



RULING OF THE CHAIR

MOTION FOR CONSIDERATION AT ONCE OF THE LOCAL GOVERNMENT BILL, 2015

During sitting of the Senate held on 9th July, 2015 (117th session), motion for taking into consideration at once of the Islamabad Capital Territory Local Government Bill, 2015, as reported by the Standing Committee of the Senate, was set down in the Orders of the Day which was moved by Chaudhry Nisar Ali Khan, Minister for Interior and Narcotics Control.

The Motion was opposed by Senator Aitzaz Ahsan, Leader of the Opposition, mainly on the ground that a Privilege Motion concerning this Bill is already pending with the Privileges Committee of this House, therefore, the consideration of this Bill may be deferred till disposal of the said Privilege Motion.

Senator Farhatullah Babar argued that the Senate of Pakistan should not pass the Bill in haste and the status of the ICT should be kept in mind before considering this Bill.

Senator Mohsin Khan Leghari contended that despite passing of this Bill an amendment in Article 140(A) of the Constitution should be proposed.

Chaudhry Nisar Ali Khan, Minister for Interior and Narcotics Control, submitted that the Bill has already travelled its constitutional journey and both the Houses had ample opportunity to deliberate upon it. Even otherwise, the Standing Committee of the Senate after due deliberation has proposed certain amendments which have been adopted by the Government, so there is no reason to further defer the Bill.

The Hon'ble Chairman after hearing the Members and the Minister ruled as under:-

“I have heard the learned leader of the Opposition, Senator Farhatullah Babar and Senator Leghari. With reference to some of the contentions that have been raised particularly by the Hon’ble Leader of the Opposition, in the first place, though he is not pressing that argument but yet he made a reference to Article 140 A of the Constitution, I would draw his attention to clause (d) of Article 142 of the Constitution, which states that Majlis-e-Shoora (Parliament) shall have exclusive powers to make laws with respect to all matters pertaining to such areas and in the federation as are not included in any Province.

The Hon’ble Leader of the Opposition, raised the issue of the schedule issued by orders of the Supreme Court, in any case, by the orders passed yesterday by the Court the schedule has been wrapped up so. If this House were to pass the Bill, as has been recommended by the Standing Committee, then apart from the Ruling that I have given, in which I have said that any action taken by anybody or person in pursuance of an Bill that is pending before Parliament is unconstitutional and illegal, that aside, they would have to go for a new schedule because the changes that have been suggested by the Standing Committee for example, of party polls will require that a fresh process be undertaken for inviting nominations and the entire process would have to be taken a new.

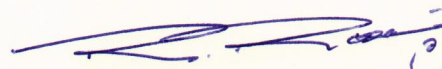
With reference to the question raised by the Hon’ble Leader of the Opposition, to the matter pending before the Privileges Committee, the two matters are distinctly different. This is dealing with the passage of the Bill which is the right of this House. The Bill has been passed unanimously by the Standing Committee of this House, had the motion been that the Bill be taken into consideration as was passed by the National Assembly, then it could have been a different matter. A Standing Committee of the House has after due diligence made its report. There is no Note of Dissent on the record of the report,

therefore, it is unanimous. All parties had been represented and indeed, the party to which the Hon'ble Leader of the Opposition belongs, the Chairman of the Interior Committee belongs to that party and, the sub-committee that had been constituted one of the three members of the sub-committee, was also from the same party. The question of privilege which is pending before the Privileges Committee is that the Election Commission of Pakistan has breached the privilege of the Senate of Pakistan as it laid reliance on a Bill which was yet not an Act of Parliament in terms of Article 73. I find no nexus between the matter that is pending before the Privileges Committee, the passage of the Bill will not affect the pendency of the Privilege Motion before the Committee.

As far as the question of haste is concerned, that has been raised by the Hon'ble Senator Farhatullah Babar, I have already said so but, I dispel that statement again, there is no direction from the Supreme Court of Pakistan that the Bill should be passed. In terms of haste, the Bill was introduced in the National Assembly on 09-12-2013 and it was passed by the National Assembly on 26-03-2015. So for over a year, the Bill was deliberated in the National Assembly. The Senate under Rule 119 of the Rules of Procedure and Conduct of Business in the Senate, 2012, received notice for consideration from the Minister concerned on 14-04-2015. The said notice was circulated to the Members on the same day, under Rule 112 of the Rules of Procedure, 2012, the Bill was placed on the Orders of the Day and under Rule 121 of the Rules of Procedure 2012, it was referred to the Standing Committee on 16-04-2015. Rule 194 of the Rules of Procedure 2012, provides that a Standing Committee shall lay its report before the House within a period of sixty days. In the instant case owing to the urgency and keeping in view the observations of the Supreme Court, the Chairman Senate directed the Committee to lay its report within one month from first date of its meeting i.e. on or

before the 11th of June, 2015. It is pertinent to mention that the new Members of the Senate and the Chairman took oath on 12th March, 2015. In terms of Rule 174 of the Rules of Procedure 2012, the Standing Committees were to be constituted within a period of sixty days after the election of the Chairman and the Deputy Chairman. Accordingly the Standing Committee on Interior and Narcotics Control was constituted on 20th April, 2015, well before the time given in the Rules of Procedure 2012. In terms of Rule 175 of the rules, the election to the Chairman of each Committee shall take place within thirty days. As a consequence the election of the Committee and the first meeting was held on 12th May, 2015. The Committee constituted a sub-committee; they asked for two extensions, one was on 09-06-2015. I granted that extension to 26-06-2015 and then again on 24-06-2015 they sought time till 10-07-2015. I granted another extension till 05-07-2015, so therefore, the Committee had ample time to deliberate, there was no rush, they asked for two extensions, much against my grain, I gave those extensions to the Committee and the report of the Committee has come.

Therefore, I feel that the objections that have been raised are not sufficient enough to prevent the House from taking into consideration the motion that has been moved. So therefore, I will now put the motion to the House.”



MIAN RAZA RABBANI
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Chairman Senate