

[AS PASSED BY THE SENATE]

A

BILL

to amend the National Commission for Human Development Ordinance,

2002

WHEREAS It is expedient to amend the National Commission for Human Development Ordinance, 2002 (XXIX of 2002) and to make provision for regulation and constitution of the Council personnel and for that purpose to constitute a National Council for Human Development for the purposes and manners connected and ancillary thereto;

It is hereby enacted as follows: -

1. **Short title and commencement.** - (1) This Act shall be called the National Commission for Human Development (Amendment) Act, 2023.

(2) It shall come into force at once.

2. **Amendment of long title and preamble, Ordinance XXIX of 2002.** - In the National Commission for Human Development Ordinance, 2002 (XXIX of 2002), hereinafter referred to as the said Ordinance, in the long title and in the preamble, for the word "commission", wherever occurring, the word "council" shall be substituted.

3. Amendment of section 1, Ordinance XXIX of 2002.- In the said Ordinance, in section 1, in sub-section (1), for the word "commission", the word "council" shall be substituted.

4. Amendment of section 2, Ordinance XXIX of 2002.- In the said Ordinance, in section 2,-

(a) in clause (b), for the word "Commission", wherever occurring, the word "Council" shall be substituted;

(b) for clause (c) the following shall be substituted, namely:-

"(c) "Director General" means in charge of general administration and finances of the Council;"

(c) for clause (d), the following shall be substituted, namely:-

"(d) "Fund" means the Fund of the Council established under the Charitable Endowment Act, 1923";

(d) clause (g) shall be omitted; and

(e) in clause (j), for the word "commission", the word "council" shall be substituted;

5. Amendment of section 3, Ordinance XXIX of 2002.- In the said Ordinance, in section 3, -

(a) for the word "commission", wherever occurring, the word "council" shall be substituted;

(b) sub-section (3) shall be omitted;

(c) for sub-section (4), the following shall be substituted, namely:-

“(4) The Council shall comprise of the Chairman to be appointed by the Prime Minister and five members, including a representative of the Ministry of Finance, to be appointed by the Minister In-Charge on recommendation of the Chairman.”;

(d) for sub-section (6), the following shall be substituted, namely:-

(6) The Council shall be an autonomous body under the administrative control of the Ministry of Federal Education and Professional Training,

6. Amendment of section 4, Ordinance XXIX of 2002.- In the said Ordinance, in section 4,-

(a) In the marginal heading for the word “Commission”, the word “Council” shall be substituted;

(b) In sub-section (2) for the word “five”, the word “three” shall be substituted, and shall be deemed always to be have been so substituted;

(c) after sub-section (2) amended as aforesaid, the following new sub-section shall be inserted, namely:-

“(2A) Notwithstanding anything in any order, notification, contract, agreement or any instrument containing the duration and terms of service, a Chairperson who on or after commencement of this amendment Act, completes the term or tenure as provided in sub-section (2) of this section, shall on such commencement forthwith cease to be the Chairperson.”;

(d) in sub-section (3), for the word “President”, the words “Federal Government” shall be substituted; and

(e) Sub-section (4) shall be omitted.

7. **Amendment of section 5, Ordinance XXIX of 2002.**- In the said Ordinance, in section 5, for the word “Commission” wherever occurring, the word “Council” shall be substituted and in sub-section (2), for the word “President”, the words “Federal Government” shall be substituted.

8. **Amendment of section 6, Ordinance XXIX of 2002.**- In the said Ordinance, in section 6, for the word “President”, the words “Federal Government” shall be substituted.

9. **Substitution of section 7, Ordinance XXIX of 2002.**- In the said Ordinance, for section 7, the following shall be substituted, namely:-

“ 7. Functions of the Council.- The functions of the Council shall be to—

- (i) work closely with government, non-government, civil society and development organizations to design, co-design and execute non-formal and accelerated- alternative learning programmes, and literacy and skill integrated modules for under- privileged areas and communities;
- (ii) focus on the low or unserved segments of children and youth to enable learning access for them including all-inclusive groups of society in the entire country;
- (iii) focus on partnerships to utilize digital technologies and tech-enabled learning mediums for classroom based and distance learning provisions;
- (iv) adopt ways and necessary measures to provide access and reach for the learning of the disadvantaged children in areas with low socio-economic indicators and locations without technology infrastructure ;
- (v) focus on out of school children (OOSC) and marginalized groups to enable learning opportunities near their vicinities;
- (vi) work with partners to design a mobile learning school initiative for remote territories especially serving girls educational needs;
- (vii) work closely with local, regional and national actors in non-formal education, skills training and life skills enablers to provide a learning framework and long-range methodology to serve the marginalized and OOSC children in need of education;
- (viii) support to identify the out of school children (OOSC), and mobilize their families and communities to let these children receive education and keep track of enrolled/engaged children;
- (ix) support programmes and projects focusing on students enrolled in Madrassa regime to provide them with accelerated and alternative learning modules;

- (x) engage communities to benefit from provision of learning mediums like Television and Radio broadcast, live streaming and learning Apps where access is possible for the communities;
- (xi) think of different innovative ways to enable education and learning opportunities creation for the marginalized segments of society ;
- (xii) focus and support the adult literacy programmes for the low or zero literate adults in federal areas;
- (xiii) support in filed data capturing for educational purposes in specifically assigned areas to help better planning and decision making for marginalized groups in educational context especially out of school and disabled children, minorities and girls
- (xiv) participate in field research and surveys to assess needs and requirements in the area of non-formal basic education, literacy and skill needs, digitalized and distance learning programme requirements;
- (xv) perform such other functions as may be prescribed by the Government from time to time;
- (xvi) perform functions of regulating, monitoring, assessment, certifications and such other functions as may be identical or ancillary to the execution of its programs and projects as may be prescribed by the Government.

10. Amendment of section 8, Ordinance XXIX of 2002.- In the said Ordinance, in section 8,-

- (a) for the word "Commission", wherever occurring, the word "Council" shall be substituted;

(b) In sub-section (2),-

- (i) clause (a) shall be omitted;
- (ii) clause (c) shall be omitted; and
- (iii) clause (d) shall be omitted.
- (iv) Sub-section (3) shall be omitted

11. **Omission of section 9, Ordinance XXIX of 2002.-** In the said Ordinance, section 9 shall be omitted.

12. **Substitution of section 10, Ordinance XXIX of 2002.-** In the said Ordinance, for section 10, the following shall be substituted, namely:-

"10. Secretariat of the Council.- (1) The Secretariat of the Council shall consist of a Director-General, who shall be appointed by the Prime Minister on such terms and conditions and in the prescribed manner.

(2) The Director-General shall also act as the Secretary and Principal Accounting Officer of the Council.

(3) The Director-General shall be a person of known integrity and having experience in the field of administration and management, and shall either be appointed afresh or posted by the Prime Minister and shall be authorized to—

- (a) carry out administration and day to day affairs of the Council;

(b) execute all orders and directions given by the Council;

(c) prepare periodical reports with objectivity, including a report based on Key Performance Indicators (KPIs), for submission to the Prime Minister by the Chairperson;

(d) implement and coordinate the objects of this Ordinance; and

(e) perform any other duty, function or work assigned by the Chairman.

(4) In case the Director-General is absent or unable to perform functions, the Prime Minister may appoint an officer of BPS-20 or above as an Acting Director-General to temporarily perform the functions of the Director-General.

(5) The Director General shall be entitled to such remuneration and privileges as the Council may determine.”.

13. Omission of section 11, Ordinance XXIX of 2002.— In the said Ordinance, section 11 shall be omitted.

14. Amendment of section 12, Ordinance XXIX of 2002.— In the said Ordinance, in section 12, for the word “Commission”, wherever occurring, the word “Council” shall be substituted.

15. **Amendment of section 13, Ordinance XXIX of 2002.-** In the said Ordinance, in section 13, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

16. **Amendment of section 14, Ordinance XXIX of 2002.-** In the said Ordinance, in section 14,-

(a) for the word "commission", wherever occurring, the word "council" shall be substituted; and

(b) sub-section (5) shall be omitted.

17. **Amendment of section 15, Ordinance XXIX of 2002.-** In the said Ordinance, in section 15, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

18. **Amendment of section 16, Ordinance XXIX of 2002.-** In the said Ordinance, in section 16,-

(a) in sub-section (1), for the word "Commission", wherever occurring, the word "Council" shall be substituted, and for the word

"Chairman", the word "Director General" shall be substituted; and

(b) in sub-section (2) the words "Chairman or the" shall be omitted and for the word "commission", the word "council" shall be substituted.

19. Amendment of section 17, Ordinance XXIX of 2002.- In the said Ordinance, in section 17, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

20. Amendment of section 18, Ordinance XXIX of 2002.- In the said Ordinance, section 18 shall be substituted, namely:-

"18. Annual and other reports.- (1) Within three months of the conclusion of each calendar year, the Chairman shall submit an annual report to the Prime Minister in respect of activities of the Council including the status of its existing programmes, projects and future plans formulated in furtherance of its aims and objects.

(2) In addition to the annual report referred to in sub-section (1), the Chairman, shall, from time to time, place before the Prime Minister such other reports relating to the performance of the Council or whenever so directed by the Prime Minister."

21. Amendment of section 19, Ordinance XXIX of 2002.- In the said Ordinance, in section 19, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

22. Amendment of section 20, Ordinance XXIX of 2002.- In the said Ordinance, in section 20, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

23. Amendment of section 21, Ordinance XXIX of 2002.- In the said Ordinance, in section 21, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

24. Amendment of section 22, Ordinance XXIX of 2002.- In the said Ordinance, in section 22, for the word "Commission", wherever occurring, the word "Council" shall be substituted.

25. Amendment of section 23, Ordinance XXIX of 2002.- In the said Ordinance, in section 23, for the word "President", the word "Federal Government" shall be substituted.

26. Insertion of new sections 24 and 25, Ordinance XXIX of 2002.- In the said Ordinance, after section 23, the following new section 24, shall be inserted, namely:-

" 24. Posting and transfer.- Every employees and officer of the council shall be liable to serve anywhere in Pakistan in any equivalent or higher post under the Federal Government, or any corporation or body set up or established by the Federal Government:

Provided that the Council may in the Public interest, direct any employee or officer of the Council to serve anywhere in Pakistan, such direction shall be binding."

25. **Savings.**-(1) Everything done, action taken, obligations or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, scholarships, studentship, or exhibitions instituted or privileges granted and orders issued under any of the provisions of the National Commission for Human Development Ordinance, 2002 (XXIX of 2002) or the Regulations and the Rules made or deemed to have been made thereunder, shall, if not inconsistent with the provisions of this amendment Act or the Regulations or the Rules made under the said Ordinance, be continued unless repealed specifically, so far as may be, be considered to refer to the corresponding provisions of the Ordinance or the Regulations and the Rules made under this Ordinance.

(2) Any company established under the Companies Ordinance, 1984 (XLVII of 1984) or the Company Act, 2017 (XIX of 2017) shall be dissolved in accordance with the provisions of the Companies Act, 2017, rules and regulations made thereunder:

Provided that all the assets and liabilities of the Government in the dissolved company shall stand transferred to Council's Fund."

STATEMENT OF OBJECTS AND REASONS

In the wake of 18th amendment in the Constitution, the majority of NCHD's functions have either been devolved or become redundant. Therefore, in order to align the functions of NCHD with the contemporary and emerging challenges in field of education there is a need to redefine the functions of NCHD and make some amendments in its governing structure for efficiency and ease doing business



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