

# SENATE OF PAKISTAN



## SIXTH QUARTERLY REPORT OF THE COMMITTEE

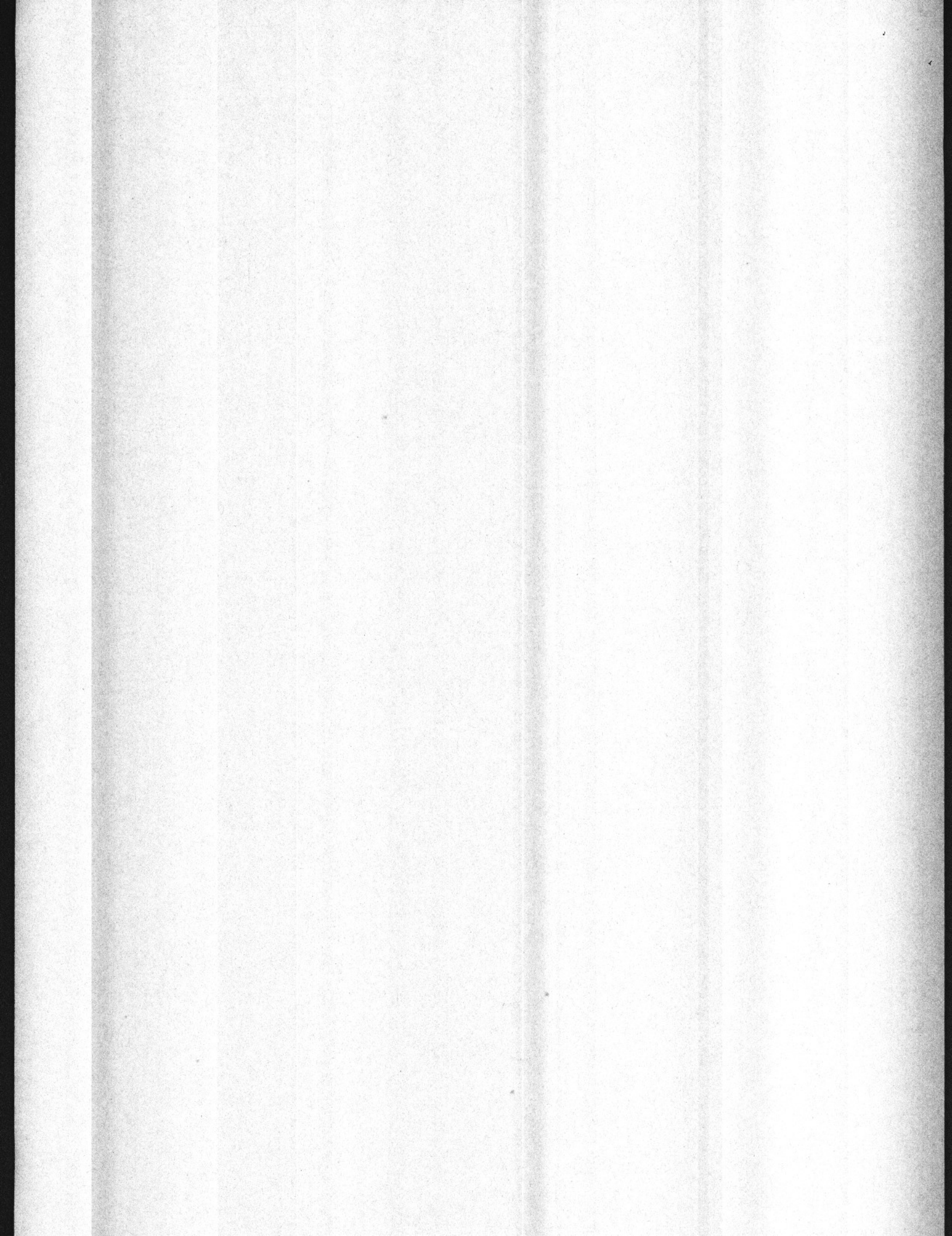
ON

## DELEGATED LEGISLATION

PRESENTED BY

**SENATOR TAJ HAIDER**  
**CHAIRMAN COMMITTEE**

SENATE SECRETARIAT



**QUARTERLY REPORT OF THE COMMITTEE ON  
DELEGATED LEGISLATION  
(JULY – SEPTEMBER 2017)**

I, Chairman of the Senate Committee on Delegated Legislation, have the honour of presenting the sixth quarterly report of the Committee on Delegated Legislation under Rule 172E (3) of the Rules of Procedure and Conduct of Business in the Senate, 2012, for the period of July to September 2017.

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

1.	Senator Taj Haider	Chairman
2.	Senator Farooq Hamid Naek	Member
3.	Senator Muhammad Daud Khan Achakzai, Advocate	Member
4.	Senator Muhammad Mohsin Khan Leghari	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Farhatullah Babar	Member
7.	Senator Muhammad Ali Khan Saif	Member
8.	Senator Kalsoom Perveen	Member
9.	Senator Muhammad Talha Mehmood	Member
10.	Senator Ayesha Raza Farooq	Member
11.	Senator Muhammad Javed Abbasi	Member
12.	Senator Mohammad Azam Khan Swati	Member

3. The meetings of the Committee were held on 23<sup>rd</sup> August & 18<sup>th</sup> September 2017.

4. The following members of the Committee attended the above-said meetings:

i.	Senator Taj Haider	Chairman
ii.	Senator Muhammad Mohsin Khan Leghari	Member
iii.	Senator Kalsoom Perveen	Member
iv.	Senator Ayesha Raza Farooq	Member
v.	Senator Syed Muzafar Hussain Shah	Member
vi.	Senator Mohammad Azam Khan Swati	Member
vii.	Senator Farhatullah Babar	Member
viii.	Senator Muhammad Daud Khan Achakzai, Advocate	Member
ix.	Ex-Senator Chaudhry Muhammad Anwar Bhinder	Special Invitee

5. The Committee discussed the following agenda items: -

Sr. No.	Agenda Items	Discussions / Decisions
<b>23-08-2017</b>		
I	To follow up Public Petition No. PP-1709, as discussed in the meetings held on 23 <sup>rd</sup> February	D.G. National Savings apprised the Committee about discussions held with different stake holders such as Ministry of Communication (Pakistan



	2017 and 17 <sup>th</sup> May 2017.	<p>Post), Ministry of Law &amp; Justice and State Bank of Pakistan in connection with matter raised in the Public Petition. He stated that at present, amounts up to Rs.500,000 are handed over to the nominee, who acts as a trustee for further handing over the same to the actual heirs. For amounts above Rs.500,000 Succession Certificate from the court of law is required. He further informed that they have also sought input from Postal Savings, which is still awaited, therefore rules have not been finalized.</p> <p>Ex-Senator Ch. Muhammad Anwar Bhinder pointed out that in presence of court verdicts that hereditary heirs cannot be deprived under any circumstances, the practice or rules of handing over any amount to the nominee would be <i>ultra vires</i>. The Committee deferred the matter till rules are framed, directing that all legal aspects shall be accounted for in the rules.</p>
II & III	<p>i. Further discussion on the Petition pertaining to Regulations No. 3, 9 and 14 of the Privatization Commission Ordinance 2000 which are deemed to be <i>ultra vires</i> of the said basic Ordinance.</p> <p>ii. To examine Rule 6(i) of the Privatization Commission (Valuation of Property) Rules, 2007</p>	<p>D.G Privatization Commission informed the Committee that Privatization Division has recently been granted status of a Ministry and a Minister is expected to be appointed in the near future. He submitted before the Committee that the matter pertaining to above Regulations was discussed with the Legal Advisor. According to the D.G, apparently, there is no anomaly in the Regulations as the Commission is a body corporate and the members of the Board, Chairman and the Secretary are natural persons. The Commission can delegate its powers to the said natural persons. However, he requested that matter may be deferred till the appointment of the Minister.</p> <p>The Chairman Committee noted it was unanimous view that discussions and views during the meeting shall serve as guidance by the Committee. He directed that the same shall be brought to the information of the Minister when appointed and the Regulations be framed/amended accordingly and presented to the Committee.</p> <p>Agenda Item No.3 was deferred on the same lines.</p>
IV	To discuss the National School of Public Policy Rules 2017 framed under the NSPP (Amendment)	<p>Senator Farhatullah Babar raised two basic questions: i) whether in the making of rules, laid down procedure was followed or rules were</p>

	Ordinance 2017 and recommend removal of anomalies, if any.	<p>framed in haste, and ii) whether it is not ultra vires of the Ordinance to exclude public servants and include only civil servants in the eligibility criteria for the posts mentioned. He also pointed out that offering appointment to government servants in MP scales without condition of resigning from government service or without open competition with private sector was also against the laws.</p> <p>The Chairman Committee held that issues raised by Senator Farhatullah Babar needed to be addressed before making the appointments. The Committee directed the Establishment Division to submit all the Acts, Ordinances and Rules before the next meeting of the Committee for further deliberations.</p>
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18-09-2017

I	Approval of the Standard Operating Procedures (SOPs) for the Committee.	<p>The Chairman apprised the Committee that a drafting unit has been established in the Senate Secretariat to render legal services to the Committee. In view of this development and to streamline Committee's work, he drafted SOPs and sent the same to Advisor on Legislative Drafting for his input. Both the drafts i.e. initial draft by the Chairman Committee and the draft sent back from Advisor on Legislative Drafting were being placed before the Committee for review and approval. The Committee held threadbare discussion on the matter and finalized the following SOPs:</p> <p><u>Standing Operating Procedures (SOPs)</u></p> <ol style="list-style-type: none"> <li>Secretary Committee will put up minutes of Committee meetings within 7 working days of the holding of the meeting. Minutes to be sent to the Chairman Committee by e-mail if he is outside Islamabad.</li> <li>Chairman Committee will approve minutes within 2 working days of their submission, after which minutes shall be sent to Honorable Members preferably by e-mail.</li> <li>Tentative Agenda for the next meeting will be communicated by Director (Staff) to Secretary</li> </ol>
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		<p>Committee within 7 working days of holding of a meeting. Members of the Committee are encouraged to propose agenda items.</p> <p>iv. After approval of the Chairman Committee, all materials (Acts, Rules, Regulations, etc.) on tentative agenda items will be collected by Director Staff with the assistance of the Secretary Committee, Deputy Director (Library) and Drafting Unit.</p> <p>v. Secretary Committee will coordinate with concerned Government Departments to secure working papers on agenda items.</p> <p>vi. Agenda finalized by Chairman Committee and collected material along with working papers will be circulated among Members by Director Staff.</p> <p><u>Jobs of Legislative Drafting Cell</u></p> <p>vii. To present their input/comments on the items of the Tentative Agenda by keeping in view mandates of the Committee.</p> <p>viii. To study Gazette Notifications for any contradictions with the respective parent Acts.</p> <p>ix. To submit their findings to Advisor on Legislative Drafting via Deputy Secretary Drafting Unit for onward transmission to the Committee.</p>
II, III & IV	<p>i. Acceptance of resignation of Senator Syed Muzafar Hussain Shah from the Convenership of the Sub-Committee on Delegated Legislation on Cabinet Secretariat.</p> <p>ii. Appointment of Senator Muhammad Mohsin Khan Leghari as Convener of Sub-Committee of Delegated Legislations on Cabinet Secretariat.</p> <p>iii. Inclusion of Senator Ayesha Raza Farooq as member of Sub</p>	<p>The Committee accepted resignation of Senator Syed Muzafar Hussain Shah from the Convenership of the Sub-Committee of Delegated Legislation on Cabinet Secretariat. He would continue to be Member of the Sub-Committee.</p> <p>The Committee also decided to appoint Senator Muhammad Mohsin Khan Leghari as the new Convener.</p> <p>It was also decided that Senator Ayesha Raza Farooq will be the new Member of the Sub-Committee in place of former Senator Saeed Ghani.</p>



	Committee of Delegated Legislations on Cabinet Secretariat.	
V	Discussion on the scope and Mandate of the Committee.	<p>The Committee deliberated upon its scope and mandate. Senator Mohsin Khan Leghari noted that review of delegated legislation is one of the functions of Standing Committees therefore instead of reviewing entire recent delegated legislation of all Ministries / Divisions, the Committee should send the same to concerned Standing Committees and this Committee should only focus on old delegated legislation.</p> <p>The Chairman Committee maintained that the review of delegated legislation had to be done centrally by this Committee however a mechanism can be worked out whereby concerned Standing Committees are also taken on board. After detailed discussion, it was agreed that Legislative Drafting Cell will review existing rules, regulations and prepare a report for Committee on Delegated Legislation, which, after deliberating upon the case in its meetings, may refer it to the Standing Committees concerned for further action at their end.</p>

6. Three meetings of Sub-Committee of the Committee on Delegated Legislation on Information Technology (IT) were held on 3<sup>rd</sup> July, 24<sup>th</sup> July and 17<sup>th</sup> August 2017.

7. The following members of the Committee attended the above-said meetings:

- |      |   |          |
|------|---|----------|
| i.   | Senator Muhammad Daud Khan Achakzai, Advocate | Convener |
| ii.  | Senator Kalsoom Parveen                       | Member   |
| iii. | Senator Muhammad Javed Abbasi                 | Member   |

8. The Committee discussed the following agenda items: -

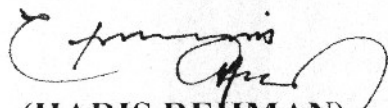
S #	Agenda Items	Discussions / Decisions
<b>03-07-2017</b>		
I	i. Update/Compliance report of the recommendations of the sub-committee meeting held on 28 <sup>th</sup> February 2017.	Secretary Ministry of Information Technology and Telecommunication (MITT) informed Sub-Committee about their deliberations with Special Communication Organization (SCO) regarding operational impediments, increase in budget,

	<p>ii. Further discussion on the proposed amendment in Pakistan Telecom (Re-organization) Act 1996 with the permission of GHQ and with the consensus of Ministry of Information Technology and Telecommunication.</p> <p>iii. Further discussion on rules, notifications and SROs in pursuance of existing acts of the Parliament of Pakistan Telecommunications Employees Trust (PTET).</p>	<p>autonomy and its restructuring in a meeting held on 30<sup>th</sup> June 2017. However, Sub-Committee observed that ministry must confine itself to the SCO's concerns. The Sub-Committee also commented that private mobile companies can operate all over the Pakistan (including AJK and Gilgit Baltistan), but not SCO. SCO were of the view that Pakistan Telecom (Re-organization) Act 1996 didn't restrict it to operate all over Pakistan.</p> <p>The Sub-Committee directed MITT to hold more meetings with SCO and come up with the amendments in Pakistan Telecom (Re-organization) Act 1996, acceptable to all stake holders.</p>
<b>24-07-2017</b>		
<b>I</b>	<p>i. Update/Compliance report of the recommendations of the sub-committee meeting held on 3<sup>rd</sup> June 2017.</p> <p>ii. Further discussion on the proposed amendment in Pakistan Telecom (Re-organization) Act 1996 with the permission of GHQ and with the consensus of Ministry of Information Technology and Telecommunication.</p>	<p>MITT informed the committee that as directed by the Sub-Committee on delegated legislation, a meeting was held between MITT and SCO on 18<sup>th</sup> July 2017, which discussed the following agenda items:</p> <ul style="list-style-type: none"> <li>i. Enhancement of area of operation of SCO</li> <li>ii. Provision of financial autonomy to SCO</li> </ul> <p>Ministry agreed to provide financial autonomy to SCO, and for which necessary arrangements would be made shortly. However, both parties did not reach consensus on the issue of enhancement of area of operation of SCO.</p> <p>Sub-Committee noted that after numerous meetings, MITT and SCO had failed to reach a consensus. Therefore, it is directed that SCO and MITT would hold another meeting with all stake holders and report back to the Sub-Committee within one week.</p>
<b>II</b>	Further discussion on rules, notifications and SROs in pursuance of existing acts of the Parliament of Pakistan Telecommunications Employees Trust (PTET)	The Sub-Committee directed MITT to give complete details of Pakistan Telecommunications Employees Trust (PTET), containing list of persons along their pension amount, list of employees forcibly retired by PTCL and list of presently working employees with pay scale & salary and any other related issue of employees about their retirement.
<b>17-08-2017</b>		
<b>I</b>	Compliance status by the Ministry of IT & Telecommunication on Committee's direction in its last meeting regarding holding a meeting	MITT and SCO held various meetings, but difference of opinion persists on the matter of enhancement of SCO's area of Operation. Ministry considered amendments in Section 40

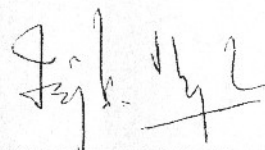


	<p>of all stakeholders on the issue of enhancement of SCO's area of operation.</p>	<p>(a &amp; b) of Pakistan Telecom (Re-organization) Act 1996 against the policy of government, international commitments and other commercial agreements in the telecom sector, whereas SCO remained persistence on its demand for the same amendments. Private sector telecom companies also expressed their concerns about entry of government owned organization in the market without consultation with all stake holders.</p> <p>After extensive deliberations, the Sub-Committee directed that MITT would submit a conclusive report, depicting final stances of all stake holders and minutes of all meetings between MITT &amp; SCO, to the Sub-Committee on delegated legislation, after three weeks.</p>
<b>II</b>	<p>Briefing by the Ministry of IT &amp; Telecommunication on Pakistan Telecommunications Employees Trust (PTET) with details of employees, as directed by the Committee in its last meeting.</p>	<p>The Sub-Committee observed that Ministry didn't provide adequate information about pensioners, so it was directed that MITT would provide a list of pensioners, indicating differences in pensions drawn and reason for such differences, along with details of old TNT/PTCL employees who still wanted to work under government/regular scheme and those who had filed court cases against coercive measures aimed at compelling them to opt for a new scheme. The Sub-Committee also directed to invite a representative from PTCL in the next meeting.</p>

9. In terms of Rule 172E (3) of the Rules of Procedure and Conduct of Business in the Senate, 2012, the quarterly report of the Committee is presented for perusal of the House.



(HARIS REHMAN)  
SECRETARY COMMITTEE



(SENATOR TAJ HAIDER)  
CHAIRMAN

