

# THE KHYBER PAKHTUNKHWA PANAHAH ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XI OF 2020)

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# THE KHYBER PAKHTUNKHWA PANAHGAH ACT, 2020

(KHYBER PAKHTUNKHWA ACT NO. XI OF 2020)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 27<sup>th</sup> January, 2020).

AN

ACT

to establish Panahgah for night stay facility to the shelterless people with comfort and dignity in the Province of the Khyber Pakhtunkhwa.

WHEREAS the Constitution of the Islamic Republic of Pakistan, enjoins on the State to alleviate the sufferings of all the citizens, irrespective of sex, caste, creed or race;

AND WHEREAS it is expedient to establish Panahgah for the night stay facility to the shelterless people with comfort and dignity in the Province of the Khyber Pakhtunkhwa and for matters connected herewith or ancillary thereto;

It is hereby enacted as follows:

PART-I

PRELIMINARY

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Panahgah Act, 2019.

(2) It shall extend to whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "Board" means the Khyber Pakhtunkhwa Panahgah Welfare Board established under section 3 of this Act;

(b) "Chairperson" means the Chairperson of the Board;

(c) "member" means a member of the Board;

(d) "Chief Minister" means the Chief Minister of the Province;

(e) "Department" means the Zakat, Usher, Social Welfare, Special Education and Women Empowerment Department;

(f) "Fund" means the Khyber Pakhtunkhwa Panahgah Welfare Fund established under section 10 of this Act;

(g) "Government" means the Government of the Khyber Pakhtunkhwa;

(h) "prescribed" means prescribed by rules or regulations;

(i) "Province" means the Province of the Khyber Pakhtunkhwa;

Gj) "Panahgah" means a temporary accommodation for night stay facility i.e from 06:00 P.M. to 09:00 A.M .to the shelterless people with comfort and dignity;

(k) "regulations" mean the regulations made under this Act;

() "rules" mean the rules made under this Act;

(m) "'shelterless" means a temporarily traveller from any area of country,

having no place for night stay; and

(n) "welfare" includes all such services relating to boarding and lodging of shelterless people.

## PART-II

### PANAHGAH WELFARE BOARD

3. Establishment of the Board.---(1) As soon as after the commencement of this Act, Government shall establish a Board to be known as the Khyber Pakhtunkhwa Panahgah Welfare Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to enter into contracts, acquire, purchase, hold and dispose of both movable and immovable property and shall by its name sue or be sued.

(3) The head office of the Board shall be at Peshawar.

4. Composition of the Board.--- (1) The Board shall consist of-

(a) ten (10) representatives from Non-Governmental Members Organizations/Individuals working for shelterless people, to be nominated by the Chief Minister on the recommendation of the Department; and

(b) Director, Social Welfare, Special Education and —\_ Secretary-cum-Women Empowerment Department. Member.

(2) Members at clause (a) of sub-section (1), shall be the persons of repute having experience in provision of shelter to the poor and needy people.

(3) Members at clause (a) of sub-section (1), shall be nominated for a term of three years which may be extended for further term of two years on the recommendation of the Board.

(4) The Chairperson shall be elected by the members through voting from amongst themselves, who shall preside over the meeting. In case of his absence, the Chairperson may nominate a member of the Board as acting Chairperson, or if he has not

done so, the members present shall elect amongst themselves an acting Chairperson for that meeting.

(5) The Board shall have powers to co-opt members from amongst persons who are experts in their respective fields, for advice on particular matters under consideration.

(6) Members at clause (a) of sub-section (1), may resign from his office by writing under his hand addressed to the Chief Minister.

(7) Any casual vacancy of a member at clause (a) of sub-section (1), shall be filled in by a person nominated by the Chief Minister on the recommendation of the Department and the person so nominated shall hold office for the unexpired period of the term of his predecessor.

(8) The membership of members at clause (a) of sub-section (1), shall cease and fall vacant if, he resigns, or fails to attend three consecutive meetings without sufficient cause or for any other reasons mentioned in sub-section (9) below which incapacitate him to remain as member. Any such vacancy shall be filled in within one month.

(9) No person shall be appointed or remain as member at clause (a) of sub-section (1), if he-

(a) is of unsound mind;

(b) has applied to be adjudicated as an insolvent and his application is pending;

(c) is an un-discharged insolvent;

(d) has been convicted by a Court of law for an offence involving moral turpitude;

(e) has been debarred from holding any office under provisions of law; and

(f) has conflict of interest with such position.

5. Powers and functions of the Board.--(1) Subject to the provisions of this Act

and rules, the Board shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub-section, the Board shall-

(a) formulate policy proposals for shelterless people in the light of national commitments on the welfare of such people and submit it to Government for approval;

(b) co-ordinate with Government, non-governmental social and welfare organizations at National and International level to take steps for the welfare of shelterless people;

(c) establish Panhagah to provide temporary accommodation to

shelterless people for night stay;

(d) conduct research or surveys and compile data on various aspects of shelterless people for policy or plan formulation in the prescribed manner;

(e) undertake social and other welfare activities in collaboration with public and private sectors for the welfare of shelterless people;

(f) encourage and establish partnership with philanthropist and charity organizations to improve the welfare activities for shelterless people in the Panahgah;

(g) mobilize financial resources for activities of Panahgah;

(h) approve the financial plans and annual budget of the Board;

(i) prescribe the criteria for shelterless people;

Gj) prescribe procedure for admission and leaving of the shelterless people in the Panagah;

(k) constitute committees to assess and carry out welfare activities for shelterless people;

(l) create awareness about Panagah in the public through workshops, conferences and use of electronic, social and print media; and

(m) perform such other functions as may be assigned to it by Government for carrying out the purposes of this Act.

6. Meetings of the Board.--(1) The meetings of the Board shall be held quarterly or as and when required during urgency, and shall be presided over by the Chairperson or, in his absence, by a member nominated by the Chairperson for the purpose.

(2) One third of the total members shall constitute the quorum and no quorum shall be necessary for adjourning the meeting.

(3) All decisions of the Board shall be taken with simple majority of the members present in the meeting. The Chairperson shall have a casting vote in case of a tie.

(4) Decision of the Board shall be recorded by the Secretary of the Board, who shall circulate such decisions for confirmation to Chairperson and the members within ten days of each meeting.

7. Appointment of employees, etc.--(1) To carry out the purposes of this Act, the Board may, with the approval of Government, appoint experts, having specialization and expertise in the related field and other officers and employees on such terms and conditions as may be prescribed by rules.

(2) All employees of the Board shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

8. Register for record.-- The Panagah staff shall register shelterless people on daily basis in the register maintained for record. The shelterless people shall provide the following information for the purpose of registration in Panagah, namely:

- (a) his name;
- (b) his father name;
- (c) CNIC number;
- (d) marital status; and
- (e) purpose of his visit.

9. Privileges to shelterless people.--The shelterless people shall have the following privileges in Panahgah:

- (a) free of cost boarding and lodging facilities for night stay; and
- (b) medical treatment through referral mechanism in the prescribed manner.

10. Fund.--(1) There shall be a Fund to be known as the Khyber Pakhtunkhwa Panahgah Welfare Fund.

(2) The Fund shall consist of-

- (a) all grants, allocations made by the Federal Government or Government;
- (b) donations, endowments, contributions made by the private individual organizations within Country and abroad; and
- (c) all sums received by the Board from any other source including Pakistan Bait-ul-Mal, funds generated by different motivated campaigns and received from any lawful sources.

(3) Funds shall be invested as per Government policy.

(4) The Fund shall be administered by the Board, which shall make such allocations for specific activities, enumerated in sections 7 and 9 of this Act as it may deem appropriate.

(5) Government shall make annual resource allocations for the establishment and other operational charges of the Board.

(6) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Board in prescribed manner.

(7) The Fund shall be regularly monitored by the Board.

(8) The annual audit report of the Fund shall be made available to the general public and submitted to the Provincial Assembly.

(9) The accounts of the Board shall be maintained in such form and in such manner as may be prescribed.

(10) Accounts of the Board shall be audited by Auditor General of Pakistan.

11. Power to make rules.--Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. Power to make regulations:--Subject to the Provisions of this Act and rules, the Board may by notification, make regulations for carrying out the purposes of this Act.