

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON RELIGIOUS AFFAIRS AND INTER-FAITH HARMONY ON "THE EVACUEE TRUST PROPERTIES (MANAGEMENT AND DISPOSAL) (AMENDMENT) BILL, 2021"

I, Chairman of the Standing Committee on Religious Affairs and Inter-Faith Harmony have the honour to present report of the Committee on the Bill further to amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975) [The Evacuee Trust Properties (Management and Disposal) (Amendment) Bill, 2021] (Government Bill), referred to the Standing Committee on 29th September 2021.

2. The Committee comprises the following:

1)	Syed Imran Ahmad Shah	Chairman
2)	Pir Syed Fazal Ali Shah Jillani	Member
3)	Choudhary Faqir Ahmed	Member
4)	Mr. Ehsan-ul-Haq Bajwa	Member
5)	Begum Tahira Bokhari	Member
6)	Ms. Shahnaz Saleem Malik	Member
7)	Ms. Seema Mohiuddin Jameeli	Member
8)	Mr. Kesoo Mal Kheal Das	Member
9)	Mr. Naveed Aamir Jeeva	Member
10)	Ms. Shagufta Jumani	Member
11)	Mr. Muhammad Anwar	Member
12)	Ms. Shahida Akhtar Ali	Member
13)	Ms. Saira Bano	Member
14)	Prince Muhammad Nawaz Allai	Member
15)	Raja Riaz Ahmad	Member
16)	Senator Muhammad Talha Mahmood	Ex-officio Member
	<i>Minister for Religious Affairs and Inter-Faith Harmony</i>	

3. The Committee considered the Bill as introduced in the National Assembly, placed at (Annex-A), in its meetings held on 4th February 2022, 2nd February 2023 and 15th May 2023. The Committee recommended that the Bill, as introduced, may not be passed by the Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 13th June 2023

Sd/-
(SYED IMRAN AHMAD SHAH)
Chairman

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

*further to amend the Evacuee Trust Properties (Management and Disposal) Act,
1975*

WHEREAS, it is expedient further to amend the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), in its application to such areas in the Federation as are not included in any Province, for the purpose appearing hereinafter:

It is hereby enacted as follows: —

1. Short title and commencement. —(1) This Act shall be called the Evacuee Trust Properties (Management and Disposal) (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2, XIII of 1975.— In the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), hereinafter referred to as the said Act, in section 2, in sub-section (1), -

(i) for clause (c), the following shall be substituted, namely: -

“(c) “Chairperson” means the Chairperson of the Board;”

(ii) after clause (c), substituted as aforesaid, the following new clause shall be inserted, namely: -

“(ca) “chief executive officer” means the chief executive officer appointed under section 11;” and

(iii) clause (k) shall be omitted.

3. **Amendment of section 3, XIII of 1975.**- In the said Act, for section 3, the following shall be substituted, namely: -

“3. Constitution of the Board: - (1) The Federal Government shall constitute a Board, to be known as the Evacuee Trust Property Board, for the management and disposal of evacuee trust property.

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

(3) The Board shall consist of a Chairperson and following two *ex-officio* and twelve *non-official* members, namely: -

(a)	Additional Secretary of the Division to which business of this Act stands allocated	ex-officio Member
(b)	four persons from Sikh community, preferably one from each Province	Members
(c)	four persons from Hindu community, preferably one from each Province	Members
(d)	four experts as specified in sub-section (4), preferably one from each Province	Members
(e)	chief executive officer.	ex-officio Member cum Secretary

(4) The Chairperson and non-official members shall be appointed, from amongst persons of eminence, ability and integrity having demonstrable knowledge on issues relating to minorities' rights and evacuee trust properties, by the Federal Government on such terms and conditions as it may determine.

(5) A non-official member shall, unless he earlier resigns from his office under sub-section (6) or is removed under sub-section (12), hold office for a period of three years on such terms and conditions as the Federal Government may determine:

Provided that the term of office of the Chairperson or non-official members may be extended for another period not exceeding three years subject to approval of the Federal Government.

(6) The Chairperson or a non-official member may at any time resign from his office by writing under his hand addressed to the Federal Government.

(7) One-half of the total members shall constitute quorum for a meeting of the Board.

(8) All decisions of the Board shall be by majority of votes of the members present and voting and, in case of a tie, the person presiding shall have the casting vote.

(9) All the decisions of the Board shall be authenticated by the signatures of the person presiding the meeting and the chief executive officer.

(10) Any vacancy caused due to death, resignation or removal of a member other, than an ex-officio member, shall be filled in by the Federal Government through appointment of another person as member who shall hold such office for the unexpired term of his predecessor.

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

(12) The Federal Government shall have the power to remove any non-official member, if he-

- (a) is disqualified for employment in, or is dismissed from, the service of Pakistan; or
- (b) is, or at any time has been, convicted of an offence involving moral turpitude; or
- (c) is, or at any time has been, adjudicated an undischarged insolvent; or
- (d) is of unsound mind and has been so declared by a competent court; or
- (e) absents himself from three consecutive meetings of the Board without any reasonable cause; or
- (f) is found by the Federal Government to be acting in any manner, prejudicial to the objects of this Act or any scheme thereunder.”.

4. **Amendment of section 4, XIII of 1975.**- In the said Act, in section 4,-

- (i) in sub-section (1), for the word, “control”, the word “oversight” shall be substituted and after the word “take”, the words “or supervise” shall be added; and
- (ii) in sub-section (2), for clauses (a) to (s) the following shall be substituted, namely:-

“(a) to ensure maintenance of complete and authentic record of evacuee trust properties by the management;

(b) to ensure preparation and placement of annual budget estimates and revised budget estimates by chief executive officer or the management for its concurrence and further submission to the secretary of the concerned division for formal approval;

- (c) to approve work plan, annual budget and expenditure above a certain threshold level;
- (d) to approve the human resource policies including the service regulations under which the employees would be governed;
- (e) to undertake comprehensive review and examination of the work and independently assess the appropriation of the quality control review framework and take such actions as deemed necessary;
- (f) to oversee and review policies, procedures, programmes for ensuring an effective oversight of quality of audit and to specify any improvement required in policies, procedures and rights;
- (g) to consider its consent and proposal submitted by chief executive officer to buy, out of surplus income, if any, or by taking loan from any statutory corporation, with the approval of the Federal Government, any property which may be considered to be beneficial for promoting the objects of this Act or any scheme;
- (h) with the prior approval of the Federal Government, to extinguish a trust or to wind up an institution the original objects of which has wholly or partly ceased to exist;
- (i) to appoint committees, consisting of its members as it thinks fit and may refer to them any matter for their consideration and report;
- (j) to decide any other matters ancillary and incidental to the object of this Act and schemes as made thereunder; and

(k) any other functions, which may be assigned to it by the Federal Government.”.

5. **Amendment of section 5, XIII of 1975.**- In the said Act, in section 5,-

- (i) in sub-sections (2), (3) and (4), for the word “Chairman”, wherever occurring, the word “Chairperson”, shall be substituted; and
- (ii) after sub-section (3), amended as afore-said, the following new sub-section (3A) shall be inserted, namely:-

“(3A) No proxy representation shall be allowed in the meeting.”.

6. **Amendment of section 7, XIII of 1975.** - In the said Act, in section 7, —

- (i) in clause (g), for the full stop at the end, a semi-colon and the word “and” shall be substituted and thereafter the following new clause (h) shall be added, namely: -

“(h) all monies borrowed from any statutory corporation or any company owned or controlled by the Federal Government.”.

7. **Amendment of section 8, XIII of 1975.**- In the said Act, in section 8,—

- (i) in sub-section (1), for the word “Chairman”, the word “Chairperson” shall be substituted and thereafter the words “whose decision shall be final and shall not be called in question in any Court” shall be omitted;
- (ii) in sub-sections (2) and (3), for the word “Chairman”, wherever occurring, the word “Chairperson”, shall be substituted; and

(iii) after sub-section (3), amended as afore-said, the following new sub-sections shall be added, namely: -

“(4) Any person aggrieved by an order of the Chairperson under sub-section (1) may, within thirty days of the order, prefer an appeal to the High Court.

(5) In all revision petitions pending decision against order passed under sub-section (1), before the commencement of the Evacuee Trust Properties (Management and Disposal) (Amendment) Act, 2021, the petitioners may withdraw their petitions within a period of sixty days from the commencement of the said Act, and petitions not withdrawn shall be deemed to be pending for decision under section 17.”.

8. **Amendment of section 10, XIII of 1975.**- In the said Act, in section 10, in sub-sections (2) and (3), for the word “Chairman”, wherever occurring, the word “Chairperson” shall be substituted;

9. **Amendment of section 11, XIII of 1975.**-In the said Act, for section 11, the following shall be substituted, namely: -

“11. **Appointment and functions of chief executive officer.** - (1) The Federal Government shall appoint, on contract basis, a person to be the chief executive officer, who shall also act as secretary of the Board on such terms and conditions as it may determine.

(2) The chief executive officer shall be administrative and executive head of the Board and shall be responsible for day to day operations of the Board through its management, headed by him.

(3) The chief executive officer shall be assisted by chief financial officer, chief information technical officer, chief engineer, chief legal officer and chief

enforcement officer and sub-committees of the Board as may be deemed necessary for carrying out the purposes of this Act.

(4) The chief executive officer shall perform such functions as are assigned to him under this Act or by the Board including the following, namely: -

- (a) have such powers, including the powers of appointment, transfer, promotion, dismissal and other matters relating to the staff, as are delegated by the Board or as may be prescribed;
- (b) to appoint staff on such terms and conditions as may be prescribed in the service regulations approved by the Board and consistent with the sanctioned budget;
- (c) to take such action as he deems fit for the proper management, maintenance and disposal of evacuee trust property in accordance with the provisions of this Act and the rules, schemes, or directions made or issued thereunder;
- (d) to maintain a complete, updated and authentic record of all evacuee trust property for inspection and perusal of Board as and when demanded;
- (e) to prepare and submit, by the 31st day of May each year, to the Board for its approval, the annual budget and revised budget estimates along-with detailed statements of receipts and expenditure;
- (f) without prejudice to any other law for the time being in force in this behalf, to buy, out of surplus income, if any, with the approval of the Board, any property which may be considered to be beneficial for promoting the objects of this Act or any scheme;
- (g) with the prior approval of the Federal Ministry of Finance, to borrow monies from any statutory corporation or any company owned or controlled by the Federal Government;

- (h) with the prior approval of the Board, to sell, dispose of, transfer to or make an endowment or otherwise manage, evacuee trust property consistent with the objects of this Act or a scheme or for any other object which is considered to be a public purpose by the Federal Government;
- (i) to mortgage or lease any evacuee trust property in accordance with the instructions of the Board;
- (j) to assess or reassess the rent or lease amount of the evacuee trust property;
- (k) to incur expenditure, as may be necessary, on construction, reconstruction, repairs or maintenance of holy shrines not exceeding such amount as the Board may approve;
- (l) to maintain religious shrines and provide facilities for the pilgrims;
- (m) to set up, or make grants-in-aid to orphanages, leper houses, widow houses, poor houses and educational, vocational, technical or health institutions and hospitals consistent with the policy guidelines or directions of the Federal Government;
- (n) to order sealing of any evacuee trust property in an appropriate case pending payment of the Board's dues by the person concerned;
- (o) to undertake development programs for increasing the productivity of agricultural land forming part of the trust pool and for enhancing the commercial value of an evacuee trust property;
- (p) without prejudice to any other law for the time being in force in this behalf, to invest money, with the concurrence of the Board for any other social welfare or charitable purpose;

- (q) without prejudice to any other law for the time being in force in this behalf, to set up with the concurrence of the Board and with the prior approval of the Federal Government, any industrial undertaking;
- (r) without prejudice to any other law for the time being in force in this behalf, to set up with the concurrence of the Board, any commercial undertaking;
- (s) to enter upon and inspect evacuee trust property;
- (t) to exercise financial and administrative control over offices attached to or under him;
- (u) to prepare a scheme or schemes with the concurrence of the Board for promoting the objects of this Act; and
- (v) to institute and defend suits and proceedings in a court of law.

(5) Subject to the provisions of this Act, the chief executive officer shall discharge his functions and perform his duties under the general superintendence and oversight of the Board.

(6) The chief executive officer shall for his appointment as such have such qualifications, experience and age and other requirements and shall receive such salary and allowances, and be subject to such conditions of service as may be prescribed and until so prescribed as the Federal Government may determine.

(7) The chief executive officer with the prior approval of the Board may re-appropriate funds from one project to another on the basis of progress of the projects.”.

10. **Amendment of section 12, XIII of 1975.**- In the said Act, in section 12, —

- (i) in sub-section (1), for the word “Chairman”, the words “chief executive officer”, shall be substituted and after the word “appoint”, the words “on contractual basis” shall be inserted; and
- (ii) in sub-section (2), for the word “Chairman”, the words “chief executive officer” shall be substituted.

11. **Amendment of section 16, XIII of 1975.**- In the said Act, in section 16, in clause (b), for the word "Chairman", the word "Chairperson" shall be substituted.

12. **Amendment of section 17, XIII of 1975.** —In the said Act, in section 17, —

- (i) in the substantive part, for the words "Federal Government", occurring twice, the words "Secretary of the Division concerned" and for the word "its", the word "his" shall be substituted and thereafter for the word "itself" the word, "himself" shall be substituted; and
- (ii) in the proviso, for the full stop at the end, a colon shall be substituted and thereafter the following new proviso shall be added, namely: -

"Provided further that any person who prefers an appeal under sub-section (4) of section 8 shall not be entitled to file a petition for revision under this section."

13. **Amendment of section 18, XIII of 1975.**- In the said Act, in section 18, for the word "Chairman", the word "Chairperson" shall be substituted.

14. **Amendment of section 21, XIII of 1975.** —In the said Act, in section 21, in sub-section (1), —

- (i) for the word "Chairman", wherever occurring, the word "Chairperson" shall be substituted; and
- (ii) for the words "Federal Government" the words "Secretary of the Division concerned", shall be substituted and for the word "it" the word, "him" shall be substituted respectively;

15. **Amendment of section 23, XIII of 1975.**- In the said Act, in section 23, for the words "Federal Government", the words "Secretary of the Division concerned", shall be substituted.

16. **Amendment of section 25, XIII of 1975.**- In the said Act, in section 25, for the word "Chairman", the word "Chairperson" shall be substituted.
17. **Amendment of section 26, XIII of 1975.**- In the said Act, in section 26, -
- (i) in sub-section (1), after the expression, "Federal Government, the words "and the Secretary of the concerned Division" shall be inserted and after the word "its", the words "or his" shall be inserted; and
 - (ii) in sub-sections (2) and (3), for the word "Chairman", wherever occurring, the word "chief executive officer" shall be substituted.
18. **Amendment of section 27, XIII of 1975.**- In the said Act, in section 27, for the word "Chairman", the word "Chairperson" shall be substituted.
19. **Amendment of section 29, XIII of 1975.**- In the said Act, in section 29, the words "with the approval of the Federal Government" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Whereas, The Evacuee Trust Property Board (ETPB) is a body corporate functioning under the administrative control of Ministry of Religious Affairs & Interfaith Harmony. The ETP Board performing its functions under Evacuee Trust Properties (Management & Disposal) Act, 1975.

Whereas, the Prime Minister's Task Force setup under Dr. Ishrat Hussain, Advisor to the Prime Minister on Institutional Reforms, recommended some structural changes to ensure transparency; efficiency and objectivity in the functioning of ETPB;

Whereas, the Task Force recommended that there should be a clear separation between the Board and Management of Evacuee Trust Property; that the Board would exercise supervisory and oversight functions, audit, approve the work plan, annual budget, expenditures above a certain threshold level but the day to day operations of the ETPB would be run by the Chief Executive Officer assisted by a full time professional management team; that the Management would be headed by a Chief Executive Officer (CEO) with prescribed qualification and experience and selected through an open merit based competitive process that the CEO would act as ex-officio Secretary of the Board and the CEO would be assisted by a Chief Financial Officer (CFO), Chief Information Technical Officer (CITO) and Chief Engineer (CE) as top management team; and that Legal wing and Enforcement wing should be established;

Whereas, implementation of the recommendation of the Task Force required amendments in the ETPB Act, 1975; and

Therefore, an amendment Bill titled "**Evacuee Trust Properties (Management and Disposal) (Amendment), Act, 2021**" has been drafted to achieve the aforesaid objectives by way of an Act of the parliament.

(Pir Noor-ul-Haq Qadri)
Minister