

SENATE OF PAKISTAN



SECOND QUARTELY REPORT OF 2023 OF
THE SENATE COMMITTEE ON
DELEGATED LEGISLATION

Presented By:

Senator Mian Raza Rabbani, Chairman

SECOND QUARTERLY REPORT OF 2023 OF
THE COMMITTEE ON DELEGATED LEGISLATION
(APRIL – JUNE, 2023)

I, Chairman of the Senate Committee on Delegated Legislation, have to present second 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 from April to June, 2023.

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

1. Senator Mian Raza Rabbani	Chairman
2. Senator Azam Nazeer Tarar	Member
3. Senator Muhammad Azam Khan Swati	Member
4. Senator Syed Yousuf Raza Gillani	Member
5. Senator Molvi Faiz Muhammad	Member
6. Senator Samina Mumtaz Zehri	Member
7. Senator Rubina Khalid	Member
8. Senator Keshoo Bai	Member
9. Senator Dr. Muhammad Forogh Naseem	Member
10. Senator Kauda Babar	Member
11. Senator Syed Ali Zafar	Member
12. Senator Prof. Dr. Mehr Taj Roghani	Member
13. Senator Shaheen Khalid Butt	Member

3. During this quarter, a meeting of the Committee was held on 15th June, 2023 with the following in attendance:

1. Senator Mian Raza Rabbani	Chairman
2. Senator Syed Ali Zafar	Member
3. Senator Prof. Dr. Mehr Taj Roghani	Member
4. Senator Rubina Khalid	Member
5. Senator Keshoo Bai	Member

4. The Committee analyzed in detail the Rules/ regulations / SROs / Notifications shared by the Ministry in respect of Federal College of Education and Federal Directorate of Education, the same were found to be in accordance with the parent Acts.

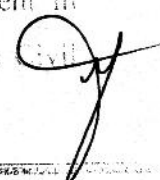
5. While in case of Inter-Board Committee of Chairmen the Committee observed that said Act deliberates upon the supervision of the Federal Government on matters related to curricula, textbooks and maintenance of standards of education. However, the subject rules pertains to terms and conditions of service of employees of the Inter-Board Committee of Chairmen (IBCC). Section 7 of the Act discusses framing of rules for carrying out purpose of the Act, but these rules should deal with

matters associated with the curricula, textbooks and maintenance of standards of education, not with the service structure of employees of IBCC. Therefore the status of Curriculum Rules under the Act remained vague.

6. It was further observed that these rules should be framed under law related to the subject matter of IBCC, not under Federal Supervision of Curricula, Text-books and Maintenance of Standards of Education Act, 1976. Further, after the framing these rules, Federal Government promulgated Inter-Boards Coordination Commission Act 2023, which was published in the Gazette of Pakistan on 15th April 2023, but this Act has been re-constituted and transformed the Inter-Boards Coordination Committee into Inter-Boards Coordination Commission. This Act has repealed the erstwhile Ministry of Education's Resolution no. F.10-11/86-CEI, dated the 30th day of June, 1987. In order to extensively review and scrutinize these rules, the Ministry should provide the gazette copies of the afore-cited resolution and Federal Supervision of Curricula, Text-books and Maintenance of Standards of Education Act, 1976 and also review these rules in the light of the said resolution, Acts of 1976 and 2023 and share its progress with this Committee.

7. The Committee also analyzed the sub-ordinate legislation of attached departments of Ministry of Aviation namely; Airport Security Force (ASF) and Pakistan Civil Aviation Authority (PCAA), while discussing the observations of the Committee on The Airport Security Force Act, 1975 and the Officers and Members of the Airports Security Force (Service) Rules, 1978, the Committee enquired about the inaccuracy in sub-section (b) of section 4 of the said rules regarding reference of Director General. The Ministry agreed with the observation of the Committee, termed it a typo and vowed to rectify the same. The observation of Committee on Section 9 of the Airport Security Force Act, 1975 was discussed in detail pertaining to the delegation of powers by the Federal Government. After thorough deliberation the Committee recommended that Section 9 of the said Act be omitted in light of Mustafa Impex case and that the amendment be initiated by the Ministry of Aviation and forwarded to Ministry of Law & Justice.

8. Further, during the discussion on section 9 of the Airport Security Force (Service) Rules, 1978 the Committee observed that appointment in Grade 17 was the authority of the Advisor for the Establishment Division, whereas the post of advisor was vacant, making the process of appointment questionable and ambiguous. The Committee recommended that this anomaly be removed and that appointment in Grade-17 should be made in accordance with the law and must adhere to the Civil Servants Act, 1973.



9. Committee recommended the amendment in sub-rule d of rule 11 and deletion of reference of annexure in sub-rule 2 of rule 10 of the Airport Security Force (Service) Rules, 1978. The Committee recommended to mention reference of Esta Code in rule 13 of the said rules pertaining to the confirmation period of the officers and members.

10. Committee further enquired about the procedure of departmental inquiries being conducted under the Act. It was informed that disciplinary actions are being taken under the Army Act, while for other administrative and miscellaneous matters, the members of force are treated under civilian laws. Such hybrid system is not the peculiarity of Airport Security Force only, many other departments have similar hybrid models such as Pakistan Coastal Guards.

11. While discussing the Pakistan Civil Aviation Ordinance, 1982, The Civil Aviation Authority Employees (Appointment, Promotion, Transfer and other Service Terms and Conditions) Regulations, 2014, the Committee enquired about the Regulation 7, which provides designation of competent authority against various posts in different pay groups, whereas regulation 14 deliberate upon constitution of selection board for recruitment and promotion to the posts mentioned-above. However, competent authorities to finalize the names of successful candidates in both of these regulations do not match. Therefore, the Committee recommended that regulation 7 of the Civil Aviation Authority Employees (Appointment, Promotion, Transfer and other Service Terms and Conditions) Regulations, 2014, may be reviewed and revised. The Ministry endorsed the view point of Committee and committed to rectify it.

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


(HAFSA FAROOQ)
Secretary Committee


(SENATOR MIAN RAZA RABBANI)
Chairman Committee