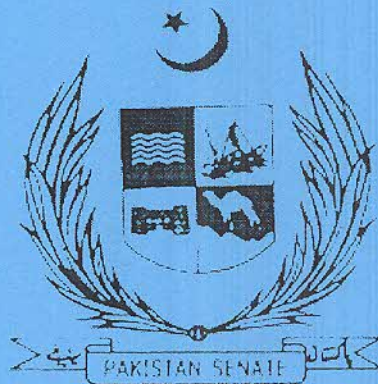


**SENATE OF PAKISTAN
HOUSE OF THE FEDERATION**

REPORT NO.2 OF 2017



House of the Federation

**REPORT OF THE STANDING COMMITTEE ON FINANCE, REVENUE,
ECONOMIC AFFAIRS, STATISTICS AND PRIVATIZATION**

ON

"THE PUBLIC PRIVATE PARTNERSHIP AUTHORITY BILL, 2016"

PRESENTED BY

**SENATOR SALEEM MANDVIWALLA
CHAIRMAN (COMMITTEE)**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON FINANCE, REVENUE, ECONOMIC AFFAIRS, STATISTICS AND PRIVATIZATION ON THE PUBLIC PRIVATE PARTNERSHIP AUTHORITY BILL, 2016, AS PASSED BY THE NATIONAL ASSEMBLY

I, Senator Saleem Mandviwalla, Chairman Standing Committee on Finance, Revenue, Economic Affairs, Statistics and Privatization, have the honour to submit, on behalf of the Committee, this report on the Bill to provide a regulatory and enabling environment for private participation in provision of public infrastructure and related services through fair and transparent procurement processes [The Public Private Partnership Authority Bill, 2016], as passed by the National Assembly, and referred to Standing Committee on 21st December, 2016, for consideration and report.

2. The composition of the Standing Committee is given as under: -

(1)	Senator Saleem Mandviwalla	Chairman
(2)	Senator Ilyas Ahmed Bilour	Member
(3)	Senator Muhammad Mohsin Khan Leghari	Member
(4)	Senator Ms. Ayesha Raza Farooq	Member
(5)	Senator Muhammad Talha Mahmood	Member
(6)	Senator Ms. Nasreen Jalil	Member
(7)	Senator Kamil Ali Agha	Member
(8)	Senator Mushahid Uallah Khan	Member
(9)	Senator Saud Majeed	Member
(10)	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
(11)	Senator Osman Saifullah Khan	Member
(12)	Senator Mohsin Aziz	Member
(13)	Minister for Finance, Revenue, Economic Affairs, Statistics and Privatization	Ex-Officio Member

M. J.

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3. The Committee considered the said Bill in its meetings held on 29th December, 2016, 27th January, 16th and 28th February, 2017. The last meeting was attended by the following, namely:-

(1)	Senator Saleem Mandviwalla	Chairman
(2)	Senator Muhammad Mohsin Khan Leghari	Member
(3)	Senator Kamil Ali Agha	Member
(4)	Senator Ayesha Raza Farooq	Member
(5)	Senator Saud Majeed	Member
(6)	Senator Osman Saifullah Khan	Member

4. After detailed deliberations, the Committee proposed the following amendments in the Bill :-

CLAUSE 2

(i) in clause 2, after paragraph (d), the following new paragraph (e), shall be inserted and the remaining paragraphs shall be renumbered accordingly, namely:-

"(e) "Company" means Infrastructure Project Development Facility (IPDF), a corporate entity registered and operating under the provisions of the Companies Ordinance, 1984;".

CLAUSE 3

(ii) in clause 3, after sub-clause (3), the following new sub-clause (4), shall be inserted namely:-

"(4) Notwithstanding anything contained in the Companies Ordinance, 1984 (XL VII of 1984) and any other law for the time being in force, on the date of commencement of this Act, the Company shall cease to exist and-

- (a) all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash and bank balance, reserve funds, investments and all other interests and rights in, or arising out of, such property and all debts, liabilities and obligations of whatever kind of the Company subsisting immediately before the commencement of this Act, shall stand transferred to and vest in the Authority;
- (b) all contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the Company before the commencement of this Act shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Authority, as the case may be;
- (c) all suits and other legal proceedings instituted by or against the Company before the commencement of this Act shall be deemed to be suits and proceedings by or against the Authority as the case may be and may proceed and be dealt with accordingly; and

- (d) all employees of the Company shall be deemed to be employees of the Authority on not less favourable than the existing terms and conditions of the service, rights and privileges and other matters as were applicable to them before the conversion."

CLAUSE 6

- (iii) in clause 6, for sub-clause (1), the following shall be substituted, namely:-

"(1) There shall be a Board of Directors of the Authority comprising the following members, namely:-

- | | |
|---|------------------|
| (a) Minister of Planning, Development and Reforms, | Chairperson |
| (b) Secretary, Finance Division..... | Vice-Chairperson |
| (c) Secretary, Planning, Development and Reforms Division | Member |
| (d) Secretary Board of Investment | Member |
| (e) two members from private sector to be nominated by the Federal Government | Members |
| (f) Chief Executive Officer | Member |
| (g) Secretary Concerned Division | Co-opted Member |

CLAUSE 7

- (iv) in clause 7,-

(a) for sub-clause (1), the following shall be substituted, namely:-

"(1) The Federal Government shall appoint a Chief Executive Officer to serve as a member of the Board and shall be responsible for administration of the affairs of Authority.".; and

(b) after sub-clause (2), the following new sub-clause (3), shall be inserted, namely:-

"(3) The Chief Executive Officer shall be appointed for a term of three years on such salary, terms and conditions of service as the Federal Government may prescribe:

Provided that he shall be eligible for re-appointment for one more term but shall cease to hold office on attaining the age of sixty-five years or the expiry of the term, whichever is earlier."

M. J.

