

**AN
ACT**
*to provide for the establishment of the Khyber Pakhtunkhwa
Deserving Widows and Special Persons Welfare Foundation
in the Province of the Khyber Pakhtunkhwa.*

WHEREAS, it is expedient to establish a Foundation for the welfare of the deserving widows and special persons in the Province of the Khyber Pakhtunkhwa through financial assistance, trainings, tools, equipments, shelters, enterprises etc; in line with the spirit of well-being of the people as envisaged in the Constitution of the Islamic Republic of Pakistan;

It is hereby enacted as follows:-

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Act, 2014.

(2) It shall extend to the 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 Board constituted under section 4 of this Act;

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

(c) “deserving special person” means a person declared special person by an authorized medical board and eligible for khairat, sadqat, zakat or any assistance for food, shelter, health, training, small business, education and permanent rehabilitation etc.;

(d) “deserving widow” means a widow, who stands deserved for khairat, sadqat, zakat or any other assistance to meet her requirements of food, shelter, health, training, small business, education and permanent rehabilitation as the case may be;

(e) “Foundation” means the Foundation established under section 3 of this Act;

(f) “Fund” means the Fund established under section 11 of this Act;

(g) “Government” means the Government of the Khyber Pakhtunkhwa;

(h) “member” means a member of the Board;

(i) “prescribed” means prescribed by rules or regulations;

(j) “regulations” mean regulations made under this Act;

(k) “rules” mean rules made under this Act; and

(l) “Secretary” means Secretary of the Board.

3. Establishment of the Foundation.---(1) As soon as may be, after the commencement of this Act, Government shall establish a Foundation to be known as the Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation.

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

(3) The main office of the Foundation shall be at Peshawar. Government may establish its regional offices at district level.

4. Board.---(1) There shall be a Board, consisting of a Chairperson and the followings:

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|------|---|-----------------------|
| (a) | Chairman, Provincial Zakat Council; | Member |
| (b) | Chairperson, Provincial Commission on the Status of Women; | Member |
| (c) | Chairman, Lissail-e-Wall Mahroom; | Member |
| (d) | Secretary to Government, Finance Department or his nominee; | Member |
| (e) | Secretary to Government, Zakat, Ushr, Social Welfare, Special Education and Women Empowerment department; | Member |
| (f) | eight persons to be appointed by Government for a period of three years on the recommendation of the search committee from the panel of known philanthropists; | Member |
| (g) | three representatives or executive heads of well-reputed welfare organizations to be appointed by Government for a period of three years on the recommendation of the search committee from the panel of representatives of such organizations; and | Member |
| (h) | Secretary of the Board. | Secretary-cum-Member. |

(2) The Chairperson shall be appointed by Government on the recommendation of search committee on such terms and conditions as Government may determine.

(3) The search committee for the recommendation of Chairman and members at clauses (f) and (g) of sub-section (1) of section 4 shall be constituted and notified by Government in the prescribed manner.

(4) The Chairperson shall hold office for a term of three years and shall be eligible for re-appointment for another such term only.

(5) The Chairperson or any member, other than ex-officio members may resign from his office by tendering his resignation to Government.

(6) Subject to sub-section (4), the Chairperson or a member, as the case may be, shall continue to hold office until his resignation is accepted by Government.

(7) Government may remove the Chairperson or member, other than ex-officio members on the grounds of inefficiency or misconduct after giving him an opportunity of being heard.

(8) Any vacancy caused due to death, resignation or removal of the Chairperson or member, other than an ex-officio member, shall be filled in by Government through appointment of another person as Chairperson or member, as the case may be, and such appointee shall hold such office for the unexpired term of his predecessor.

5. Meetings of the Board.---(1) A meeting of the Board shall be called by the Chairperson on such date and at such place, as he may deem appropriate.

(2) The Board shall meet at least once in three months.

(3) Meeting of the Board shall be presided over by the Chairperson, or in his absence, a member to be nominated by the Chairperson.

(4) Quorum for the meeting shall be one-third of the total membership of the Board.

(5) All decisions at a meeting shall be made by majority of votes. In the event of equality of votes, the person presiding meeting shall have a second or casting vote.

6. 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, to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing sub-sections, the Board shall-

- effective
- (a) lay down the policy, guidelines and issue directions for efficient and performance of the Foundation;
 - (b) maintain general supervisions over the affairs of the Foundation;
 - (c) approve terms and conditions of the service of the employees, officers, consultants and advisors of the Foundation;
 - (d) approve the budget of the Foundation with allocations for different programs;
 - (e) examine and approve the scrutinized applications of the deserving widows and deserving special persons for their assistance;
 - (f) lay down the criteria for the mode of assistance;
 - (g) enable the deserving widows and deserving special persons to play their due role in the national development;
 - (h) mobilize and motivate the general public for all kind of contribution for the well-being of the deserving widows and deserving special persons;

- (i) generate resources for the well-being of deserving widows and deserving special persons;
- (j) introduce innovative programs related to skill oriented discipline for the brilliant deserving widows and deserving special persons;
- (k) interaction with donors, both inland and abroad, registered Non-Governmental Organizations, recognized institutions, and philanthropists to generate funds for the Foundation; and
- (l) perform such other functions as may be necessary.

(3) For the purpose of collection or verification of data regarding deserving widows and special persons as well as disbursement or monitoring of financial assistance to such persons, all the concerned authorities in the Province shall assist the Board for the performance of its functions under this Act.

6A. Committees.---The Board may constitute executive, financial, technical, assessment, monitoring and other Committees as it may deem necessary and such Committees shall exercise such powers and functions as may be assigned to it by the Board.

7. Delegation of Powers.---The Board may delegate any of its powers and functions to any employee of the Foundation.

8. Secretary of the Board.---(1) There shall be a Secretary of the Board, who shall be appointed by Government on such terms and conditions, as may be prescribed.

(2) The Secretary shall perform such functions as may be prescribed.

9. Appointment of Officers, etc.---The Board may employ officers, advisors, consultants and other employees in service of Foundation, as may be necessary for the efficient administration of Foundation, in such manners and on such terms and conditions, as may be prescribed.

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

11. Fund.---(1) There shall be a fund to be known as the Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Fund, which shall consist of endowments, grants, contributions, donations, trusts, bequest by:

- (a) Federal Government;
- (b) Government;
- (c) International and local donor agencies; and
- (d) Others.

12. Audit and Accounts.---(1) The Fund shall be maintained in the scheduled bank and shall be operated in accordance with the direction of the Board.

(2) Funds of the Foundation shall be kept in a separate bank account specifically opened for the purpose.

(3) The bank account shall be operated jointly by the Chairperson and Secretary.

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

(5) The Chairperson shall prepare Annual Account Statement of the Fund within thirty (30) days of closing of the respective financial year. A copy of the annual statement, duly approved by the Board, shall be sent to Secretary to Government, Finance Department, through the Secretary to Government, Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.

(6) Accounts of the Fund shall be audited by the Auditor General of Pakistan.

13. Power to make rules.---Government may, by notification, make rules for carrying out the purpose, of this Act.

14. Power to make regulations.---Subject to the provisions of this Act and the rules, the Board may make regulations, as may be necessary for carrying out the purposes of this Act.

15. Removal of difficulties.---If any difficulty arises in giving effect to any provision of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

16. Repeal.---- The Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Ordinance, 2013 (Khyber Pakhtunkhwa Ordinance No. X of 2013) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa