



THE NATIONAL COMMISSION FOR HUMAN DEVELOPMENT ORDINANCE, 2002.

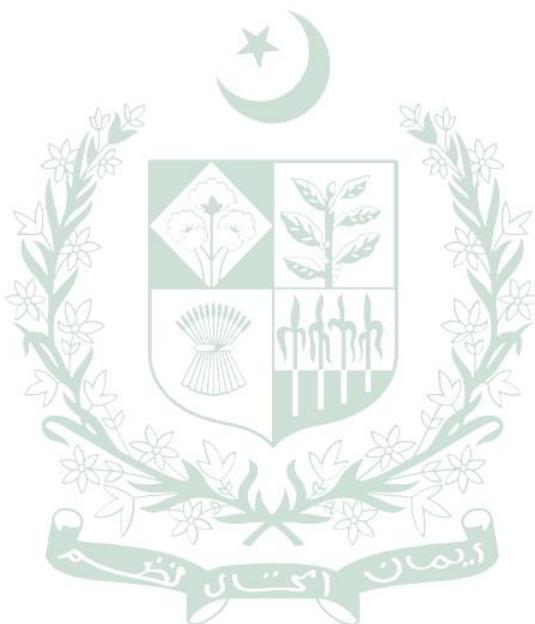


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THE PAKISTAN CODE

THE NATIONAL COMMISSION FOR HUMAN DEVELOPMENT ORDINANCE, 2002.

ORDINANCE XXIX OF 2002

An

Ordinance

to provide for the establishment of National Commission for Human Development

WHEREAS it is expedient to establish a National Commission for Human Development to implement various programmes and projects in the social sector in collaboration with philanthropists;

AND WHEREAS the objective of the National Commission for Human Development is to promote Human Development by supporting Government line departments, non-Governmental Organizations and elected officials at the district level in primary education literacy, income generating activities and basic health care service etc;

AND WHEREAS the President is satisfied that circumstances exist which render necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the Fourteenth lay of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitutional (Amendment) Order No.9 of 1999, and in exercise of all power, enabling him in that behalf, the President of the Islamic Republic of Pakistan 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 National Commission for Human Development Ordinance, 2002.

(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) “Chairman” means the Chairman of the Commission;
- (b) “Commission” means the National Commission for Human Development established under section 3;
- (c) “Director-General” means the principal staff officer and in-charge of general Administration of the Commission;
- (d) “Fund” means the Pakistan Human Development Fund registered under the companies Ordinance 1984 (XLVII of 1984);
- (e) “Member” means a member of the Commission;
- (f) “Prescribed” means prescribed by rules made under this Ordinance;
- (g) “President” means President of the Islamic Republic of Pakistan;
- (h) “Regulations” means the regulations made under this Ordinance;

- (i) “Rules” means the rules made under this Ordinance; and
- (j) “staff” means the members of staff of the Commission and includes persons on deputation or employed on contract.

CHAPTER II

NATIONAL COMMISSION FOR HUMAN DEVELOPMENT

3. Establishment of the Commission.—(1) There shall be established a National Commission for Human Development for carrying out the purposes of this Ordinance.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, to enter into agreements, contracts, acquire and hold property, both moveable and immovable, and to sue and be sued in its name.

(3) The President shall be the Patron-in-Chief of the Commission.

(4) The Commission shall comprise the Chairman, to be appointed by the President, and five Members, including a representative of Ministry of Finance, to be appointed by the President on the recommendation of the Chairman:

Provided that Provincial representation and gender equality will be ensured amongst the Members.

(5) The main office of the Commission shall be at Islamabad and the Commission may set-up sub-offices at such place or places as it may deem necessary.

(6) The Commission shall be an autonomous body of the Cabinet Division, Government of Pakistan.

4. Chairman of the Commission.—(1) The Chairman shall be an eminent professional of known integrity, reputation, competence, and expertise in the social sector.

(2) The Chairman shall hold office for a period of five years.

(3) The Chairman may resign his office by writing under his hand addressed to the President.

(4) The Chairman shall be the Chief Executive Officer of the Commission.

5. Members of the Commission.—(1) The Members of the commission shall be professionals of known integrity and experience in the social sector.

(2) A Member shall hold office during the pleasure of the President.

(3) A Member may resign his office by writing in his hand addressed to the Chairman.

(4) The business of the Commission shall be conducted as prescribed.

6. Terms and conditions of office of Chairman and Members.—The terms and conditions of the Chairman and Members and their remuneration and privileges shall be such as may be determined by the President.

7. Functions of the Commission.—The functions of the Commission shall be to—

- (a) formulate, approve manage, promote, enhance, implement, execute monitor and organize its support programmes and projects for assistance of the line Ministries, Departments and agencies concerned, *inter alia*, for-

- (i) capacity building, training, and enhancement of competency of Governmental functionaries and line departments, and non-governmental organizations working in the social sectors, specially under District Governments;
 - (ii) literacy and non-formal basic education programmes supported by skills training programmes for income generating activities;
 - (iii) programmes to assist in universal primary education;
 - (iv) programmes to assist in primary health-care;
 - (v) programmes to assist in alleviation of poverty;
 - (vi) national volunteer programme to assist in the social sectors.
- (b) undertake research, studies and surveys to assess the needs and requirements of an area for extending scope of its activities and disseminate information in respect thereof;
 - (c) keep informed the Federal Government and respective Provincial Governments and their District Administration of its programme and projects being carried out by it in performance of its functions;
 - (d) global resource mobilization including finances, intellectual expertise and talent to assist in the social sectors; and'
 - (e) perform such other functions as may be incidental or ancillary to the execution of its programmes and projects.

8. Policy Guidelines.—(1) The Commission may for the implementation and execution of its programmes and projects pursuant to its aims and objectives, issue Policy Guidelines for the Commission.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Policy Guidelines shall lay down parameters for:—

- (a) alleviation of poverty;
- (b) non-formal basic education and promotion of literacy;
- (c) primary health care;
- (d) sustainable livelihood; and
- (e) capacity building, training, and enhancement of competency of Governmental agencies and non-government organizations working in the social sector, especially under District Governments.

(3) The advice of the Advisory Council shall be given due consideration by the Commission.

9. Advisory Council.—(1) There shall be an Advisory Council of the Commission consisting of—

- (a) the Chairman who shall act as its Convener;
- (b) representatives from civil society, community based organizations and such other persons as are approved by the Commission;

- (c) one representative each of :-
- (i) the Ministry of Education, Government of Pakistan;
 - (ii) the Ministry of Health, Government of Pakistan;
 - (iii) the Ministry of Finance, Government of Pakistan;
 - (iv) Ministry of Environment, Local Government and Rural Development Government of Pakistan;
 - (v) the Government of Balochistan Government of North west Frontier Province, Government of Sindh, and Government of the Punjab;
 - (vi) States and Frontier Regions Division, Government of Pakistan;
 - (vii) the Ministry of Women Development, Social Welfare and Special Education; Government of Pakistan;
 - (viii) Planning Commission;
 - (ix) National Reconstruction Bureau of Pakistan.

(2) The functions of the Advisory Council shall be—

- (a) to render assistance and advice in improvement of the Policy Guidelines of the Commission; and
- (b) to make recommendations for augmenting financial resources of the Commission.

(3) The Advisory Council shall meet at least once in every quarter and may hold its meetings as and when necessary.

(4) The Advisory Council may invite any technical expert or person possessing specialized knowledge on related subjects for assistance in performance of its functions.

(5) The Advisory Council shall make rules of procedure and conduct of its business.

10. Director General.—(1) The Chairman may appoint, as prescribed, a person of known integrity, and experience in the field of administration and management as Director General, who shall be the principal staff officer of the commission.

(2) The Director General shall be responsible for—

- (a) the administration and day to day business of the Commission;
- (b) the execution of all orders and directions given by the Chairman;
- (c) the preparation of periodical reports, for submission to the President by the Chairman;
- (d) coordinate the monitoring of the work for the Commission down to the level of each district and tehsil; and
- (e) any other duty or assignment given by the Chairman.

(3) In addition to the responsibilities specified in sub-section (1) the Chairman may assign any other function or assignment to the Director General.

(4) The Director General shall be entitled to such remuneration and privileges as the Commission may determine.

(5) The Director General may resign his office in writing addressed to the Chairman.

11. Committees of the Commission.—(1) The Commission may, for carrying out its functions, constitute such committees as may be considered appropriate by the Commission.

(2) The membership of a Committee and conduct of business thereof shall be such as may be prescribed.

12. Remuneration of officers and staff of the Commission.—(1) The Commission shall, by regulations, determine the terms and conditions of, including salaries, allowances and other benefits for officers and staff commensurate with the economic condition of the country and compatible with other such organizations, including private sector.

(2) The regulations referred to in sub-section (1) shall include the procedure it inquires and disciplinary action to be taken in result thereof against any employee of the Commission

Provided that any person in the service of Pakistan employed in the Commission whether on deputation or on transfer, shall be governed by the service rules and regulations applicable to him before his appointment in the Commission.

13. Employment of advisors, consultants, etc.—(1) Subject to subsection (1) of section 12 and sub-section (2), the Commission may appoint any professional, adviser, consultant, expert or such other person as may be considered necessary for performance of its functions.

(2) The appointment of the persons referred to in sub-section (1) shall be made in accordance with the requirements of the Policy Guidelines of the Commission:

Provided that the terms and conditions of appointment of such persons, including tenure, shall be determined by the Commission.

14. The Budget of the Commission, etc.—(1) The budget of the Commission shall be met out of the Fund for the implementation and execution of the programmes and projects of the Commission and fulfillment of its objectives.

(2) The Director General with the approval of the Chairman shall prepare and submit the annual plan of the budget of the Commission to the Fund.

(3) The Commission shall, three months before the commencement of a financial year review its budget position and if there are some additional requirement, the same shall be met through re-appropriation by the Commission or as the case may be by fresh allocation by the Fund, in case there are some savings, the same shall be surrendered to the Fund by 15th of June.

(4) The Commission may maintain bank accounts in scheduled banks as it may determine.

(5) The Chairman shall be the Principal Accounting Officer of the Commission.

15. Expenditure of the Commission.—(1) All programmes, projects, operations and schemes of the Commission shall be met and executed from the budget of the Commission referred to in section 14.

(2) In addition to the expenditure referred to in sub-section (1), the following expenses shall be met from the budget of the Commission, namely:—

- (a) payment of salaries, allowances, remuneration, honoraria, provident fund contributions, superannuation allowances, gratuities, fees, legal charges or costs payable by the Commission to Members, officers, members of staff, advisors, consultants, professional, experts or any other persons appointed or employed by the Commission;
- (b) expenditure incurred on seminars, conferences, travelling, publicity; and such other related expenditure;
- (c) purchase or hiring of equipment, machinery, transport and any other material as may be necessary for execution of the programme; projects and schemes of the Commission;
- (d) acquisition of any property, both movable and immovable, or assets, construction of any building etc; and
- (e) any other expenditure as may be incurred or accepted in carrying out any other work or undertaking in performance of its functions.

CHAPTER III

MISCELLANEOUS

16. Delegation of powers.—(1) The Commission may delegate all or any of its powers and functions to the Chairman or such other officer of the Commission, subject to such conditions and limitations, as it may deem appropriate.

(2) The Chairman or the Director General may delegate all or any of their powers and functions under this Ordinance to any officer of the Commission, subject to such conditions and limitations, as he may deem fit.

17. Audit and accounts.—(1) The accounts of the Commission shall be audited by a reputable firm of Chartered Accountants to be appointed by the Commission on such remuneration as it may determine.

(2) The auditors appointed under sub-section (1) shall be provided access to the books, accounts and other documents as may be considered necessary by them for audit of the accounts of the Commission and may examine any Member, officer or member of the staff of the Commission in connection with such audit.

(3) The auditors shall submit periodical reports to the Commission after audit of the accounts.

18. Annual and other reports.—(1) Within three months of the conclusion of each calendar year, the Chairman shall submit an annual report to the President in respect of activities of the Commission including the status of its existing programmes, projects and future plans formulated in furtherance of its aims and objects.

(2) In addition to the annual report referred to in sub-section (1), the Chairman shall, from time to time, place before the President such other reports relating to the performance of the Commission or whenever so directed by the President.

19. Rules.—(1) The Commission may, with the approval of the President, make rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing provision, the rules referred to therein may provide for—

- (a) Policy Guidelines for setting up of District Human Development Centres for the purpose of—
 - (i) strengthening competence of line department officials;
 - (ii) support to elected representatives with required skills;
 - (iii) facilitate change management;
 - (iv) coordinate the work of stake holders; and
 - (v) capacity building of non-government organizations;
- (b) procedure of appointment of members of the different committees and laying down rules for conduct of their business.

20. Regulations.—(1) The Commission may make regulations not consistent with this Ordinance and the rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing provisions regulations referred to therein may provide for—

- (a) the determination of salaries and allowances and other benefits of the members of the staff of the Commission;
- (b) disciplinary proceedings and award of punishment,
- (c) prescription of different scales and grades etc. for and privileges of officers and staff of the Commission; and
- (d) all or any of the matters, which by this Ordinance, are to be, or may be, prescribed.

21. Authorities to aid the Commission.—(1) All executive authorities in the Federation and in the Provinces shall render such assistance to the Commission as may be necessary for execution of its programmes and projects being carried out under this Ordinance.

22. Immunity of the Commission.—No suit, prosecution or other legal proceeding shall lie against the Commission, the Chairman, Members, officers, advisors, consultants and other persons and employees of the Commission in respect of anything done or intended to be done in good faith under this Ordinance.

23. Removal of Difficulties.—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the President may make such order, inconsistent with the provisions of this Ordinance, as may appear to be necessary for removing the difficulty.