

A

Bill

*further to amend the Evacuee Trust Properties (Management and Disposal) Act,
1975*

WHEREAS, it is expedient further to amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), in its application to such areas in the Federation as are not included in any Province, for the purpose appearing hereinafter:

It is hereby enacted as follows: —

1. Short title and commencement. —(1) This Act shall be called the Evacuee Trust Properties (Management and Disposal) (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2, XIII of 1975.— In the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), hereinafter referred to as the said Act, in section 2, in sub-section (1), -

(i) for clause (c), the following shall be substituted, namely: -

“(c) “Chairperson” means the Chairperson of the Board;”

(ii) after clause (c), substituted as aforesaid, the following new clause shall be inserted, namely: -

“(ca) “chief executive officer” means the chief executive officer appointed under section 11;” and

(iii) clause (k) shall be omitted.

3. **Amendment of section 3, XIII of 1975.**- In the said Act, for section 3, the following shall be substituted, namely: -

“3. Constitution of the Board: - (1) The Federal Government shall constitute a Board, to be known as the Evacuee Trust Property Board, for the management and disposal of evacuee trust property.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of a Chairperson and following two *ex-officio* and twelve *non-official* members, namely: -

(a)	Additional Secretary of the Division to which business of this Act stands allocated	ex-officio Member
(b)	four persons from Sikh community, preferably one from each Province	Members
(c)	four persons from Hindu community, preferably one from each Province	Members
(d)	four experts as specified in sub-section (4), preferably one from each Province	Members
(e)	chief executive officer.	ex-officio Member cum Secretary

(4) The Chairperson and non-official members shall be appointed, from amongst persons of eminence, ability and integrity having demonstrable knowledge on issues relating to minorities' rights and evacuee trust properties, by the Federal Government on such terms and conditions as it may determine.

(5) A non-official member shall, unless he earlier resigns from his office under sub-section (6) or is removed under sub-section (12), hold office for a period of three years on such terms and conditions as the Federal Government may determine:

Provided that the term of office of the Chairperson or non-official members may be extended for another period not exceeding three years subject to approval of the Federal Government.

(6) The Chairperson or a non-official member may at any time resign from his office by writing under his hand addressed to the Federal Government.

(7) One-half of the total members shall constitute quorum for a meeting of the Board.

(8) All decisions of the Board shall be by majority of votes of the members present and voting and, in case of a tie, the person presiding shall have the casting vote.

(9) All the decisions of the Board shall be authenticated by the signatures of the person presiding the meeting and the chief executive officer.

(10) Any vacancy caused due to death, resignation or removal of a member other, than an ex-officio member, shall be filled in by the Federal Government through appointment of another person as member who shall hold such office for the unexpired term of his predecessor.

(11) No act or proceeding of the Board shall be invalid merely by reason of existence of any vacancy or defect in the constitution of the Board.

(12) The Federal Government shall have the power to remove any non-official member, if he-

- (a) is disqualified for employment in, or is dismissed from, the service of Pakistan; or
- (b) is, or at any time has been, convicted of an offence involving moral turpitude; or
- (c) is, or at any time has been, adjudicated an undischarged insolvent; or
- (d) is of unsound mind and has been so declared by a competent court; or
- (e) absents himself from three consecutive meetings of the Board without any reasonable cause; or
- (f) is found by the Federal Government to be acting in any manner, prejudicial to the objects of this Act or any scheme thereunder.”.

4. **Amendment of section 4, XIII of 1975.**- In the said Act, in section 4,-

- (i) in sub-section (1), for the word, “control”, the word “oversight” shall be substituted and after the word “take”, the words “or supervise” shall be added; and
- (ii) in sub-section (2), for clauses (a) to (s) the following shall be substituted, namely:-
 - “(a) to ensure maintenance of complete and authentic record of evacuee trust properties by the management;
 - (b) to ensure preparation and placement of annual budget estimates and revised budget estimates by chief executive officer or the management for its concurrence and further submission to the secretary of the concerned division for formal approval;

- (c) to approve work plan, annual budget and expenditure above a certain threshold level;
- (d) to approve the human resource policies including the service regulations under which the employees would be governed;
- (e) to undertake comprehensive review and examination of the work and independently assess the appropriation of the quality control review framework and take such actions as deemed necessary;
- (f) to oversee and review policies, procedures, programmes for ensuring an effective oversight of quality of audit and to specify any improvement required in policies, procedures and rights;
- (g) to consider its consent and proposal submitted by chief executive officer to buy, out of surplus income, if any, or by taking loan from any statutory corporation, with the approval of the Federal Government, any property which may be considered to be beneficial for promoting the objects of this Act or any scheme;
- (h) with the prior approval of the Federal Government, to extinguish a trust or to wind up an institution the original objects of which has wholly or partly ceased to exist;
- (i) to appoint committees, consisting of its members as it thinks fit and may refer to them any matter for their consideration and report;
- (j) to decide any other matters ancillary and incidental to the object of this Act and schemes as made thereunder; and

(k) any other functions, which may be assigned to it by the Federal Government.”.

5. **Amendment of section 5, XIII of 1975.**- In the said Act, in section 5,-

- (i) in sub-sections (2), (3) and (4), for the word “Chairman”, wherever occurring, the word “Chairperson”, shall be substituted; and
- (ii) after sub-section (3), amended as afore-said, the following new sub-section (3A) shall be inserted, namely:-

“(3A) No proxy representation shall be allowed in the meeting.”.

6. **Amendment of section 7, XIII of 1975.** - In the said Act, in section 7, —

- (i) in clause (g), for the full stop at the end, a semi-colon and the word “and” shall be substituted and thereafter the following new clause (h) shall be added, namely: -

“(h) all monies borrowed from any statutory corporation or any company owned or controlled by the Federal Government.”.

7. **Amendment of section 8, XIII of 1975.**- In the said Act, in section 8,—

- (i) in sub-section (1), for the word “Chairman”, the word “Chairperson” shall be substituted and thereafter the words “whose decision shall be final and shall not be called in question in any Court” shall be omitted;
- (ii) in sub-sections (2) and (3), for the word “Chairman”, wherever occurring, the word “Chairperson”, shall be substituted; and