

Please send it to Mr. Faisal Daw, Secy, FBR, 1st  
Mr. Sijid

REGISTERED No. M-302

# The Gazette of Pakistan



EXTRAORDINARY

PUBLISHED BY AUTHORITY

KARACHI, MONDAY, DECEMBER 12, 2011

## PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

CABINET SECRETARIAT

(Capital Administration and Development Division)

NOTIFICATION

Islamabad, the 1st November, 2011

S.R.O. 121(KE)/2011 :

Whereas the Secretary to the Government of Pakistan, Revenue Division, Islamabad, has applied for settlement of a Scheme by the Federal Government of administration of the amount of one million rupees which is to be applied for charitable purpose to be known as Federal Board of Revenue Foundation (FBRF) Islamabad which is to be vested in the Treasurer of Charitable Endowments for Pakistan;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 5 of the Charitable Endowments Act, 1890 (VI of 1890), the Federal Government is pleased to settle the following scheme for the administration of the said Foundation, namely :—

(709)

Price : Rs. 10.50

**SCHEME FOR THE ADMINISTRATION OF FEDERAL BOARD OF REVENUE FOUNDATION ISLAMABAD**

**1. Short title and commencement.**—(1) This scheme may be called the **FEDERAL BOARD OF REVENUE Foundation.**

(2) It shall come into force on such date as the Federal Government may notify in the official Gazette.

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

- (a) "Act" means the Charitable Endowments Act, 1890 (VI of 1890);
- (b) "assistance" means the financial grant or support, in cash or kind, or loan out of the funds of the Foundation for providing relief to the beneficiaries;
- (c) "beneficiary" means a person,-
  - (i) who has served or is serving in the Federal Board of Revenue or its field formations as an employee of the FBR and includes his dependents; or
  - (ii) who has served in the Central Board of Revenue or its field formations as an employee of the CBR and includes his dependents;
- (d) "Board" means the Board of the Foundation;
- (e) "CBR" means the Central Board of Revenue established under Central Board of Revenue Act, 1924 (IV of 1924);
- (f) "Chairman" means the Chairman of the Board of Directors;
- (g) "Chief Executive Officer" means the head of the Secretariat of the Foundation;
- (h) "Committee" means the Committee of Management;
- (i) "dependents" means the spouse or spouses, dependant parents, dependant sons and unmarried, widowed or divorced daughters of the beneficiaries;
- (j) "FBR" means the Federal Board of Revenue established under the FEDERAL BOARD OF REVENUE Act, 2007;
- (k) "Foundation" means the FEDERAL BOARD OF REVENUE Foundation;
- (l) "Secretariat" means the Secretariat of the Foundation; and
- (m) "Secretary" means the Secretary of the Board.

**3. Aims and Objects of the Foundation.**—(1) The following shall be the aims and objects of the Foundation, namely :—

- (a) to assist beneficiaries or retired employees with accommodation facilities which may include housing projects, maintenance of hostel facilities;
- (b) to receive from Government or other bodies or persons any contributions to the Foundation;
- (c) to raise funds for furtherance of the aims and objects of the Foundation through voluntary contributions by beneficiaries;
- (d) to defray all proper costs, charges and expenses of, and incidental to, the administration of the Foundation;
- (e) to receive any property in trust under the terms of any will, deed of trust or other trust instrument for furtherance of the aims and objectives of the Foundation;
- (f) to apply the corpus and the income of the Foundation for the benefit of the beneficiaries;
- (g) to extend loans to the beneficiaries for construction or renovation of houses;
- (h) to provide for rest houses or centers which the beneficiaries may use for rest and recreation, at such terms and conditions as the Board may decide;
- (i) to provide any other facility or help which the Board may decide from time to time for the welfare of the beneficiaries;
- (j) to provide support and incentives on no profit no loss basis in the housing, transport, medical, education, uniform or liveries and for the welfare of the beneficiaries;
- (k) to establish, manage, maintain, own, administer, promote and subsidize educational institutions, computer literacy centers, institutions for study and research, centers of learning, reading rooms, and other institutions for basic education, adult literacy, advanced studies for the benefit of the beneficiaries of the Foundation;
- (l) to provide scholarships and grants in aid including supply of books, stipends, medals, prizes, grants, awards, educational career support, bursaries and other incentives to the beneficiaries;
- (m) to provide a platform for research and development in the broad fields of taxations and fiscal policy;

- (n) to acquire land and develop housing schemes for the beneficiaries;
- (o) to establish, assist, setup, maintain, administer and run hospitals and other medical facilities for the beneficiaries;
- (p) to provide subsidized transport facilities to the beneficiaries;
- (q) to promote and develop centers for sports and organize sporting activities, encourage talent therein and to provide coaching and training facilities for the beneficiaries;
- (r) to receive, take title to hold, and use the proceeds and income of stocks, bonds, obligations, or other securities of any Government or corporation, domestic or foreign, but only for the purposes of the Foundation;
- (s) to launch commercial projects for generating funds for achieving the aforesaid objectives;
- (t) generally to administer the Foundation for the purposes and objectives of this scheme;
- (u) to do all such other things as are incidental or conducive to the attainment of the above said objects or any of them or to the carrying out of this scheme.
- (2) The Foundation shall not be used for contributing towards measures which are the responsibility of the Government for the benefit of the public in general or as part of its development and social welfare programs.

**4. Administration of the Foundation.**—(1) The Foundation shall be administered by the Board consisting of the following members, including the Chairman, by virtue of their offices and by nomination, namely.—

(a) Chairman FBR	Chairman
(b) Member (Inland Revenue)	Vice-Chairman
(c) Member (Legal)	Secretary/ Member.
(d) Member (Customs)	Member
(e) Chief Collector Customs (North)	Member
(f) Chief Collector Customs (South)	Member
(g) Chief Commissioner Large Taxpayer Unit (Karachi).	Member

- |  |        |
|--|--------|
| (h) Chief Commissioner Large Taxpayer Unit (Islamabad).    | Member |
| (i) Chief Commissioner Large Taxpayer Unit (Lahore).       | Member |
| (j) Joint Secretary of the Division Administering the Act. | Member |
| (k) One retired employee of the FBR in BPS (20)            | Member |

- (2) Member Legal shall act as the Secretary of the Board.
- (3) The Member of the Board at Serial No. (k) in sub-rule(s) shall be nominated by the Chairman FBR for a term of three years.
- (4) The preparation of agenda and minutes of the meeting shall be the responsibility of the Secretary.
- (5) All accounts of the Foundation shall be jointly operated by the Vice Chairman and the Secretary.
- (6) Secretary (Welfare) FBR shall be the Special Assistant to the Secretary and shall not cast a vote.
- (7) One third members of the Board shall form a quorum at a meeting of the Board, provided that the Chairman or the Vice-Chairman shall be one of the members present.

**5. Powers of the Chairman.**—(1) The Chairman shall have the following powers, namely :—

- (a) the Chairman may convene meetings of the Board at such time and place as he may deem necessary and convenient for the transaction of business;
- (b) the Chairman or, in his absence, the Vice-Chairman shall convene and preside over the meeting;
- (c) the Chairman at a meeting shall exercise a casting vote in case of a tie;
- (d) the Chairman shall have the possession, management and control of the Foundation and its undertakings, properties and assets;
- (e) the Chairman shall ensure through the Chief Executive Officer that all policies and decisions of the Board are implemented; and

(f) the Chairman may issue letter, order or directive of instructions on behalf of the Board, and it shall be presumed that he has issued and exercised the same after full consultation with the members of the Board and the same shall not be called in question.

(2) The Board shall be the final appellate authority in respect of all appeals filed against decisions of the Chairman and the Chief Executive Officer.

(3) In case of inability of the Chairman to act, because of absence abroad or any other reason, the Vice - Chairman shall exercise the powers of the Chairman.

**6. Powers of the Board. - (1) The Board may-**

(a) purchase, sell, endorse, transfer, negotiate or otherwise deal in securities of the Government of Pakistan and any other securities of any description;

(b) raise loans for its various enterprises and undertakings and may for this purpose, pledge, hypothecate or otherwise charge the corpus and the properties of the Foundation;

(c) enter into contracts, engagements, arrangements and execute necessary documents;

(d) open current, fixed overdraft, loan, cash credit and other accounts with any bank or banks as may be necessary and to pay into and to draw money from such accounts;

(e) make, draw, endorse sign, accept, negotiate and give all cheques, bills of lading, draft orders, bills of exchange, Government securities, promissory notes and other negotiable instruments;

(f) constitute committees to transact business and may delegate any of its powers to any such committee;

(g) delegate any of the powers to any member or to any other officer or employee in the employment of the Foundation or any of its undertakings and for this purpose may execute or authorize execution of any powers of Attorney or other instruments;

(h) create or upgrade posts, appoint, remove, suspend or promote such officers and agents, managers, secretaries, clerks and servants for permanent, temporary or special services of work for remuneration or gratuitously as the Board may from time to time deem fit and may determine their powers and duties and in its discretion determine the pay, allowances and other terms and conditions of service of the employees of the Secretariat, provided that the total annual administrative expenditure shall not exceed ten per cent of the annual income of the Fund; and

(i) invest its finances in Saving Schemes of the National Saving Center, the Post Office or other Government guaranteed securities and any other long term deposits in the Scheduled Banks to obtain maximum profits.

(2) The Board shall at all times conform to and abide by the rules framed under section 13 of the Act.

**7. Secretariat.**—(1) The Secretariat shall consist of officers and staff as deemed appropriate by the Board and shall be headed by a Chief Executive Officer, who shall be a full time employee of the Foundation.

(2) The Secretariat shall look after the day to day running of the projects and administrative work of the Foundation.

**8. Powers and duties of the Secretariat.**—The Secretariat shall exercise, subject to the supervision of the Board, all the powers of the Board for effective control, management, supervision and direction of all projects and welfare activities of the Foundation with the following limitations, namely :—

(a) approval of the annual budget estimates of the Foundation along with performance report pertaining to the industrial, commercial and welfare projects or schemes;

(b) approval of audited annual accounts of the Foundation;

(c) approval of investment in any new industrial, commercial or welfare project of scheme;

(d) approval of disinvestment in and disposal of any existing industrial, commercial or welfare project or scheme; and

(e) appointment or removal of any employee of the Secretariat and determination of terms and conditions of appointment of any employee thereof.

**9. Assignment of duties of officers and staff.**—The Secretariat may lay down specific responsibilities and duties of the officers and staff of the Foundation from time to time.

**10. Budget estimates and performance reports.**—The Secretariat shall scrutinize and approve annual and revised budget estimates of the Foundation and performance report pertaining to the industrial, commercial, or welfare projects and schemes before these are put up before the Board for final approval.

**11. Audited annual accounts.**—(1) The Secretariat shall scrutinize and approve the audited annual accounts of the Foundation before these are put up before the Board for final approval.

- (2) After the approval of the Board, the said accounts shall be audited as per provisions of the Charitable Endowments (Central) Rules, 1942.

**12. Investments.—**(1) The Secretariat shall examine, sponsor, initiate and recommend proposal for investments of the surplus funds for approval of the Board for—

- (a) acquiring any industrial, commercial or welfare project or scheme;
- (b) establishing any new industrial, commercial or welfare project or scheme; or
- (c) participating by taking controlling interest or entering into any profit sharing arrangement with any industrial, commercial or welfare project.

(2) The Secretariat shall examine, initiate and recommend proposals for disposal or disinvestment from any industrial, commercial or welfare or scheme to the Board for approval.

(3) The Secretariat may invest available funds of the Foundation in promissory notes, debentures, shares of any non-speculative or Provincial Government or fixed deposits in banks:

Provided that the investments in shares shall not be with the intention of dealing in shares business but with the avowed object of acquiring or controlling interest, or by way of any profit sharing arrangement, or for acquiring or managing agency, or seek participation in the management of the company.

(4) The Secretariat may vary the investment from time to time and sell, assign, renew, re-invest, transfer or otherwise dispose of or deal with all or any of the said securities from time to time.

(5) The Secretariat may direct and authorize any of its officers to jointly operate any bank account and to make, draw, endorse cheques, drafts bills of exchange, promissory notes and other negotiable instruments.

**13. Borrowing.—**(1) The Board shall be the sole competent authority to secure loans from Government or other agencies or financial institutions on such terms and conditions as may be most beneficial to the Foundation.

(2) The Board shall secure loans in such a manner as may be required by the banks which may include the powers to execute, demand promissory notes, letter of hypothecation, mortgage documents, memorandum of deposit of title deeds, irrevocable general powers of attorney letters of guarantee, letters of undertaking and any other documents. The Board may authorize any Director, Secretary or any other officer to execute all or any of these documents.



(3) The Board may give guarantees for such purposes and for such periods to such parties and on such terms and conditions as in its opinion may be most beneficial to the Foundation.

(4) The Board shall give loans or advances in any emergency to such of the projects as are owned by the Foundation wholly, or partly and to such the companies in which the Foundation may be interested as share holder or subscriber, on such terms and conditions as to interest, security and repayment as may be determined by the Board.

**14. Contracts.**—The Board may in pursuance of the objectives of the Foundation, enter into contracts of any business, commercial or other nature and may authorize any Director or Secretary or any other officer to execute such contracts, or rescind the same for any reason.

**15. Meetings of the Board.**—(1) The Board shall hold meetings at least once in a quarter of a year.

(2) In addition, informal meetings of the Board may be held as and when required to acquaint the members regarding progress of various industrial, commercial and welfare activities.

(3) The Chairman or in his absence, the Vice-Chairman shall preside over the meeting of the Board.

**16. Power to constitute Committee of Management.**—The Board may constitute separate committees of Management or appoint officers for all industrial, commercial and welfare projects wholly owned by the Foundation.

**17. Framing of regulations.**—The Board may frame regulations, with the approval of the Federal Government, not inconsistent with the Act, the rules made thereunder and this scheme.

**18. Delegation of powers by the Board.**—The Board may delegate all necessary powers for day to day administration and management of industrial, commercial and welfare projects to the respective officers and staff of the Committee of Management. The powers so delegated may *inter alia* include,-

(a) to efficiently manage and exercise overall control and supervision of the business affairs transactions books, properties and fixtures;

(b) to keep the operation of the projects under constant review and ensure renovation, balancing and modernization of machineries wherever necessary;

(c) to consider progress and expansion plans of welfare projects;

(d) to ensure proper maintenance of plant, machinery, buildings, spare parts and tools;

- (e) to prepare the annual and revised estimates for the approval of the Board;
- (f) to scrutinize and approve the audited annual accounts before these are put up to the Board for approval;
- (g) to sanction expenditure within the financial resources of the project and or pay all sums payable to or on behalf of the respective industrial, commercial or welfare projects and give valid discharge subject to the limitation of the approved budget; and
- (h) to assign duties and powers to the officers and staff of the project to conduct day to day administration of the project.

**19. Powers and duties of the Chief Executive Officer.**—(1) The Chief Executive Officer shall be vested with the overall control, direction and supervision of all the activities including industrial, commercial welfare, etc. of the Foundation:

Provided that the Chief Executive Officer shall not create any liability for the Foundation or confer a benefit without specific or general authorization of the Board.

- (2) The Chief Executive Officer shall be responsible for the coordination and implementation of all decisions and policies of the Board.
- (3) The Chief Executive Officer may deal on behalf of the Foundation directly with the Federal Government or any Provincial Government for the purpose of making any representation and for taking all necessary action to obtain a concession, privilege, or right from such Government or any authority in respect of the Foundation.
- (4) The Chief Executive Officer shall be responsible for laying down performance targets for projects.
- (5) The Chief Executive Officer in particular shall present for approval of the Board the following matters, namely :—
  - (i) annual and revised budget estimates of the Foundation and performance report of the industrial, commercial and welfare projects or schemes;
  - (ii) audited annual accounts of the Foundation;
  - (iii) investment in any new industrial, commercial or welfare projects or scheme;
  - (iv) dis-investment in or disposal of any existing industrial, commercial or welfare project or scheme; and

(v) appointment or removal of any officer and staff of the Secretariat and determination of his terms and conditions of service.

(6) All financial powers regarding recurring and non-recurring expenditure within the budget shall vest in the Chief Executive Officer.

**20. Officiating arrangements.**—(1) Whenever the Chief Executive Officer is away abroad on duty or otherwise absent or on leave due to ailment or some other reasons, the senior-most officer of the Secretariat shall act as the Chief Executive Officer in his place.

(2) Whenever any officer is away or abroad on duty or otherwise absent or on leave due to ailment or some other reason, the Chief Executive Officer may nominate any other officer to act in his place, and may vary such arrangement from time to time as he may deem fit.

**21. Delegation of powers by the Chief Executive Officer.**—The Chief Executive Officer may delegate all or any of his powers and duties to such officer of the Secretariat as he may deem fit.

**22. Power to sue and be sued.**—The Chief Executive Officer shall represent the Foundation in all legal matters. The Foundation shall sue and be sued through him. The Chief Executive Officer shall appoint part time and full time legal advisors and counsels, with the prior approval of the Board.

**23. Winding up.**—The assets and liabilities of any project or activity of the Foundation shall vest in the Board in case of winding up of such project or activity. The assets and liabilities of the Foundation shall revert to the Federal Board of Revenue in the case of winding up of this Scheme.

No. F. 5-1/2011-SW&SE.

HAJI AKBAR,  
*Director A&T.*