

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*to regulate the Registration, Regulation and Facilitation of Charities in  
the Islamabad Capital Territory*

WHEREAS it is expedient to regulate the registration, regulation and facilitation of charities in the Islamabad Capital Territory and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- This Act shall be called the Islamabad Capital Territory Charities Registration, Regulation and Facilitation Act, 2020.

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

(3) It shall come into force at once.

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

(a) "appellate authority" means the appellate authority appointed or designated under this Act to hear and decide appeals preferred against decision of the registration authority;

(b) "fund" means money, valuables, land or any contribution having monetary value solicited for funding the project or any activity of a charity or organization;

(c) "donation" includes cash, kind, land, building, animal, animal hides or anything of monetary value;

(d) "government 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 charity;

- (e) "prescribed" means prescribed by rules and regulations made under this Act;
- (f) "charter" means a description in writing of the purposes, aims, objectives and the mode of functioning of a charity;
- (g) "governing body" or "executive body" means the council, committee, trustees or other body, by whatever name called, to whom by the constitution of the charity its executive functions and the management of its affairs are entrusted;
- (h) "register" means the register maintained under this Act;
- (i) "registered" means registered under this Act;
- (j) "rules" means rules made under this Act;
- (k) "regulations" means regulations made under this Act;
- (l) "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;
- (m) "charity" means a society, an agency, a non-governmental organization, non-profit organization, a trust, 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 controlled by any government and set up for one or more public benefit or purposes mentioned in the Schedule and includes local branches of foreign non-profit organization but excludes such foreign organizations operating in Pakistan to whose charter, Pakistan is a signatory or where a protocol exists between the Government of Pakistan and an organization and depending for its resources on public subscription, donations or government grants;

(n) "Schedule" means the Schedule to this Act;

(o) "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 charity 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

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

**3. Charities registration authority.** - There shall be established a body to be known as charities registration authority which shall appropriately be manned and headed by a director to be appointed or designated in prescribed manner for performance of such functions and exercise of such powers as are conferred or assigned under this Act and the rules and regulations made thereunder.

**4. Functions of the registration authority.**- The registration authority shall perform the following functions, namely:-

- (a) register, regulate, monitor and control charities and perform such other functions as entrusted under this Act and as are assigned to it in the prescribed manner;
- (b) promoting philanthropic, public welfare and charitable activities which are in accordance with law and international obligations aimed at ensuring safer charities and donations;
- (c) ensure purposeful use of resources coming to charities through effective regulations, methods of administration and by supporting the charities, their governing bodies and staff by providing them training, information or any other technical and professional advice and information on any matter that could enhance their effectiveness as well as avert any potential threat of misuse of registered charities;

- (d) devise and issue minimum standards to be adopted by each charity to protect the general public interest and that of the beneficiaries of the charities registered under this Act;
- (e) prepare and provide help and guidance, material and other policy documents for general awareness and adoption by charities;
- (f) prepare and present its quarterly report before the appellant authority; and
- (g) place all the appeals filed against the decisions of the registration authority before the appellant authority within thirty days of the receipt of any such appeal.

(2) All the charities registered under this Act shall follow any specific guidelines issued by the registration authority in prescribed manner with regard to any matter related to the charity in a case specific to a charity, a group of charities or the whole charity sector.

**5. Registration of a charity, conditions and procedure of registration.-** (1) Registration for the purposes of establishment of a charity shall be mandatory.

(2) All the charities working for welfare or charitable purposes and already registered under any of the laws, other than the laws mentioned in sub-section (3) and rendering services in any or multiple activities mentioned in the Schedule , shall have to seek fresh registration in accordance with the provisions of this Act and on the production of such documents as deemed and required by the registration authority.

(3) The registration of a charity for charitable and welfare purposes under any other law shall cease to be performed. Whereas organisations registered and regulated under section 42 of the Companies Act, 2017 (XIX of 2017) shall continue to be registered and regulated in the manner prescribed thereunder.

(4) Any person or group of persons intending to establish a charity and any person intending that an agency etc. already in existence shall continue as such in the

prescribed form, shall on payment of the prescribed fee, make an application to the registration authority, accompanied by a copy of the constitution of the agency and such other documents as may be prescribed.

(5) No charity shall be registered by a name that in the opinion of the registration authority is designed to ethnically exploit or offend any class of people.

(6) No charity shall, except for reasons to be recorded in writing by the registration authority, be registered by a name that contains any words indicating,

(a) any connections with the Federal Government or a provincial government or district government or any authority or corporation of such government or that of armed forces, judiciary, Senate, National Assembly or a Provincial Assembly;

(b) any linkage or renaming of proscribed organization or having linkage with a proscribed individual; or

(c) the patronage of, or any connection with, any foreign government or any international government or multi lateral organization.

(7) A charity which, through inadvertence or otherwise, is registered by a name in contravention of the provisions of sub-section (5) or sub-section (6) shall -

(a) with approval of the registration authority, change its name; and

(b) if the registration authority so directs, within thirty days of the receipt of such direction, change its name with the approval of the registration authority.

(8) Any person or charity affected by the decision of the registration authority under sub-section (5), (6) or (7) may prefer an appeal to the appellate authority within sixty days of receipt of such decision and the decision thereon of the appellant authority shall be final.