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**SENATE OF PAKISTAN**



**FOURTH QUARTELY REPORT OF 2022**  
**OF THE SENATE COMMITTEE ON**  
**DELEGATED LEGISLATION**

**Presented By:**

**Senator Mian Raza Rabbani, Chairman**

**FOURTH QUARTERLY REPORT OF 2022 OF**  
**THE COMMITTEE ON DELEGATED LEGISLATION**

**(SEPTEMBER – DECEMBER, 2022)**

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 September to December, 2022.

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 4<sup>th</sup> November, 2022 with the following in attendance:

1. Senator Mian Raza Rabbani	Chairman
2. Senator Rubina Khalid	Member
3. Senator Keshoo Bai	Member
4. Senator Molvi Faiz Muhammad	Member

The other meeting of the Committee was held on 29<sup>th</sup> November, 2022, with the following attendance:


1. Senator Mian Raza Rabbani	Chairman
2. Senator Azam Nazeer Tarar	Member
3. Senator Syed Ali Zafar	Member
4. Senator Prof. Dr. Mehr Taj Roghani	Member
5. Senator Rubina Khalid	Member
6. Senator Keshoo Bai	Member
7. Senator Molvi Faiz Muhammad	Member
8. Minister for Law & Justice	Ex-officio Member



4. The Committee took the briefing by the Ministry for Law & Justice regarding subordinate / delegated legislation and the rules and regulations made from 1947 till date. The Secretary, Ministry of Law & Justice apprised the Committee regarding the procedure of formation of subordinate /delegated legislation by the Ministry / Division concerned of the Federal Government in case of enabling provision in the parent legislation. The role of Ministry of Law & Justice and Cabinet Committee for Legislative Cases (CCLC) was highlighted during the process. Further the practice of drafting subordinate legislation in case of previous publication was briefed to the Committee.

5. Chairman Committee enquired about the non-publication of draft by-laws or rules as provided under section 23(4) of the General Clauses Act, 1897 which relates to considering any objection of suggestion which may be received by the authority having power to make the rules or by-laws. Committee was apprised by the Secretary Law & Justice that such provision usually exists in the laws of regulatory bodies having consumers and other stakeholders involved. It was mentioned that draft by-laws or rules get notified however, usually the general public remain unaware of it. Mostly such drafts are publicized on the respective official websites wherein some comments are also received. However currently no SoPs are in place for the previous publication of bylaws.

6. Committee made following recommendations to the Federal Government pertaining to the sub-ordinate legislation to include the said recommendations as annexures to the Federal Government Rules:

- Annexure A: It is recommended that hence forth all Bills laid before Parliament will be accompanied by the rules or regulations, if any, to be 'made' under the Bill, or the said rules or regulations to be drafted within six months from the date of assent of the President and laid before both Houses of Parliament.
  - Annexure B: It is recommended that, at the time of introduction of a Bill, the Federal Government shall, place the financial impact of the legislation to be introduced / enacted, as also a memorandum, containing details as to delegation of power / legislation to the Government by the Parliament.
  - Annexure C: It is recommended that, hence forth the Federal Government in the recital of every Ordinance promulgated under Article 89, Constitution, 1973, state the reasons and circumstances under which the President came to the conclusion that such a situation exists to warrant the promulgation of an Ordinance. Such part of the recital shall be deleted at the time of passage of the Bill by either House.
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7. Senator Rubina Khalid highlighted the practice that process of formation of rules or by-laws under any parent law gets delayed by the Ministries, which makes the implementation of law very difficult and time consuming process. Senator Khalid enquired the reason of delay and whether the Ministry of Law & Justice has any mechanism in place to expedite the rules or by-laws formation.

8. Secretary Ministry of Law & Justice was of the view the delay is only on part of concerned Ministries / Divisions which are responsible to draft the said by-laws or rules under the provisions of parent Act. Ministry of Law & Justice ensures that no delay be caused in vetting process of rules sent to it and that the same may be cleared within two weeks from the Ministry. Further it was mentioned that officers of Ministry of Law & Justice attend various Standing Committee meetings of both Houses, whenever it is pointed out that rules or by-laws have not been formed for a certain Act, Ministry write to the concerned Division to expedite the process of same.

9. Under the provision of Rule 172 C of the Rules of Procedure and Conduct of Business in the Senate, 2012 the Committee is responsible to scrutinize and report to the Senate of Pakistan that whether the powers to make rules, regulations, bye-laws, schemes or other statutory instruments conferred by the Constitution or delegated by the Parliament have been timely and properly exercised within such conferment or delegation, as the case may be. Therefore, Committee decided to go through the existing by-laws or rules formulated by all Ministries / Divisions of the Federal Government to date in alphabetical order. For that purpose two sub-committees were formed so that work load may be divided for its timely completion.

10. 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.

  
(HAFFSA FAROOQ)  
Secretary Committee

  
(SENATOR MIAN RAZA RABBANI)  
Chairman Committee