

SENATE OF PAKISTAN



**FIRST QUARTERLY REPORT
OF THE COMMITTEE**

ON

DELEGATED LEGISLATION

PRESENTED BY

**SENATOR TAJ HAIDER
CHAIRMAN**

SENATE SECRETARIAT

QUARTERLY REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION

Introduction to the Committee on Delegated Legislation:

The Committee on Delegated Legislation is a new Parliamentary initiative taken by the Senate of Pakistan by amending the Rules of Procedure and Conduct of Business in the Senate, 2012. The following rules were inserted in the Rules of Procedure and Conduct of Business in the Senate, 2012, to scrutinize the delegated legislation of Ministries/Divisions:-

2. Rule 172C, 172D & 172E of the Rules of Procedure and Conduct of Business in the Senate, 2012, provides as follows:-

172C. Committee on Delegated Legislation.- There shall be a Committee on delegated legislation 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.

172D. Functions.- The functions of the Committee on Delegated Legislation shall be the following or such other as may be assigned to it from time to time:-

- (i) The Committee shall propose legislation and formulate policy for laying of each rule, regulation, bye-law, scheme or other statutory instrument (hereinafter referred to as the „Rules“) framed in pursuance of the Constitution or the legislative functions delegated by the Parliament to a subordinate authority.
- (ii) When the rules are so laid the Committee shall, in particular consider:-
 - (a) Whether the Rules are in accordance with the provisions of the Constitution or the Act of Parliament pursuant to which these are made;

- (b) Whether the Rules contain matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (c) Whether the Rules contain imposition of taxation;
- (d) Whether the Rules directly or indirectly bar the jurisdiction of the Court;
- (e) Whether the Rules give retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (f) Whether the Rules appear to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which these are made;
- (g) Whether there appears to have been unjustifiable delay in publication or laying the Rules; and
- (h) Whether for any reason, the form or purport of the Rules require any elucidation.

172E. Report.- (1) If the Committee is of the opinion that any Rules should be annulled wholly or partially, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of the opinion that any other matter relating to any Rules should be brought to the notice of the Senate, it may report that opinion and matter to the House.

(3) The Committee shall present a quarterly report before the House.

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

i.	Senator Taj Haider	Chairman
ii.	Senator Farooq Hamid Naek	Member
iii.	Senator Saeed Ghani	Member
iv.	Senator Ayesha Raza Farooq	Member
v.	Senator Syed Muzaffar Hussain Shah	Member
vi.	Senator Muhammad Azam Khan Swati	Member
vii.	Senator Muhammad Ali Khan Saif	Member
viii.	Senator Muhammad Daud Khan Achakzai, Advocate	Member

ix.	Senator Muhammad Talha Mehmood	Member
x.	Senator Kalsoom Perveen	Member
xi.	Senator Muhammad Mohsin Khan Leghari	Member
xii.	Senator Muhammad Javed Abbasi	Member

4. The Committee meetings held on 20th April, 2nd May, 18th May and 3rd June 2016. The Committee discussed the following agenda item:-

Sr.No.	Agenda Item	Date of Meeting
(I)	<p>i. Briefing by Ministry of Law and Justice regarding Constitutional scheme for delegated legislation.</p> <p>ii. Briefing by Privatization Division/ Commission regarding its Rules, Regulations, Notifications and SROs in pursuance of existing Acts of the Parliament.</p>	20-04-2016
Recommendations/Decisions		
	The Committee observed that it is a responsibility of Ministry of Law & Justice to vet all laws, it is imperative that they cooperate with the Committee as the purpose coincided. It was also decided that all Ministries/Division have their legal teams, they should also review their legislation as part of the process of Committee.	
(II)	Briefing by the Cabinet Division regarding its Rules, Regulations, Notifications and SROs in pursuance of existing Acts of the Parliament.	02-05-2016
Recommendations/Decisions		
	<p>i. Departments need to send all of their respective Rules and Regulations, so that a data base can be created.</p> <p>ii. The exercise would be done in three tiers, as discussed in the previous meeting the first tier being the Legal Division of concerned department, second being the Ministry of Law and Justice and the Committee would comprise the third and final tier.</p>	

	iii. The distinction between the Rules and Regulations should be clear. iv. Recommendations should be sending by the Law Departments, if there is a room for amendments in the Acts.	
(III)	Consultative Meeting attended by Chairman Senate.	18-05-2016
Recommendations/Decisions		
	i. The Committee shall not rely on other Ministries/Divisions/Departments, but the Members of the Committee will work themselves by constituting Sub-Committees. ii. The Chairman Senate will take measures for constitution of more than one Sub-Committee. iii. The Interns and Legal Professionals will be attached with the Members of the Committee for their assistance. iv. The Committee concurrently works on old and new Delegated Legislation of Ministries/Division/Departments.	

- (IV) **A meeting of the Committee held on 3rd June, 2016, to discuss the some matters of urgent nature and to constitute Sub-Committees.**

Recommendations/Decisions

The Committee constituted the follow three Sub-Committees, the TOR of sub-Committee were set to scrutinize/examine Delegated Legislation of Privatization Division/Commission:-

Sub-Committee No.1, shall scrutinize/examine Delegated Legislation of Cabinet Secretariat. The composition of Sub-Committee is as under:-

Sr.No.	Name	Designation
i.	Senator Syed Muzaffar Hussain Shah	Convener
ii.	Senator Muhammad Mohsin Khan Leghari	Member
iii.	Senator Saeed Ghani	Member

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Sub-Committee No.2, shall scrutinize/examine Delegated Legislation of Privatization Division/Commission. The composition of Sub-Committee is as under:-

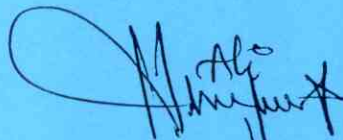
Sr.No.	Name	Designation
i.	Senator Muhammad Daud Khan Achakzai, Advocate	Convener
ii.	Senator Muhammad Javed Abbasi	Member
iii.	Senator Kalsoom Parveen	Member

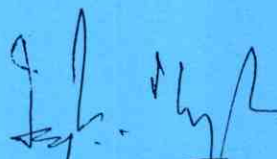
Sub-Committee No.3, shall scrutinize/examine Delegated Legislation of Information Technology. The composition of Sub-Committee is as under:-

Sr.No.	Name	Designation
i.	Senator Muhammad Ali Khan Saif	Convener
ii.	Senator Muhammad Azam Khan Swati	Member
iii.	Senator Muhammad Talha Mehmood	Member

5. At present three Sub-Committees as mentioned above are working and the main Committee is also working on the various Laws, Rules & Regulations of Ministries/Divisions/Departments. The Committee is experiencing number of Laws, Rules & Regulations, which needs improvement through amendments, however, the same will be identified in the next report of the Committee.

6. In terms of Rule 172E(3) the quarterly report of the Committee is presented for the perusal of the House.


(Hyder Ali Sundrani)
DS/Secretary Committee


(Taj Haider)
Chairman
Committee on Delegated Legislation