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# The Punjab Gazette

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## PROVINCIAL ASSEMBLY OF THE PUNJAB

### NOTIFICATION

**June 30, 2021**

**No. PAP/Legis-2(83)/2020/2580.** The Punjab Overseas Pakistanis Commission Bill 2020, having been passed by the Provincial Assembly of the Punjab on June 4, 2021, and assented to by the Governor of the Punjab on June 23, 2021, is hereby published as an Act of the Provincial Assembly of the Punjab.

## THE PUNJAB OVERSEAS PAKISTANIS COMMISSION ACT 2021

### ACT XVI OF 2021

*[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated June 30, 2021.]*

**An**
**Act**

*to provide for reconstitution of the Punjab Overseas Pakistanis Commission.*

It is necessary to reconstitute 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.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**– (1) This Act may be cited as the Punjab Overseas Pakistanis Commission Act 2021.
   (2) It extends to whole of the Punjab.
   (3) It shall come into force at once.

2. **Definitions.**– In this Act:
   (a) "Advisory Council" means the Advisory Council constituted under this Act;
   (b) "Commission" means the Punjab Overseas Pakistanis Commission;
   (c) "Commissioner" means the Overseas Pakistanis Commissioner;

(d) "Committee" means a District Overseas Pakistani Committee or a Tehsil Overseas Pakistani Committee, as the case may be, constituted under this Act;

(e) "Complaint" includes any grievance lodged with the Commission or the Commissioner, by an Overseas Pakistani, or a complaint taken up by the Commission or Commissioner on its own motion regarding grievance of an Overseas Pakistani;

(f) "district" means a district notified under the Punjab Land Revenue Act, 1967 (XVII of 1967);

(g) "Government" means Government of the Punjab;

(h) "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;

(i) "inquiry" means an inquiry into any complaint conducted by the Commission or the Commissioner or the Committee;

(j) "Ombudsman" means the Ombudsman appointed under section 3 of the Punjab Office of the Ombudsman Act 1997 (X of 1997);

(k) "Overseas Pakistani" means a person of Pakistani origin who is either permanently or temporarily settled outside Pakistan:

(i) for employment; or

(ii) for carrying on a business or vocation; or

(iii) for any other purpose with intention to stay outside Pakistan for an unspecified period;

(l) "prescribed" means prescribed by the rules; and

(m) "rules" means the rules made under this Act.

**3. Commission.**– (1) The Government, through notification in the official Gazette, shall reconstitute the Punjab Overseas Pakistanis Commission constituted under the Punjab Overseas Pakistanis Commission Act 2014 (XX of 2014).

(2) The Commission shall consist of the Chief Minister who shall be its Chairperson; an Overseas Pakistani of noted repute nominated by the Chairperson as Vice Chairperson on such terms and conditions as may be determined by the Government; and, the following members:

(a) Chief Secretary to the Government; (member)

(b) Senior Member, Board of Revenue of the Government; (member)

(c) Chairman, Planning and Development Board of the Government; (member)

(d) Secretary to the Government, Home Department; (member)

(e) Provincial Police Officer, Punjab; (member)

(f) Chairman, Punjab Board of Investment and Trade; (member)

(g) Chairman, Punjab Information Technology Board; (member)

(h) Advocate General, Punjab; (member)

(i) Prosecutor General, Punjab; (member)

(j) nine members of the Provincial Assembly of the Punjab, including at least two female members of the Assembly, to be nominated by the Speaker;

(k) nine members, including at least two female members from the private sector, to be nominated by the Chairperson, having experience in issues relating to Overseas Pakistanis; and

(l) Commissioner; (member/Secretary).

(3) The non-official members of the Commission shall serve for a term of three years; however, they shall hold office during the pleasure of the Chairperson.

(4) If the seat of a non-official member becomes vacant during the term of his office, vacancy may be filled by the Chairperson and the member so appointed shall hold office for the residue of such term or till the pleasure of the Chairperson.

(5) One third of the total members including the Chairperson or Vice Chairperson shall constitute the quorum for a meeting of the Commission.

(6) An ex-officio member may be represented in the meeting by an officer of the department or organization not below the rank of an Additional Secretary.

(7) 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 the rules, the Commission may exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) The Commission shall:

(a) review annual reports about the working of the Commission;
(b) review performance of the Commissioner and pass appropriate orders;
(c) liaise between the Commissioner and a Government Agency;
(d) develop criteria for constitution of Advisory Council;
(e) nominate members of the Advisory Council;
(f) nominate members of the Committees;
(g) notify such number of Committees as may be deemed appropriate by the Government; and
(h) with the consent of the Chief Justice, Lahore High Court, Lahore notify one or more Courts as Special Courts for Overseas Pakistanis for speedy trial of the cases of Overseas Pakistanis.

(3) The Commission may, by notification, delegate all or any of its powers to the Vice Chairperson or the Commissioner on such conditions as may be determined by the Commission to ensure smooth functioning of the Commission.

5. **Advisory Council**.– (1) The Advisory Council shall consist of such number of Overseas Pakistanis from different countries as may be determined by the Commission, for taking appropriate action under this Act.

(2) The Advisory Council shall make recommendations on redressal of grievances of Overseas Pakistanis and forward such recommendations to the Commissioner.

6. **Commissioner**.– The Government shall appoint a Commissioner from the Pakistan Administrative Service or the Provincial Management Service of the Government having basic pay scale 20 or above.

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

(a) transmit a complaint received from an Overseas Pakistani to the concerned Government Agency or the Committee for redressal;
(b) give suggestions for policy changes, improvements in the system to the Government or the Government of Pakistan on the basis of recommendations of the Advisory Council or the Overseas Pakistanis;
(c) be authorized to refer any complaint of an Overseas Pakistani to the Ombudsman, notwithstanding anything contained in the Punjab Office of the Ombudsman Act, 1997 (X of 1997), for necessary action;
(d) recommend disciplinary action to the competent authority against a public servant who does not send reply to the Commissioner within thirty days of the receipt of reference from the Commissioner;
(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 early processing of such proposals;
(g) prepare an annual report about his performance for consideration and appropriate action by the Commission;
(h) hold consultative conventions or workshops involving Overseas Pakistanis;
(i) deal with the recommendations received from the 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. Focal Persons.**– Every Government Agency shall appoint one of its senior officers or employees as focal persons to liaise with the office of the Commissioner for monitoring and disposal of matters relating to the Overseas Pakistanis.

**9. Committees.**– (1) There shall be as many District Overseas Pakistanis Committees or Tehsil Overseas Pakistanis Committees in each district or tehsil as may be deemed appropriate by the Chairperson and notified in the Official gazette, consisting of:

(a) the Chairman of the Committee to be nominated by the Chairperson;
(b) Deputy Commissioner or Assistant Commissioner, as the case may be, as Vice Chairman;
(c) two persons as non-official members to be nominated by the Chairperson for a term of three years, who shall hold office till the pleasure of the Chairperson;
(d) District Police Officer or the head of Police at tehsil, as the case may be, (member); and
(e) Additional District Collector Revenue as secretary/member of the Committee.

(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 the Chairman or the Vice Chairman 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 Committees.**- (1) A Committee shall:

(a) scrutinize, process, transmit or make recommendations on the complaints of the Overseas Pakistanis in the prescribed manner;
(b) hold inquiries into the complaints to ascertain the facts thereof;
(c) inspect the record of any Government Agency within their jurisdiction;
(d) summon and enforce the attendance of any person within their jurisdiction;
(e) require the production of any document and record the statement;
(f) authorize any officer of the Committee for the examination of document and record statement;
(g) recommend to any Government Agency or a public servant to hold an inquiry into a complaint and furnish report to the Committee;
(h) make recommendations in accordance with the relevant laws and the rules for implementation by the concerned Government agencies; and
(i) send progress reports and suggestions for improvement in the system to the Commissioner.

(2) The Deputy Commissioner may exercise all or any of the powers and perform functions as hereinafter given to the Committee under this Act till the time such Committee are notified.

**11. Additional Commissioner.**– (1) The Government shall appoint an Additional Commissioner of the Commission on such terms and conditions and to perform such functions and exercise such powers as may be prescribed and until so prescribed as may be determined by the Government.

(2) The Additional Commissioner shall be from the Pakistan Administrative Service or the Provincial Management Service of the Government having basic pay scale 20 or above.

12. **Employees of the Commission**.– The Commission may employ such number of officers, officials, advisors, consultants, auditors and other employees as may be necessary for the efficient performance of its functions through hiring, initial recruitment, transfer, contract, daily wages or on deputation in such manner and on such terms and conditions as may be prescribed, or until so prescribed, as may be determined by the Government.

13. **Arbitration**.– (1) On the application of a party or on his own motion but with the consent of the other parties, the Commissioner may resolve a complaint/grievance through arbitration between the parties or appoint a team of two arbitrators, one each from amongst the persons nominated by the parties.

(2) The proceedings under this section shall be conducted in accordance with the provisions of the Arbitration Act, 1940 *(X of 1940)*.

14. **Punishment for false information by the complainant**.– (1) If a person lodges a complaint based on fake or forged information or tempered documents, he shall be liable to simple imprisonment which may extend to six months or fine which may extend to one million rupees or both.

(2) The offence under this section shall be cognizable by a Court of Magistrate 1st class on a complaint in writing by the Commissioner or a person nominated by him.

(3) The Court shall conduct the summary trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (V of 1898) relating to the summary trials.

15. **Implementation of recommendations**.– (1) All Government Agencies shall implement the recommendations of the Commission, the Commissioner and any of the Committees, within thirty days of the receipt of such recommendations.

(2) In case of defiance of the recommendations, the Commission, the Commissioner or a Committee shall recommend disciplinary action against the delinquent public servant to the concerned competent authority under the relevant disciplinary laws.

16. **Representation**.– Any person aggrieved by the decision of the Committee or the Commissioner may make a representation within thirty days, before the Additional Chief Secretary, Punjab, who may hear and decide such representation.

17. **Bar of jurisdiction**.– No court shall entertain a suit, application or other proceeding in respect of a complaint under inquiry with the Commission, Commissioner or a Committee.

18. **Overriding effect**.– The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force.

19. **Removal of difficulties**.– The Government, may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

20. **Indemnity**.– No suit, prosecution or any other legal proceedings shall lie against an officer or servant of the Commission in respect of anything done or intended to be done by him in good faith under this Act.

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

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

**23. Repeal and savings**.– (1) The Punjab Overseas Pakistanis Commission Act 2014 *(XX of 2014)* is hereby repealed.

(2) Notwithstanding the repeal of the Act mentioned in subsection (1), everything done and all actions taken, obligations, liabilities, inquiries or proceedings commenced, officers appointed or persons authorised, jurisdiction or power conferred, rule made and notification issued under any provisions of the said enactments shall, if not inconsistent with the provisions of this Act, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Act.".

**24. Repeal.**– The Punjab Overseas Pakistanis Commission Ordinance 2020 (XVIII of 2020) is hereby repealed.

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**Muhammad Khan Bhatti**
**Secretary**