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ORDINANCE NO.IX OF 2009

AN

ORDINANCE

to provide for establishment of the Benazir Income Support Programme

WHEREAS it is expedient to provide for establishment of Benazir Income Support Programme and to regulate its affairs and matters connected therewith or incidental thereto;

AND WHEREAS it is desirable to provide financial assistance and other social protection and safety net measures to economically distressed persons and families;

AND WHEREAS under the Principles of Policy as given in the Constitution of the Islamic Republic of Pakistan, the State is obliged to promote social and economic well-being of the people and to provide basic necessities of life;

AND WHEREAS it is expedient to bring a positive change in the lives of poor and destitute by providing various opportunities to them such as education, special education, vocational training, skill development, workfare programs, livelihood programs, health insurance, accident insurance and access to microfinance for improving their financial status;

AND WHEREAS it is expedient to establish an autonomous social safety net authority to coordinate the design and implementation of targeted programmes for the poor;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Benazir Income Support Programme Ordinance, 2009.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “applicant” means a person who applies for the provision of financial assistance under the Programme;

(b) “Board” means the Board of the Benazir Income Support Programme established under section 5;

- (c) "Chief Patron" means the Chief Patron of the Council;
- (d) "Council" means the Council of the Programme constituted under section 8;
- (e) "eligible person" means a person or a family, as the case may be, eligible for financial assistance under section 11;
- (f) "employee" means a person in the employment and service of the Programme;
- (g) "Executive Patron" means the Executive Patron of the Council;
- (h) "Management" means the Secretary, administrative and technical staff of the Programme;
- (i) "Member" means a member of the Board;
- (j) "Programme" means the Benazir Income Support Programme established under section 3;
- (k) "regulations" means the regulations made by the Board under this Ordinance; and
- (l) "Secretary" means Secretary of the Programme.

CHAPTER II

PROGRAMME, ESTABLISHMENT, OBJECTS AND PURPOSES

3. **Establishment of the Programme.**— (1) Upon the commencement of this Ordinance, the Benazir Income Support Programme shall stand established for carrying out the purposes of this Ordinance.

(2) The Programme shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, to acquire and hold property, moveable and immovable, and to sue and be sued by its name.

(3) The principal office of the Programme shall be at Islamabad and it may set up offices at such place or places in the country and outside the country as the Council may deem appropriate.

4. **Objective and purposes of the Programme.**—The objective and purposes of the Programme shall be to—

- (a) enhance financial capacity of the poor people and their dependent family members;
- (b) formulate and implement comprehensive policies and targeted programmes for the uplift of underprivileged and vulnerable people; and
- (c) reduce poverty and promote equitable distribution of wealth especially for the low income groups.

CHAPTER III

GOVERNANCE OF THE PROGRAMME

5. **Governance of the Programme.**—(1) The Chief Patron on the advice of the Executive Patron shall constitute the Board of the Programme.

(2) The Programme shall consist of the Chairperson, Members, Management and such structure as determined by the Board, and shall function in accordance with the regulations.

(3) The Board shall, at any time, consist of not less than nine and not more than eleven Members including the Chairperson to be appointed by the Chief Patron on the advice of the Executive Patron.

(4) The Members of the Board shall be appointed from amongst Government, non-governmental organizations and technical experts who have relevance to the purposes of the Programme having such qualifications and experience as may be determined by the Federal Government by notification in the official Gazette for a term of three years. The Members shall be appointed from Government and non-governmental organizations with equal representation.

(5) There shall be a Secretary who shall be appointed by the Federal Government. The Secretary shall be *ex-officio* Member and secretary of the Board and shall also be the Principal Accounting Officer of the Programme.

(6) The Chairperson and the Members shall serve in honorary capacity and shall be entitled to such facilities and privileges in the nature of compensatory costs as may be determined by the Federal Government from time to time.

(7) The Board shall meet at least four times in a year and a special meeting of the Board may be convened by the Chairperson or on the request of five Members at any time by giving a reasonable notice of such meeting:

Provided that the Board shall meet at such time and place and in such manner as may be laid down by the Board and until such time as determined by the Chairperson.

(8) The Board shall have the powers to conduct its business and regulate its proceedings as it may prescribe from time to time.

(9) Simple majority of the total membership of the Board shall constitute the quorum for a meeting of the Board, and the decisions of the Board shall be made by simple majority of the total membership of the Board. The Chairperson shall have in case of equality of votes a casting vote.

6. Powers and functions of the Board.—(1) The Board's powers and functions shall be—

- (a) to approve the budget of the Programme prepared by the Management.
- (b) to take decisions on the financial aspects of the Programme submitted by the management for Board's consideration;
- (c) to monitor the Programme in a transparent manner;
- (d) to make regulations and approve policies and manuals in order to carry out the purposes of this Ordinance;
- (e) to approve criteria of eligible families for financial assistance under the Programme; and
- (f) to present annual progress reports to the Council and consider its recommendations.

(2) The Board may, through a majority decision of its Members and subject to such conditions as it deems necessary, delegate any of its functions and powers to the Chairperson or any Member. All actions taken in the exercise of all such delegated functions and powers shall be submitted to the Board for approval in the subsequent Board meeting.

7. **Powers and functions of the Chairperson.**—(1) The Chairperson of the Board shall be the Chairperson of the Programme.

(2) The Chairperson shall be incharge ensuring consistency of operations with policies of the Programme approved by Board.

(3) The Chairperson shall provide strategic guidance to the Programme and ensure implementation of the Programme in accordance with the decisions of the Board and the provisions of this Ordinance.

(4) The Chairperson shall in consideration of the advice of the Council execute the Board decisions for enhancement of the Programme.

(5) The Chairperson shall be responsible for meeting all objectives and policies of the Programme and implementation thereof.

(6) The Chairperson shall have the power to enter into any agreement, contract, understanding with any international organization or institution or donor agency or counter-part entity, on the advice of the Council and approval of the Board.

(7) The Chairperson shall assist the Council in publicizing the Programme as well as raising funds.

CHAPTER IV

ESTABLISHMENT OF THE COUNCIL

8. **Establishment of the Council.**—There shall be a Council of the Programme with the President of Pakistan as its Chief Patron and the Prime Minister of Pakistan as its Executive Patron. The Council shall comprise highly reputable, distinguished and well accomplished national and international individuals who shall be appointed by the Chief Patron on the advice of the Executive Patron. The Chairperson shall be the *ex-officio* Member of the Council.

9. **Powers and functions of the Council.**— (1) The powers and functions of the Council shall be—

(a) to mobilize financial resources for the Programme; and

- (b) to advise the Board on the following matters, namely:—
 - (i) policies on poverty reduction;
 - (ii) enhancement of the Programme;
 - (iii) reach out to the donors through the Chairperson of the Programme; and
 - (iv) the Board affairs and performance of its functions.
- (2) The Council shall meet at least once in a year.

CHAPTER V

POWERS AND FUNCTIONS OF MANAGEMENT

10. **Powers and functions of Management.**—The Management shall exercise powers and perform functions that are necessary to achieve the objects and purposes of this Ordinance, namely:—

- (a) to execute the policies and plans approved by the Board;
- (b) to adopt modern and effective processing and distribution mechanism without any intermediaries so that the financial assistance or funds are provided to eligible persons and families;
- (c) to identify eligible persons or families for financial assistance or other benefits;
- (d) to determine terms and conditions of the employees and grant additional allowances or any other incentives to them by making regulations to that effect;
- (e) to take appropriate measures for effective administration, monitoring and evaluation of the Programme;
- (f) to engage any person or entity on contract basis to carry out assignments or for the consultancy in accordance with the regulations;

- (g) to establish administrative structures at the field level for the efficient implementation and accessibility of the Programme;
- (h) to implement mechanisms and processes that facilitate the removal of grievances and complaints related to the Programme's operations as provided in the regulations; and
- (i) submit quarterly progress reports to the Board on the financial and operational aspects of the Programme.

CHAPTER VI

ELIGIBILITY FOR PROGRAMME BENEFITS AND ITS DISBURSEMENT

11. **Eligible persons or families for financial assistance.**—The Board shall determine, from time to time, criteria for eligibility of persons and families for financial assistance from the Programme.

12. **Disbursement procedure.**—Funds of the Programme shall be disbursed to eligible persons and families in a manner approved by the Board and prescribed in the regulations.

CHAPTER VII

FUND, ACCOUNTS AND AUDIT

13. **Fund.**—(1) There shall be established a Fund to be known as Benazir Income Support Fund.

- (2) The Fund shall consist of—
 - (a) revolving funds or budget amount approved by the Federal Government;
 - (b) grants made by the local, domestic or international bodies, organizations, entities and the Government;
 - (c) aid given to the Government for the purpose of the Programme;
 - (d) donations made by the individuals or association of persons; and
 - (e) all other sums as may be received by the Programme.

(3) The Fund shall be administered in such manner as may be prescribed by the regulations.

(4) Notwithstanding anything contained in any other law for the time being in force, donations and grants received by the Programme shall be exempt from all taxes.

14. Budget of the Programme.—(1) The Secretary shall, in respect of each financial year, in accordance with the financial procedures approved by the Board, prepare the annual budget estimates of the Programme and submit the same to the Board for approval.

(2) The Secretary shall have full powers to incur expenditure or re-appropriate funds, subject to any general or specific instructions of the Board.

15. Maintenance of Accounts and internal control.—(1) The Programme shall maintain complete and accurate books of accounts in connection with the discharge of its responsibilities as may be prescribed by the Auditor General of Pakistan.

(2) The internal audit of the Programme shall be carried through an independent internal audit officer who shall report directly to the Board. The internal audit reports shall be presented to the Board for comments and follow up on the remedial actions.

16. Audit.—(1) The accounts of the Programme shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed.

(2) A copy of the audit report, submitted to the President, shall be sent to the Board for information and remedial actions, if any, and to the Council as well as the Federal Government for information.

17. Annual report.—The Board shall approve the Programme's annual report which will be laid before the Council and the Parliament.

CHAPTER VIII

EMPLOYEES OF THE PROGRAMME

18. Employees of the Programme.—The Management may, for the purposes of efficient performance of its functions or exercise of its powers, appoint such employees as it may consider necessary on such terms and conditions as may be laid down under the regulations:

Provided that until such regulations are made to determine pay, pension and allowances as otherwise in vogue in the Federal Government applicable to civil servants, the terms and conditions applicable to the employees immediately before the commencement of this Ordinance shall continue to apply in accordance with such directions as the Federal Government may, in case of its employees, issue from time to time.

19. **Public servants.**—The employees of the Programme shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

20. **Indemnity.**—No prosecution, suit or other legal proceedings shall lie against the Council, Board, the Chairperson, Members, officers and other employees of the Programme for anything done in good faith for carrying out the purposes of this Ordinance or regulations or orders made or issued thereunder.

CHAPTER IX

MISCELLANEOUS

21. **Redressal of grievance.**—(1) Any person or family aggrieved by a decision against the eligibility may, within thirty days of the decision, file a representation in the form and to the authority as may be prescribed by the regulations.

(2) The representation made under sub-section (1) shall be examined for determining eligibility for financial assistance under the Programme in accordance with the manuals approved by the Board.

22. **Ordinance not to prejudice other laws.**—The provisions of this Ordinance shall be in addition to, and not in derogation of any other law for the time being in force and the rules made thereunder.

23. **Power to make regulations.**—(1) The Board may make regulations in order to carry out the purposes of this Ordinance.

(2) Without prejudice to the provision of sub-section (1), the regulations will provide, *inter alia*, financial assistance, payment schedule, grievance redressal, social audits and operation of complementary graduation programmes.

24. **Validity of proceedings.**—No act, proceeding, decision or order of the Board shall be invalid by reason only of the existence of a vacancy.

25. **Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of this Ordinance, the Federal Government may make such order, not inconsistent with provisions of this Ordinance, as is necessary or expedient to remove such difficulty.

STATEMENT OF OBJECTS AND REASONS

Under the Principles of Policy as given in the Constitution of the Islamic Republic of Pakistan, the State is obliged to promote social and economic well-being of the people and to provide basic necessities of life.

Benazir Income Support Programme has been established as an autonomous social safety net authority to coordinate the design and implementation of targeted programmes for the poor so as to provide financial assistance and other social protection and safety net measures to economically distressed persons and families to bring a positive change in the lives of the poor and destitute.

In order to achieve this goal various opportunities are proposed to be provided to the targeted groups such as education, special education, vocational training, skill development, workfare programmes, health insurance, accident insurance and access to microfinance for improving their financial status.

Objective and purposes of the Programme have been laid down in Chapter II, Section 4 of the BISP Ordinance, as reproduced below:

- a. Enhance financial capacity of the poor people and their dependent family members;
 - b. Formulate and implement comprehensive policies and targeted programmes for the uplift of underprivileged and vulnerable people; and
 - c. Reduce poverty and promote equitable distribution of wealth especially for the low income groups.
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