

[ AS PASSED BY THE NATIONAL ASSEMBLY ]

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Bill

*to amend the Naya Pakistan Housing and Development Authority Act, 2020*

WHEREAS, it is expedient to amend the Naya Pakistan Housing and Development Authority Act, 2020 (V of 2020), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title and commencement. - (1) This Act shall be called the Naya Pakistan Housing and Development Authority (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 5, Act V of 2020.- In the Naya Pakistan Housing and Development Authority Act, 2020 (V of 2020), hereinafter referred to as the said Act, in section 5, in sub-section (1), in clause (b), for the words "Federal Government", occurring for the second time, the words "Policy Board" shall be substituted.

3. Amendment of section 12, Act V of 2020.- In the said Act, in section 12, for sub-section (2), the following shall be substituted, namely: -

"(2) Appointment by deputation to a post may be made by the Authority by selection from amongst the persons holding appointment on regular basis in any ministry, division, department, organization, etc. of the Federal Government in the same basic pay scale in which the post to be filled exists, subject to the condition that the person concerned possesses the qualifications and experience prescribed for initial appointment to the said vacant post and the terms and conditions of such deputation shall be such as may be settled prior to such appointment by the Authority with mutual consent of the borrowing ministry, division, department, organization, etc. in accordance with their applicable rules and regulations, for a period as mentioned in the Civil Servants Act, 1973 or rules made thereunder."

4. Amendment of section 16, Act V of 2020.- In the said Act, in section 16, in sub-section (1), for the words "Federal Government" occurring for the second time, the words "Policy Board" shall be substituted.

5. Amendment of section 57, Act V of 2020.- In the said Act, in section 57, for the word "Patron", the words "Federal Government" shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

In the judgment of the Honourable Supreme Court of Pakistan in the *Mustafa Impex, Karachi v. Government of Pakistan* (PLD 2016 SC 808), it was clarified that executive decisions involving policy, financial or administrative implications are to be taken by the Federal Cabinet collectively, and not by individual office holders, unless duly authorized by law.

In the aftermath of the aforesaid judgment, it has been observed that several existing laws continue to vest routine, procedural and administrative powers in the "Federal Government," which necessitates repeated submission of minor and non-policy matters to the Federal Cabinet. This practice has resulted in avoidable burden on the Cabinet, and delays in administrative processes.

With a view to streamlining governance, improving administrative efficiency, and ensuring that the Federal Cabinet focuses on matters of national policy and strategic importance, the Cabinet Division, in pursuance of the direction of the Federal Cabinet, has undertaken a comprehensive review of relevant laws and has prepared the amendment bill to rationalize and reassign such powers to the appropriate authorities.

The Bill, therefore, intends to achieve the aforesaid objectives.

  
Minister-In-Charge