

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
Bill

to regulate the registration, regulation and facilitation of Non-Governmental Organizations and trusts by any name in the Islamabad Capital Territory

WHEREAS it is expedient to consolidate the laws regarding the registration, regulation and facilitation of Non-Governmental Organizations and trusts by any name in the Islamabad Capital Territory and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

Chapter I Short title extent and commencement

1. **Short title, extent and commencement.** — (1) This Act shall be called the Islamabad Capital Territory Non-Governmental Organizations and trusts Registration, Regulation and Facilitation Act, 2022.

(2) It shall extend to territories of the Islamabad Capital.

(3) It shall come into force at once.

Chapter II General Rules

2. **Definitions.** — In this Act, unless there is anything repugnant in the subject or context, —

(a) “ Authority” means the Registration Authority established under this Act.

(b) Appellate Board means the appellate authority of the Authority.

(c) “non-Government Organization” means a non-Government Organization (Hereinafter may be referred to as an NGO) which will mean a non-profit organization by any other name, an association, a society, an agency, a trust, a charity, a Madrasa, a religious seminary or any other organization by any other name that is a non-profit, voluntary association of persons, natural or juristic, not formed by any government and set up for one or more public benefit or purposes mentioned in the Schedule of this Act and includes foreign or international non-profit organizations registered with the Authority under this Act but excludes such international or foreign organizations operating in Pakistan to whose charter, Pakistan as country or Government is a signatory or where a protocol exists between the Government of Pakistan and an organization which depends for its resources on public subscription, donations or government grants;

(d) “charter” means a description in writing of the purposes, aims, objectives and the mode of functioning of a non-Government Organization;

(e) "Chief Commissioner" means the Chief commissioner of the Islamabad Capital territory

(f) "competent authorities" means the 'regulators' Authority and Appellate authority

(g) "Donation" includes local or foreign funds which can be in cash, kind, land, building, animal, animal hides or anything of monetary value by any local or foreign person or country or organization remitted to the NGO.

(h) "Financial" irregularity means but not limited to a fraud, an array of irregularities which include illegal acts, concealment of facts, deliberate concealment of information related to financial issues concerning the respective non-Government Organization or its funding sources as mentioned in its reports or documents and include any embezzlement, internal thefts, payoffs, kickbacks, skimming of funds and spending of funds for non-intending purposes; and

(i) "Funds" means money, valuables, land or any contribution having monetary value solicited for funding the project or any activity of a non-Government Organization or organization;

(j) "Governing Body" means the Board of Governors, Board of Trustees, council, committee, or other body, by whatever name called, to whom by the constitution of the Non-Government Organization or trust or charity entrusts its executive functions and the management of its affairs;

(k) "Governmental Funds" means any grant in cash or in kind or land allotted on concessional rates by any government in Pakistan and also includes any funds saved or gained from tax concessions or reduced utility tariffs specific to the non-Government Organization;

(l) "Register" means the register maintained under this Act;

(m) "Registered" means registered under this Act;

(n) "Registration Authority" means the registration and facilitation authority established under this Act for exercising its powers and performing its functions conferred or assigned under this Act;

(o) "Regulations" means regulations made under this Act;

(p) "person" means both natural and legal person;

(q) "Prescribed" means prescribed by rules and regulations made under this Act;

(r) "Schedule" means the Schedule to this Act.

- (s) "author of the trust" means the natural person who reposes or declares the confidence and assigns the property to the trustee for the benefit of beneficiary;
- (t) "beneficiary" means the natural person who benefits from the trust;
- (u) "breach of trust" means breach of any duty imposed on trustees by any law for the time being in force;
- (v) "the oversight bodies for SRBs as specified in the Anti-Money Laundering Act, 2010 (VII of 2010)", the "investigating or prosecuting agency" and "the Financial Monitoring Unit";
- (w) "district intelligence coordination committee" means the intelligence committee headed by the deputy commissioner or district magistrate, Islamabad Capital Territory, Islamabad and comprising the representatives of police and intelligence agencies;
- (x) "financial monitoring unit" means the financial monitoring unit specified under the Anti-Money Laundering Act, 2010 (VII of 2010);
- (y) "instrument of the trust" means the instrument by which the trust is declared;
- (z) "interest" means the beneficiary's right against the trust property;
- (aa) "investigating or prosecuting agency" means an investigating or prosecuting agency as specified in the Anti-Money Laundering Act, 2010 (VII of 2010);
- (bb) "law department" means directorate of law, Chief Commissioner's office, Islamabad Capital Territory;
- (cc) "in notice of" means a person shall deem to be in notice of a fact once a fact is known to him of a fact either when he actually knows that fact, or when, but for willful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent, under the circumstances mentioned in the Contract Act, 1872 (IX of 1872), and all expressions used herein and defined in the Contract Act, 1872 (IX of 1872), shall be deemed to have the meanings respectively attributed to them by that Act;
- (dd) "prescribed" means prescribed by rules made under this Act;
- (ee) "provincial government" means the government defined under Presidential Order No. 1 of 1980;
- (ff) "purpose" means any lawful purpose unless it is—
- (i) forbidden by law; or
 - (ii) is of such a nature that, if permitted, it would defeat the provisions of any law; or
 - (iii) is fraudulent; or
 - (iv) involves or implies injury to the person or property of another; or
 - (v) the court regards it as immoral or opposed to public policy;
- (gg) "registered" means registered as an NGO with the authority;

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- (hh) "reporting entity" means an entity specified under the Anti-Money Laundering Act, 2010;
- (ii) "revenue department" means office of the district collector, Islamabad Capital Territory;
- (jj) "trust" means an obligation annexed to the ownership of property and rising out of the confidence reposed in and accepted by the owner or declared and accepted by him for the benefit of beneficiary;
- (kk) "trustee" means any person who accepts the confidence of the author of the trust to the benefit of the beneficiary: and
- (ll) "trust property" means the subject matter of the trust; it may be movable or immovable property.

3. In corporation of the Non-Governmental Organizations and trusts registration authority.— (1) There shall be established a body to be known as Non-Governmental Organizations and trusts registration authority. The Authority constituted under this Act shall be a body corporate by the name of the Pakistan Medical and Dental Council, having perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, and to contract, and shall by the said name sue and be sued. The Authority shall be a regulatory body for regulating the affairs of the Non Government Organizations in Islamabad Capital Territory.

4. Constitution and composition of the Authority:

- (1) The Federal Government through Minister-In-Charge shall, by notification in the official Gazette, cause to be constituted the Authority consisting of the following members, namely:-
- a. one member each from the Senate and the National Assembly to be nominated by the Chairman or, as the case may be, the Speaker from amongst the members of the respective House;
 - b. Deputy Commissioner of the secretary of the Islamabad Capital Territory ;
 - c. Superintendent of Police nominated by Inspector General Police of the of the Islamabad Capital Territory.
 - d. Education Officer of the Islamabad Capital Territory
 - e. District Health Officer of the Islamabad Capital Territory
 - f. Two members having legal Qualifications and working in a government office environment to be nominated by the Chief Commissioner.
 - g. One member from a Non-Governmental Organization registered under any law in the Islamabad Capital Territory having more than Fifteen Years Standing for the purpose included in the Schedule to this Act.
- (2) The Members shall elect the President of the Authority from amongst themselves.
- (3) The Ministry of Interior shall appoint one officer in BPS 19 to be the Executive Director of the