

**A
BILL**

*to provide for the establishment of Khyber Pakhtunkhwa
Endowment Fund for rehabilitation of minorities victims of terrorism in the
Province of Khyber Pakhtunkhwa*

WHEREAS it is expedient to provide for the establishment of Khyber Pakhtunkhwa Endowment Fund for the welfare and wellbeing of the minorities victims of terrorism and their family members in order to enable them to lead a prosperous life in the society and to provide them financial support and compensation for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, extent, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Rehabilitation of Minorities (Victims of Terrorism) Endowment Fund Act, 2020.

- (2) It shall extend to the whole Province of Khyber Pakhtunkhwa.
- (3) It shall apply to the minority victims of terrorism in the Province of Khyber Pakhtunkhwa.
- (4) It shall come into force at once.

2. Definition.--- In this Act, unless the context otherwise requires,-

- (a) "Bank" means any scheduled bank or a financial institution;
- (b) "Committee" means the Khyber Pakhtunkhwa Endowment Fund Assessment Committee, constituted under section 7 of this Act;
- (c) "Convener" means the Convener of the Committee;
- (d) "family members" mean father, mother and husband or wife, as the case may be, real children and step children, sisters and minor brothers, residing with and wholly dependent upon the victim:

Provided that real sons and step sons shall cease to be dependent on attaining the age of eighteen years daughters and step daughters shall cease to be dependent when they are married, unless they certifies to be dependent;

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- (e) "Fund" means the Khyber Pakhtunkhwa Endowment Fund, established under section 3 of this Act;
- (f) "Government" means the Government of Khyber Pakhtunkhwa;
- (g) "prescribed" means prescribed by rules;
- (h) "Province" means the Province of Khyber Pakhtunkhwa;
- (i) "rules" mean the rules made under this Act;
- (j) "Secretary" means the Secretary of the Committee; and
- (k) "victim" means any person from the minorities, who has sustained injuries or caused death, in any act of terrorism.

3. Establishment of the Fund.---(1) Soon after the commencement of this Act, Government shall establish a Fund to be known as the Khyber Pakhtunkhwa Endowment Fund for victims, for the compensation, financial support, treatment, welfare and rehabilitation of the victims or their family members, as the case may be.

(2) The Fund shall be established with an initial capital of rupees two hundred (200) million and may, from time to time, be credited with-

- (a) grants from Federal Government or Government;
- (b) grants from philanthropists, non-government organizations and other organizations working for the welfare of the minority victims; and
- (c) grants from any other legal source.

(3) The profit, accrued on the Fund, shall be utilized for the purposes as provided in section 5 of this Act.

4. Control and management of the Fund.--- The Fund shall be under the administrative control of the Committee and shall be kept in such Bank and invested in such a manner as may be determined by the Committee.

5. Utilization of the Fund.--- The Fund shall be utilized for the treatment, welfare, financial support, compensation and rehabilitation of the victims and their family members.

6. Application.--- Application, for the purpose of section 5 of this Act, shall be made to the Committee by the victim himself or in case of his death or disability, by his family members, in the manner as may be prescribed.

7. Constitution of the Committee.--- (1) Government shall constitute a Committee to be known as the Khyber Pakhtunkhwa Endowment Fund Assessment Committee, for carrying out the purpose of this Act.

- (2) The Committee shall consist of-
 - (a) Secretary to Government, Auqaf, Hajj, Religious and Minority Affairs Department; Convener
 - (b) Four minority members of the Provincial Legislature; Members
 - (c) the Administrator Auqaf, Khyber Pakhtunkhwa; Member
 - (d) a representative of Finance Department of Government, not below the rank of Deputy Secretary; Member
 - (e) a representative of Relief and Rehabilitation Department of Government, not below the rank of Deputy Secretary; Member
 - (f) a representative of Health Department of Government, not below the rank of Deputy Secretary; Member
 - (g) a representative of Social Welfare Department of Government, not below the rank of a Deputy Secretary; Member
 - (h) Deputy Commissioner or his nominee not below the rank of Additional Deputy Commissioner of the concerned District; and Member
 - (i) Deputy Secretary Auqaf, Hajj, Religious and Minority Affairs Department of Government. Member-cum-Secretary

(3) The Convener may nominate any other person as co-opted member.

(4) For the purpose of nomination of a member under clause (b) of sub-section (2), if a minority community of the concerned religion has no representation in the Provincial Assembly, the Speaker shall nominate any member of the minorities in the Provincial Assembly to be a member of Committee for consideration of such application.

8. Functions of the Committee.---The Committee shall-

- (a) receive and scrutinize applications from the victims or their family members, as the case may be, for the purposes of section 5 of this Act;
- (b) examine minutely the medical report or claims of the victims or their family members;
- (c) ascertain the entitlement of the victims or their family members;

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- (d) verify the family members of a victims; and
- (e) approve a specified amount for the purpose technical support, relief, welfare or compensation or rehabilitation of victims or their family members, as the case may be.

9. Meetings of the Committee.--- (1) The Committee shall hold its a meetings at least on quarterly basis; provided that the Convener may call meeting of the Committee at any time in case of emergency.

(2) The working paper alongwith agenda of the meeting shall be circulated at least ten days before the meeting; provided that this provision shall not apply in case of emergency meeting.

(3) The Convener shall preside over the meetings of the Committee and in his absence, the member, nominated by the Convener, shall preside over the meeting.

(4) The quorum for the meeting of the Committee shall be half number of the total members.

(5) The decisions of the Committee shall be taken by majority of its members present. In case of tie, the Convener or the member presiding over the meetings may cast a second vote.

(6) The Secretary shall prepare the agenda and shall record the minutes of the meeting.

(7) The Committee shall evolve its own procedure for the conduct of its business under this Act.

(8) The Convener and members of the Committee shall not be entitled for any remuneration for performance of duties under this Act.

10. Preference of family members in case of death of a victim.--- In case of death of a victims the distribution of compensation amount among the family members and the preference to the family members shall be regulated in the manner as may be prescribed.

11. Limit of compensation amount.--- The victims or their family member shall be given such amount as compensation or financial support as may be prescribed.

12. Audit and accounts.--- (1) The Accounts of the Fund shall be audited by the Auditor General of Pakistan once in a financial year in the prescribed manner.

(2) The Committee shall be responsible to maintain the accounts of the Fund in such form and in such manner as may be prescribed.

(3) The amount, from the Fund, shall not be withdrawn, unless it is approved by the Committee.

(4) Withdrawal of amount from the Fund shall be permissible only under the joint signatures of the Convener and Member-cum-Secretary of the Committee.

(5) In case of emergency, the Convener may make payments of the emergent nature, which shall later on, be placed before the Committee for approval in its next meeting.

13. **Power to make rules.**---Government may make rules for carrying out the purposes of this Act.

STATEMENTS OF OBJECTS AND REASONS

Article 25 the Constitution of the Islamic Republic of Pakistan provide that all citizens are equal before law and the state is empowered to make special provisions for the welfare of minorities. The acts of terrorism have affected the entire fabric of the Province of Khyber Pakhtunkhwa including the minority community. It is, therefore, to provide for the establishment of Khyber Pakhtunkhwa Endowment Fund for the welfare and wellbeing of the minorities victims of terrorism in order to enable them to lead a prosperous life in the society and to provide them financial support and compensation. Hence, this Bill.

Peshawar,
dated the
05 / 12 / 2020



MINISTER-IN-CHARGE

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