

THE PUNJAB OVERSEAS PAKISTANIS COMMISSION ACT 2014

(XX OF 2014)

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TEXT

¹THE PUNJAB OVERSEAS PAKISTANIS COMMISSION ACT 2014

(XX of 2014)

[10th November, 2014]

An

Act

to establish the Punjab Overseas Pakistanis Commission.

Whereas it is expedient to establish the Punjab Overseas Pakistanis Commission to receive and redress the grievances of overseas Pakistanis relating to Government Agencies; refer complaints and suggestions of overseas Pakistanis to the concerned offices, and to deal with ancillary matters;

It is enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Overseas Pakistanis Commission Act 2014 (XX of 2014).

(2) It extends to whole of the Punjab.

(3) It shall come into force with effect from 9 September 2014.

2. Definitions.— In this Act:

(a) “Advisory Council” means the Advisory Council consisting of the Overseas Pakistanis residing in different countries;

(b) “Commission” means the Punjab Overseas Pakistanis Commission;

(c) “Commissioner” means the Overseas Pakistanis Commissioner;

(d) “district” means a district notified under the Punjab Land Revenue Act, 1967 (*XVII of 1967*);

(e) “District Committee” means a District Overseas Pakistanis Committee;

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

(g) “Government Agency” means a department, attached department or special institution of the Government, a local government, or a body corporate owned or controlled by the Government or a local government;

(h) “Ombudsman” means the Ombudsman appointed under section 3 of the Punjab Office of the Ombudsman Act 1997 (X of 1997);

(i) “Overseas Pakistani” means a person of Pakistani origin who is either permanently or temporarily settled outside Pakistan:

(i) for employment; or

¹ This Act was passed by the Punjab Assembly on 24 October 2014; assented to by the Governor of the Punjab on 08 November 2014; and, was published in the Punjab Gazette (Extraordinary), dated 10 November 2014, pages 1679-1682.

- (ii) for carrying on a business or vocation; or
- (iii) for any other purpose with intention to stay outside Pakistan for an unspecified period;
- (j) “prescribed” means prescribed by the rules; and
- (k) “rules” means the rules made under the Act.

3. Commission.— (1) There shall be a Commission to be known as the Punjab Overseas Pakistanis Commission.

²[(2) The Commission shall consist of the Chief Minister Punjab who shall be its Chairperson and an Overseas Pakistani of noted repute and experience nominated by the Chief Minister as Vice Chairperson, and the following members:

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| (a) | not less than three and not more than six members of the Provincial Assembly of the Punjab including at least one woman member of the Assembly to be nominated by the Chief Minister preferably from those districts as have a large number of Overseas Pakistanis; | Members |
| (b) | not more than five members from private sector, including not less than two women members, to be nominated by the Chief Minister for a term of three years, having experience in issues relating to Overseas Pakistanis; | Members |
| (c) | Chief Secretary of the Government; | Member |
| (d) | Senior Member, Board of Revenue of the Government; | Member |
| (e) | Chairman, Planning and Development Board of the Government; | Member |
| (f) | Secretary to the Government, Home Department; | Member |
| (g) | Provincial Police Officer, Punjab; | Member |
| (h) | Chairman, Punjab Board of Investment and Trade; | Member |
| (i) | Chairman, Punjab Information Technology Board; | Member |
| (j) | Advocate General Punjab; | Member |
| (k) | Prosecutor General Punjab; and | Member |
| (l) | Commissioner. | Member/Secretary.] |

(3) ³[Six] members including the Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Commission but an ex-officio member

² Substituted by the Punjab Overseas Pakistanis Commission (Amendment) Act 2015 (XXIII of 2015); and published in the Punjab Gazette (Extraordinary), dated 29.5.2015, pages 6239-6240, s.2.

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may be represented in the meeting by an officer of the department or organization not being below the rank of an Additional Secretary.

(4) The Commission shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be prescribed and until so prescribed as may be directed by the Chairperson.

4. Functions of the Commission.— (1) Subject to the provisions of this Act and rules, the Commission may exercise such powers and perform such functions as may be necessary for carrying out purposes of the Act.

(2) The Commission shall:

- (a) review annual reports about the working of the Commissioner and give necessary directions;
- (b) review performance of the Commissioner and pass appropriate orders;
- (c) ensure smooth functioning of the office of Commissioner;
- (d) resolve matters relating to conflict, if any, between the Commissioner and a Government Agency;
- (e) develop criteria for constitution of Advisory Council before its constitution;
- (f) nominate members of the Advisory Council; and
- (g) nominate members of the District Overseas Pakistanis Committees.

5. Advisory Council.— (1) There shall be an Advisory Council consisting of Overseas Pakistanis residing in different countries.

(2) The Commission shall:

- (a) constitute an Advisory Council for one or more countries;
- (b) determine the number of members of an Advisory Council; and
- (c) nominate members of an Advisory Council.

(3) An Advisory Council shall make recommendations for the redressal of grievances of Overseas Pakistanis and shall forward their complaints and suggestions to the Commissioner.

6. Commissioner.— There shall be an Overseas Pakistanis Commissioner to be appointed by the Government on such terms and conditions as may be prescribed and, until so prescribed, as may be determined by the Government.

7. Functions of the Commissioner.— (1) The Commissioner shall:

- (a) transmit a complaint received from an Overseas Pakistani to a Government Agency for redressal;
- (b) make recommendations for policy changes, improvements in the system to the Government or Federal Government on the basis of feedback received from an Advisory Council or the overseas Pakistanis;

- (c) be authorized to refer any complaint of an Overseas Pakistani to the Ombudsman for further necessary action in accordance with law;
- (d) recommend disciplinary action against public servants who do not send reply to the Commissioner within thirty days of the receipt of reference from the Commission;
- (e) recommend initiation of anti-corruption proceedings against a public servant where, on the basis of preliminary findings, a prima facie case for criminal action under the relevant law is made out in relation to protection of rights of an Overseas Pakistani;
- (f) refer the proposals of Overseas Pakistanis relating to investment to the Punjab Board of Investment and Trade and ensure their early processing;
- (g) prepare an annual report about the performance of the Commissioner for consideration and appropriate action by the Commission;
- (h) hold consultative conventions or workshops involving Overseas Pakistanis;
- (i) deal with references received from an Advisory Council on priority basis; and
- (j) perform any other function ancillary to any of the above functions or as may be prescribed.

(2) If the Commissioner has referred any complaint under subsection (1) to a Government Agency, the Government Agency shall, within a period not exceeding thirty days, send its response to the Commissioner.

8. Departmental focal persons.— All Government Departments shall appoint senior officers as focal persons to liaise with the office of Commissioner for monitoring and disposal of matters relating to Overseas Pakistanis.

9. District Committees.— (1) There shall be a District Overseas Pakistanis Committee in each district consisting of the Chairperson to be nominated by the Commission for a period of three years, the District Coordination Officer as Vice Chairperson and the following members:

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| (a) | two persons to be nominated by the Commission
for a term of three years; | Members |
| (b) | District Police Officer or Head of
District Police; and | Member |
| (c) | Additional District Collector. | Secretary/ Member |

(2) A District Committee may co-opt any other officer of the Government posted in the district as a member of the Committee.

(3) Four members including Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Committee.

(4) The Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be prescribed and until so prescribed as may be directed by the Commission.

10. Functions of the District Committees.— A District Committee shall:

- (a) review complaints of overseas Pakistanis pending with different offices in the district and expedite their disposal; and
- (b) send progress reports and suggestions for improvement in the system to the Commissioner.

11. Directions of the Government.— The Government may, by general or special order, issue directions regarding day to day working of the Commissioner.

12. Rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

13. Repeal.— The Punjab Overseas Pakistanis Commission Ordinance 2014 (X of 2014) is hereby repealed.