



YOUTH GENERAL ASSEMBLY

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

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**YOUTH GENERAL ASSEMBLY**

# PUNJAB ASSEMBLY ACTS

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## ACT NO. 1

### **The Punjab Village Panchayats and Neighborhood Councils Act, 2019**

#### **Executive Summary:**

The Punjab Village Panchayats and Neighborhood Councils Act, 2019, aims to institutionalize and strengthen civic engagement in Punjab by constituting village panchayats and urban neighborhood councils. This Act extends to the entire province of Punjab, excluding areas designated as cantonments under the Cantonments Act, 1924, or the Cantonments Ordinance, 2002. Under this Act, the Government of Punjab is tasked with constituting villages and neighborhoods. Each village and neighborhood will have a common assembly, which will operate through its respective panchayat or neighborhood council. The functions of these councils are outlined in Section 17, while Section 39 specifies the sources of funding. Chairpersons and members of the panchayats and councils are to be elected through a democratic process. Additionally, a local board will be established to handle allegations against members and chairpersons, with powers to suspend or dissolve councils based on the grounds provided in the thirteenth schedule. The schedules detail the roles and responsibilities of the councils, along with the duties and oaths of the elected chairpersons and members.

#### **Objectives:**

The Act envisions the creation of 22,000 village panchayats and neighborhood councils, elected through adult franchise. Each council will constitute a single multi-member ward for electing all members, including the chairperson. The candidates receiving the highest votes will fill the general seats in descending order. At this level, political parties are barred from using their platforms, although the Local Government Act of 2019 allows political parties to participate at higher levels of governance, such as metropolitan and town/tehsil councils. Under the new framework, the heads of councils, such as mayors, will be elected through direct voting by all registered voters in their respective areas, reducing bureaucratic control and promoting local governance. Councils are empowered to levy taxes and will receive direct funding from the provincial government. A detailed document has been provided to clarify the powers and duties of the panchayats, ensuring that local rights are protected.

#### **Background:**

The fluctuating presence of local governance in Pakistan has often depended on the nature of the ruling regime. Military dictators historically supported local governance to serve their interests, while civilian rulers preferred national and provincial assemblies, resisting locally elected councils that might undermine their authority. Prime Minister Imran Khan has broken this trend by introducing the Punjab Village Panchayats and Neighborhood Councils Act, 2019, alongside the Punjab Local Government and Community Development Act, 2019. These laws have the potential to reconfigure local power structures by empowering both the people and the councils.

#### **Conclusion:**

This Act aligns with the Pakistan Tehreek-e-Insaf (PTI) manifesto, particularly its emphasis on good governance and decentralization. Empowering local governments will facilitate a deeper

understanding of grassroots issues, but care must be taken to prevent the misuse of this authority, which could undermine democratic principles. The PTI government should prioritize fielding new, qualified, and professional candidates for key positions, particularly mayors and chairpersons. At least 33% of these positions should be reserved for women. Furthermore, the PTI must avoid nominating individuals from corrupt political dynasties, particularly for mayoral roles. The Act presents a valuable opportunity to weaken the influence of entrenched elites and broaden the social base of democracy in Punjab. It is a debt owed to the communities that must be repaid through genuine empowerment.

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## **ACT NO. 2**

# **The Punjab Public-Private Partnership Act 2019**

### **Executive Summary:**

The Punjab Public-Private Partnership Act, 2019, was introduced in the Punjab Assembly on 19th September 2019 by Raja M. Basharat and passed on 25th September 2019. This Act aims to create a conducive environment for private sector participation in the development of Punjab through public-private partnerships (PPP).

The primary objective of this Act is to promote private sector involvement and investment in collaboration with the public sector for the provision of public infrastructure and services, thereby accelerating economic growth in the province. The Act seeks to bridge the gap between the demand and supply of public infrastructure and services by leveraging private sector funding, resources, and expertise. The legislation acknowledges the significant role that public-private partnerships can play in mobilizing private investment and fostering economic development. The Act also addresses related matters and provides the necessary legal framework to facilitate these partnerships. This Act is also referred to 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:**

In light of current macroeconomic challenges and the resulting strain on public finances, the provincial government of Punjab has opted to explore public-private partnerships (PPP) as a strategic tool for financing infrastructure and social sector development. According to budget documents, the government aims to increase the proportion of PPP financing to 10% of the Annual Development Program (ADP) by 2023. For the fiscal year 2019-20, Rs42 billion has been allocated under innovative PPP financing.

To fully leverage the potential of PPP financing, the Punjab government has reformed its PPP framework. The Punjab Public-Private Partnership Act, 2019, proposes the creation of a PPP Policy Board, chaired by the Chief Minister, and the establishment of the Punjab Public-Private Partnership Authority (PPPPA) to oversee and implement multi-sectoral PPP projects.

Governor Chaudhry Muhammad Sarwar promulgated the Punjab Public-Private Partnership Ordinance 2019, which sets out the legal foundation for fostering an enabling environment for the development of Punjab through public-private partnerships. The ordinance mandates the formation of a PPP policy and monitoring board, headed by the Chief Minister and consisting of 15 other members from various departments. Additionally, the government will establish a PPP cell within the Planning and Development Board to serve as the secretariat of the PPP policy and monitoring board.

Along with the PPP cell, the ordinance provides for the creation of the Punjab PPP Authority, which will have the power to enter into contracts, manage both moveable and immovable property, and engage private sector partners in project financing, management, and construction. The CEO of the authority will be appointed from either the public or private sector.

The PPP Authority is tasked with identifying and conceptualizing potential development projects within its jurisdiction. Once a project proposal is submitted to the board, it must be reviewed within 30 days. Following the board's approval, a private party will be selected through a competitive public tendering process. The ordinance emphasizes transparency by prohibiting direct negotiations with private parties without the public tendering process.

The PPP agreement will outline the legal relationship between the authority and the selected private party, including rights, responsibilities, and government support for the project. User levies will be set at levels ensuring the financial viability of the project, covering capital, operational, and maintenance costs, plus a reasonable return for the private party.

In the event of a dispute, the ordinance specifies that parties should first attempt to reach an amicable resolution through mediation. If that fails, the matter will be resolved through arbitration in Lahore or another agreed location.

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

## ACT NO. 3

### The Punjab Finance Bill 2019

#### Executive Summary:

This Bill was a government bill introduced in the Punjab Assembly on 14th June 2019 by Makhdoom Hashim Jawan Bakht. It was passed on 26th June 2019. The Act addresses various objectives:

1. **Revision of Stamp Duty:** The stamp duty on the instruments of ‘Agreements to Deposit’ of title deeds, pawn, pledges, and mortgages, originally imposed through the Punjab Finance Act 2006, was revised.
2. **Agricultural Income Tax:** The rates of Land-Based Agricultural Income Tax under the First Schedule of the Punjab Agricultural Income Tax Act 1997 had remained unchanged since 2003, despite an increase in the support price of wheat. The exemption threshold for paying Agricultural Income Tax, fixed at Rs. 80,000 since 2001, was increased to Rs. 400,000 to promote the agricultural sector.
3. **Tax Collection Expansion:** Taxes were introduced for high-value properties along highways and motorways, and the registration fee for imported vehicles was aligned with that charged in the Islamabad Capital Territory and other provinces. Additional relief was proposed for divorced women, single female orphans, and the rationalization of outdated Professional Tax rates.
4. **Operational Amendments:** The Punjab Revenue Authority introduced procedural and technical amendments in the Punjab Sales Tax on Services Act 2012 to improve compliance and ensure “Ease of Doing Business.” These included changes in penal provisions, tax liabilities, and an electronic invoicing system to prevent revenue leaks. New services were included in the tax net to expand the base of Punjab Sales Tax on Services.

#### Introduction and Problem Statement:

This Bill was introduced to levy, alter, and rationalize certain taxes, fees, and duties in Punjab. The intent is to promote public interest by ensuring equitable and comprehensive tax collection, improving service delivery, and modernizing tax practices in the province.

#### Conclusive Remarks:

The Punjab Assembly passed the provincial budget for the fiscal year 2019-20 by approving the finance bill with minimal opposition, as many opposition members were absent. Speaker Ch Parvez Elahi chaired the brisk session, and Chief Minister Sardar Usman Khan Buzdar was present throughout.

The Finance Bill 2019-20 introduced five new services under the Punjab Revenue Authority, imposing sales tax ranging from 5% to 16%. These services included dress designing, renting heavy machinery, and various textile and leather-related services. A proposed 16% sales tax on intercity air-conditioned buses was withdrawn.

The Bill also introduced new taxes for businesses and professionals, including stockbrokers, money changers, doctors, and real estate agents. Factories, jewellers, lawyers, and medical professionals were taxed at varying rates based on their size and income levels. Property taxes were imposed on high-value properties along highways and motorways, and the registration fee for imported vehicles was aligned with other provinces.

Additionally, a 5% tax was levied on domestic and international air travel (excluding diplomats), agriculture tax was doubled, and property tax relief was extended to divorced women and single female orphans. Farmers with up to 12.5 acres of land were exempt from agricultural tax, while those holding larger plots were taxed progressively.

Overall, the Finance Bill aimed to widen the tax base, improve service delivery, and enhance tax collection efficiency in Punjab, addressing both individual and business sectors.

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 introduced and sent to the committee in the Punjab Assembly on 22nd April 2019 by M Basharat Raja. It was passed on 30th April 2019. The Government of Punjab decided to reconstitute and revamp the local government system to devolve political, administrative, and financial responsibility and authority to elected representatives. The Act was introduced to provide a more effective and decentralized local governance system and is referred to as Act XIII of 2019.

#### Introduction and Problem Statement:

This Act was created to reconstitute local governments in Punjab for the effective discharge of certain public services and to provide for the powers and duties of these local governments. The purpose of this legislation is to devolve powers to locally elected representatives for better governance, public service delivery, and development at the grassroots level.



#### Conclusive Remarks:

The Punjab Local Government Act 2019 outlines a five-tier local government system, which includes:

1. City District Government
2. District Council Government
3. Tehsil and Town Administration
4. Village Council
5. Neighborhood Council

The Act is part of the Pakistan Tehreek-e-Insaf (PTI) government's effort to reform local governance in line with its election manifesto. Following the 2018 General Elections, the PTI

government, with considerable influence at the federal level, began drafting amendments to the local government system in Punjab and Khyber Pakhtunkhwa. The Provincial Assembly of Punjab passed two important legislations on 30th April 2019: the Punjab Local Government Act 2019 (PLGA-19) and the Punjab Village Panchayats and Neighborhood Councils Act 2019 (VP&NCA-19). Both were assented to by the Governor on 3rd May 2019 and became law upon notification in the Punjab Gazette on 4th May 2019.

On the same day, the existing local governments constituted under the Punjab Local Government Act 2013 (PLGA-13) were dissolved, and administrators from the civil administration were appointed to run local affairs until new elections are held. The transition period for implementing the new system is expected to last up to 12 months, with local elections likely to take place in mid-2020.

The new Act reflects a significant shift towards decentralization, aiming to empower local governments with more autonomy and responsibility. The legislation introduces critical changes in how local governments operate and increases the accountability and transparency of public service delivery.

Further detailed chapters of the Act provide an overview of differences between PLGA-13 and PLGA-19, critical assessments, and highlights of the Village Panchayats and Neighborhood Councils Act 2019. This legislative reform is a step toward strengthening local governance and improving public service delivery across Punjab.

## **ACT NO. 5**

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

#### **Executive Summary:**

This government bill was introduced and sent to the committee in the Punjab Assembly on 22nd April 2019 by M. Basharat Raja. It was subsequently passed on 30th April 2019. The purpose of the bill is to institutionalize and enhance civic engagement through the creation of village Panchayats and urban neighbourhood councils in Punjab. The aim is to promote non-political action at the grassroots level, allowing for better community participation and governance. This legislation is also known as Act XIV of 2019.

#### **Introduction and Problem Statement:**

The Punjab Village Panchayats and Neighbourhood Councils Bill 2019 was enacted to institutionalize and strengthen civic engagement in non-political action in Punjab. It aims to establish village Panchayats and urban neighbourhood councils as formal bodies to engage citizens more effectively in local governance and community development. This Act seeks to ensure that these councils play an essential role in the welfare of their respective communities and addresses matters related to their operation and administration.

The legislation underscores the need to enhance local decision-making, foster participation from the community in governance, and support the local administrative framework in Punjab. It connects the creation of these councils to broader goals of community improvement and governance, ensuring they function efficiently and effectively for public benefit.

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 council.
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 establishes a framework for non-political local governance in Punjab by creating village Panchayats and urban neighborhood councils. However, the non-party-based elections mandated by this Act have sparked concerns. Critics argue that such a system weakens grassroots democracy, as elections held on a party basis would better reflect democratic principles. Additionally, the functions and duties of the Village Panchayats and Neighborhood Councils could be expanded to ensure they have a greater impact on local governance.

Errors and inconsistencies in the drafting of the Act have also been highlighted. For example, the Punjab Local Government Act 2019 outlines nine metropolitan areas at the divisional level, while the Punjab Village Panchayats and Neighborhood Councils Act 2019 only mentions three. Furthermore, the language of the Act has been criticized for lacking gender inclusivity.

The Act extends across Punjab, excluding areas governed by the Cantonments Act, 1924 or the Cantonments Ordinance, 2002. It empowers the Punjab Government to designate villages and neighborhoods under its jurisdiction. Each village and neighborhood will have a common assembly, operating through its respective Panchayat or Neighborhood Council. The functions of these bodies are detailed in Section 17, and Section 39 outlines the sources of funding.

The chairpersons and members of these councils will be elected, and mechanisms for oversight and accountability are provided through a local board. This board can investigate allegations, and if necessary, suspend or dissolve councils based on the grounds outlined in the thirteenth schedule. The schedules of the Act also detail the specific powers and functions of the Panchayats and Neighborhood Councils, as well as the duties.

## **ACT NO. 6**

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

#### **Executive Summary:**

The Punjab Alternative Dispute Resolution Bill 2019 was introduced by M. Basharat Raja in the Punjab Assembly on 22nd April 2019 and passed on 19th September 2019. The Act aims to establish an alternative dispute resolution (ADR) system in Punjab to provide inexpensive and expeditious justice. It is designed to resolve civil and criminal disputes outside the formal court system by engaging arbitrators, conciliators, mediators, and evaluators. ADR Centers are to be established for this purpose, allowing cases to be settled outside traditional litigation methods. The Act is referred to as Act XIV of 2019.

#### **Introduction and Problem Statement:**

This Act is designed to establish an alternative dispute resolution system for resolving civil and criminal disputes. The objective is to ensure the delivery of cost-effective and timely justice by allowing disputes to be settled through ADR mechanisms rather than traditional court adjudication.

#### **Key Points 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. Judgment 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:**

The Punjab Assembly passed this Bill to create a system for the alternative resolution of civil and criminal disputes. The government believes it is necessary to deliver "inexpensive and expeditious" justice through ADR mechanisms, which involve settling disputes through an arbitrator rather than the courts.

Despite the government's intentions, the legislation may not fully achieve its goals due to certain inherent issues. For instance, the effectiveness of the ADR system relies heavily on the willingness of the disputing parties to agree to ADR proceedings, as stipulated in Clause 3 of the law. In many cases, one party may be reluctant to agree to ADR, knowing they will lose the right to appeal the decision, which undermines the system's potential effectiveness.

Furthermore, under Section 15, there is no provision for the appeal of a case settled through ADR unless the public prosecutor challenges it. The lack of clarity in defining the role of the public prosecutor weakens this clause. Additionally, the failure of ADR proceedings (as outlined in Section 13) could lead to disputes being returned to court without resolution, with no specified timeframe for resolution, which contradicts the aim of providing expeditious justice.

The legislation also fails to guarantee that ADR proceedings will be free or affordable, as Section 22 leaves it to the disputing parties to agree on costs, with no binding guideline or financial relief.

### **List of Cases Eligible for ADR:**

- **First Schedule:** Landlord and tenant disputes, family disputes (custody, guardianship), recovery of moveable property, commercial contract enforcement, possession disputes, inheritance, and more.
- **Second Schedule:** Ownership of immovable property, professional negligence, banking disputes, copyrights, trademarks, mortgaged property, and Waqf or Trust disputes.

Once the law comes into force, certain provisions of the **Code of Civil Procedure, 1908** and **Qanun-e-Shahadat Order, 1984** related to civil proceedings will be repealed in Punjab, and will no longer apply to ADR cases.

This Act is a positive step toward providing alternative ways to resolve disputes, but certain aspects of its implementation and the appeal processes need to be addressed to ensure its full effectiveness.

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 11<sup>th</sup> March 2019, by M. Basharat Raja. The following bill got passed on 14<sup>th</sup> 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:**

The Pakistan Kidney and Liver Institute and Research Center Bill 2019, introduced by M. Basharat Raja in the Punjab Assembly on 20th February 2019, was passed on 13th March 2019. The Bill focuses on restructuring and enhancing the Pakistan Kidney and Liver Institute and Research Center (PKLI) to ensure efficient delivery of healthcare services, particularly in the transplantation of human organs like the kidney and liver. It aims to improve administrative and financial transparency and ensure better service delivery. This Bill is also referred to as Act XI of 2019.

#### **Introduction and Problem Statement:**

This Act establishes the Pakistan Kidney and Liver Institute and Research Center to offer specialized healthcare services, including kidney and liver transplants, and associated research in Punjab. It highlights the need to revamp the institution to meet the growing demand for organ transplantation and ensure compliance with governance and transparency standards.

#### **Key Points of the Act:**

1. Short title, extent, and commencement
2. Definitions
3. Establishment of the Institute
4. Functions of the Institute
5. Administration of the Institute
6. Board of Governors
7. Meetings of the Board
8. Disqualifications
9. Removal of a private member
10. Casual vacancy
11. Powers 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 passage of the PKLI Act on 13th March 2019 marked a significant step toward revamping the Institute under government control. This restructuring has led to increased transparency in financial and administrative operations. Since its revamp, the PKLI has made significant strides in improving patient care and service delivery, including the establishment of a new Board of Governors appointed on 11th May 2019. The board consists of experts from various fields, including finance, law, and healthcare, with the aim of boosting the Institute's performance.

To ensure transparency in hiring practices, the appointment of key management positions such as Dean, Hospital Director, Medical Director, Nursing Director, and Finance Director has been placed under a Special Selection Board to ensure merit-based hiring. The land on which the PKLI is established remains the property of the government of Punjab, maintaining government control.

Significant improvements in service delivery have been made since the restructuring. As of October 2019, the PKLI added a 34-bedded Dialysis Unit, increasing the total number of dialysis beds to 54, with 63 dialysis machines in operation. New services such as MRI, Liver Transplant, Lithotripsy, SPECT Scan, PET Scan, Lab Histopathology, Dialysis Unit-II, and additional inpatient beds were introduced in 2019.

The number of patients receiving treatment at the PKLI has steadily increased, demonstrating the growing trust in the institution's services. In 2019, 73 kidney transplants and 7 liver transplants were performed. Additionally, outpatient visits rose to 74,119 in 2019, compared to 61,183 in 2018, with significant increases in admissions, radiology procedures, nuclear medicine treatments, and other critical services.

PKLI continues to improve healthcare services in Punjab, playing a crucial role in organ transplants and providing essential medical treatments to patients. The reforms under the PKLI Act ensure the Institute's long-term sustainability, transparency, and efficiency.

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

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## **ACT NO. 9**

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

#### **Executive Summary:**

The Provincial Assembly of the Punjab Secretariat Employees Bill 2019 was introduced by M. Basharat Raja in the Punjab Assembly on 20th February 2019 and passed on 27th February 2019. This Bill was designed to regulate the recruitment and conditions of service of persons appointed to the Provincial Assembly of the Punjab Secretariat as required under Article 87(2), read with Article 127, of the Constitution of Pakistan, 1973. Until the passage of this Bill, recruitment and service conditions were regulated by the Rules made by the Speaker in 1986 with the Governor's approval. The objective of the Bill is to align Punjab with the legal framework already established in the Senate and National Assembly in 2017 and 2018, respectively. This Act is officially referred to as Act IX of 2019.

#### **Introduction and Problem Statement:**

The Act aims to regulate the recruitment and conditions of service for employees of the Provincial Assembly of the Punjab Secretariat. It is essential to bring the rules governing appointments and service terms in line with the constitutional requirements outlined in Article 87(2) and Article 127 of the Constitution of Pakistan.

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:**

The passage of the Provincial Assembly of the Punjab Secretariat Employees Bill 2019 is a significant step towards ensuring transparency and establishing a structured framework for the recruitment and service conditions of employees in the Punjab Assembly Secretariat. The Finance Committee of the Punjab Assembly, under the chairmanship of Speaker Ch Parvez Elahi, unanimously approved the Provincial Assembly employees' Services Rules 2019. Additionally, the committee approved the promotion of Secretary Assembly Muhammad Khan Bhatti to Grade 22.

The Act, passed under Article 87 of the Constitution, read with Article 127, ensures that Assembly employees' services are well-regulated. Furthermore, under Section 26 of this law, the Finance Committee approved the Punjab Assembly Secretariat (Services) Rules 2019 draft after detailed discussions, aligning the recruitment processes with the highest standards of governance and efficiency.

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:**

The Namal Institute Mianwali Bill 2019 was introduced in the Punjab Assembly on 22nd April 2019 by M. Basharat Raja and passed on 30th April 2019. The Namal Institute serves students primarily from Mianwali and surrounding districts and extends its reach to students from Lahore, Karachi, and other parts of Pakistan. It aims to empower youth by supporting development efforts in communities across the country. The Bill was introduced to formally establish the Namal Institute through legislation. This Bill is officially known as Act III of 2019.

#### **Introduction and Problem Statement:**

The purpose of the Namal Institute Mianwali Bill is to provide for the establishment of Namal Institute in the private sector and regulate the matters connected with its administration. The Institute will offer educational services to the youth of Pakistan, empowering them with the knowledge and skills necessary to contribute to national development.

#### **Key Points of 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:**

The Namal Institute Mianwali Act 2019 formally established Namal Institute as a private educational institution. Located near Namal Lake on Talagang Mianwali Road, the Institute was initially affiliated with the University of Bradford, UK. In 2019, it was granted Degree Awarding Institute (DAI) status and became Namal Institute. Imran Khan, as the chairman of the Namal Education Foundation, oversees the Institute as part of the broader Namal Knowledge City project.

The land for the Institute was originally provided by a local resident, Ghulam Muhammad Seelu, and the campus now spans over 1000 acres. Currently, more than 300 students are enrolled, with over 90% of them receiving financial support, reflecting the Institute's commitment to providing accessible education to deserving students.

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## ACT NO. 12

### Punjab Occupational Safety and Health Act, 2019

#### Executive Summary:

The Provincial Assembly of Punjab passed the Punjab Occupational Safety and Health Act, 2019, on 25th January 2019, and it was subsequently published as an Act of the legislature of Punjab. The Act is aimed at safeguarding the occupational safety and health of workers, ensuring protection against hazards at the workplace, and promoting a healthy working environment that caters to both the physical and psychological needs of employees. It outlines the responsibilities of employers and employees in creating a safe workplace, with specific sections detailing duties, protocols, and preventive measures for occupational safety.

#### Key Features of the Act:

- **Section 3 – Duties of Employers:** Employers are obligated to implement all practicable measures to ensure employee safety and health at the workplace. It provides detailed responsibilities for employers regarding safety provisions, risk management, and creating a hazard-free work environment.
- **Section 4 – Duties of Employees:** Employees must take reasonable care for their safety and that of others. They must avoid actions that endanger themselves or their colleagues, and they are required to use appropriate personal protective equipment.
- **Section 5 – General Duties of Self-Employed and Employers to Persons Other Than Their Workers:** Self-employed individuals and employers are responsible for ensuring that others, beyond their employees, are not exposed to safety or health risks.
- **Section 6 – Duties of Persons Concerned with Premises to Persons Other Than Their Workers:** Any person using non-domestic premises as a workplace must ensure the premises are safe and without risk to health, as much as reasonably practicable.
- **Section 7 – Duties of Manufacturers Regarding Articles and Substances:** Manufacturers must ensure that the assembly, installation, or storage of articles and substances are performed safely. They are also required to provide information on safe handling, use, and maintenance.
- **Section 9 – Written Statement of Policy:** Employers must declare a written statement of general health and safety policy, prepared in consultation with employees and approved by the Chief Inspector.
- **Section 10 – Consultation:** Employers are required to elect a health and safety representative from among the employees if there are more than five workers at the workplace.
- **Section 11 – Precautions Against Contagious or Infectious Diseases at Workplaces:** Employers must provide all employees with a "Hygiene Card," which must be updated biannually by a registered medical practitioner. Employees suffering from occupational diseases must be declared fit before returning to work.
- **Section 12 – Registration of Workplaces and Approval of Sites, Buildings, and Other Constructions:** No site or building can be used as a workplace without proper approval, ensuring it meets prescribed safety standards.

- **Section 13 – Notification and Investigation of Accidents, Dangerous Occurrences, and Occupational Illnesses:** Employers and self-employed individuals must maintain a register of accidents and report any dangerous occurrences or occupational illnesses for investigation.

### **Analysis and Conclusion:**

While the Punjab Occupational Safety and Health Act, 2019, provides a comprehensive framework for ensuring workforce safety, its effective implementation remains a challenge. Historically, labour laws in Pakistan have often been ignored, and the success of this Act will depend on its enforcement and the willingness of companies to prioritize employee safety over profits. Active labour unions and robust regulatory bodies may be required to ensure compliance with the Act.

The PTI government has celebrated this law as a significant achievement, but it will take time to assess whether it brings tangible improvements to labour safety conditions. Education on occupational safety, as well as cooperation between employers, employees, and the government, will be critical to the success of this legislation

## ACT NO. 13

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

#### **Executive Summary:**

This Bill was introduced as a government bill in the Punjab Assembly on 12th December 2018 by M Basharat Raja. It was passed on 20th February 2019. The purpose of the Bill is to establish clear principles to prevent conflicts of interest for public office holders, ensuring that their private interests do not interfere with their public duties. The Bill outlines measures to prevent, resolve, and manage conflicts in the public interest if they arise. Additionally, it aims to establish an independent Commission tasked with overseeing compliance with these principles, determining whether a contravention of the Act has occurred, and providing guidelines to avoid conflicts of interest.

This framework seeks to create transparency and accountability while ensuring that competent individuals are not discouraged from taking public office. It also addresses post-employment conflict scenarios and ensures that the relatives of public office holders can continue their legal business activities without unjust restrictions. This Bill is also referred to as **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.Meetings.
4. Validity of proceedings.

## **CHAPTER-III: DUTIES OF A PUBLIC OFFICE HOLDER**

5. Duty to recuse.
6. Summary statement.

## **CHAPTER-IV: FUNCTIONS AND DUTIES OF THE COMMISSION**

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

## **CHAPTER-V: PUBLIC REGISTRY**

14. 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:**

The Punjab Prevention of Conflict of Interest Bill is aimed at promoting transparency and accountability among public office holders by establishing clear principles for managing conflicts of interest. The government recognized the need to prevent and minimize the risk of conflicts between personal interests and public responsibilities. To achieve this, the Bill proposes the creation of an independent Commission with the authority to:

1. Determine measures necessary to avoid conflicts of interest.
2. Investigate whether any violations of the Act have occurred.
3. Encourage qualified individuals to accept public office while managing conflicts effectively.
4. Facilitate the transition between the private and public sectors without creating barriers for qualified candidates.
5. Ensure that the relatives of public office holders can continue their legal business activities without undue restriction.

The Bill also provides a framework for resolving conflicts when they arise. Any individual with reasonable grounds to suspect a violation of the law can bring the matter before the Commission. The Commission is responsible for ensuring due process by providing the public office-holder with the opportunity to respond and cross-examine the applicant.

The Commission will be composed of a chairperson and two members, appointed by the government based on recommendations from a selection committee. The chairperson must be eligible for appointment as a judge of the High Court, while one member will be a retired civil servant (BPS-20 or above), and the other will possess expertise in financial management.

The selection committee will consist of two members: one nominated by the Speaker from the treasury and another from the opposition, nominated by the opposition leader. This committee will propose a panel of candidates for the roles of chairperson and members of the Commission.

This framework is designed to foster a balance between maintaining the integrity of public office and ensuring equal opportunities for competent individuals and their relatives, without hindering their legal business activities.

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

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## 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>

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## 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 relating to 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 territorial 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 ganginvolvement 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 16<sup>th</sup> October 2018, by Makhdoom Hashim Jawan Bakht. The following bill got passed on 25<sup>th</sup> 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**