

AS
[~~TO BE~~ INTRODUCED IN THE SENATE]

A

BILL

to amend the China Pakistan Economic Corridor Authority Act, 2021

WHEREAS it is expedient to amend the China Pakistan Economic Corridor Authority Act, 2021 (V of 2021) for the purposes hereinafter appearing and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the China Pakistan Economic Corridor Authority (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 3, Act V of 2021.- In the China Pakistan Economic Corridor Authority Act (V of 2021), hereinafter referred to as the said Act, in section 3, for sub-sections (2), (3) and (4) the following shall be substituted, namely :-

“(2) The Authority shall be a body corporate having perpetual succession and a common seal and may sue and to be sued in its own name, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold, and enjoy moveable and immoveable properties of every description and may convey, assign, surrender, yield up, charge, mortgage, demise and reassign, transfer or otherwise dispose of or deal with, any moveable or immoveable property or any interest vested in it.

(3) The Authority shall be a autonomous body under the administrative control of the Federal Government with its head quarters at Islamabad.

(4) A common seal of the Authority shall be kept in the custody of the Chief Executive Officer or such other person as may be prescribed by regulations and documents required or permitted to be executed under the common seal shall be specified and authenticated in such manner as may be prescribed by regulations.”

- 3. Amendment of section 4, Act V of 2021.-** In the said Act, in section 4,-
- (a) in sub section (2), after the words, "shall do so", the words, "through the Federal Government" shall be inserted;
 - (b) In sub section (3), after the word, "may", occurring for the first time, the words, "through the concerned Government" shall be inserted;
 - (c) in sub section (4), in sub paragraph (ii) after the word "interface" the words and coma, "through the Ministry of Foreign Affairs," shall be inserted; and
 - (d) in paragraph (iv), after the words, "inter provincial", the words, "through the Ministry of Inter Provincial Coordination" shall be inserted."

- 4. Substitution of section 5, Act V of 2021. -** In the said Act, for section 5, the following shall be substituted, namely:-

"5. Management of the Authority.-(1) The general direction and administration of the Authority and its affairs shall vest in the Board of Directors which may exercise all powers and do all acts which may be exercised or done by the Authority.

(2) The Federal Government may as and when it considers necessary, issue directives to the Authority on matters of policy, such directives shall be binding on the Authority. If a question arises whether any matter is a matter of policy or not, the decision of the Federal Government shall be final.

(3) The Authority may, when they deem it appropriate, employ, officers, staff, experts, consultants, advisors, public and civil servants, or other employees, on such terms and conditions, through a procedure for recruitment, as may be determined by the Regulations framed under this Act."

5. Substitution of section 6, Act V of 2021. - In the said Act, for section 6, the following shall be substituted, namely:-

"6. Composition of the Authority.- (1) The Authority shall consist of a fulltime Chief Executive Officer (CEO), an Executive Director Operations and an Executive Director Research. They shall be appointed by the Federal Government on the recommendation of the Board.

(2) The Regulations shall prescribe the appropriate degree, certification and experience required for appointment of the Chief Executive Officer, Executive Director Operations and Executive Director Research.

(3) The Chief Executive Officer (CEO) shall hold office for such a period and be subject to such terms and conditions of service as may be prescribed under the Regulations.

(4) The Chief Executive Officer (CEO) shall exercise such powers and performs such functions as may be prescribed by the Board and as the Chairperson may assign to him from time to time."

6. Substitution of section 7, Act V of 2021. - In the said Act, for section 7, the following shall be substituted, namely:-

"7. The Board of Directors.- (1) The Board of Directors shall consist of the following eight Directors, namely:-

- (a) Chairperson;
- (b) Four Directors, one each to be nominated by Provincial Governments;
- (c) The Chief Executive Officer;
- (d) The Executive Director Operations; and
- (e) The Executive Director Research.

(2) Every Director along with Chairperson shall perform such duties as the Board may, by Regulations, assign to him and receive such remunerations, fee or allowance and enjoy such privileges as the Regulations may determine.

(3) The Board shall frame Service Regulations for the employees of the Authority and the Regulations so framed shall be placed before Parliament.

7. Insertion of new sections 7A, 7B and 7C, in Act V of 2021. - In the said Act, after section 7 substituted as aforesaid, the following new sections shall be inserted, namely:-

"7A. Terms of Office of Directors.- (1) A Director shall hold office for a term of three years unless sooner removed by the Federal or Provincial Government, and may be appointed for one term of three years duration.

(2) A casual vacancy in the office of a Director shall be filled by appointment by the Federal Government or the Provincial Government as the case may be, for the un-expired period of the term of his predecessor.

(3) The Directors shall be paid such fee for attending the meetings of the Board or any committee appointed by the Board of which they are members as may be prescribed by the Board.

(4) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

7B. Appointment of the Chairperson.- (1) The Federal Government shall appoint a Chairperson of the Board.

(2) The Chairperson shall, unless removed early, hold office for a period of three years on such terms and conditions as may be prescribed by the Regulations.

(3) The Chairperson shall exercise powers and perform such functions as may be assigned to him by the Board or the Federal Government may from time to time determine.

7C. Disqualification of Directors.- No person shall be appointed or shall continue to be a Director, if he;

- (i) is or at any time has been declared insolvent; or
- (ii) is found lunatic or has become of unsound mind; or
- (iii) is under enquiry for a charge of financial miss-appropriation; or
- (iv) is absenting himself from three consecutive meetings of the Board without leave of the Chairperson, in case of the Chairperson, of the Federal Government."

8. Amendment of section 10, Act V of 2021.- In the said Act, in section 10, in sub-section (4), after the word, "resignation", the word "retirement" shall be omitted.

9. Amendment of section 12, Act V of 2021.- In the said Act, in section 12,-

- (i) in sub-section (3), for the word, "reasonable" the words, "three days" shall be substituted; and
- (ii) in sub-section (8), the words, "with a fraction being counted as one" occurring at the end shall be omitted.

10. Amendment of section 13, Act V of 2021.- In the said Act, in section 13, for sub-section (3), the following shall be substituted, namely:-

"(3) Where a person who, in the course of-

- (a) performing a function or exercising a power, as a delegate of the Authority; or
- (b) performing functions or service as an employee; or
- (c) performing a function or services in any capacity by way of assisting or advising the Authority or any of its committees or any delegate of the Authority,

is required to consider a matter in which he has an interest, such person shall forthwith give to the Authority a written notice stating that he is required to consider the matter and has a interest in it and setting out particulars of the interest.

(4) The person referred to in sub-section (1) shall also declare his interest in accordance with the said sub-section whenever it is necessary to avoid a conflict of interest.

(5) Any person referred to in sub-sections (1), (2) and (3) who fails to disclose his interest as required by this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term which may extend to one year, or a fine not exceeding ten million rupees, or both."

11. Amendment of section 16, Act V of 2021.- In the said Act, in section 16,-

- (i) sub-section (1), shall be omitted;
- (ii) the remaining sub-sections shall be renumbered accordingly; and
- (iii) after the renumbered sub-section (4), the following new sub-sections (5) and (6), shall be inserted namely:-

“(5) Within one month of the conclusion of each financial year the Authority shall submit an annual report to the Federal Government in respect of the financial activities of the Authority including the statistics of its existing programs, projects and further plans formulated in furtherance of its aims and objects, the said report shall be placed before both the Houses of Parliament.

(6) The Federal Government may direct the Authority to furnish,-

- (i) any return, statement, estimate, statistics or other information regarding any matter under control of the Authority;
- (ii) Report on any subject related to the Authority; and
- (iii) copy of any document in the custody of the Authority,

the Authority shall expeditiously comply with such directions.”

12. Substitution of section 24, Act V of 2021.- In the said Act, for section 24, the following shall be substituted, namely:-

“**24. Power to make Rules.-** The Authority may with approval of the Federal Government by Notification in the Official Gazette make Rules for carrying out purpose of this Act, such Rules shall be placed before both Houses of Parliament.”

13. Substitution of section 25, Act V of 2021.- In the said Act, for section 25, the following shall be substituted, namely:-

"25. Power to make Regulations.- The Authority may, by Notification in the Official Gazette with the approval of the Board make Regulations for its internal working and terms and conditions of employees not inconsistent with the provisions of the Act, Rules, or Regulations for carrying out of its functions under this Act."

STATEMENT OF OBJECTS AND REASONS:

This Bill streamlines the functioning and working of the Authority by providing for a Board of Directors and specifying the relationship with the Federal Government. It also provides for parliamentary oversight.

**SENATOR MIAN RAZA RABBANI
MEMBER-IN-CHARGE**