

THE PUNJAB SOCIAL PROTECTION AUTHORITY ACT 2015 (XXII OF 2015)

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TEXT

**THE PUNJAB SOCIAL PROTECTION AUTHORITY ACT 2015
(XXII OF 2015)**

[14th April, 2015]

**AN
ACT**

to provide for the establishment of the Punjab Social Protection Authority.

Whereas it is expedient to establish the Punjab Social Protection Authority to provide a comprehensive, efficient, effective and inclusive social protection system to the poor and vulnerable in the Punjab; and to deal with ancillary matters;

It is enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Social Protection Authority Act 2015.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) "Auditor" includes Chartered Accountant appointed to conduct an audit under section 18 of the Act;

(b) "Authority" means the Punjab Social Protection Authority established under section 3 of the Act;

(c) "Chairperson" means Chairperson of the Authority;

(d) "Chief Executive Officer" means Chief Executive Officer of the Authority;

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

(f) "member" means a member of the Authority;

(g) "poor" means an individual or household who or which is living below poverty line as may be determined by the Authority;

(h) "prescribed" means prescribed by rules or regulations made under the Act;

(i) "region" means an area designated as region by the Authority under section 6 of the Act;

(j) "social protection" means all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalized with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalized groups;

(k) "Vice Chairperson" means Vice Chairperson of the Authority; and

(l) "vulnerable" means a state in which an individual or household lack capacity to combat the impact of adverse shocks pushing any household into poverty and poor into deeper poverty.

3. Establishment of the Authority.— (1) The Government shall establish the Authority to be called the Punjab Social Protection Authority for carrying out the purposes of this Act.

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

(3) The Authority shall consist of the following:

(a) Chief Minister, Punjab;

Chairperson

(b) a person who holds at least a master's degree recognized by Higher Education Commission with

Vice Chairperson

at least five years' experience in social sector, to be nominated by the Chairperson;

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| (c) | Minister for Food; | Member |
| (d) | Minister for Health; | Member |
| (e) | Additional Chief Secretary of the Government; | Member |
| (f) | Chairman, Planning & Development Board of the Government; | Member |
| (g) | Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary; | Member |
| (h) | Secretary to the Government, Social Welfare and Bait-ul-Maal Department or his nominee not below the rank of an Additional Secretary; | Member |
| (i) | Secretary to the Government, Industries Department or his nominee not below the rank of an Additional Secretary; | Member |
| (j) | Secretary to the Government, Zakat and Ushr Department or his nominee not below the rank of an Additional Secretary; | Member |
| (k) | Secretary to the Government, Labour and Human Resource Department or his nominee not below the rank of an Additional Secretary; | Member |
| (l) | Secretary to the Government, Women Development Department or his nominee not below the rank of an Additional Secretary; | Member |
| (m) | six members of the Provincial Assembly of the Punjab including at least two female members of the Assembly to be nominated by the Speaker of the Provincial Assembly; | Members |
| (n) | six representatives of civil society organizations to be nominated by the Government; and | Members |
| (o) | Chief Executive Officer. | Member/Secretary |

(4) In the absence of Chairperson, the Vice Chairperson shall exercise all powers of the Chairperson.

(5) The Chairperson or in his absence, the Vice Chairperson may co-opt any other person as a member of the Authority for a specified period or for a specified purpose.

(6) The tenure of the non-official members including Vice Chairperson shall be three years extendable for another one year.

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

4. Qualifications of non-official members.— A person shall be eligible to be a non-official member who:

- (a) is a citizen of Pakistan and is not less than twenty five years of age;
- (b) has not been convicted by a court on charge of corrupt practice, moral turpitude or misuse of power or authority under any law;
- (c) is not an undischarged insolvent;
- (d) does not have a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests; and
- (e) has at least five years of experience in social sector.

5. Removal of non-official members.— The Government may remove a non-official member if he:

- (a) ceases to be a citizen of Pakistan; or
- (b) resigns by tendering resignation in writing; or
- (c) is declared by the court as an insane person; or
- (d) is found guilty of misconduct; or
- (e) is convicted and sentenced to imprisonment.

6. Functions of the Authority.— The Authority shall perform the following functions:

- (a) to formulate social protection policy for the Punjab in consultation with all stakeholders and synergize efforts in formulation of the policy with the Federal Government, national and international institutions;
- (b) to consolidate and coordinate all public social protection initiatives through policy framework for each sector including Federal Government's initiatives;
- (c) to formulate policies and propose legislation for the welfare and benefit of the poor and vulnerable;
- (d) to formulate policies for the protection of legal rights of poor and vulnerable;
- (e) to ensure equitable allocation of resources in line with carefully identified objectives;
- (f) to prepare, store and disseminate data regarding eligible poor and vulnerable under various categories of poverty;
- (g) to evaluate performance of social sector programs;
- (h) to determine and notify eligibility criteria for assistance under social protection programs;
- (i) to formulate policies for effective and efficient mechanisms for relevant agencies and to evaluate performance of such agencies;
- (j) to formulate and execute policies for social protection which may include food, education, health, social assistance, social inclusion and labour market regulations;
- (k) to conduct research and formulate proposals for new interventions into the existing social protection programs and execute the same;
- (l) to prepare strategic reports that set out policies over a specified period to meet the targets for social protection;
- (m) to compile a set of common indicators which show how progress towards the goals of social protection is achieved;
- (n) to notify procedure for the identification, coverage and delivery mechanisms for the welfare beneficiaries;
- (o) to notify the disbursement procedures of the social interventions for each relevant Government department or agency;
- (p) to approve the budget of the Authority and to re-appropriate funds;
- (q) to evaluate and monitor the implementation of the decisions of the Authority;
- (r) to monitor existing social protection programs and recommend to the Government their reorganization, consolidation or amalgamation with other social protection programs in the interest of efficiency and utility;

- (s) to designate regions for discharge of obligations under this Act and develop social protection framework for each region;
- (t) to oversee the establishment of social protection centers in each region to provide legal and social protection assistance and promote social awareness;
- (u) to engage any person or entity on contract basis to carry out assignments in accordance with the rules and regulations; and
- (v) any other function assigned to the Authority by the Government.

7. Meetings.— (1) The Authority shall meet at least once in a quarter, at such place and at such time and shall observe such procedure in regard to transaction of business at its meetings as may be prescribed.

(2) The meetings of the Authority shall be presided over by the Chairperson and, in the absence of the Chairperson, by Vice Chairperson and in case of absence of both, a member of the Authority elected for the purpose by the members present in the meeting.

(3) Twelve members shall constitute quorum for a meeting of the Authority.

8. Committees.— (1) The Authority may constitute Social Protection Coordination Committee consisting of such members as the Authority may notify.

(2) The Social Protection Coordination Committee shall coordinate with the Federal Government or other agencies for functional linkage between the Federal and Provincial Government's initiatives in various social sectors and the Committee shall supervise and oversee any joint ventures or mutually identified programs.

(3) The Authority may constitute committees such as financial, technical and advisory committees, as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

(4) No committee under this Act shall be constituted without the representation of two non-official members including at least one member of the Provincial Assembly of the Punjab.

(5) A committee formed under this section, through a majority vote, may co-opt one or more non-members for technical advice and the co-opted member may advise the committee but shall not vote.

9. Chief Executive Officer.— (1) There shall be a Chief Executive Officer and a Deputy Chief Executive Officer of the Authority to be appointed by the Government.

(2) The Chief Executive Officer shall:

- (a) be the head of the management and Principal Accounting Officer of the Authority and shall act as Secretary to the Authority;
- (b) be responsible to the Authority for implementation of the decisions of the Authority;
- (c) be responsible to the Authority in respect of all matters relating to the structure, administration and personnel of the Authority; and
- (d) have such powers regarding appointment, transfer, promotion, dismissal and other matters affecting the staff of the Authority as may be prescribed in the regulations or as may be delegated by the Authority.

(3) The Deputy Chief Executive Officer shall perform the duties of the Chief Executive Officer when the latter is absent or is prevented from acting.

(4) The Chief Executive Officer may assign to the Deputy Chief Executive Officer the responsibility for certain services or delegate to him any of his own powers under this Act, the rules and the regulations.

10. Delegation.— The Authority may, subject to such conditions as the Authority may deem appropriate, delegate to the Chief Executive Officer, a committee constituted

under section 8, an agency, a member or an officer of the Authority, any of its functions under this Act or the rules except the functions of the Authority provided in clauses (g), (j), (l) and (m) of section 6 and also provided in sections 17, 19 and 22.

11. Appointment of officers and employees.— Subject to the prior approval from the Authority, the Chief Executive Officer may appoint such officers, advisors, experts, consultants and employees, as he considers necessary for the efficient performance of functions of the Authority on such terms and conditions as the Authority deems fit in the prescribed manner.

12. Public servants.— The Chief Executive Officer, Deputy Chief Executive Officer and other employees of the Authority shall be deemed to be public servants.

13. Liability for loss.— Any person employed by or serving under the Authority charged with the administration of the affairs of the Authority or acting on behalf of the Authority or acting under a contract with the Authority, who is responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to the Authority which is a direct consequence of his negligence or misconduct in the discharge of his duties, shall be liable to pay the loss suffered by the Authority on the same being determined by the Authority after giving the person concerned a reasonable opportunity of being heard.

14. Directions by the Government.— The Authority shall, in discharging its functions, act on and be guided by, such directions as the Government may give to it.

15. Transfer of functions.— Where the Authority ceases to perform a function and another organization controlled by the Government assumes that function, or the Authority assumes a function previously performed by another organization, the Government may direct that:

- (a) in case another organization assumes any of the functions of Authority, the employees of the Authority connected with that function shall become servants of the said organization on such terms and conditions as the said organization may determine, subject to the condition that the said terms and conditions are not less favourable than those admissible to them as employees of the Authority;
- (b) in case the Authority assumes the functions of another Government controlled organization, the servants of that organization connected with that function may become the employees of the Authority on such terms and conditions that the Authority may determine, subject to the condition that the said terms and conditions shall not be less favourable than those admissible to them as servants of that organization; and
- (c) such part of the funds of the Authority or the organization, as the Government may determine, shall stand transferred to the said organization or the Authority.

16. Fund.— (1) There shall be established a Fund to be known as the Social Protection Authority Fund which shall vest in the Authority and shall be utilized in such manner as may be prescribed by the Authority.

- (2) The Social Protection Authority Fund shall consist of:
 - (a) grants made by the Government;
 - (b) moneys received from the Federal Government or any agency by way of grants;
 - (c) donations by persons or association of persons;
 - (d) Zakat;

(e) social protection cess on transfer of property and purchase of land; and

(f) all other sums as may be received by the Authority.

(3) The Authority shall keep the donations and Zakat in separate bank account and shall not be utilized for any other purpose except for the welfare initiatives under this Act.

(4) Notwithstanding anything contained in any other law, all grants, moneys, donations and income received by the Social Protection Authority Fund shall be exempt from all provincial taxes.

17. Budget.— (1) The Chief Executive Officer shall, in respect of each financial year, in accordance with the financial procedures prescribed, prepare the annual budget of the program and submit the same to the Authority for approval.

(2) Subject to rules and regulations and any general or specific instructions of the Authority, the Chief Executive Officer may incur expenditure for purposes of this Act.

18. Accounts and audit.— (1) The Authority shall maintain complete and accurate books of accounts in connection with discharge of its responsibilities under this Act as may be prescribed by the Auditor General.

(2) The Auditor General shall audit the accounts of the Authority every year in such manner as is prescribed.

(3) The Chairperson may, at any time, appoint a Chartered Accountant or a firm of Chartered Accountants to conduct an additional external audit of the accounts of the Authority and submit its report to the Authority.

(4) The Authority shall produce all books of accounts and documents and furnish such explanation and information as an Auditor may require for the purposes of audit.

(5) The Chief Executive Officer shall, after the audit report is received, submit a copy of the audit report to the Authority for information and any remedial action, if so required.

19. Annual report.— The Authority shall prepare an annual report for every financial year and shall, within four months from the closing of last financial year, submit the annual report to the Provincial Assembly of the Punjab through the Government.

20. Immunity of the Authority and its employees.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairperson, the Chief Executive Officer, any member, officer, servant, expert or consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.

21. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying into effect the purposes of this Act.

22. Power to make regulations.— Subject to this Act and the rules, the Authority may, by notification in the official Gazette, make regulations for giving effect to the provisions of the Act.

23. Act to prevail over other laws.— In the event of any conflict or inconsistency between the provision of this Act and the provision of any other law, the provision of the Act shall, to the extent of such conflict or inconsistency, prevail.

24. Obligation to produce documents and provide information.— (1) The Authority or the Chief Executive Officer may require, in writing, any person, Government department, authority, statutory body, company or organization, as the case may be, to provide any information or data held by that person, Government department, authority,

statutory body, company or organization, which, in the opinion of the Authority is required for purposes of formulation of policy or exercising the powers granted by the provisions of this Act.

(2) Every person, Government department, authority, statutory body, company or organization shall furnish the information requisitioned by such officer under sub-section (1), at the earliest.

25. Repeal and savings.— (1) The Punjab Social Services Board Ordinance, 1970 (*II of 1970*) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Social Services Board Ordinance, 1970 (*II of 1970*):

- (a) any action taken or order or appointment made under the repealed Ordinance shall be deemed to have been taken or made under this Act;
- (b) all rights, properties, assets or liabilities of the Punjab Social Services Board established under the repealed Ordinance shall stand transferred to the Authority; and
- (c) all employees of the Punjab Social Services Board established under the repealed Ordinance shall be deemed to be the employees of the Authority but their terms and conditions of employment in the Authority shall not be less favourable than those as employees of the Punjab Social Services Board.

26. Repeal.— The Punjab Social Protection Authority Ordinance, 2015 (*VII of 2015*) is hereby repealed.
