

SENATE OF PAKISTAN



FOURTH 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 (JANUARY – MARCH, 2017)

I, Chairman of the Senate Committee on Delegated Legislation, have the honour of presenting the fourth 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 January to March, 2017.

2. The composition of the Committee during the period under report was 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 Saeed Ghani	Member
7.	Senator Muhammad Ali Khan Saif	Member
8.	Senator Kalsoom Parveen	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. A meeting of the Committee was held on 23rd February, 2017.

4. The following Members of the Committee attended the meeting: -

i.	Senator Taj Haider	Chairman
ii.	Senator Farooq Hamid Naek	Member
iii.	Senator Ayesha Raza Farooq	Member
iv.	Senator Kalsoom Parveen	Member
v.	Senator Muhammad Javed Abbasi	Member
vi.	Senator Saeed Ghani	Member

5. The Committee discussed the following agenda items: -

Sr. No.	Agenda Items	Discussions / Decisions
I	Discussion on Public Petition No. 1709 referred to the Committee on 30 th January, 2017 proposing subordinate legislation to protect pensioners' Benefits Account Rules 2003 as they apply to government servants.	After introducing petition, Members held extensive discussion on legislations related to the curbing of inheritance rights of a civil servant pensioner.

II	A brief presentation by the petitioner to explain his point of view in the said petition and answer the Committee's queries, if any.	In his briefing, the Petitioner suggested that after the death of pensioners, their deposited amount in Pensioners' Benefit Account (PBA) must be transferred either to his heirs according to Muhammadan law or to his nominee as per Pensions and Gratuity Rules of Civil Service Law, but never to both and that the aforementioned subordinate legislation may be enacted as soon as possible.
III	Director General National Savings, Ministry of Finance, to brief the Committee on Pensioner's Benefit Account (PBA) and provide information on the mode of distribution among a pensioner's heirs/dependents in case of the pensioner's death.	The committee desired to postpone the above-mentioned petition with suggestions that honorable Chairman Senate may be requested to extend the disposal time for the said public petition, as National Savings has sought time for bringing amendments to the Pensioners Benefit Account Rules, 2003.

6. Two meetings of Sub-Committee of the Committee on Delegated Legislation on Information Technology (IT) were held on 28th February and 31st March, 2017.

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

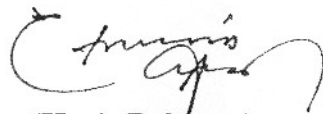
- | | | |
|------|---|----------|
| i. | Senator Muhammad Daud Khan Achakzai, Advocate | Convener |
| ii. | Senator Kalsoom Parveen | Member |
| iii. | Senator Muhammad Javed Abbasi | Member |

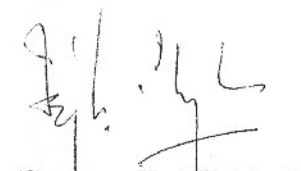
8. The Committee discussed the following agenda items: -

Sr. No.	Agenda Items	Discussions / Decisions
28-02-2017		
I	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.	Pakistan Telecom (Re-organization) Act 1996 was still in review process, and relevant officials would submit their report by 10 th March, 2017. It was also decided that a consensus document on operational autonomy of SCO be submitted to the sub-committee.
II	Discussion on rules, notifications and SROs in pursuance of the existing acts of the Parliament of Pakistan Telecommunication Employees Trust (PTET).	Sub-committee observed that rules must explain the status of employees namely government servants and master-servants of Pakistan Telecommunication Limited (PTCL).
31-03-2017		
	Update/Compliance report of the recommendations of the sub-committee meeting held on 28 th February, 2017	Response of Ministry of Information Technology & Telecom is as follows: a. Telecom Act is a primary legislation, so Special Communication

		<p>Organization's (SCO) proposal for amendment in the said Act does not fall under the purview of the Committee on Delegated Legislation.</p> <p>b. To propose amendments in Acts of Parliament through official bills, the procedure laid down in the Rules of Business 1973 must be followed.</p> <p>c. SCO is a non-commercial organization, whose financial needs are mainly met by the Government.</p> <p>d. Government's decision to create another telecom company conflicts with its de-regulation policy (2013).</p> <p>e. National Telecommunication Corporation (NTC) is responsible for government's communication requirements.</p>
	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.	It was decided that SCO and Ministry of Information Technology and Telecom may hold discussions on the former's proposed exemption in section 40 (b) of the above-cited act, and then come up with concrete suggestions in the next meeting of the sub-committee on Delegated Legislation.
	Further discussion on rules, notifications and SROs in pursuance of existing acts of the Parliament of Pakistan Telecommunications Employees Trust (PTET).	Committee deliberated upon the pension rules of PTCL and PTET and observed that Ministry of Information Technology and Telecom must further streamline and oversee pension process in telecom organizations.

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 the perusal of the House.


(Haris Rehman)
 Secretary Committee


(Senator Taj Haider)
 Chairman

