

SPECIAL REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“Proposed amendments in the Pakistan Standards and Quality Control Authority Act, 1996, to make it comprehensive and robust for providing improved mechanism for quality control in the Country”

Report No. 22

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

SPECIAL REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “PROPOSED AMENDMENTS IN THE PAKISTAN STANDARDS AND QUALITY CONTROL AUTHORITY ACT, 1996, TO MAKE IT COMPREHENSIVE AND ROBUST FOR PROVIDING IMPROVED MECHANISM FOR QUALITY CONTROL IN THE COUNTRY”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present special report on “proposed amendments in the Pakistan Standards and Quality Control Authority Act, 1996, to make it comprehensive and robust for providing improved mechanism for quality control in the Country”.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Saleem Zia	Member
3.	Senator Aitzaz Ahsan	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. Originally, the matter was referred by the House on 21st September, 2010, wherein, Senator Begum Najma Hameed asked a question regarding the names of companies in Rawalpindi, Lahore and Karachi against which the Pakistan Standards and Quality Control Authority (PSQCA) took action for manufacturing unhygienic and unregistered products during the financial year 2009-10. The matter remained pending, however, after the Constitution of Committee on Law and Justice pursuant to oath of 50%

Members on 12th March, 2015, the Committee extensively took up the matter being the most important subject/ matter dealing with the lives of the people. The Committee considered the matter in its meetings held on, 9th November, 2015, 23rd December, 2016, 14th January, 2016, 16th February, 2016. However, as per the Ruling of the Chairman Senate, old matters pending with the Committees were treated as withdrawn with effect from 23rd March, 2016. Till such time the Committee had done the substantive work, therefore, in the larger public interest and after consulting all stakeholders, the matter was taken/ treated as a suo moto matter. Thereafter, the committee held meetings on 14th April, 2016, 31st May, 2016, 23rd August, 2016.

4. The Committee acknowledges and appreciates hard work and input provided by members of the Committee, Senator Begum Najma Hameed, Senator Azam Khan Swati, who provided his valuable input as Special Invitee, Ministry of Law and Justice, Ministry of Science and Technology, PSQCA, Shaikh Sarfraz, Additional Draftsman, D.G. PSQCA and Committee Staff, in preparation of this Report.

5. During the course of meetings the Committee reviewed various information including the sampling food items done by the authority, cases of adulterated food items registered by the Authority, actions taken by the PSQCA against unhygienic and unregistered food items and other ancillary matters.

6. Senator Azam Khan Swati, also proposed certain amendment in the PSQCA Act, especially with regard to providing penal provisions for punishment of officers/ inspectors of PSQCA in order to create deterrence. The matter regarding inclusion of penal provision in the PSQCA Act was referred to the Ministry of Law and Justice. The law and Justice Division in its legal opinion stated that E&D Rules 1973 has already been adopted by PSQCA in its Service Regulations – 2015, which provide manner of punishment to be imposed in disciplinary proceedings by the competent authority. Hence there does not seem any necessity for enacting the provision constituting fresh offence. The aforesaid laws if implemented in letter and spirit, they will go in long way for eradicating the menace of bribery and corruption.



7. In view of extensive deliberations and after seeking input from all stakeholders, the committee recommends as under:-

(i) Amendment of section 2, Act VI of 1996.—

In the Pakistan Standards and Quality Control Authority Act, 1996 (VI of 1996), hereinafter referred to the said Act, in section 2,—

- (a) clause (b) shall be omitted;
- (b) in clause (c) the commas words, brackets and figures, “but does not include any article to which the Agricultural Products (Grading and Marketing) Act, 1937 for the time being applies” shall be omitted;
- (c) after clause (f) the following new clause shall be inserted, namely:-
“(fa) Executive Committee means the Executive Committee appointed under section 6;”;
- (d) after clause (i) the following new clauses shall be inserted, namely:-
“(i) “manufacture” means to produce, make or manufacture including process and operation of assembling, mixing, blending, cutting, diluting, bottling, packaging, repacking or preparation of goods in any other manner;
(ia) “manufacturer” means the person, firm or any other entity engaged in manufacturing;”;
- (e) after clause (q) the following new clause shall be inserted, namely:-
“(qa) “regulations” means regulations made under this Act; and
- (f) for clause (s) the following shall be substituted, namely:-
“(s) “standards” means a document, established and approved by recognized body that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that the materials, products, processes and services are fit for their purpose.”

(ii) Amendment of section 5, Act VI of 1996.—

In the said Act, in section 5,—

- (a) for the sub-section (1) the following shall be substituted, namely:-

“(1) The Board shall consist of the following Members, namely:-

- (i) Minister for Science and Technology,
Government of PakistanChairman
- (ii) Secretary Ministry of Science and Technology
.....Voice Chairman
- (iii) Two members each from National Assembly and
the Senate to be nominated by the Speaker National
Assembly and the Chairman Senate respectively.
.....Members
- (iv) Director General of the Authority.....Member
- (v) Deputy Director General (Corporate
Services) of the AuthorityMember
- (vi) Deputy Director General (Standards
Development) of the AuthorityMember
- (vii) Deputy Director General (Laboratories) of the
AuthorityMember
- (viii) Deputy Director General (Certification) of the
AuthorityMember
- (ix) Deputy Director General (Regulatory) of the
AuthorityMember
- (x) Secretary Ministry of Commerce or his nominee
not below the rank of BPS-21
..... Member
- (xi) President, Chamber of Commerce Industries of
each Province, Gilgit-Baltistan, Federally
Administrative Tribal Areas and Azad Jammu and
KashmirMembers

(xii) Chief Secretaries of each Province, Gilgit-Baltistan and Azad Jammu and Kashmir or their representatives not below the rank of BPS-20
.....*Members*

(xiii) Chief Executive Officer (CEO) of the Engineering Development Board....*Member*

(xiv) Chairman Pakistan Engineering Council
.....*Member*

(1a) Director General of the Authority shall also act as Secretary of the Board.

(b) for the sub-section (3) the following shall be substituted, namely:-

“(3) The Members of the Board may be paid such allowances for attending meetings as determined by the Board time to time with the approval of the Federal Government.

(4) The Board shall meet at least twice in a year and the quorum for the Board meetings shall be at least fifty percent of the total of membership of the Board. The decision of the Board taken by the majority vote and in case of tie the Chairman shall have a casting vote.”.

(iii) **Substitution of section 6, Act VI of 1996.—**

In the said Act, for section 6, the following shall be substituted, namely:-

“6. **Executive Committee.**— (1) There shall be an Executive Committee to be appointed by the Federal Government for overseeing the matters of the Authority and for exercising such powers and doing such acts and things as may be delegated to it by the Board.

(2) The Executive Committee shall consist of the following members, namely:-

(i) Secretary Ministry of Science and Technology
.....*Chairman*

(ii) A representative of Ministry of Industries and production not below the rank of Joint Secretary
.....*Member*

- (iii) A representative of Ministry of Commerce not below the rank of Joint SecretaryMember
- (iv) A representative of Ministry of Science and Technology not below the rank of Joint SecretaryMember
- (v) A representative of Ministry of National Food Security and Research not below the rank of Joint SecretaryMember
- (vi) A representative of Ministry of Health not below the rank of Joint Secretary.....Member
- (vii) A representative of Council of Scientific and Industrial Research not below the rank of BPS-20Member
- (viii) A representative of Engineering Development Board, not below the rank of BPS-20Member
- (ix) Director General, Pakistan Standards and Quality Control AuthorityMember

(3) The Director General, Pakistan Standards and Quality Control Authority shall act as Secretary of the Executive Committee.”.

(iv) **Amendment of section 8, Act VI of 1996.—**

In the said Act, in section 8, for the clause (ii) the following shall be substituted, namely:-

“(ii) inspection and testing of products, services and process for their quality, specification and characteristics during manufacture, sale use or for imports and exports purpose.”.

(v) **Amendment of section 13, Act VI of 1996.—**

In the said Act, in section 13, for sub-section (3) the following new sub-section shall be added, namely:-

“(3) The Federal Government may require the compulsory registration of any article and the manufacturer shall be bound to follow the directions of the Federal Government.”.



(vi) **Amendment of section 15, Act VI of 1996.—**

In the said Act, in section 15,-

(a) in sub-section (2), for clause (d), the following shall be substituted, namely:-

“(d) stop, search or seize transportation of any article which he believes on reasonable grounds subject to the provisions of this Act that the article is being transported thereon and does not conform to Pakistan standard.”; and

(b) after sub-section (8), the following new sub-sections shall be added, namely:-

“(9) Any person aggrieved by an action of an Inspector or any other officer of the Authority, may file a representation to the Director-General, who shall decide the matter within thirty days of the filing of representation and suggest suitable action against the delinquent after affording him an opportunity of being heard.

(10) Any representation against the decision of the Director-General under sub-section (9) may be made, within fifteen days of the decision, to the Federal Secretary of the administrative Division who shall decide the matter within thirty days of the filing of representation.”.

(vii) **Amendment of section 17, Act VI of 1996.—**

In the said Act, after section 17, the following new section shall be inserted, namely:-

“17A. Assistance of local Authorities to enforce the Act.- It shall be the duty of all executive and local Authorities through out Pakistan to assist the Authority in discharge of its functions under this Act.”.

(viii) **Amendment of section 20, Act VI of 1996.—**

In the said Act, in section 20, for the sub-section (1), the following shall be substituted, namely:-

“(1) Any person who contravenes the provisions of section 10, 11 or 12, shall be punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to five years or with fine which shall not be less than five hundred thousand rupees and may extend to one million rupees or with both.”.

(ix) **Amendment of section 21, Act VI of 1996.—**

In the said Act, for section 21, the following shall be substituted, namely:-

“21. Penalty for contravention of section 13.- If any person contravenes the provisions of any notification issued under section 13 or of any licence or certificate issued thereunder, he shall without prejudice to confiscation of property or penalty to which he may be liable under the provision of the Customs Act, 1969 (IV of 1969), as applied by sub-section (2) of the said section 13, be punishable with imprisonment for a term of not less than three years and may extend to five years, or with fine which shall not be less than five hundred thousand rupees and up to one million rupees or with both.”.

(x) **Amendment of section 22, Act VI of 1996.—**

In the said Act, for section 22, the following shall be substituted, namely:-

“22. Penalty for other contraventions.- Whoever contravenes any of the provisions of this Act or any rule made or notification issued thereunder, including a notification issued under section 14 prohibiting, manufacture, storage or sale of an article not conforming to the Pakistan Standard shall, if no other penalty is elsewhere provided under this act, be punishable with imprisonment for a term of not less than three years and may extend to five years, or with fine which shall not be less than five hundred thousand rupees and up to one million rupees or with both.”.

(xi) **Amendment of section 23, Act VI of 1996.—**

In the said Act, in section 23, after the word “Act” the words “and the trial of any offence under this Act shall be concluded within one year from the date of commencement of the proceedings” shall be added.

(xii) **Amendment of section 31, Act VI of 1996.—**

In the said Act, in section 31, for the word “Authority” the word “Board” shall be substituted.

(xiii) **Amendment of section 33, Act VI of 1996.—**

In the said Act, in section 33, for the words “Federal Government” the word “Board” shall be substituted.

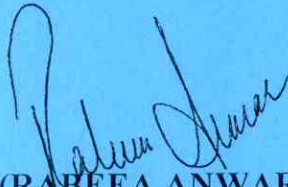
(xiv) **Amendment of section 35, Act VI of 1996.—**

In the said Act, in section 35, for the brackets and word “(Finance)” the brackets and words (Corporate Services)” shall be substituted.

(xv) **Amendment of section 36, Act VI of 1996.—**

In the said Act, in section 36, after the word "Government" the words "as well as the Board" shall be inserted.

8. The Committee further recommends that the Government shall bring a Bill based on the recommends of the Committee before the Parliament within two months of the adoption of this Report



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman