

[AS PASSED BY THE SENATE]

A

Bill

*further to amend the Privatisation Commission Ordinance, 2000*

WHEREAS it is expedient further to amend the Privatisation Commission Ordinance, 2000 (LII of 2000) in the manner and for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**— (1) This ~~Act~~ shall be called the Privatisation Commission (Amendment) ~~Act, 2020~~.

(2) It shall come into force at once.

2. **Amendments in Ordinance LII of 2000.**— In the Privatisation Commission Ordinance, 2000 (LII of 2000), hereinafter referred to as the said Ordinance, for the word "Cabinet", wherever occurring, the words "Federal Government" shall be substituted.

3. **Amendment in section 2, Ordinance LII of 2000.**— In the said Ordinance, in section 2, clause (b), shall be omitted.

4. **Amendment in section 6, Ordinance LII of 2000.**— In the said Ordinance, in section 6, in sub-section (1), for the words "Federal Government", the words "Prime Minister of Pakistan" shall be substituted.

5. **Amendment in section 7, Ordinance LII of 2000.**— In the said Ordinance, in section 7, for sub-section(4), the following shall be substituted, namely:-

"(4) The Prime Minister of Pakistan shall determine the remuneration, allowances, privileges and other facilities of the Chairman, Secretary and members."

6. **Amendment in section 16, Ordinance LII of 2000.**— In the said Ordinance, in section 16, in sub-section (1), in the first proviso, for the expression "Government of Pakistan's", the expressions "Federal Government's" shall be substituted.

7. **Amendment in section 23, Ordinance LII of 2000.**— In the said Ordinance, in section 23, for the words "Federal Government and any concerned enterprise", the expression "concerned ministry and enterprise, if required," shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Article 90 of the Constitution, as interpreted by the Supreme Court, defines the 'Federal Government' to mean the Prime Minister and the Federal Ministers, collectively known as the Cabinet. The Privatisation Commission Ordinance, 2000, inter alia, provides that the Federal Government may determine number of members of the Board; terms and conditions of service of the Chairman and the Secretary; and term of office of Chairman, Secretary and members. The Federal Government may remove the Chairman, Secretary or any other member of the Board. However, they are appointed by the Prime Minister. All these powers may also be vested in the Prime Minister while fixing the term of office of the members in the law itself. The Commission can only publish notice for privatisation after consultation with the Federal Government which is impractical and consultation with the concerned Ministry and concerned enterprise may suffice. Throughout the Ordinance, the expressions "Federal Government" and "Cabinet" are repeatedly used but at one place in section 16, the expression "Government of Pakistan" is used which requires correction. Further, now "Cabinet" and 'Federal Government' are interchangeably used and the expression 'Cabinet' is proposed to be replaced with the expression 'Federal Government'. All these measures require amendments in the Ordinance. Hence this Bill.

**Minister Incharge**