into force with their notification in the Punjab Gazette on 4 May 2019. On the same day, the existing local governments constituted under the PLGA-13 were dissolved through Government Notification No. SOR (LG) 38-34/2018, and Administrators from the civil administration (such as Assistant and Deputy Commissioners) were appointed instead, to run the affairs until new elections took place. The PLGA-19 envisages a transition period of up to 12 months between the previous and the new system, and local elections are likely to be held in mid-2020.

Chapter 2 is a brief overview of the differences between the Punjab local government system based on previous Punjab Local Government Act 2013 (PLGA-13) and the new legislation. Chapter 3 summarizes salient features of the PLGA-19 and makes a critical assessment of the new act. Chapter 4 focuses on salient features of the VP&NCA-19.

ACT NO. 5

The Punjab Village Panchayats and Neighbourhood Councils Bill 2019 (Bill No. 11 of 2019)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 22nd April 2019, by M. Basharat Raja. The following bill got passed on 30th April 2019. It has been decided to institutionalize and strengthen civic engagement for non-political action in Punjab through the constitution of village Panchayats and urban neighbourhood councils, and to provide for the ancillary matters; hence, this Bill was introduced. This is also called **Act XIV of 2019**.

Introduction and Problem Statement:

This is An Act to institutionalize and strengthen civic engagement for non-political action in Punjab through the constitution of village Panchayats and urban neighbourhood councils

Whereas it is expedient to institutionalize and strengthen civic engagement for non-political action in Punjab through the constitution of village Panchayats and urban neighbourhood councils, and to provide for the matters connected therewith and ancillary thereto.

Following points are being discussed in the act:

Chapter I – Applicability and Interpretation

1. Short title, extent and commencement.
2. Interpretation
 - 2A. Elections Act to apply.

Chapter II – Village and Neighborhood Common Assemblies and their Jurisdiction

3. Establishment of village and neighborhood areas.
 - 3A. Delimitation of villages and neighborhoods.
4. Village and neighborhood common assemblies.
5. Powers and duties of common assembly.
6. Decisions of common assembly how made.
7. General and extra-ordinary meetings of common assembly.
8. Local officials to attend meetings of common assembly.

Chapter III – Constitution, Powers and Duties of Panchayats and Neighborhood Councils

9. Common assemblies to act through the panchayats or neighborhood councils.
10. Constitution of panchayats and neighborhood councils.
11. Term of office of panchayats and neighborhood councils.
12. Territorial jurisdiction of panchayats and neighborhood councils.
13. Meetings of panchayats and neighborhood councils.

14. Minimum quorum requirements.
15. All decisions of panchayat and neighborhood councils to be taken in their meetings.
16. An act of panchayat and neighborhood council not to be invalidated by vacancy or irregularity in the appointment of a member.
17. Primary functions of a panchayat and neighborhood council.
18. Delegation of functions upon a panchayat or neighborhood council by local governments and the Government.
19. Power of a panchayat and neighborhood council to enter into contracts and acquire, hold and dispose of the property.
20. Power of a panchayat and neighborhood council to require removal of unlawful obstructions and refrain from causing public inconvenience.
21. Power of a panchayat and neighborhood councils to make certain general orders.
22. Power of a panchayat or neighborhood council to report delinquency on the part of local officials.
23. Power of a panchayat or neighborhood council to enter and inspect premises.
24. Power of a panchayat to name streets etc.
25. Duties of the chairpersons and members.
26. Joint works and undertakings.

Chapter IV – Elections and Term of Office of the Chairpersons and Members

27. Notification of elections.
28. All elections under this Act to be held by Election Commission.
29. Right to cast vote.
30. Method of election.
31. Qualifications for being a candidate to the election or for holding the office of the chairperson or member.
32. Minimum period for the safe custody of certain election record.
33. Bar against holding more than one political offices.
34. Oath of office of the chairpersons and members.
35. Term of office of the chairpersons and members.
36. Resignation by a chairperson or member.
37. Filling of casual vacancies in panchayats and neighborhood councils.

Chapter V – Funds of Panchayat and Neighborhood Councils and their Application

38. Local fund of villages and neighborhoods.
39. Sources of the local fund.
40. Proceeds from local rate to be part of the local fund of a village.
41. Custody of local fund.
42. Legal basis for the application of local fund.
43. Matters in respect of which money from the local fund may be applied.
44. Investment of surplus amounts of money in the local fund.
45. Preparation and approval of the estimate of receipts and expenditure.
46. Designated officer to approve estimate of receipts and expenditure where panchayat or neighborhood council fails to do so.
47. Fees and rates which may be levied by panchayats and neighborhood councils.
48. Accounts of panchayat and neighborhood councils.

49. Audit of accounts of panchayat and neighborhood councils.

Chapter VI – Superintendence and Control

49. Liability of chairperson and members towards the village and neighborhood.
50. Every chairperson and member to be a public servant.
51. Every chairperson and member to declare assets.
52. Chairperson to submit a copy of every resolution and order to the designated officer.
53. Access to and seizure of record of panchayats and neighborhood councils.
54. Power to inquire into affairs of a panchayat or neighborhood council.
55. Power to suspend, modify or rescind a resolution or other action of a panchayat or neighborhood council.
56. Removal of a chairperson by panchayat or neighborhood council through a vote of no-confidence.
57. Code of conduct for chairpersons, members and designated officers.
58. Misconduct by a chairperson or member.
59. Cognizance of misconduct etc by a chairperson or member.
60. Removal of a chairperson or member on the recommendation of Board.
61. Suspension and reinstatement of a chairperson or member.
62. Suspension of a panchayat or neighborhood council.
63. Dissolution of a panchayat or neighborhood council.

Chapter VII – Local Boards

64. Constitution of Local Boards and their place of sitting.
64A. Election Commission to notify election etc.
65. Composition and quorum of Local Boards.
66. Act or proceedings of a Board not to be invalid for the existence of vacancy etc.
67. Time limit for the decision of cases.
68. Removal of chairperson and members on the grounds of inefficiency or misconduct.

Chapter VIII– Offences, Penalties and Compensations

71. Penalty for disobedience of an order of panchayat or neighborhood council to remove the obstruction or refrain from causing public inconvenience.
72. Penalty for disregard or disobedience of a general order of panchayat or neighborhood council.
73. Penalty for destroying etc. of the nameplate of street etc.
74. Penalty for willfully obstructing a panchayat or neighborhood council or its employees etc.
75. Penalty for disobedience of other direction or prohibition of a panchayat or neighborhood.
76. Penalty for infringement of bye-laws of a panchayat or neighborhood council.
77. Imprisonment for default of payment of penalties.
78. Compensation for any damage to panchayat or neighborhood council.
79. Cognizance of offences under this Act.
80. Appointment of Municipal Magistrates.

Chapter IX – Miscellaneous

81. Appointment of the designated officer.
82. Appeal against an order of panchayat or neighborhood council.
83. Representation against orders of a designated officer.
84. Power of the Government to appoint any of its officers as administrator pending fresh elections.
85. Fresh elections not to be called where the remaining term in office of a panchayat or neighborhood council is less than six months.
86. Resolution of disputes inter se panchayats and neighborhood councils or with a local government and other agency.
87. Panchayat and neighborhood council staff.
88. Protection of action in good faith.
89. Recovery of dues as arrears of land revenue.
90. Power to make rules.
91. Panchayats and neighborhood councils to promulgate bye-laws.
92. Government may prescribe model bye-laws.
93. Removal of difficulties.
94. Act to override other laws.

Conclusive Remarks:

The Punjab Village Panchayats and Neighborhood Councils Act 2019 provides elections on a non-party basis which is a disservice to democracy at the grassroots level, they viewed, adding that polls should be held on party basis and the duties and functions of the Village Panchayats and Neighborhood Councils should be increased. The participants pointed out some errors and omissions in the drafting of the twin laws; for instance, Punjab Local Govt Act 2019 calls for nine metropolitans (at divisional levels), while The Punjab Village Panchayats & Neighborhood Councils Act 2019 mentions only three metropolitans. Similarly, the language of the draft bills is also gender blind.

This Act was enacted to institutionalize and strengthen civic engagement for non-political action in Punjab through the constitution of village Panchayats and urban neighborhood councils. It extends to the whole of Punjab other than the areas notified as cantonments under the Cantonments Act, 1924 or the Cantonments Ordinance, 2002. The Government of Punjab Constitutes villages and neighborhoods for this Act. Every village and neighborhood shall have a common assembly which shall act through the respective panchayat and neighborhood council. The functions of panchayat and neighborhood council are prescribed in Section 17 of this Act. Section 39 provides the sources of Funds of Panchayat and Neighborhood Councils. The chairpersons and members of the panchayats and neighborhood councils shall be elected through the election. There shall be a local board which inquires allegations against members and chairperson and may suspend and dissolve panchayat or neighborhood council on the grounds mentioned in the thirteenth schedule. The schedules provide powers and functions of panchayat and neighborhood council and duties and oath of chairperson and members of panchayat and neighborhood council.

ACT NO. 6

The Punjab Alternative Dispute Resolution Bill 2019 (Bill No. 13 of 2019)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 22nd April 2019, by M. Basharat Raja. The following bill got passed on 19th September 2019. The Government intends to ensure delivery of inexpensive and expeditious justice through an alternative dispute resolution system for settlement of disputes, both civil and criminal, through an arbitrator, conciliator, mediator, and evaluator without resorting to the formal system of adjudication of disputes by the courts in the province. The Alternative Dispute Resolution Centers are proposed for a productive and institutionalized system of alternative dispute resolution. Hence, this Bill. This is also called **Act XIV of 2019**.

Introduction and Problem Statement:

This is *An Act to provide for a system of alternate dispute resolution of civil and criminal disputes.*

It is necessary to ensure inexpensive and expeditious justice through an alternate dispute resolution system.

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Reference in civil disputes.
4. Reference in criminal disputes.
5. Power to record evidence during the postponement.
6. Power to refer a case to ADR at any time.
7. Selection of ADR person.
8. Return to court.
9. Confidentiality.
10. Meaningful offer.
11. Who may perform ADR.
12. ADR proceedings.
13. Failure of ADR.
14. Judgement and Decree.
15. Appeal and revision barred.
16. Savings.
17. Application of certain laws.
18. Overriding effect.
19. Cases pending in appeal or revision.
20. Code of Conduct.
21. Accreditation Authority.

22. Costs and fees of ADR.
23. Power to make rules.
24. Power to amend the Schedules.
25. Removal of difficulty.
26. Repeal.

Conclusive Remarks:

Punjab Assembly passed a bill to provide for a system of alternate dispute resolution of civil and criminal disputes.

The government thinks that it is necessary to ensure delivery of “inexpensive and expeditious” justice through an alternate dispute resolution system for settlement of disputes through an arbitrator without resorting to a formal system of adjudication of disputes by the courts.

A case referred to ADR shall eventually return to the court on the completion of ADR proceedings, or on the expiry of the time provided under the law.

While one should not doubt the government’ intent to provide speedy justice to the people, the new legislation is less likely to achieve the desired results because of some inherent defects.

It is strange to see that entire edifice of the dispute resolution law hinges upon the assumption that the parties involved in a case would agree to refer the case to a court of arbitration, called the Alternate Dispute Resolution (ADR) Center.

According to clause- 3 of the law, a court (of primary jurisdiction) shall refer certain cases (specified in Schedule- 1) to ADR within 30 days of the appearance of the defendants subject to the consent of the parties involved in the cases. Similarly, in respect of cases mentioned in Schedule –II, a trial court may refer the case to ADR at any time or stage where it is of the view that the case is likely to be resolved through ADR. Here again, the case would not be referred to the ADR Center without consent of the parties to the case. If any of the parties is not willing, the case would not be referred to under the law.

In most of the cases, the parties to a case are less likely to agree on a resolution of their dispute through an arbiter(s) because the losing side will not have the right to appeal to a higher court for revision. Under section-15 of the said law, a case settled through an ADR and the subsequent judgment passed by the primary court cannot be challenged in any court of law.

Section-15 read: “No revision or appeal shall lie from the decree or order of the court except that a public prosecutor may challenge the judgment of the court”. Here, the reference made to a public prosecutor who may challenge the case has been kept vague.

Also, under the law, it is not binding on the ADR person to settle the dispute in any case and the dispute may return to the court of original jurisdiction without resolution. Section-13 of the law deals with such a situation.

“Where a matter has not been resolved or cannot be resolved through ADR on referral, the court shall proceed to adjudicate the dispute in accordance with law”.

In such an eventuality, no time frame has been given for the court to resolve the matter. The parties to the dispute would be back to square one after ADR fails to settle the issue. The claim of providing “expeditious” justice seems to have been compromised here.

According to section-14: “When the outcome of the ADR is returned to the court and the court finds that the matter has been partially or completely resolved, in accordance with law, the court shall pronounce judgment and in case of a civil dispute pass a decree in terms of the settlement.”. Where the outcome of ADR is not clear, the court may ask the ADR person to provide the required clarification.

Who will appoint the ADR person?

The parties to the case may select the ADR person or persons on their own, according to the law. “Where the parties are unable to select one or more person to act as ADR, the court shall provide a list of accredited ADR service providers or ADR Centers to the parties for selection. If the two parties are unable to arrive at a common decision at this level, the court shall make a reference to an accredited ADR service provider or ADR Centre in the prescribed manner”.

In this case, no time frame has been given for the two parties to arrive at a common decision.

Who may perform as ADR?

The role of ADR under the said law may be undertaken by parties directly, the counsel of the parties, one or more persons, selected by the parties, an accredited ADR service provider and an accredited ADR center. Here again, the law is silent about the time-frame.

Paradoxically, the claim of providing “inexpensive” justice also lays bare in section-22 of the bill. It reads: “Costs and fees of ADRs proceedings, if required, shall be borne by the parties in such proportion as may be mutually agreed upon by them; failing which, it shall be determined by the rules to be framed under this law”.

The court shall also provide a timetable for completion of ADR proceedings not exceeding 60 days. But the court may extend the period on the application of both the parties not exceeding six months.

The new legislation has also specified the kind of cases that could be settled through the Alternate Dispute Resolution (ADR) Centers to be set up under this law.

List of cases

Disputes mentioned in the first schedule include disputes between landlord and tenant, disputes involving pre-emption, disputes relating to possession of the immovable property, family disputes including guardianship and custody of minor children, enforcement of commercial contracts, recovery of moveable property, separate possession of the joint immovable property, rendition of accounts of joint property, disputes involving the recovery of money and cases relating to inheritance including declaration and succession.

Cases mentioned in the second schedule include disputes relating to ownership of immovable property, professional negligence, suits under the Banking Companies Ordinance 1962, disputes involving copyrights, disputes involving trademarks, suits for the redemption of mortgaged property and cases relating to Waqf and Trusts.

Subject to the provisions of section 19 of the Act, section 89-A of the Code of Civil Procedure, 1908 and clause (iii), Rule 1A, Order X in the First Schedule to that Code, to the extent of Punjab would be repealed once the law comes into force. Also, Qanun-e-Shahadat Order, 1984 shall not apply to ADR proceedings.

Ref: <https://nation.com.pk/20-Sep-2019/a-legislation-based-on-assumptions>

ACT NO. 7

The Punjab Aab-E-Pak Authority Bill 2019 (Bill No. 06 of 2019)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 11th March 2019, by M. Basharat Raja. The following bill got passed on 14th March 2019. The Government intends to ensure delivery of inexpensive and expeditious justice through an alternative dispute resolution system for settlement of disputes, both civil and criminal, through an arbitrator, conciliator, mediator and evaluator without resort to formal system adjudication of disputes by the courts in the Province. The Alternative Dispute Resolution Centers are proposed for a productive and institutionalized system of alternative dispute resolution. Hence, this Bill. This is also called as **Act XII of 2019**.

Introduction and Problem Statement:

This is *An Act to provide for the establishment of the Punjab Aab-e-Pak Authority.*

It is necessary to establish the Punjab Aab-e-Pak Authority responsible for the provision of clean drinking water to the people of Punjab, in consultation with the relevant entities including the local governments; and for the matters connected therewith and ancillary thereto.

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Establishment of the Authority.
4. Functions and powers of the Authority.
5. Governing Body.
6. Business of the authority.
7. Meetings of the Governing Body.
8. Chairman.
9. Removal of Chairman or member of the Governing Body.
10. Chief Executive Officer.
11. Registration and licensing of facilities.
12. Appointment of Advisors and Consultants.
13. Committees.
14. Transfer of water supply function to the Authority.
15. Appointment of Officers of the Authority.
16. Immunity of the Chairman and Employees of the Authority.
17. Fund.
18. Budget, Audit and Accounts.
 - A. Appointment of Inspectors.
 - B. Penalties.
 - C. Tribunal.
 - D. Procedure.

- E. Bar of jurisdiction.
 - F. Burden of proof.
 - G. Act to have overriding effect.
19. Annual Report.
 20. Power to make rules.
 21. Power to frame regulations.
 22. Removal of difficulties.

Conclusive Remarks:

Punjab Aab-e-Pak Authority has been established to provide clean drinking water to the people of the province. Punjab Governor Ch Sarwar has formally approved the authority by signing the bill approved by the Punjab Assembly. The governor will be the patron-in-chief of the authority. Aab-e-Pak Authority will provide clean drinking water to 110 million people of Punjab. It will install water filtration plants across Punjab and water filtration plants will also be installed in jails, hospitals and universities. Eighty per cent of people are deprived of clean drinking water and 11 lakh people in Punjab die annually due to drinking contaminated water. In Lahore only, two lakh people visit Children's Hospital due to water-borne diseases. Fifty per cent of people are admitted to hospitals due to water-borne diseases.

The Punjab Aab-e-Pak Authority has finally been established to provide safe drinking water to the whole of the population in the province.

Governor Chaudhry Sarwar has been appointed its patron-in-chief through the Act of Parliament. The Punjab Assembly had created the Punjab Aab-e-Pak Authority as the House passed the authority's Bill 2019 with a majority vote on March 14 amidst opposition's objections to the governor's role as patron-in-chief.

Punjab Governor Chaudhry Sarwar who had recently returned from his visit abroad immediately signed the Act making it a law applicable across the province.

The idea of setting up filtration plants to provide safe drinking water to the masses across the province was floated by Mr Sarwar himself and he had given a detailed presentation to Prime Minister Imran Khan when he visited Lahore in November last year.

The Authority will provide clean drinking water to 110 million people by installing water filtration plants. The water filtration plants will also be installed in jails, hospitals and universities. The governor claims that he is cognizant of the importance of maintenance of the paraphernalia required for the project.

The governor has asserted that the authority will provide clean drinking water to people of Punjab within the lifetime of this parliament. He says 80pc of people in the province are consuming unsafe drinking water and around 1.1 million people die annually due to waterborne diseases.

"The Pakistan Tehreek-i-Insaf's government in Punjab will relieve people of the problem of contaminated drinking water," he said. In Lahore alone, the governor said, around 200,000

children are being reported to be taken to the Children's Hospital due to waterborne diseases. In hospitals, he said, 50pc of people were being admitted due to waterborne diseases.

Punjab Governor's Sarwar Foundation is already setting up filtration plants in jails and committed to making the facility available in all prisons across the province. The governor is also getting the support of several philanthropists and businessmen from home and abroad to ensure that filtration plants may reach vulnerable segments of society.

Ref:

<https://www.dawn.com/news/1477602#:~:text=The%20Punjab%20Assembly%20had%20created,as%20patron%2Din%2Dchief.&text=On%20the%20eve%20of%20Punjab,was%20forwarded%20to%20the%20governor.>

ACT NO. 8

The Pakistan Kidney and Liver Institute and Research Center Bill 2019 (Bill No. 04 of 2019)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 20th February 2019, by M. Basharat Raja. The following bill got passed on 13th March 2019. The Pakistan Kidney and Liver Institute and Research Center is an Institution offering specialized healthcare services in the field of transplantation of human organs such as liver and kidney. The Bill aims at revamping the Institute to improve the existing mechanism of service delivery. This Institute is expected to play a very important and leading role in the fields of transplantation of human organs and the ancillary research. Hence this Bill. This is also called the **Act XI of 2019**.

Introduction and Problem Statement:

This is An Act to provide for the establishment of the Pakistan Kidney and Liver Institute and Research Center.

It is necessary to provide for the establishment of the Pakistan Kidney and Liver Institute and Research Center in Punjab and the matters ancillary thereto.

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Establishment of the Institute.
4. Functions of the Institute.
5. Administration of the affairs of the Institute.
6. Board of Governors.
7. Meetings of the Board.
8. Disqualifications.
9. Removal of a private member.
10. Casual vacancy.
11. Power and duties of the Board.
12. Chairperson.
13. Dean.
14. Executive Council.
15. Hospital Director.
16. Functions of the Hospital Director.
17. Medical Director.
18. Functions of Medical Director.
19. Nursing Director.
20. Finance Director.
21. Employees of the Institute.

22. Special Selection Board.
23. Funds.
24. Bank accounts.
25. Maintenance of accounts.
26. Accounts and audit.
27. Transfer of state land.
28. Indemnity.
29. Power to make rules.
30. Power to frame regulations.
31. Trust.
32. Repeal.

Conclusive Remarks:

The legal team worked on the draft of the new PKLI Act and it was finally passed on 13th March 2019. The new legal arrangements bring it under Government control and ensure financial and administrative transparency. All bits have been put into place and to this day 73 Kidney transplants have been performed, 7 only in the month of January 2020. Administratively, one big issue was loose Government control thereby compromising the transparency. Besides ensuring compliance with existing laws, the system has been made transparent and accountability has strengthened.

A new Board of Governor has been appointed on 11th May 2019 with renowned and respected names from the respective fields. The new Board of Governor brings together experts from a diverse range of backgrounds, from finance, law, administration and other relevant fields. Similarly, proper representation of Hospital Management has been ensured. The new Board of Governor will hopefully bring major performance improvement.

To ensure transparency in hiring and human resource, the recruitment of the management positions (Dean, Hospital Director, Medical Director, Nursing Director & Finance Director) have been placed with a Selection Board that will select the staff on merit. Previously, it was the sole discretion of the BOG. In the new PKLI ACT the land shall remain the property of the government of Punjab, which was earlier handed over to the Institute.

Since we took over, a 34-bedded Dialysis Unit has been added in October 2019 and with this new Dialysis Unit, the total number of dialysis beds has increased from 20 to 54. The number of total Dialysis machines has reached to 63 and we are in the process of adding more facilities. Only in the year 2019, several new services have been started which are: MRI, Liver Transplant, Lithotripsy, SPECT Scan, PET Scan, Lab Histopathology, Dialysis Unit-II and Inpatient beds.

Much has been said and written about PKLI, mostly without evidence. Given the rumours being spread about the PKLI, I would like to share the number of patients utilizing services at the PKLI which are self-explanatory. So far, we have performed a total of 73 Kidney Transplant; in the year 2019 there were 45 transplants and in 2018 as many as 21 Transplants were performed. The number of outpatient's visits have recorded a steady rise. In the year 2019, 74119 patients utilized the services against 61,183 in 2018. The IPD admissions in 2019 were 2493 against

1508 in 2018. There were 26,073 Radiology Procedures in 2019 as compared to 18,280 in 2018. The Nuclear Medicines facility was started in 2019 benefitting 613 patients so far. There were 12,974 Dialysis in 2019 as against 6,140 in the year 2018. Emergency Department Census was at 1159 in 2019 against mere 106 in 2018. The Urology and Gastro procedures were 2559 in the year 2019 against 1646 in the year 2018. The Institute performed 175,514 Pathology tests against 122,413 tests in the year 2018. There have been 73 Kidney Transplants and 7 Liver Transplants so far.

Ref: <https://nation.com.pk/16-Feb-2020/pkli-the-journey-towards-a-thriving-center>

ACT NO. 9

The Provincial Assembly of the Punjab Secretariat Employees Bill 2019 (Bill No. 05 of 2019)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 20th February 2019, by M. Basharat Raja. The following bill got passed on 27th February, 2019. Article 87(2), read with Article 127, of the Constitution of the Islamic Republic of Pakistan 1973 requires the Provincial Assemblies to regulate by law the recruitment and the conditions of service of persons appointed to the Secretariats of the Provincial Assemblies.

Till date, the recruitment and the conditions of service of persons appointed in the Punjab Assembly Secretariat are being regulated by the Rules made by the Speaker in the year 1986 with the approval of the Governor as provided in Article 87(3), read with Article 127, of the Constitution.

The objective of this Bill is to fulfil the requirements of the said provisions of the Constitution. It is pertinent to mention that the Senate and National Assembly of Pakistan have already enacted their respective laws in the years 2017 and 2018.

This is also called the **Act IX of 2019**.

Introduction and Problem Statement:

This is An Act to regulate the recruitment and the conditions of service of persons appointed in the Provincial Assembly of the Punjab Secretariat.

WHEREAS, it is expedient to regulate the recruitment and the conditions of service of the persons appointed in the Provincial Assembly of the Punjab Secretariat, as required by Article 87(2), read with the Article 127, of the Constitution, and to provide for matters connected therewith or ancillary thereto.

Following points are being discussed in the act:

CHAPTER-I: PRELIMINARY

1. Short title, application and commencement.
2. Definitions.

CHAPTER-II: SECRETARIAT

3. Secretariat.
4. Strength and composition of the Secretariat.

CHAPTER-III: TERMS AND CONDITIONS OF SERVICE

5. Terms and conditions of service.

6. Appointments.
7. Appointments on deputation.
8. Probation.
9. Confirmation.
10. Seniority.
11. Promotion.
12. Posting and transfer.
13. Termination of service.
14. Reversion to a lower post, etc.
15. Retirement from service.
16. Pay.
17. Employment after retirement.
18. Conduct.
19. Efficiency and discipline.
20. Right of appeal or representation.

CHAPTER-IV: MISCELLANEOUS

21. Saving.
22. Indemnity.
23. Jurisdiction barred.
24. Removal of difficulties.
25. Interpretation.
26. Rules.
27. Directions of the Speaker.
28. Relaxation of rules.
29. Repeal.

Conclusive Remarks:

Punjab Assembly Finance Committee, which under the chairmanship of Speaker Ch Parvez Elahi, unanimously approved Assembly employees Services Rules 2019 and promotion of Secretary Assembly Muhammad Khan Bhatti in grade 22.

Finance Minister Hashem Jawan Bakht, Finance Committee members Raja Yawar Kamal, Muzaffar Ali Sheikh, Shujahat Nawaz Ajnala, Raees Nabeel Ahmad, Kashif Mahmud, Mian Tariq Abdullah and the Provincial Secretary Finance attended the meeting.

The Committee was informed that the Punjab Assembly has passed the Provincial of the Punjab Secretariat Services Act 2019 under the Article 87 of the Constitution (to be read together with Article 127) to regulate Assembly employees services and under Section 26 of this law, the Finance Committee had approved Punjab Assembly Secretariat (Services) Rules 2019 draft after detailed discussion.

Ref: <https://www.urdupoint.com/en/pakistan/punjab-assembly-finance-committee-approves-em-584872.html>

ACT NO. 11

The Namal Institute Mianwali Bill 2019 (Bill No. 02 of 2019)

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 22nd April 2019 by M Basharat Raja. The following bill got passed on 30th April 2019. Namal Institute primarily serves students coming from Mianwali and surrounding districts which include Chakwal, Lakki Marwat, Bannu, DI Khan, Khushab, Karak, Kohat, etc. It also serves students coming from Lahore and as far away as Karachi. The Namal Institute aims to support development efforts for communities across Pakistan by empowering the youth. It has been decided that the Namal Institute may be established through enactment. Hence this Bill. This is also called the **Act III of 2019**.

Introduction and Problem Statement:

This is *An Act to provide for the establishment of Namal Institute Mianwali.*

It is necessary to provide for the establishment of Namal Institute Mianwali as an Institute in the private sector and to provide for matters connected therewith and ancillary thereto.

Following points are being discussed in the act:

1. Short title and commencement.
2. Definitions.
3. Establishment of the Institute.
4. Functions of the Institute.
5. Institute open to all.
6. Jurisdiction.
7. Officers of the Institute.
8. Patron.
9. Inspection and inquiry.
10. Rector.
11. Powers of the Rector.
12. Acting Rector.
13. Registrar.
14. Controller of Examinations.
15. Treasurer.
16. Appointments.
17. Authorities of the Institute.
18. Board of Governors.
19. Powers and duties of the Board.
20. Business of the Board.
21. Delegation of powers.
22. Academic Council.

23. Powers and duties of the Academic Council.
24. Institute Fund.
25. Budget, audit and accounts.
26. Rules.
27. Statutes.
28. First Statutes.
29. Regulations.
30. Removal of difficulties.

Conclusive Remarks:

This act has brought legislation to establish NAMAL INSTITUTE as a private institute. The Institute is located on 30 km, Talagang Mianwali Road near Namal Lake. Initially, it was established as an affiliated college of the University of Bradford, UK. Later in 2019, Namal College acquired a DAI (Degree Awarding Institute) status and thus became Namal Institute. Imran Khan is the chairman of the Board of Governors Namal Education Foundation which is the sponsoring body of Namal Knowledge City including this institute. The initial 40 canals of land area for this institute was provided by a resident Ghulam Muhammad Seelu. Now it has more than 1000 acres of land overlooking the Namal Lake. More than 300 students are studying in this institute for whom more than 90% are on financial support.

ACT NO. 12

Punjab Occupational Safety and Health Act, 2019

Executive Summary:

Provincial Assembly of Punjab passed the Punjab Occupational Safety and Health Act, 2019 on 25 January 2019 and published as an act of the legislature of Punjab.

The Punjab Occupational Safety and Health Act, 2019 published for the occupational safety and health of the persons at the workplace and to protect them against risks arising out of the occupational hazards; to promote safe and healthy working environment catering to the physiological and psychological needs of the employees at the workplace and to provide for matters connected. It lays down the duties of the employers to ensure the safety of the employees.

Important features of the Act;

Section 3 – Duties of Employer

This section requires an employer to ensure all possible, practicable measures to ensure the safety and health of the employees at the workplace.

Further, it also lists the detail of responsibilities for employers with respect to safety and health provisions.

Section 4 - Duties of employees

This section defines the duties applicable to employees such as take reasonable care of his safety and that of others, without willfully do anything to endanger himself or others, shall use proper personal protective clothing and personal protective equipment etc.

Section 5 - General duties of self-employed and employers to persons other than their workers

It is the duty of self-employed and employer that other persons are not exposed to risks to their safety and health so far as is reasonably practicable.

Section 6 - General duties of persons concerned with premises to persons other than their workers

It is the duty of every person who is using any non-domestic premises as his workplace is or are safe and without risk to health so far as is reasonably practicable.

Section 7 - Duties of manufacturers regarding articles and substances

Manufacturers should ensure the assembly, installation, erection or storage is done in a safe manner and share information on safe handling, use, commissioning and maintenance.

Section 9 – Written Statement of Policy; Every employer should declare a written statement of general health and safety policy duly approved by Chief Inspector and prepared in consultation with employees.

Section 10 – Consultation; every employer should elect safety and health representative from among the employees where there are more than 5 employees at work.

Section 11 – Precautions against contagious or infectious disease at workplaces. A “Hygiene Card” should be provided to all employees and every year during January and July entries should be recorded after examined by a registered medical practitioner appointed by the employer. If any employee is found to be suffering from an occupational disease, he/she should not be permitted to work till declared fit by the medical practitioner.

Section 12 - Registration of workplaces and approval of sites, buildings and other constructions to be used as workplaces. An employer or a self-employed person shall not build, fit-out, alter or use any site or building as a workplace, unless such plan, site or building is approved in such manner as may be prescribed.

Section 13 - Notification and investigation of accidents, dangerous occurrences and occupational illnesses. A register of accidents should be maintained by the employer/self-employed in the prescribed form.

Will this Act ensure the safety of the workforce?

It has been noticed for decades that labour laws are ignored in Pakistan. Even in this Act, several amendments were done by the members of Punjab Assembly. The question is whether there is a need for active labour unions? What is the strategy to ensure the safety of labour along with the company's profits? The problem will be there with the implementation of the law, more people will be required to work as the protectors of labours. Similarly, the employees must ensure reasonable care for their safety and that of other persons who may be affected by their acts or omissions at the workplace without willfully doing anything to endanger themselves or other persons. There shall be no willful misuse of any means, appliances, equipment, or any other thing by employees. The law is being celebrated by the PTI government but it has to be seen whether it will make a difference or not. The education of people on labour safety is of utmost importance.

ACT NO. 13

The Punjab Prevention of Conflict of Interest Bill 2018 (Bill No. 28 of 2018)

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 12th December 2018, by M Basharat Raja. The following bill got passed on 20th February 2019. The Bill aims at establishing principles of conflict of interest for public office holders and the related post-employment matters. The proposed legal framework will prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders and will provide for the resolution of those conflicts in the public interest should they arise. The Bill also aims at establishing an independent Commission with the mandate to determine the measures necessary to avoid conflict of interest; to determine whether a contravention of the Act has occurred; to encourage experienced and competent persons to seek and accept public office; to facilitate interchange between the private and public sector; and, not to deny equal opportunities to relatives of the public office holder, as the relatives cannot be barred from legal business activities. Hence, this Bill was introduced. This is also called the **Act V of 2019**.

Introduction and Problem Statement:

This is *An Act to establish the Punjab Prevention of Conflict of Interest and Ethics Commission.*

It is necessary to establish principles of conflict of interest for public office holders and the related post-employment matters; to prevent and minimize the possibility of conflicts arising between the private interests and public duties of public office holders; to provide for the resolution of those conflicts in the public interest should they arise; to establish an independent Commission with the mandate to determine the measures necessary to avoid conflict of interest; to determine whether a contravention of the Act has occurred; to encourage experienced and competent persons to seek and accept public office; to facilitate interchange between the private and public sector; and, not to deny equal opportunities to relatives of the public office holder, as the relatives cannot be barred from legal business activities, and, for matters connected therewith and ancillary thereto.

Following points are being discussed in the act:

CHAPTER-I: PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER-II: PREVENTION OF CONFLICT OF INTEREST AND ETHICS COMMISSION

3. Establishment of the Punjab Prevention of Conflict of Interest and Ethics Commission.

4. Meetings.
5. Validity of proceedings.

CHAPTER-III: DUTIES OF A PUBLIC OFFICE HOLDER

6. Duty to recuse.
7. Summary statement.

CHAPTER-IV: FUNCTIONS AND DUTIES OF THE COMMISSION

8. Annual review.
9. Compliance order.
10. Confidential advice and opinion.
11. Requests from the citizen.
12. Report.
13. Powers in respect of reports.
14. Waiver or reduction of the applicable period.

CHAPTER-V: PUBLIC REGISTRY

15. Publication through a public registry.

CHAPTER-VI: VIOLATIONS AND PENALTIES

15. Violation.
16. Payment of penalty.
17. Representation to the Commission.
18. Failure to act.
19. Activities on behalf of the constituents.
20. Order and decision.

CHAPTER-VII: MISCELLANEOUS

21. Annual report.
22. Power to make rules.
23. Power to frame regulations.
24. Removal of difficulties.

Conclusive Remarks:

According to the conflict of interest bill, the government believes that it was necessary to establish principles of conflict of interest for public office-holders and the related post-employment matters to prevent and minimize the possibility of conflicts arising between private interests and duties as public representatives.

To provide for the resolution of those conflicts, “the government proposes to establish an independent commission with the mandate to determine the measures necessary to avoid conflict of interest, to determine whether a contravention of the Act had occurred, to encourage experienced and competent persons to seek and accept public office, to facilitate interchange between the private and public sector, and not to deny equal opportunities to relatives of the

public office holder, as the relatives could not be barred from legal business activities, and, for matters connected therewith and ancillary thereto.”

Any person, who has reasonable grounds to believe that a public office-holder has contravened any of the provisions of the proposed law, could apply to the commission. The commission will provide the public office-holder with an opportunity to hear and cross-examine the applicant.

The proposed commission will comprise a chairperson and two members to be appointed by the government on the recommendations of a selection committee. “A person who is eligible to become a judge of the high court be appointed as chairperson. One member of the commission will be a retired civil servant in BPS-20 or above and the other a person having expertise in financial management.”

The government will constitute a selection committee comprising two members: one from the treasury to be nominated by the speaker and the other from opposition nominated by the opposition leader. The committee will recommend a panel of three people each for the post of chairperson and the commission members.

Ref: <https://www.dawn.com/news/1457817>

ACT NO. 14

The Punjab Right to Public Services Bill 2018 (Bill No. 29 of 2018)

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 12th December 2018, by M Basharat Raja. The following bill got passed on 14th January 2019. The Bill aims at providing for the delivery of public services to the people within the stipulated time limit, including liabilities of the government servants in case of default, administrative efficiency, and for the matters connected therewith and ancillary thereto. Hence this Bill. This is also called the **Act I of 2019**.

Introduction and Problem Statement:

This is An Act to provide for delivery of public services to the people within the stipulated time limit.

It is necessary to provide for delivery of public services to the people within the stipulated time limit, including liabilities of the government servants in case of default, administrative efficiency, and for the matters connected therewith and ancillary thereto.

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Right to public services.
4. Notification of public services and time limit.
5. Provision of public service within the specified time limit.
6. Appeal.
7. Time frame for disposal.
8. Powers of Appellate Authority.
9. Display of public services.
10. E-governance of services.
11. Penalty for not providing public service.
12. Penalty for not deciding the appeal within the specified time.
13. Compensation.
14. Disciplinary action.
15. Acknowledgement of good performers.
16. Establishment of the Punjab Right to Public Services Commission.
17. Powers of the Commission.
18. Staff and officers to be public servants.
19. Power to issue directions.
20. Punishment for frivolous complaints.
21. Deposit of fines and fees.
22. Protection of action taken in good faith.

23. Act to have overriding effect.
24. Power of the Commission to send applications to the Appellate Authority directly.
25. Bar of jurisdiction of Courts.
26. Power to make rules.
27. Power to frame regulations.
28. Power to remove difficulties.

Conclusive Remarks:

Governor Chaudhry Sarwar signed into law the Punjab Right to Public Service Bill to resolve problems of the masses pertaining to delivery of various services by the government and/or its authorities.

The law will provide for setting up the Right to Public Services Commission with the powers of a civil court.

The law binds the officers designated to deliver public service to accomplish the task within a specific time-frame. The services and their delivery time will be notified by the government. For their failure to do so or faulty service, the officers concerned may be fined by the commission on receiving a complaint. The fine may be up to Rs 25,000 but not less than Rs 500. Up to 70pc of the fine amount may be given to the complainant if the commission decides so.

However, a filer of a false or frivolous complaint may also face action in the form of fine, which may be up to Rs 50,000.

Ref: <https://www.dawn.com/news/1459224>

ACT NO. 15

The Punjab Domestic Workers Bill 2018 (Bill No. 30 of 2018)

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 12th December 2018 by M Basharat Raja. The following bill got passed on 23rd January 2019. The Bill aims at providing for the regulation of employment of domestic workers in Punjab. The Bill also envisages the provisions for protecting the rights of the domestic workers, regulating their terms of employment, working conditions of service, and provision of social protection and welfare to the domestic workers. Hence the Bill. This is also called as **Act II of 2019**.

Introduction and Problem Statement:

This is *An Act to provide for the regulation of employment of domestic workers in the Province of Punjab.*

It is necessary to protect the rights of the domestic workers, to regulate their terms of employment and working conditions of service, to provide them social protection and ensure their welfare and to provide for the matters ancillary thereto

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Prohibition on employment.
4. Rights and entitlements of domestic workers.
5. Employment on work.
6. Leave and holidays.
7. Wages during leave or holiday period.
8. Minimum wage.
9. Maternity benefits.
10. Accommodation.
11. Medical examination, vaccination and inoculation.
12. Notice of certain accident.
13. Termination of employment.
14. Restoration of possession of the property to the domestic worker.
15. Relinquishing of right.
16. Recommendation of a minimum wage for domestic workers.
17. Power to declare minimum rates of wages.
18. Time and conditions of payment of wages.
19. Prohibition to pay below the minimum rate of wages.
20. Registration of domestic workers.
21. Registration of employers.

22. Fund.
23. Functions of the Governing Body.
24. Manner of claiming benefits.
25. Resolution of disputes.
26. Appellate Authority.
27. Powers of the Dispute Resolution Committees and Appellate Authorities.
28. Power to issue directions.
29. Power to remove difficulties.
30. Tax treatment of the income of the Fund.
31. Penalties.
32. Presumption.
33. Prosecution.
34. Trial of offence.
35. Labor Inspectors.
36. Functions and powers of Inspectors.
37. Protection of actions taken under the Act.
38. Rules.

Conclusive Remarks:

The Punjab Assembly, after commendable guidance and some pushing from the Lahore High Court, passed the Punjab Domestic Workers Act 2019 in January last year. The Act brings employment in the hitherto unregulated domestic sphere within the ambit of the law – mandating the registration of domestic workers and employees with the Punjab Employees Social Security Institution (PESSI), and necessitating the issuance of a letter of employment specifying the nature of work and wages.

According to a 2019 report issued by the Punjab Commission on the Status of Women, over 29 per cent of women aged between 15-64 years in Punjab were working as unpaid domestic help.

For Pakistan's most populous province, the Act prescribes a minimum wage for domestic workers, to be determined and announced yearly by the Minimum Wage Board– a crucial provision given that many domestic workers are bound to unpaid work, often endlessly striving to pay off an insurmountable debt taken in times of desperation. According to a 2019 report issued by the Punjab Commission on the Status of Women, over 29 per cent of women aged between 15-64 years in Punjab were working as unpaid domestic help. Significantly, the Act prohibits the employment of children below 15 years of age – an arbitrary age-limit, since Article 25-A of the Constitution of Pakistan mandates compulsory education for all children up till the age of 16. Given that many poor families survive on income earned by minor children, the 15-year age limit may itself be an ambitious target to implement.

The Act stipulates a maximum 8-hour workday and a weekly holiday, a provision which if implemented could address the predicament of the countless workers who are made to work endless hours without rest or due compensation. The Act also imposes an obligation on the employer to provide dignified and safe working conditions and decent accommodation but does not specify what standards employers must meet to fulfil such obligations.

The Act expresses a firm commitment against forced labour and non-discrimination based on sex, religion, race, caste, or creed. Importantly, the Act seeks to institute social security protection for domestic workers and establishes a Domestic Workers Welfare Fund to finance, among other expenditures, payment of sickness benefit, medical care during illness, injury benefits, disablement pension, and maternity benefit to domestic workers. It is, however, questionable whether the Fund, financed mostly from grants and loans from the government, can be sustainable without contributions from employers and employees.

The 2019 Act has, in principle, put in place a laudable system of protection (albeit with certain defects) for domestic workers in Pakistan. The critical question, however, is whether the rights guaranteed under this Act will be implemented. In a year since the promulgation of the Act, it is reported that a majority of domestic workers remain unaware of the registration process or the rights provided under the Act.

Reportedly, till November 2019, only 12,500 domestic workers had registered with PESSI. With no powers provided under the Act to survey and inspect private households for registration of domestic workers, it is questionable how registration will be ensured. Furthermore, the Dispute Resolution Committee tasked with the responsibility of addressing domestic workers' grievances against employers has still not been notified. It is also important to question whether, given the power structures in which domestic work is performed, workers would even consider filing grievances against employers, upon whom they may be heavily dependent – financially or otherwise. The Act falls short in another respect: while prohibiting child labour in the home, it fails to provide for any rehabilitative measures for children who may have been forced into domestic work by their parents.

It is hoped that the Punjab Government will undertake necessary actions to correct lacunae and ensure implementation of the Act and that other provinces will follow suit.

Ref: <https://www.arabnews.pk/node/1617126>

ACT NO. 16

The Punjab Skills Development Authority Bill 2018 (Bill No. 31 of 2018)

Executive Summary:

This Bill was a government bill that was being introduced and sent to the committee in Punjab Assembly, on 12th December 2018 by M Basharat Raja. The following bill got passed on 27th February 2019. The Bill aims at establishing the Punjab Skills Development Authority to promote and regulate the technical education and vocational training sector in Punjab; and, for ancillary matters. Hence the Bill. This is also called as **Act VI of 2019**.

Introduction and Problem Statement:

This is An Act to establish the Punjab Skills Development Authority.

It is necessary to establish the Punjab Skills Development Authority to promote and regulate the technical education and vocational training sector in Punjab; and, for ancillary matters.

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Definitions.
3. Incorporation.
4. Composition of the Authority.
5. Disqualification of the members.
6. Meetings.
7. Functions of the Authority.
8. Delegation of powers.
9. Committees.
10. Director-General.
11. Employees.
12. Technical Experts.
13. Registration.
14. Fund.
15. Budget and accounts.
16. Bank Accounts.
17. Audit.
18. Annual report.
19. Penalty.
20. Cognizance and summary trial.
21. Compounding of offence.
22. Non-compliance of standards and procedures.
23. Appeal.
24. Public Servants.
25. Indemnity.

26. Rules.
27. Regulations.
28. Removal of Difficulties.

Conclusive Remarks:

Establishment of the Punjab Skills Development Authority will help in implementing policies and standards established by the National Vocational and Technical Training Commission (NAVTTTC), register and regulate public and private TVET institutes and assessment agencies.

It will also regulate the enforcement of apprenticeship regime, devise and enforce a mechanism of monitoring and inspection of TVET service providers and assessment agencies for ensuring compliance to the national and/or provincial standards and encourage TVET institutes to develop courses according to territorial needs in conformity with the national standards.

PIU- PSDP is playing its role in the development of Punjab Skills Development Authority with the sole dedication to empower and gather TVET sector under one roof in Punjab.

The establishment of Punjab Skills Development Authority is necessary to promote and regulate the TVET sector in Punjab. The Punjab Skills Development Authority Act 2019 has been established after the PSDA Authority Bill 2018 in the Provisional Assembly on 27th February 2019, and assented by the Governor of Punjab on 28th February 2019 and shall come into force on such date, as the Government may notify in the Official Gazette.

The functions of the Authority are:

- a. Implement national policies and standards concerning technical education and vocational training;
- b. Register and regulate public and private institutions;
- c. Register and regulate public and private TVET bodies and assessment agencies;
- d. Regulate the enforcement of the apprenticeship laws and policies relatable to the technical education and vocational training;
- e. Regulate training standards for teachers and evaluators;
- f. Conduct a performance audit of technical education and vocational training institutes;
- g. Devise and enforce mechanisms for the inspection, monitoring and evaluation of technical education and vocational training institutions, bodies and assessment agencies to ensure compliance with the national and the provincial standards;
- h. Encourage technical education and vocational training institutions to develop syllabi and design courses according to and in conformity with the international standards and demands, and national and terrestrial requirements and standards;
- i. Validate conformity of the curricula with national standards and its relevance to specific level descriptor;
- j. Establish a labor market information cell to ascertain the skills required to be imparted, supply and demand of the skilled professionals in local, national and international markets;
- k. Devise and implement an integrated social marketing and communication strategy for the TVET sector;

- l. Set guidelines for the establishment of career guidance and counselling mechanisms in TVET sector;
 - m. Establish linkages and coordinate with international and national bodies and agencies for promotion and development of the TVET sector; and
 - n. Perform such other functions as may be incidental to the functions mentioned above or as the Government may assign or prescribed.
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ACT NO. 17

The Punjab Technical Education and Vocational Training Authority Amendment Act, 2019

Executive Summary:

As it is quite clear, the purpose of technical training is to combat unemployment and make the youth competent enough to attain a better standard of living. In 2019, certain amendments were made to the TEVTA Act of 2010. This program aimed to provide quality demand-driven skills to an additional 100,000 students annually at TEVTA institutes across Punjab. With a budget of PKR 1500 Million, the Chief Minister has ensured free of cost training for all. Through its 56 New Courses including, Virtual Assistants for Amazon, Artificial Intelligence, and Robotics, the program envisages empowering our youth with economic opportunities in line with the Prime Minister's vision for creating 10 million jobs.

It was necessary, further to amend the Punjab Technical Education and Vocational Training Authority Act 2010 (X of 2010) to give effect to the regulatory, administrative and operational autonomy to the Punjab Skills Development Authority.

Problem Statement;

Be it enacted by Provincial Assembly of Punjab as follows:

1. Short title and commencement.

- a. This Act may be cited as the Punjab Technical Education and Vocational Training Authority (Amendment) Act 2018.
- b. It shall come into force at once.

2. Amendment in section 5 of Act X of 2010

In the Punjab Technical Education and Vocational Training Authority Act 2010 (*X of 2010*), in section 5, in subsection (1):

- a. Clause (d), clause (f) and clause (j) shall be omitted; and
- b. In clause (n), the expression "and may approve or license a hostel," shall be omitted.

Productivity and Need of TEVTA:

In the previous days, in Pakistan, technical and vocational education was only given to low-level workers. The training was related to how to do manual tasks and how to operate any sort of machinery. But now the scenarios have been changed a lot! In Pakistan, now, the sector of information and technology, fashion, tourism, retail, and management have also even started to give huge importance to technical and vocational education programs. Every sector in Pakistan now does not hire a single employee until and unless he/she has not attained a certain amount of skills.

There is a dire and extreme need in Pakistan to have a well-trained workforce. This aspect will be opening up many employment opportunities for the youngster in the rural areas, and there will be a reduction in drug addiction activities, activities of warlords, trafficking, and gang involvement activities. This, in turn, leads to the development of rural areas.

The morale and confidence level of youth can only be boosted enough if they will be getting employment. It is lacking in skill, experience level, and education that is making the youth of Pakistan to go backward. If they will be given a sufficient amount of technical and vocational training then there is not a single way that will make them go backward.

On the whole, we can say that technical and vocational education in Pakistan should keep on improving. This sector should be highly efficient and effective so that a highly skilled and well-trained workforce can be produced. Try to make Pakistan a prosperous country and you can surely do this by enhancing your workforce. It is suggestible and recommended to keep on getting these sorts of technical and vocational education so that you may come out to be a perfect employee and may showcase your skills and aptitude level in the best and perfect way.

ACT NO. 19

The Punjab Finance Bill 2018 (Bill No. 27 of 2018)

Executive Summary:

This Bill was a government bill which was being introduced and sent to committee in Punjab Assembly, on 16th October 2018, by Makhdoom Hashim Jawan Bakht. The following bill got passed on 25th October 2019.

The bill has the following objectives.

1. The Board of Revenue, Punjab has proposed to revise the rates of stamp duty chargeable as adhesive stamps under the Schedule-I of the Stamp Act, 1899 to rationalize the rates given the inflation rate by the flux of time.
2. The operational experience gained by Punjab Revenue Authority during the preceding financial year has necessitated the introduction of some procedural and technical amendments in the Punjab Sales Tax on Services Act, 2012, intended for improving compliance of the law. The technical amendments cover the issues of adding definitions of taxable services, delegating certain functions to the Commissioner, updating appeal related provisions, enhancing the time of retention of record and recovery of short paid tax from 'five' to 'eight' years and providing direct statutory backing to existing rules relating to the electronic monitoring of taxable services and enforcement actions to preclude litigation.
3. In order to plug compliance gaps arising out of the diversities of tax on services, tariff interpretations and descriptions of a few taxable services have been modified to remove gaps and misapplications of the law. The overall objective is to broaden the tax base of Punjab Sales Tax on Services Act 2012 and maximize revenue generation in the public interest.
4. The Excise, Taxation and Narcotics Control Department has proposed amendments in the Punjab Finance Act 2016 to make recovery mechanism more efficient and to rationalize the rate of tax imposed on imported motor cars.
5. To provide relief to the motor vehicles owners, amendments to the Punjab Motor Vehicles Taxation Act, 1958 have been proposed for the purpose.

Hence, this Bill is also called the **Act XXX of 2018**.

Introduction and Problem Statement:

This is *An Act to levy, alter and rationalize certain taxes and duties in Punjab.*

It is necessary, in the public interest to levy, alter, and rationalize certain taxes and duties in Punjab; and, to deal with ancillary matters

Following points are being discussed in the act:

1. Short title, extent and commencement.
2. Amendment in Act II of 1899.
3. Amendment in Act XXXII of 1958.
4. Amendments in Act XLII of 2012.
5. Amendments in Act XLIII of 2012.
6. Omission of various clauses.

Conclusive Remarks:

Amendment in Act II of 1899- In the stamp Act 1899 (II of 1899): (1) In Schedule-I: (a) In Article-1, for the existing entries in column 2 and 3, the following shall be substituted: ACKNOWLEDGMENT of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor to supply evidence of such debt in any book other than a banker's pass-book or on a separate piece of paper when such book or paper is left in the creditor's possession: Provided such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest of to deliver and goods or other property-

- a) Where such amount Ten rupees does not exceed ten thousand rupees.
- b) Where such amount Twenty rupees exceeds ten thousand rupees but does not exceed twenty thousand rupees.
- c) Where such amount Fifty rupees" exceeds twenty thousand rupees.
- d) In Article 19, for the existing entries in column 2 and column 3, the following shall be substituted.

"CERTIFICATE OR OTHER One hundred DOCUMENT evidencing the rupees" right or title of the holder thereof or any other person, either to any shares, the scrip of stock in or of any incorporated company or other body corporate, or to become the proprietor of shares, scrip or stock in or of any such company or body.

In Article 22-A for the existing entries in column 2 and column 3, the following shall be substituted: "CONTRACT, that is to say, any instrument of the nature of memorandum of Agreement made or entered into by a contractor with Government, Corporation, Local Body, Local Authority, agency or organization set up or controlled by the Federal or the Provincial Government- (a) to execute any work-

- i. Where the amount of the contract does not exceed five lac rupees. Twelve hundred rupees.
- ii. Where it exceeds five lac rupees but does not exceed ten lac rupees. Two thousand rupees.
- iii. Where it exceeds ten lac rupees but does not exceed fifty lac rupees. Three thousand rupees.
- iv. Where it exceeds fifty lac rupees but does not exceed one crore and fifty lac rupees. Five thousand rupees.
- v. Where it exceeds one crore and fifty lac rupees. Ten thousand rupees.
- vi. To procure stores and materials Twenty-five paisa for every one hundred rupees or part thereof of the contract subject to a minimum of twelve hundred rupees.

vii. In Article 25, for the existing entries in column 2 and column 3, the following shall be substituted.

"COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid-

- a. If the duty with which the original instrument is chargeable does not exceed fifty rupees. Fifty rupees.
- b. In any other case One hundred rupees

Ref: <https://www.urdupoint.com/en/pakistan/punjab-finance-bill-457658.html>



YOUTH GENERAL ASSEMBLY