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THE BAB-E-PAKISTAN FOUNDATION ACT 2014 (XVIII of 2014)

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TEXT

¹THE BAB-E-PAKISTAN FOUNDATION ACT 2014
(XVIII of 2014)

[26th June, 2014]

An
Act

to establish Bab-e-Pakistan Foundation.

Whereas Bab-e-Pakistan Trust has been dysfunctional since long as the National Memorial Council has not been able to meet; death of majority of the members of the National Memorial Council has made it impossible for the Bab-e-Pakistan Trust to manage its affairs; interim governing body has also contributed in mismanagement of the Trust; it is necessary to perform its functions and to take necessary steps to achieve its objectives of the Bab-e-Pakistan Trust; therefore, it is expedient to establish Bab-e-Pakistan Foundation to provide institutional framework for carrying out the functions as envisaged in the memorandum and articles of association of the Bab-e-Pakistan Trust for acknowledging sacrifices made at the time of creation of Pakistan; to patronize, promote and develop the arts, crafts and culture of Pakistan; and to deal with connected matters;

It is enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Bab-e-Pakistan Foundation Act 2014.

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

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) “Board” means Board of Governors of the Foundation;

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

(c) “Foundation” means Bab-e-Pakistan Foundation;

(d) “Government” means Government of the Punjab;

(e) “member” means a member of the Board and includes the Chairperson, Vice Chairperson and Secretary of the Board;

(f) “prescribed” means prescribed by rules or regulations made under the Act; and

(g) “Secretary” means Secretary of the Foundation.

3. Establishment of the Foundation.— (1) The Government may, by notification, establish a Foundation to be known as Bab-e-Pakistan Foundation.

¹This Act was passed by the Punjab Assembly on 24 June 2014; assented to by the Governor of the Punjab on 25 June 2014; and, was published in the Punjab Gazette (Extraordinary), dated 26 June 2014, pages 4179-4184.

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

(3) The Foundation shall not, without prior approval of the Government, sell, mortgage or permanently alienate any of its property or raise loans or advances.

4. Functions.– The Foundation shall:

- (a) construct and maintain national memorials for the people who sacrificed their lives for or at the time of creation of Pakistan;
- (b) promote the ideology of Pakistan;
- (c) promote national and regional languages, arts, crafts, handicrafts and culture of Pakistan;
- (d) organize regional, national or international social, cultural, industrial or literary fairs, festivals and other programmes, cultural ensembles and exhibitions, within Pakistan or abroad, on its own or in collaboration with a local or foreign institution;
- (e) construct, establish and lease theme parks and allied facilities in furtherance of its purposes;
- (f) conduct research, hold seminars and workshops and arrange publication and printing of books, brochures and pamphlets in furtherance of its objectives;
- (g) construct display centers for paintings, books, handicrafts and other intellectual products of Pakistan;
- (h) celebrate independence day and organize functions on national days of Pakistan;
- (i) establish art galleries and museum depicting struggle for the freedom, mass migration and sacrifices for the establishment of Pakistan;
- (j) engage professionals, public and private sector organizations to undertake research on social and historical matters relating to Pakistan;
- (k) undertake land development, grant lease of land or building in the prescribed manner to achieve self-sustainability;
- (l) encourage culture of tolerance, peace and love as preached by the great sufi poets of Pakistan;
- (m) promote love and brotherhood among the people of various Provinces of Pakistan and integrate regional diversities with national unity through art, craft and literature;
- (n) interact with cultural and literary institutions, organizations and libraries;
- (o) enter into agreement with local, national or international bodies for purposes of promotion of art, culture and literature;
- (p) facilitate equal opportunities to women in all cultural undertakings;

- (q) provide financial, material and technical assistance for cultural development;
- (r) undertake cultural projects and programmes with local or foreign collaboration; and
- (s) perform any other function which is incidental to any of the above functions or as may be prescribed.

5. Board of Governors.– (1) There shall be a Board to manage and regulate the affairs of the Foundation.

(2) The Board shall consist of not more than fifteen members including the Chairperson, Vice Chairperson and Secretary.

(3) The Government shall appoint the Chairperson, Vice Chairperson and other members of the Board.

(4) A non-official member shall be appointed for a term of two years but shall be eligible for reappointment.

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

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

(7) The Chairperson or, in his absence, the Vice Chairperson shall preside over a meeting of the Board, and, in the absence of the Vice Chairperson, the members present at a meeting shall nominate a member to preside at that meeting.

(8) A member, other than the Secretary, shall perform the duties without any remuneration except such travelling and daily allowance as may be prescribed.

6. Authentication of decisions.– All the decisions of the Board shall be authenticated by the signatures of the person presiding the meeting and the Secretary.

7. Disqualifications.– No person shall be appointed or shall continue as the Chairperson, Secretary or member, if he:

- (a) has been convicted of an offence involving moral turpitude; or
- (b) has been found guilty of misconduct; or
- (c) has been declared to be of unsound mind by a competent court; or
- (d) has been or is adjudged as an discharged insolvent; or
- (e) is incapable of discharging his duties by reason of physical or mental infirmity and has been so declared by a Special Medical Board appointed by the Government; or
- (f) is an employee or member of the staff of the Board other than the Secretary; or

- (g) fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravenes any of the provisions of the Act; or
- (h) stands disqualified by the order of the Court to hold any public office; or
- (i) fails to attend more than three consecutive meetings of the Board without leave.

8. Casual vacancy.— The Government shall fill a casual vacancy caused owing to removal or permanent absence of a member, other than an ex-officio member, for the unexpired period of the term of the member.

9. Resignation.— A member, other than an ex-officio member, may resign his office by tendering his resignation in writing to the Government.

10. Removal.— The Government may, at any time, remove a member, other than an ex-officio member, from the Board without assigning any reason.

11. Committees.— (1) The Board may constitute such executive, financial, technical, advisory and other committees as may be prescribed or as may be deemed necessary for carrying out the purposes of this Act.

(2) The committee shall perform such functions as may be assigned to it by the Board.

12. Delegation.— The Board may, subject to such conditions and limitations as it may impose, delegate any of its functions to the Chairperson, Vice Chairperson, Secretary, a committee or to an institution or authority established under any law except the function to:

- (a) make, amend or repeal regulations;
- (b) constitute a committee or fill a vacancy in a committee; or
- (c) approve any project, annual budget, audited accounts and annual report of the Foundation.

13. Secretary.— (1) The Government shall appoint a Secretary for a period not exceeding three years on such terms and conditions as the Government may determine.

(2) The Secretary shall be the Secretary of the Board and shall hold office during the pleasure of the Government.

(3) Notwithstanding the expiration of the term, the Secretary shall continue to hold office on the same terms and conditions for a period of three months or till his successor enters upon office, whichever is earlier.

(4) Nothing contained in this section shall preclude the Government from appointing the same person as Secretary for another term.

(5) The Secretary may resign his office subject to one month's prior notice in writing to the Government or on payment of one month's pay in lieu of the notice.

(6) The Secretary shall:

- (a) perform such functions as are assigned to him under this Act; and
- (b) have such powers, including the powers of appointment, transfer, promotion, dismissal, and other matters affecting the staff and employees, as are delegated by the Board or as may be prescribed.

14. Staff.— (1) The Foundation may employ such persons as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

(2) The employees of the Foundation shall hold office during the pleasure of the Foundation and shall, subject to notice and opportunity of hearing, be liable to such disciplinary action as may be prescribed.

15. Disclosure of interest.— (1) If the Chairperson, Vice Chairperson, Secretary, member, a staff or other employee, including an adviser, consultant, agent, actuary, valuator, lawyer, and auditor or the family of such a person has, direct or indirect interest in any matter relating financial transactions of the Foundation, such person shall forthwith disclose that interest to the Board and the Board may take such action as it may consider appropriate.

(2) If a person present at a meeting of the Board or of a committee or his family or his professional or business partner or associate has direct or indirect interest in the subject matter under consideration in that meeting, he shall:

- (a) forthwith disclose the interest; and
- (b) withdraw from the meeting during the consideration of that matter.

16. Fund.— (1) There shall be a Fund of the Foundation, which shall vest in the Foundation and to which shall be credited all moneys received by the Foundation.

(2) The Fund shall consist of:

- (a) grants made or loans advanced by the Government or the Federal Government or any other Provincial Government;
- (b) aid and assistance, grants, advances, donations and other non-obligatory funds received from any person, body or entity, national or international agency;
- (c) loans and advances obtained from the financial institutions; and
- (d) any other income received from any other source.

(3) The Foundation may receive, own and maintain a property transferred to it by any person, body or organization.

17. Budget.— The Secretary shall prepare annual budget comprising the expected income and expense for the ensuing financial year and submit it to the Board for approval in such form and manner as may be prescribed.

18. Accounts.— (1) The Foundation shall maintain proper accounts and other records relating to its financial affairs including its income and expenditure and its assets and liabilities in such form and manner as may be prescribed.

(2) The Board may open and maintain its accounts in a scheduled bank approved by the Government.

(3) After the end of a financial year, the Foundation shall prepare the statements of account which shall include a balance-sheet and an account of income and expenditure during the last financial year.

19. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Foundation.

(2) The Government, in addition to the audit under subsection (1), may cause the accounts of the Foundation annually audited by a Chartered Accountant or a firm of Chartered Accountants.

20. Recovery of dues.— Any amount due to the Foundation may be recovered as arrears of land revenue by an officer authorized for the purpose by the Board.

21. Ejectment of unauthorized occupants.— Subject to an opportunity of hearing, the Secretary, or any person authorized by the Board, may summarily eject any person in unauthorized occupation of any land or property vested in the Foundation and may for such ejectment use such force as may be necessary.

22. Immunity.— No suit, prosecution or other legal proceedings shall lie against the Government, Foundation, Chairperson, Vice Chairperson, member, Secretary, consultant, officer or other employees of the Foundation in respect of anything done or intended to be done in good faith under this Act.

23. Annual report.— (1) The Foundation shall, within three months of the close of a financial year, submit to the Government an annual report.

(2) The report shall consist of:

(a) the statement of accounts of the financial year;

(b) a comprehensive statement of the work and activities of the Foundation during the preceding financial year;

(c) future plans and projects; and

(d) such other matters as may be prescribed or as the Board may consider appropriate.

24. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

25. Regulations.— Subject to this Act and the rules, the Foundation may, by notification, frame regulations to give effect to the provisions of the Act.

26. Dissolution and Savings.— (1) Notwithstanding anything contained in the Societies Registration Act, 1860 (XXI of 1860), on the establishment of the Foundation under this Act, the Bab-e-Pakistan Trust, established as a society on June 04, 1992 under the said Act, shall stand dissolved and all its assets and liabilities and staff shall stand transferred to the Foundation.

(2) Subject to any other law but notwithstanding the dissolution of the society, anything done, action taken, obligation, liability, penalty or punishment

incurred, agreement signed, inquiry or proceedings commenced, persons appointed, regularized or authorized, rules made and order or notification issued under any of the provisions of the Memorandum of Association of the said society, if not inconsistent with the provisions of this Act, shall be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, made and issued under the Act.

27. Repeal.– The Bab-e-Pakistan Foundation Ordinance 2014 (IV of 2014) is hereby repealed.