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A
BILL

*to establish the Khyber Pakhtunkhwa Overseas Pakistanis Commission
in the Province of Khyber Pakhtunkhwa.*

WHEREAS, it is expedient to establish the Khyber Pakhtunkhwa Overseas Pakistanis Commission in the Province of Khyber Pakhtunkhwa to receive and redress the grievances of Overseas Pakistanis relating to Government Agencies, refer complaints and suggestions of such Overseas Pakistanis to the concerned offices, and for matters connected therewith or ancillary thereto;

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

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Overseas Pakistanis Commission Act, 2024.

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

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. **Definitions.**---In this Act, unless there is anything repugnant in the subject or context-

(a) **“Chairperson”** means the Chairperson of the Commission;

(b) **“Chief Minister”** means the Chief Minister of the Province;

(c) **“Commission”** means the Khyber Pakhtunkhwa Overseas Pakistanis Commission established and constituted under section 3 of this Act;

(d) **“Commissioner”** means the Commissioner appointed under section 5 of this Act;

(e) **“District”** means a district notified under the West Pakistan Land Revenue Act, 1967 (West Pakistan Act No. XVII of 1967);

(f) **“District Committee”** means a District Committee constituted under section 8 of this Act;

(g) **“focal person”** means an officer nominated by a Government Agency under section 7 of this Act;

(h) **“Government”** means the Government of Khyber Pakhtunkhwa;

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- (i) **“Government Agency”** means a Department, Attached Department, Special Institution of Government, a local government, a body corporate owned and controlled by Government, autonomous bodies or semi autonomous bodies;
- (j) **“Overseas Pakistani”** means a person of Pakistani origin and domicile holder of the Province who is either permanently or temporarily settled outside Pakistan-
 - (i) for employment; or
 - (ii) for carrying on a business or vacation; or
 - (iii) for any other purpose with intention to stay outside Pakistan for an unspecified period;
- (k) **“prescribed”** means prescribed by rules;
- (l) **“Province”** means the Province of Khyber Pakhtunkhwa;
- (m) **“Provincial Ombudsman”** means the Provincial Ombudsman appointed under section 3 of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010);
- (n) **“rules”** mean the rules made under this Act; and
- (o) **“Vice Chairperson”** means Vice Chairperson of the Commission.

3. **Commission.**---(1) As soon as may be, after the commencement of this Act, Government shall establish a Commission to be known as the Khyber Pakhtunkhwa Overseas Pakistanis Commission.

(2) The Commission shall consist of the following, namely:

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| (a) | Chief Minister, Khyber Pakhtunkhwa; | Chairperson |
| (b) | Minister for Inter Provincial Coordination Department, Special Assistant to the Chief Minister or Advisor to the Chief Minister, as the case may be; | Vice-Chairperson |
| (c) | Chief Secretary, Khyber Pakhtunkhwa; | Member |
| (d) | Additional Chief Secretary, Planning and Development Department; | Member |
| (e) | Additional Chief Secretary, Home and Tribal Affairs Department; | Member |

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| (f) | Provincial Police Officer, Khyber Pakhtunkhwa; | Member |
| (g) | Senior Member Board of Revenue, Khyber Pakhtunkhwa; | Member |
| (h) | Advocate General, Khyber Pakhtunkhwa; | Member |
| (i) | Secretary to Government, Inter Provincial Coordination Department; | Member |
| (j) | Secretary to Government, Industries, Commerce and Technical Education Department; | Member |
| (k) | Secretary to Government, Labour Department; | Member |
| (l) | Chief Executive Officer, Khyber Pakhtunkhwa Board of Investment and Trade; and | Member |
| (m) | Two persons having knowledge and understanding about the issues or grievances faced by the Overseas Pakistanis, to be nominated by the Chief Minister for a period of three years; and | Member |
| (n) | Commissioner. | Member- cum- Secretary |

(3) The official members may be represented in the meeting of the Commission by an officer of the Department or Organization, not below the rank of BPS-19.

(4) Four members including the Chairperson and the Vice Chairperson shall constitute the quorum for a meeting of the Commission.

(5) The Chairperson may co-opt members having in depth knowledge and understanding about the issues or grievances faced by the Overseas Pakistanis, who shall attend meetings of the Commission on special invitation and shall have no right to vote.

(6) The Commission shall meet at such time and place and shall observe such procedure with regard to transaction of business at its meetings, as may be prescribed by rules, and until so prescribed, as may be directed by the Chairperson.

(7) The meeting of the Commission shall be presided over by the Chairperson or in his absence, by the Vice Chairperson.

(8) All decisions in the meeting shall be made by majority of votes. In the event of equality of votes, the Chairperson shall exercise a casting vote.

(9) The Commission shall be a part of business of the Inter Provincial Coordination Department of Government.

4. Powers and functions of the Commission.---(1) Subject to the provisions of this Act and rules, the Commission may 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 forgoing powers and functions, the Commission shall-

- (a) review annual report to be submitted by the Commissioner;
- (b) review performance of the office of the Commissioner and pass appropriate orders;
- (c) resolve matters relating to conflict, if any, between the office of the Commissioner and a Government Agency; and
- (d) ensure smooth functioning of the office of the Commissioner.

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5. Commissioner.---There shall be an Overseas Pakistanis Commissioner to be appointed by Government who shall be a government servant from Pakistan Administrative Service or Provincial Management Service, not below the rank of BPS-20.

6. Functions of the Commissioner.---(1) The Commissioner shall-

- (a) transmit a complaint received from an Overseas Pakistani to a Government Agency or District Committee for redressal;
- (b) make recommendations for policy changes or improvements in the system to the Commission;
- (c) be authorized to refer any complaint of an Overseas Pakistani to the Provincial Ombudsman for further necessary action in accordance with law to Government Agency;
- (d) recommend disciplinary action against a government servant for failure in relation to protection of rights of an Overseas Pakistani and for delay beyond thirty days in submission of appropriate response;

- (e) prepare an annual report, about the performance of the office of the Commissioner, for consideration and appropriate action by the Chairperson;
- (f) hold consultative seminars and workshops involving Overseas Pakistanis; and
- (g) perform any other function ancillary to any of the above functions or as may be prescribed.

(2) If the Commissioner has referred any complaint, under sub-section (1), to a Government Agency, the Government Agency shall, within a period not exceeding thirty days send its response to the Commissioner.

7. **Focal person.**---All the Government Agencies, shall nominate a senior officer as focal person to liaise with the office of the Commissioner for monitoring and disposal of matters, relating to Overseas Pakistanis.

8. **District Committee.**---(1) There shall be a District Overseas Pakistanis Committee in each District which shall consist of-

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|-----|---|-----------------------|
| (a) | Deputy Commissioner; | Chairperson |
| (b) | District Police Officer; | Member |
| (c) | Two non-official members suitable for the working of District Committee to be nominated by the Commissioner for a term of three years <i>pro bono</i> ; and | Member |
| (d) | Additional Deputy Commissioner (General). | Secretary-cum-Member. |

(2) The District Committee shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings, as may be prescribed, and until so prescribed, as may be directed by the Commission.

9. **Functions of the District Committee.**---(1) A District Committee shall-

- (a) scrutinize, process, transmit or make recommendations on the complaints of the Overseas Pakistanis in the prescribed manner;
- (b) hold inquiries into the complaints to ascertain the facts thereof;
- (c) inspect the record of any Government Agency within their jurisdiction;
- (d) summon and enforce the attendance of any person within their jurisdiction;

- (e) require the production of any document and record the statement;
- (f) authorize any member of the District Committee for the examination of document and record statement;
- (g) recommend to any Government Agency or a public servant to hold an inquiry into a complaint and furnish report to the District Committee;
- (h) make recommendation in accordance with the relevant laws and the rules for implementation by the concerned Government agencies; and
- (i) send progress reports and suggestions for improvement in the system to the Commissioner.


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(2) The Deputy Commissioners may exercise all or any of the powers and perform functions of the District Committee under sub-section (1) as above, till the time District Committees are notified.

10. Directions of Government.---Government may, by general or special order, issue directions regarding day to day working of the Commissioner.

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

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

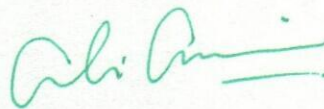
STATEMENT OF OBJECTS AND REASONS

To establish the Khyber Pakhtunkhwa Overseas Pakistanis Commission in the Province of Khyber Pakhtunkhwa to receive and redress the grievances of Overseas Pakistanis relating to Government Agencies and refer complaints and suggestions of such Overseas Pakistanis to concerned offices. Hence, this Bill.

(6)

Peshawar,
dated the

/ / 2024



MINISTER-IN-CHARGE