

# PROVINCIAL ASSEMBLY OF THE PUNJAB

## BILL NO. 8 OF 2015

### THE PUNJAB SOCIAL PROTECTION AUTHORITY BILL 2015

#### A BILL

*to provide for the establishment of the Punjab Social Protection Authority.*

Whereas it is expedient to establish the Punjab Social Protection Authority to provide a comprehensive, efficient, effective and gender-equitable social protection system to the poor and vulnerable in the Punjab; and to deal with ancillary matters;

It is enacted as follows:

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Social Protection Authority Act 2015.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

**2. Definitions.**— In this Act:

(a) “Authority” means Punjab Social Protection Authority established under section 3 of the Act;

(b) “Chairperson” means Chairperson of the Authority;

(c) “Chief Executive Officer” means Chief Executive Officer of the Authority;

(d) “Government” means Government of the Punjab;

(e) “member” means a member of the Authority;

(f) “poor” means an individual or household who or which is living below poverty line;

(g) “prescribed” means prescribed by rules or regulations made under the Act;

(h) “social protection” means all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalized with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalized groups;

(i) “Vice Chairperson” means Vice Chairperson of the Authority; and

(j) “vulnerable” means a state in which an individual or household lack capacity to combat the impact of adverse shocks pushing any household into poverty and poor into deeper poverty.

**3. Establishment of the Authority.**— (1) The Government shall establish the Authority to be called the Punjab Social Protection Authority for carrying out the purposes of this Act.

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

(3) The Authority shall consist of the following:

(a) Chief Minister, Punjab; Chairperson

(b) Vice Chairperson of the Authority to be nominated by the Government;

(c) Minister for Food; Member

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| (d) | Minister for Health;   | Member           |
| (e) | Additional Chief Secretary of the Government;  | Member           |
| (f) | Chairman, Planning & Development Board of the Government;  | Member           |
| (g) | Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary;                                  | Member           |
| (h) | Secretary to the Government, Social Welfare and Bait-ul-Maal Department or his nominee not below the rank of an Additional Secretary;          | Member           |
| (i) | Secretary to the Government, Industries Department or his nominee not below the rank of an Additional Secretary;                               | Member           |
| (j) | Secretary to the Government, Zakat and Ushr Department or his nominee not below the rank of an Additional Secretary;                           | Member           |
| (k) | Secretary to the Government, Labour and Human Resource Department or his nominee not below the rank of an Additional Secretary;                | Member           |
| (l) | Secretary to the Government, Women Development Department or his nominee not below the rank of an Additional Secretary;                        | Member           |
| (m) | four members of the Provincial Assembly of the Punjab including at least two female members of the Assembly to be nominated by the Government; | Members          |
| (n) | two representatives of civil society organizations to be nominated by the Government; and  | Members          |
| (o) | Chief Executive Officer.   | Member/Secretary |

(4) In the absence of Chairperson, the Vice Chairperson shall exercise all powers of the Chairperson.

(5) The Chairperson or the Government may co-opt any other person as a member of the Authority for a specified period or for a specified purpose.

(6) The tenure of the non-official members including Vice Chairperson shall be for three years extendable for another one year.

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

**4. Qualifications of non-official members.**— A person shall be eligible to be a non-official member who:

- (a) is a citizen of Pakistan and is not less than twenty five years of age;

- (b) has not been convicted by a court on charge of corrupt practice, moral turpitude or misuse of power or authority under any law;
- (c) is not an undischarged insolvent; and
- (d) does not have a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests.

**5. Removal of non-official members.**– The Government may remove a non-official member if he:

- (a) ceases to be a citizen of Pakistan;
- (b) resigns by tendering resignation in writing;
- (c) is declared by the court as an insane person;
- (d) is found guilty of misconduct;
- (e) is convicted and sentenced to imprisonment; or
- (f) is not fit to serve as a member.

**6. Functions of the Authority.**– The Authority shall perform the following functions:

- (a) to formulate social protection policy for the Punjab in consultation with all stakeholders and synergize efforts in formulation of the policy with the Federal Government, national and international institutions;
- (b) to consolidate and coordinate all public social protection initiatives through policy framework for each sector including Federal Government's initiatives;
- (c) to formulate policies and propose legislation for the welfare and benefit of the poor and vulnerable;
- (d) to formulate policies for the protection of legal rights of poor and vulnerable;
- (e) to ensure equitable allocation of resources in line with carefully identified objectives;
- (f) to prepare, store and disseminate data regarding eligible poor and vulnerable under various categories of poverty;
- (g) to evaluate performance of social sector programs;
- (h) to determine eligibility criteria for assistance under social protection programs;
- (i) to formulate policies for effective and efficient mechanisms for relevant agencies and to evaluate performance of such agencies;
- (j) to formulate and execute policies for social protection which may include food, education, health, social assistance, social inclusion, labour market regulations and policy risks;
- (k) to conduct research and formulate proposals for new intervention into the existing social protection program and execute the same;
- (l) to prepare strategic reports that set out policies over a specified period to meet the targets for social protection;
- (m) to compile a set of common indicators which show how progress towards the goals of social protection is achieved;
- (n) to notify criteria for the eligibility of poor and vulnerable for financial assistance;
- (o) to notify procedure for the identification of the marginalized groups;
- (p) to notify the disbursement procedures of the social interventions for each department or agency;
- (q) to approve the budget of the Authority and to re-appropriate funds;
- (r) to evaluate and monitor the implementation of the decisions of the Authority;

- (s) formulate policies and execute social protection program policies for provincial social safety network, which may include food, education, health, social assistance, social inclusion, labour market regulations and policy risks;
- (t) monitoring of existing program;
- (u) develop social protection framework for each region;
- (v) establish legal and social protection center in a region; and
- (w) any other function assigned to the Authority by the Government.

**7. Meetings.**— (1) The Authority shall meet at least once in a quarter, at such place and at such time and shall observe such procedure in regard to transaction of business at its meetings as may be prescribed.

(2) The meetings of the Authority shall be presided over by the Chairperson and, in the absence of the Chairperson, by Vice Chairperson and in case of absence of both, a member of the Authority elected for the purpose by the members present in the meeting.

(3) The quorum for a meeting of the Authority shall be one third of the total number of members including at least two non-official members.

**8. Committees.**— (1) The Authority may constitute Social Protection Coordination Committee consisting of such members as the Authority may notify.

(2) The Social Protection Coordination Committee shall coordinate with the Federal Government or other agencies for functional linkage between the Federal and Provincial Government initiatives in various social sectors and the Committee shall supervise and oversee any joint ventures or mutually identified programs.

(3) The Authority may constitute committees such as financial, technical and advisory committees, as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

**9. Chief Executive Officer.**— (1) There shall be a Chief Executive Officer and a Deputy Chief Executive Officer of the Authority to be appointed by the Government.

(2) The Chief Executive Officer shall:

- (a) be the head of the management and Principal Accounting Officer of the Authority and shall act as Secretary to the Authority;
- (b) be responsible to the Authority for implementation of the decisions of the Authority;
- (c) be responsible to the Authority in respect of all matters relating to the structure, administration and personnel of the Authority; and
- (d) have such powers regarding appointment, transfer, promotion, dismissal and other matters affecting the staff of the Authority as may be prescribed in the regulations or as may be delegated by the Authority.

(3) The Deputy Chief Executive Officer shall perform the duties of the Chief Executive Officer when the latter is absent or is prevented from acting, and the Chief Executive Officer may assign to the Deputy Chief Executive Officer the responsibility for the direction of certain services or delegate to him any of his own powers under this Act, the rules and the regulations.

**10. Delegation.**— The Authority may, subject to such conditions as the Authority may deem appropriate, delegate to the Chief Executive Officer, a committee constituted under section 8, an agency, a member or an officer of the Authority, any of its functions

under this Act or the rules except the functions of the Authority provided in clauses (g), (j), (l) and (m) of section 6 and also provided in sections 17, 19 and 22.

**11. Appointment of officers and employees.**— Subject to the prior approval from the Authority, the Chief Executive Officer may appoint such officers, advisors, experts, consultants and employees, as he considers necessary for the efficient performance of functions of the Authority on such terms and conditions as the Authority deems fit in the prescribed manner.

**12. Public servants.**— The Chief Executive Officer, Deputy Chief Executive Officer and other employees of the Authority shall be deemed to be public servants.

**13. Liability for loss.**— Any person employed by or serving under the Authority charged with the administration of the affairs of the Authority or acting on behalf of the Authority or acting under a contract with the Authority who is responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to the Authority which is a direct consequence of his negligence or misconduct in the discharge of his duties shall be liable to pay the loss suffered by the Authority on the same being determined by the Authority after giving the person concerned a reasonable opportunity of being heard.

**14. Directions by the Government.**— The Authority shall, in discharging its functions, act and be guided by such directions as the Government may give to it.

**15. Transfer of functions.**— Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, or the Authority assumes a function previously performed by another organization controlled by the Government ceases to perform, the Government may direct that:

- (a) in case another organization assumes any of the functions of Authority, the employees of the Authority connected with that function shall become servants of the said organization on such terms and conditions as the said organization may determine, subject to the condition that the said terms and conditions are not less favourable than those admissible to them as employees of the Authority;
- (b) in case Authority assumes the functions of another Government controlled organization, the servants of that organization connected with that function may become the employees of the Authority on terms and conditions that the Authority may determine, subject to the condition that the said terms and conditions shall not be less favourable than those admissible to them as servants of that organization; and
- (c) such part of the funds of the Authority or the organization, as the Government may determine, shall stand transferred to the said organization or the Authority.

**16. Fund.**— (1) There shall be established a Fund to be known as the Social Protection Authority Fund which shall vest in the Authority and shall be utilized in such manner as may be prescribed by the Authority.

- (2) The Social Protection Authority Fund shall consist of:
  - (a) grants made by the Government;
  - (b) moneys received from the Federal Government or any agency by way of grants;
  - (c) donations by persons or association of persons;

- (d) Zakat;
- (e) social protection cess on transfer of property and purchase of land; and
- (f) all other sums as may be received by the Authority.

**17. Budget.**— The Chief Executive Officer shall prepare annual budget comprising the expected income and expense for the ensuing financial year and submit it to the Authority, in such form and manner as may be prescribed, for approval.

**18. Accounts and audit.**— (1) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(2) After the end of a financial year, the Authority shall prepare the statements of account which shall include a balance-sheet and an account of income and expenditure during the last financial year.

(3) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(4) The Chairperson, in addition to the audit under subsection (3), may cause the accounts of the Authority annually audited by a Chartered Accountant or a firm of Chartered Accountants.

(5) The Authority shall produce all books of accounts and documents and furnish such explanation and information as the Auditor may require for the purposes of audit.

**19. Annual report.**— The Authority shall prepare for every year a report of its activities during that year and submit the report to the Provincial Assembly after its approval from the Chief Minister Punjab.

**20. Immunity of the Authority and its employees.**— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairperson, the Chief Executive Officer, any member, officer, servant, expert or consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.

**21. Power to make rules.**— The Government may, by notification in the official Gazette, make rules for carrying into effect the purposes of this Act.

**22. Power to make regulations.**— Subject to the Act and the rules, the Authority may, by notification in the official Gazette, make regulations for giving effect to the provisions of this Act.

**23. Act to prevail over other laws.**— In the event of any conflict or inconsistency between the provision of this Act and the provision of any other law, the provision of the Act shall, to the extent of such conflict or inconsistency, prevail.

**24. Repeal and savings.**— (1) The Punjab Social Services Board Ordinance, 1970 (*II of 1970*) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Social Services Board Ordinance, 1970 (*II of 1970*):

- (a) any action taken or order or appointment made under the repealed Act shall be deemed to have been taken or made under this Act;

- (b) all rights, properties, assets or liabilities of the Punjab Social Services Board established under the repealed Act shall stand transferred to the Authority; and
- (c) all employees of the Punjab Social Services Board established under the repealed Act shall be deemed to be the employees of the Authority but their terms and conditions of employment in the Authority shall not be less favourable than those as employees of the Punjab Social Services Board.

**25. Repeal.**— The Punjab Social Protection Authority Ordinance, 2015 (VII of 2015) is hereby repealed.

**MINISTER INCHARGE**

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**Lahore:  
12 February 2015**

**RAI MUMTAZ HUSSAIN BABAR  
Secretary**