



THE PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES ACT, 2008



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THE PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES ACT, 2008

ACT NO. III OF 2008

[14th December, 2008]

An Act to provide for establishment of the Pakistan Institute for Parliamentary Services

WHEREAS it is expedient to provide for establishment of the Pakistan Institute for Parliamentary Services in order to promote research, provide training and to provide facility of information to the Parliamentarians in performance of their duties and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.-(1) This Act may be called the Pakistan Institute for Parliamentary Services Act, 2008.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Board" means the Board of Governors constituted under section 6;

(b) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

(c) "Executive Director" means the Executive director of the Institute

(d) "Federal Government" means the Federal Government of Pakistan;

(e) "Institute" means the Pakistan Institute for Parliamentary Services;

(f) "Member" means a member of the Board;

(g) "National Assembly" means the National Assembly of Pakistan;

(h) "Parliament" means the National Assembly of Pakistan and the Senate of Pakistan as defined in the Constitution;

(i) "Parliamentarian" means a member of the Senate, National Assembly or member of a Provincial Assembly;

(j) "Parliamentary functionaries" mean the employees of the Senate, National Assembly and a Provincial Assembly;

- (k) "Prescribed" means prescribed by rules made under this Act;
- (l) "President" means the President of the Board;
- (m) "Provincial Assembly" means a provincial Assembly of a Province;
- (n) "Rules" means the rules made under this Act; and
- (o) "Senate" means the Senate of Pakistan.

3. Establishment of the Institute.-(1) There shall be established an Institute to be known as the Pakistan Institute for Parliamentary Services.

(2) The Institute shall be a body corporate by the name of the Pakistan Institute for Parliamentary Services having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire and hold property, and shall by the said name sue and be sued.

(3) The Institute shall be located at Islamabad and may establish its branches in the provinces.

CHAPTER II

THE INSTITUTE AND BOARD OF GOVERNORS

4. Functions of the Institute.-The functions of the Institute shall be,—

- (a) to maintain the national, provincial and international data, information and statistics to provide to the Parliamentarians for the efficient performance of their duties;
 - (b) to undertake the research in respect of the Federal and Provincial laws and also to have a study of international laws to help the Parliamentarians in the law making process;
 - (c) to provide technical assistance to Parliamentarians in performance of their duties;
 - (d) to provide training to the Parliamentarians and the parliamentary functionaries for performance of their duties;
 - (e) to arrange seminars, workshops or conferences;
 - (f) to take measures for the development of law making;
 - (g) to maintain a record of all the existing Act, Ordinances and other enactments in force in Pakistan and in each Province;
 - (h) to assist Parliamentarians and legislative bodies in their efforts to ensure the public's understanding of working of Parliament;
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- (i) to arrange legislative drafting courses with special emphasis on parliamentary practices;
- (j) manage the internship programs for the Parliament and the Provincial Assemblies;
- (k) to establish and maintain resource centres for Parliamentarians;
- (l) to support the parliamentary committees in the performance of their functions; and
- (m) any other function as may be assigned to it by the Parliament or the Board.

5. Board of Governors.—The over all control, direction and the superintendence of the affairs of the institute shall vest in the Board of Governor which may exercise all powers, perform all functions and do all acts which may be exercised, performed or done by the institute.

6. Composition of the Board of Governors.—(1) The Board of Governors shall consist of following members, namely:—

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| (a) Chairman of the Senate or the Speaker of the National Assembly by rotation for three years. | <i>President</i> |
| (b) Deputy Chairman of the Senate or the Deputy Speaker of the National Assembly by rotation for a period of three years. However, the President and the Vice-President shall not be from the same House at a time. | <i>Vice-President</i> |
| (c) Minister for Parliamentary Affairs of Government of Pakistan. | <i>Member</i> |
| (d) The Speaker of each Provincial Assembly, and in his absence, Deputy Speaker of the Assembly concerned. | <i>Member</i> |
| (e) Four members of the Senate to be nominated by the Chairman of the Senate on the basis of party representation in consultation with the parliamentary party leaders. | <i>Member</i> |
| (f) Eight members of the National Assembly to be nominated by the Speaker on the basis of party representation in consultation with the parliamentary party leaders. | <i>Member</i> |
| (g) Secretary Senate of Pakistan | <i>Ex-officio</i> |
| | <i>Member</i> |
| (h) Secretary National Assembly of Pakistan | <i>Ex-officio</i> |
| | <i>Member</i> |
| (i) Executive Director of the Institute. | <i>Ex-officio</i> |
| | <i>Member</i> |
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(2) Executive Director of the Institute shall also act as Secretary of the Board.

7. Functions and powers of the Board.-In particular and without prejudice to the generality of the powers conferred by section 5, the Board shall,-

- (a) exercise the general control over the affairs of the Institute;
- (b) approve over all plans, policies and programs of the Institute;
- (c) approve annual and long term business plan of the Institute;
- (d) review and approve training and research projects proposed by the Executive Director;
- (e) approve the annual development and non-development budget of the Institute;
- (f) approve the organizational structure of the Institute and lay down the terms and conditions of service of the employees of the Institute;
- (g) engage such consultants or experts as may be considered necessary for the efficient performance of the functions of the Institute, on such terms and conditions as it deems fit;
- (h) appoint the Executive Director and other officers of the Institute and approve their terms and conditions of service;
- (i) constitute sub-committees or advisory committees for the efficient discharge of the functions of the Institute;
- (j) ensure the finances for the Institute and exercise oversight thereof;
- (k) approve and submit and annual report of the Institute; and
- (l) make rules to carry out the purposes of this Act.

8. Term of office of members.-(1) A member shall hold office for a period of three years from the date of his assuming the office and shall be eligible for being nominated for another term of three years only:

Provided that if he ceases to be a Parliamentarian, he shall cease to be a member of the Board.

(2) A person who is an *ex-officio* member shall cease to be a member when he ceases to hold that office or appointment.

(3) A member other than an *ex-officio* member may at any time resign his membership by writing under his hand addressed to the President of the Board, but shall continue to perform his functions until his resignation is accepted.

(4) A vacancy caused by the resignation or by any other reason shall be filled by nomination by the Chairman or the Speaker, as the case may be, in the manner provided in section 6.

(5) No act or proceeding of the Board shall be invalid on the ground only of the existence of any vacancy in the Board.

9. Meetings of the Board.-(1) Save as hereinafter provided, the board shall regulate the procedure for its meetings.

(2) Meetings of the Board shall be called by the President who shall fix the date, time and place of the meeting:

Provided that the Board shall hold at least one meeting every four months in a year.

(3) One-third of the total membership shall constitute the quorum of the meeting of the Board.

(4) Each meeting of the Board shall be presided over by the President and in his absence by the Vice-President of the Board.

(5) The decision in each meeting shall be taken by the majority of the members present in the meeting. In case of equality of votes, the President shall have a casting vote.

(6) The minutes of each meeting of the Board shall be recorded and kept by the Secretary of the Board and shall be signed and authenticated by the President.

10. Executive Director of the Institute.-(1) The Board of Governors shall appoint the Executive Director of the Institute.

(2) The qualifications of the Executive Director shall be such as maybe prescribed by the Board.

(3) The Executive Director shall hold office during the pleasure of the Board.

(4) The salary and remunerations of the Executive Director and the terms and conditions of his service shall be determined by the Board.

11. Powers and functions of the Executive Director.-The Executive Director shall be the Chief Executive of the Institute and shall work under the control of the Board and perform the following functions, namely:-

- (a) to ensure efficient functioning of the Institute and to run the day to day administrative matters of the Institute;
- (b) to carry out the directives and decisions of the board and to formulate the programs for their implementation;
- (c) to formulate and implement training and research plans for Parliamentarians and parliamentary functionaries;
- (d) to arrange for the conferences, seminars, workshops, orientation and refresher courses for the Parliamentarians and parliamentary functionaries;
- (e) to prepare the annual report of the Institute for submission to the Board;
- (f) to appoint such officers and employees as determined by the Board on such terms and conditions as may be prescribed;
- (g) to prepare and propose budget estimates for approval of the Board;
- (h) to ensure the protection of all assets of the Institute;
- (i) to maintain the records and seal of the Institute; and
- (j) such other functions as may be entrusted to him by the Board.

CHAPTER III

FUNDS OF THE INSTITUTE

12. The Funds of the Institute.—The Funds of the Institute shall comprise,—

- (a) the funds allocated by the Senate from its budget to the Institute which shall be one third of the total annual expenses of the Institute;
 - (b) the funds allocated by the National Assembly from its budget to the Institute which shall be two third of the total annual expenses of the Institute;
 - (c) the contributions made by each Provincial Assembly;
 - (d) the contributions made by Parliamentarians;
 - (e) the grants in aid given by any national or international agencies and organization;
 - (f) the funds granted by the Federal Government or a Provincial Government; and
 - (g) the funds raised by the Institute, through donations, endowments and through its own sources.
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13. Annual Budget.-(1) the Executive Director shall, in respect of each financial year, submit for approval of the Board a statement showing the estimated receipt and expenditure of the Institute for the next financial year in time.

(2) The budget prepared by the Executive Director shall be approved by the board with such amendments as it may deem necessary.

(3) The budget approved by the Board shall be submitted to the Senate and the National Assembly Secretariats in time for the necessary allocation of funds.

14. Accounts of the Institute.-(1) The accounts of the Institute shall be maintained in such form and manner as the Board may prescribe.

(2) The accounts of the Institute shall be audited by the Auditor General every year, and made part of the annual Report of the Institute.

CHAPTER IV

MISCELLANEOUS

15. Appointments of employees.-(1) The Board shall make rules for recruitment of the employees of the Institute and the Executive Director shall act in accordance with the rules.

(2) The employees may be recruited on permanent or contract basis.

(3) The terms and conditions of service, promotion, reduction, removal, suspension and other service matters of the employees shall be regulated by the service rules of the Institute made by the Board.

16. Delegation of Powers.-The Board may by general or special order in writing delegate any of its powers to any of its members, the Executive Director or any Officer of the Institute subject to such condition as it may deem fit to impose.

17. Submission of Annual report.-The Board shall submit to the Parliament an annual report containing the activities of the Institute during a year. The report shall also highlight the objects of the Act achieved by the Institute and shall also give a picture of the finances and future plans of the Institute.

18. Directive from the Parliament.-(1) In performance of its functions, the Institute shall be guided by the directives and instructions, if any, given to it by the Parliament and such directives and instructions shall be binding on the Institute.

(2) The directive and instruction shall be approved by the Senate as well as the National Assembly before its issuance to the Institute.

19. Declaration of fidelity and secrecy.-Every officer or other employee of the Institute shall make such declaration of fidelity and secrecy as may be prescribed.

20. Exemption from taxes.-Notwithstanding anything contained in the Income Tax Ordinance, 2001 (XLIX of 2001) or any other fiscal law for the time being in force, the Institute shall not be liable to pay any tax on its income, capital profit, wealth or gain.

21. Ordinance XCI of 2002, not to apply to the Institute.-Nothing contained in the Industrial Relations Ordinance, 2002 (XCI of 2002) shall apply to or in relation to the Institute or any of the officer, advisor and employee appointed by it.

22. Bar of Jurisdiction.-No court or tribunal shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done in good faith or purported to have been done in good faith or intended to be done under this Act.

23. Removal of difficulties.-If any difficulty arises in giving effect to any provisions of this Act, the President of the Board may make such order not inconsistent with the provisions of this Act as may appear to him to be necessary or expedient for the purpose of removing the difficulty.

24. Power to make Rules.-The Board may by notification in the official Gazette, make rules for carrying out the purposes of this Act.

