



House of the Federation

SENATE OF PAKISTAN

REPORT OF THE STANDING COMMITTEE ON CABINET SECRETARIAT

ON

**“The Abandoned Properties (Management) (Amendment)
Bill, 2024”**

Presented by:

**SENATOR RANA MAHMOOD-UL-HASSAN
CHAIRMAN
STANDING COMMITTEE ON CABINET SECRETARIAT**

SENATE SECRETARIAT

Subject: REPORT OF THE SENATE STANDING COMMITTEE ON CABINET SECRETARIAT.

I, Chairman of the Senate Standing Committee on Cabinet Secretariat, have the honour to present this report on "The Abandoned Properties (Management) (Amendment) Bill, 2024", introduced by Senator Anusha Rahman Ahmad Khan, in the Senate sitting held on 4th November, 2024. The Bill, upon introduction, was referred to the Standing Committee on Cabinet Secretariat for consideration and report.

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

1.	Senator Rana Mahmood-ul-Hassan	Chairman
2.	Senator Farooq Hamid Naek	Member
3.	Senator Saleem Mandviwalla	Member
4.	Senator Ejaz Ahmad Chaudhary	Member
5.	Senator Saifullah Sarwar Khan Nyazee	Member
6.	Senator Saadia Abbasi	Member
7.	Senator Aimal Wali Khan	Member
8.	Senator Mohammad Abdul Qadir	Member
9.	Senator Atta-Ur-Rehman	Member
10.	Senator Amir Waliuddin Chishti	Member
11.	Minister In-charge Cabinet Secretariat	Ex-officio Member

3. The Standing Committee on Cabinet Secretariat considered the Bill in its meetings held on 6th December, 2024, 20th January, 2025 and 12th February, 2025 under the Chairmanship of Senator Rana Mahmood-ul-Hassan. The following Honorable Senators were present on 12th February, 2025 at the time of consideration and voting on the Bill:-

1.	Senator Rana Mehmood-ul Hassan	Chairman
2.	Senator Saifullah Sarwar Khan Nyazee	Member
3.	Senator Saadia Abbasi	Member
4.	Senator Aimal Wali Khan	Member
5.	Senator Anusha Rehman Ahmad Khan	Mover

4. Senator Anusha Rahman Ahmad Khan Mover of "The Abandoned Properties (Management) (Amendment) Bill, 2024", informed the Committee that following the passage of Public Financial Management Act, 2019 all such organizations are required to deposit surplus funds in the Federal Consolidated Fund consequently through the Finance Act 2019, amendments were made in the Abandoned Properties (Management) Act, 1975 wherein any surplus of receipts over the actual expenditure in a year and sale proceeds of abandoned properties were to be deposited in the Federal Consolidated Fund (FCF). She also apprised the Committee that some amendments were made through the Finance Bill, 2024 which empowered the management of Abandoned Properties to 'invest in any security approved by the Federal

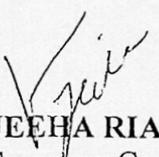
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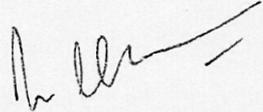
Government in the manner as may be prescribed' which is in violation of the Public Financial Management Act, 2019. She also raised the issue that the Abandoned Properties Organization is being run by deputationists who draw salary from their parent departments so like other Government organizations, why is this organization not getting its budget from the Finance Division. The mover also inquired if the APO does not intend to reinvest surplus then why was this amendment through the Finance Act 2024 made.

5. The Cabinet Division expressed its views through a working paper and informed that in 2019, the Government of Pakistan intended to wind-up the organization and 'accordingly Section 16 (2) (k) was omitted and Section 19 (1) and Section 29 (2) were inserted. The said amendment disallowed the organization to further invest the funds and it was directed to deposit all savings and sales proceeds in the FCF'. Moreover, it was apprised through the working paper that in 2024, 'there was a change in the stance of the Government that the organization may continue to perform its functions as per law as it was apprehended that winding up of the APO will result in an administrative vacuum that may cause illegal occupation of APO properties as well as have a negative impact on existing and future court cases. In this backdrop, the Government inserted Section 16 (2) (I) in the APO Act, 1975 vide Finance Act, 2024 allowing the organization to 'invest in any security approved by the Federal Government in the manner prescribed.' The amendment intended to enable the organization to sustain with a skeletal human resource and revenues earned by its own resources. However, Section 19 (1) of APO Act, 1975 is still operational that binds the organization to deposit surplus of receipt over the actual expenditure in a year in the FCF'.

6. The Committee also invited Secretary, Ministry of Finance and on his behalf, AFS (Budget), Finance Division informed the Committee that their Division is neither in favor nor against the proposed amendment. Moreover, ADM, Ministry of Law and Justice supported the bill introduced by Senator AnushaRehman Ahmad Khan.

7. The Chairman Committee after taking sense of the Committee put the bill to vote. Accordingly, the Committee unanimously recommended that the "The Abandoned Properties (Management) (Amendment) Bill, 2024", as introduced by Senator Anusha Rehman Ahmad Khan in the Senate sitting held on 4th November, 2024 , maybe passed by the Senate of Pakistan. (Copy of Bill introduced in the Senate is annexed).


(WAJEEHA RIAZ)
S.O/ Secretary Committee


(SENATOR RANA MEHMOOD-UL HASSAN)
Chairman Standing Committee on Cabinet Secretariat

[TO BE INTRODUCED IN THE SENATE]

A
BILL

further to amend the Abandoned Properties (Management) Act, 1975

WHEREAS it is expedient further to amend the Abandoned Properties (Management) Act, 1975 (XX of 1975) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Abandoned Properties (Management) (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 16, Act XX of 1975.- In the Abandoned Properties (Management) Act, 1975 (XX of 1975), hereafter referred to as the said Act, in section 16, in sub-section (2), clause (I) shall be omitted.

3. Amendment of section 29, Act XX of 1975.- In the said Act, section 29 shall be re-numbered as sub-section (1) of that section and thereafter the following new sub-section shall be added, namely:—

"(2) The sale proceeds of abandoned property, including the amounts already received, shall be deposited in the Federal Consolidated Fund:

Provided that the deposited amounts shall in the prescribed manner may be refunded in the light of any court order, international settlement, etc."

STATEMENT OF OBJECTS AND REASONS

The Abandoned Properties (Management) Act, 1975 deals with matters related to administration of abandoned properties in Pakistan. The intent of the law as amended vide Section (8) of the Finance Act, 2019 was to transfer all amounts of sale proceeds to Federal Consolidated Fund. This has now been reversed through the Finance Act, 2024. The law needs to be brought in line with Public Finance (Management) Act, 2019.

The amendment made vide Section 6 of Finance Act, 2024 inserts a new sub-clause (l) in Section 16(2). This sub-clause was originally sub-clause (k) which was omitted vide section 8 of Finance Act, 2019. The re-insertion of this omitted sub-clause (k) as sub-clause (l) is conflicting with existing legal framework. Similarly, vide Finance Act, 2019. The Abandoned Properties (Management) Act, 1975 was amended to ensure that the amounts received through the sale proceeds of abandoned property including the amounts already received shall be deposited in the Federal Consolidated Fund. The clause has now been omitted thereby allowing the Administrator to reinvest such amounts which is against the spirit and scheme of existing legal framework. Hence, the proposed amendment is reverting to the amendments made vide Finance Act, 2019 to ensure that all the amounts received shall be deposited in Federal Consolidated Fund and not retained or invested at the discretion of Administrator.

2. This bill is aimed to achieve the above-said objective.

**SENATOR ANUSHA RAHMAN AHMAD KHAN
MEMBER IN CHARGE**

[سیٹ میں پیش کرنے کے لئے]

مترکہ املاک (انتظام) ایکٹ، ۱۹۷۵ء میں مزید ترمیم کرنے کا

ایک
بیل

ہر گاہ قرین مصلحت ہے کہ بعد ازیں ظاہر ہونے والے مقاصد کے لئے مترکہ املاک (انتظام) ایکٹ، ۱۹۷۵ء (۲۰ بابت ۱۹۷۵) میں مزید ترمیم کی جائے؛
اسے بذریعہ حسب ذیل وضع کیا جاتا ہے:-
۱۔ مختصر عنوان اور آغاز نفاذ:- (۱) ایکٹ ہذا کو مترکہ (املاک) (انتظام) (ترمیمی) ایکٹ، ۲۰۲۳ء کے نام سے موسوم ہوگا۔

(۲) یہ فی الفور نافذ العمل ہوگا۔

۲۔ ایکٹ ۲۰ بابت ۱۹۷۵ء کی دفعہ ۱۶ کی ترمیم:- مترکہ املاک (انتظام) ایکٹ، ۱۹۷۵ء (۲۰ بابت ۱۹۷۵)، جس کا بعد ازیں مذکورہ ایکٹ کے طور پر حوالہ دیا جائے گا، میں دفعہ ۱۶ میں، ذیلی دفعہ (۲) میں، شق (ل) ہذف کیا جائے گا۔

۳۔ ایکٹ ۲۰ بابت ۱۹۷۵ء کی دفعہ ۲۹ کی ترمیم:- مذکورہ ایکٹ میں دفعہ ۲۹ کو دوبارہ نمبر دے کر مذکورہ دفعہ کی ذیلی دفعہ (۱) شمار کی جائے گی اور اس کے بعد درج ذیل نئی ذیلی دفعہ کا اضافہ کیا جائے گا، یعنی:-
” (۲) مترکہ جائیداد کی فروخت کے محاصل، بشمول پہلے سے موصول شدہ رقوم، فیڈرل کانسولیدیشن فنڈ میں جمع کئے جائیں گے:

مگر شرط یہ ہے کہ جمع شدہ رقم عدالتی حکم نامے، بین الاقوامی تصفیے، وغیرہ کی روشنی میں وضع کردہ طریقہ کار کے مطابق ریفرنڈ کی جاسکتی ہیں۔“

بیان اغراض و وجوہ

مترکہ املاک (انتظام) ایکٹ ۱۹۷۵ء پاکستان میں مترکہ جائیدادوں کے انتظام و انصرام سے متعلق معاملات نمٹانے کے لئے وضع کیا گیا ہے۔ فنانس ایکٹ، ۲۰۱۹ء کی دفعہ ۸ میں ترمیم کے ذریعے قانون ہذا کا نشا فروخت محاصل سے حاصل کی گئی تمام رقوم کو فیڈرل کانسولیدیشن فنڈ میں منتقل کرنا تھا۔ یہ اب فنانس ایکٹ، ۲۰۲۳ء میں واپس تبدیل کر دیا گیا ہے۔ قانون ہذا کو پبلک فنانس (مینجمنٹ) ایکٹ، ۲۰۱۹ء کے مطابق لانے کی ضرورت ہے۔

فنانس ایکٹ، ۲۰۲۳ء کی دفعہ ۶ میں ترمیم کے ذریعے دفعہ ۱۶ (۲) نئی ذیلی شق (ل) کا اضافہ کیا گیا ہے۔
 مذکورہ ذیلی شق ابتدائی طور پر ذیلی شق (ک) تھی جو فنانس ایکٹ، ۲۰۱۹ء کی دفعہ ۸ میں ترمیم کے ذریعے حذف کی گئی
 ہے۔ مذکورہ حذف شدہ ذیلی شق (ک) دوبارہ بطور ذیلی شق (ل) شامل کرنا موجودہ لیگل فریم ورک سے متصادم
 ہے۔ اسی طرح فنانس ایکٹ، ۲۰۱۹ء کے ذریعے، متروکہ املاک (انتظام) ایکٹ، ۱۹۷۵ء میں ترمیم کی گئی جس کا
 مقصد اس امر کو یقینی بنانا تھا کہ متروکہ املاک کی فروخت سے حاصل ہونے والی رقوم بشمول پہلے سے موصول شدہ رقوم
 فیڈرل کانسولیدیشنڈ فنڈ میں جمع کئے جائیں گے۔ یہ شق اب حذف کی گئی ہے جس سے ایڈمنسٹریٹو کو یہ اجازت مل گئی ہے
 کہ وہ ایسی رقوم کی از سر نو سرمایہ کاری کر سکتا ہے جو موجودہ لیگل فریم ورک کی روح اور سکیم کے خلاف ہے۔ لہذا مجوزہ
 ترمیم کا مقصد فنانس ایکٹ، ۲۰۱۹ء میں کی گئی ترمیم کو منسوخ کرنا ہے تاکہ تمام موصول شدہ رقوم فیڈرل کانسولیدیشنڈ فنڈ
 میں جمع کی جائیں اور ایڈمنسٹریٹو کی صوابدید کے مطابق برقرار یا از سر نو سرمایہ کاری میں خرچ نہیں کی جاسکیں۔
 ۲۔ بل ہذا سے مذکورہ بالا کا حصول مقصود ہے۔

سیڈیر انوشہ رحمان احمد خان

رکن انچارج