

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE ISLAMABAD CAPITAL TERRITORY TRUST BILL, 2020

I, Chairman of the Standing Committee on Interior have the honor to present this report on the Bill to define and amend the law relating to trusts [Islamabad Capital Territory Trust Bill, 2020] (Government Bill), referred to the Committee on 27th July, 2020.

2. The Committee comprises the following:

1) Raja Khurram Shahzad Nawaz	Chairman
2) Mr. Sher Akbar Khan	Member
3) Mehar Ghulam Muhammad Lali	Member
4) Mr. Raza Nasrullah	Member
5) Khawaja Sheraz Mehmood	Member
6) Mr. Rahat Aman Ullah Bhatti	Member
7) Malik Karamat Ali Khokhar	Member
8) Sardar Talib Hassan Nakai	Member
9) Ms. Nafeesa Inayatullah Khan Khattak	Member
10) Mr. Muhammad Akhtar Mengal	Member
11) Nawabzada Shazain Bugti	Member
12) Malik Sohail Khan	Member
13) Mr. Mohammad Pervaiz Malik	Member
14) Mr. Nadeem Abbas	Member
15) Ms. Maryam Aurangzaib	Member
16) Syed Agha Rafiullah	Member
17) Nawab Muhammad Yousuf Talpur	Member
18) Mr. Abdul Qadir Patel	Member
19) Mr. Asmatullah	Member
20) Mr. Ijaz Ahmad Shah, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meeting held on 28-7-2020, 29-7-2020, 7-8-2020, 10-8-2020 and 11-8-2020 and proposed following amendments, therein:-

1) Clause 2

In clause 2.-

- i) the entire paragraphs shall be re-numbered alphabetically and re-marked accordingly;
- ii) after re-numbered paragraph (n), following new paragraph "(o)", shall be inserted, and the remaining clauses shall be re-marked accordingly:-

"(o) "Provincial Government" means the Government defined under Presidential Order No.1 of 1980".

- iii) In paragraph,(d) the expression, "the oversight bodies of SRBs", shall be omitted.

2)

Caluse 17

In clause 17.-

- i) In sub-clause (1), for the full stop at the end, semicolon shall be substituted, and thereafter the following proviso shall be added, namely.-

“Provided that the director while inspecting the record under this sub-section, shall state the reasons in writing for such inspection.”

- ii) In sub-clause (7), the word and comma, “financing,” shall be omitted.

4.

Clause 20

In clause 20, In sub-clause (3), for the full stop at the end, semicolon shall be substituted, and thereafter the following proviso shall be added; namely.-

“Provided that reasons of obtaining any kind of information, record shall be communicated to the trust along with notice of obtaining such information, record etc.”

5.

Clause 106

After clause 106, following new clauses shall be added, namely.-

- “107. **Obligator's duties, liabilities and disabilities.**- The person holding property in accordance with any of the preceding sections of this Chapter must, so far as may be, perform the same duties, and is subject so far as may be to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it:

Provided that where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment: Provided further that where he holds the property by virtue of a contract with a person for whose benefit he holds it or with any one through whom such person claims, he may, without the permission of the court, buy or become lessee or mortgagee of the property or any part thereof.

108. **Saving of rights of bona fide purchasers.**- Nothing contained in this Chapter shall impair the rights of transferees in good faith for consideration or create an obligation in evasion of any law for the time being in force.

CHAPTER XI

Miscellaneous

109. **Power to make rules.**-Subject to the approval of the Federal Government, the Chief Commissioner of Islamabad Capital Territory shall make rules to carry out the purposes of this Act within a period not later than the Sixty days from the date of enactment of this Act.

110. **Power to interpret.**- (1) The Chief Commissioner, Islamabad Capital Territory, Islamabad can exercise arbitrary powers to clarify any confusion arising out of the interpretation of the sections of this Act:

Provided that the secretary must -

a) refer to the illustrations or explanations mentioned in the Trust Act 1882; and

b) consult the Law, Parliamentary Affairs and Human Rights department.

(2) Nothing contained in this section may be interpreted contrary to the judgments of High Courts or Supreme Court of Pakistan, as the case may be.

111. **Repeal.**- The Trust Act, 1882(II of 1882) is hereby repealed to the extent of Islamabad Capital Territory, Islamabad.

112. **Saving.**- (1) Notwithstanding the aforesaid repeal in section 111 above, anything done, action taken, rules made or notifications issued under the aforesaid Act, so far as it is not inconsistent with the provisions of this Act, shall be deemed to have been made, done or taken under this Act and shall have effect accordingly.

(2) Any document referring to the repealed Act shall be construed as referring to corresponding provisions of this Act:

Provided that all the Trusts registered in Islamabad Capital Territory under the repealed Act shall be freshly registered under this Act within a period of six months.”

4. The Committee recommends that the Bill as reported by the Standing Committee placed at (Annex-B) may be passed by the National Assembly.

-Sd-

(TAHIR HUSSAIN)

Secretary

Islamabad 11th August, 2020

-Sd-

(RAJA KHURRAM SHAHZAD NAWAZ)

Chairman