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GOVERNMENT



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KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 5th March, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-22/2019/8587.— The Khyber Pakhtunkhwa Youth Affairs Management and Disposal of Immovable Properties Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12th February, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 28th February, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA YOUTH AFFAIRS MANAGEMENT AND DISPOSAL OF IMMOVABLE PROPERTIES ACT, 2019.

(KHYBER PAKHTUNKHWA ACT NO.IX OF 2019)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 5th March, 2019).*

AN
ACT

*to provide for the management and disposal of
immovable properties of the youth affairs of the Department of
Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums
in the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide for the management and disposal of the immovable properties of the youth affairs of the Department of Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums in the Province of the Khyber Pakhtunkhwa and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:



1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Youth Affairs Management and Disposal of Immovable Properties Act, 2019.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires.-

(a) "bank" means a financial institution, in whose custody and control the Fund, under this Act, is kept and invested;

(b) "Chairperson" means the Chairperson of the Management Committee;

(c) "Department" means the Department of Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums;

(d) "Directorate" means the Directorate of Youth Affairs;

(e) "Fund" means the Fund, established under section 3 of this Act;

(f) "Government" means the Government of the Khyber Pakhtunkhwa;

(g) "immovable property" means a plot, land, building or site, owned and controlled by the Department, including earth, water and air above, below, or on the surface, and any improvement in the structure, customarily regarded as land, and benefits arising out of such land, and things attached to the earth or permanently fastened to the earth;

(h) "Management Committee" means the Management Committee, constituted under section 5 of this Act;

(i) "prescribed" means prescribed by rules; and

(i) "rules" mean rules made under this Act.

3. Establishment of the Fund.---(1) Soon after the commencement of this Act, Government shall establish a Fund to be known as the Khyber Pakhtunkhwa Youth Affairs Immovable Properties Fund.

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(2) The Fund shall be credited, all its income, generated by or received from the immovable properties, in the shape of rent, lease money, profit from investment or any other income arising there from.

4. Maintenance of the Fund.---(1) The Fund shall be under the administrative control of the Management Committee and shall be kept in such bank and invested in such a manner as may be prescribed.

(2) The Fund shall be utilized for-

- (a) Management and maintenance of the immovable properties;
- (b) payment of utility bills in respect of immovable properties;
- (c) payment of salaries to the employees, hired or engaged, for the purpose of running the affairs of the immovable properties;
- (d) construction, repairing, revamping and reconstruction of the immovable properties; and
- (e) any other purpose as may be prescribed.

(3) The income, credited to the Fund and its utilization, under this Act, shall be made in the manner, as may be prescribed.

5. Constitution of the Management Committee.---(1) There shall be a Committee, to be known as the Management Committee, for the management and disposal of immovable properties.

(2) The Management Committee shall consist of-

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|------|--|-------------|
| (a) | Secretary to Government, Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums Department; | Chairperson |
| (aa) | Additional Secretary, Finance Department of Khyber Pakhtunkhwa; | Member |
| (b) | two representatives of the Engineering Wing of the Department, not below the rank of BPS-17, to be nominated by the Chairperson; and | Members |

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- (c) Director, Youth Affairs, Khyber Pakhtunkhwa. Member-cum-Secretary

(3) The Management Committee may nominate any person having special experience and qualifications in the relevant field as co-opted member and such member shall have no right of vote.

(4) The Chairperson shall have a casting vote in case of tie.

6. Meeting of the Management Committee.---(1) The Chairperson may convene meetings of the Management Committee, on quarterly basis, at time and place, as he may deem necessary, which is convenient for the transaction of its business.

(2) The Chairperson shall preside over the meetings of the Management Committee.

(3) The decisions of the Management Committee shall be taken by majority of its members present.

(4) Preparation of agenda and minutes of the meeting shall be the responsibility of the Director, Youth Affairs, being member-cum-secretary of the Management Committee.

(5) The Management Committee shall evolve its own procedure for the conduct of its business under this Act.

(6) No remuneration shall be admissible to the Chairperson and any member of the Management Committee for performance of their duties under this Act.

7. Functions of the Management Committee. ---The Management Committee shall-

- (a) maintain complete and authentic records of all immovable properties;
- (b) dispose of any immovable property through mortgage or lease by competitive process, as the case may be, in accordance with instructions, issued by Government, from time to time;
- (c) assess or re-assess the amount, arising from rent, mortgage or lease, as the case may be, of the immovable properties;
- (d) incur expenditure on construction, repair, revamping, reconstruction or maintenance, as the case may be, of immovable properties;
- (e) invest money, arising from the Fund, in profitable schemes in a transparent manner prior approved by the Department;

- (f) enter upon and inspect immovable properties;
- (g) hire and engage such staff as may be required for the purpose of immovable properties;
- (h) exercise financial and administrative control over all the youth affairs hostels, established or to be established;
- (i) enter into contract with any person through a competitive process as far as the lease or mortgage of the immovable properties is concerned; and
- (j) prepare schemes for promoting the objects of this Act.

8. Audit and accounts.---(1) The bank shall be responsible to maintain the accounts of the Fund in such form and in such manner as may be prescribed.

(2) No amount from the Fund shall be withdrawn, unless it is approved by the Management Committee. Withdrawal of amount shall be permissible only under the joint signatures of the Secretary of the Department, being the Chairperson and Director, Youth Affairs, in his capacity as Member-cum-Secretary of the Management Committee, respectively.

(3) Accounts of the Fund shall be audited once in a year by the Auditor General of Pakistan, in such a manner, as may be prescribed.

9. Delegation of power.---The Management Committee may delegate any of its powers to the Director, Youth Affairs, for the purposes of this Act.

10. Power to make rules.---(1) Government may, by notification in the official Gazette, make rules within two months after this enactment for carrying out the purposes of this Act.

(2) Without prejudice to the generality of fore-going sub-section, Government may make rules, under this Act, for the purpose of running the affairs of the youth hostels and Jawan Markez, established by Government, from time to time.

11. Repeal. --- The Khyber Pakhtunkhwa Youth Affairs Management and Disposal of Immovable Properties Ordinance, 2018 (KHYBER PAKHTUNKHWA ORD. NO.V OF 2018) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa