

[AS INTRODUCED IN THE SENATE]

A

BILL

to make Rules of Procedure for the Council of Common Interests

WHEREAS it is necessary under clause (3) of Article 154 of the Constitution of the Islamic Republic of Pakistan, 1973 to make provisions by law for Rules of Procedure of the Council of Common Interests;

It is hereby enacted as follows:-

1. **Short title and commencement.-** (1) This Act may be called the Council of Common Interests (Rules of Procedure) Act, 2008.

(2) It shall come into force at once.

2. **Definitions.-** In this Act, unless there is anything repugnant in the subject or context,-

a) "Chairman" means the Chairman of the Council of Common Interests;

b) "Constitution" means the Constitution of the Islamic Republic of Pakistan, 1973;

c) "Council" means the Council of Common Interests;

d) "Federal Government" means the Federal Government of Pakistan;

e) "Provincial Government" means the Provincial Government of a Province of Pakistan;

f) "Secretary" means, the Secretary of the Council, i.e., the Cabinet Secretary of the Government of Pakistan;

3. **Chairman and his functions.-** (1) The Prime Minister of Pakistan, if he is a member of the Council, shall be the Chairman of the Council, but if at any time, he is not a Member, the President may nominate a Federal Minister who is a member of the Council to be its Chairman.

(2) The Chairman shall convene the meetings of the Council and shall preside over all its meetings.

(3) The Chairman shall be responsible for the implementation of all the decisions of the Council.

(4) The Chairman shall inform the Parliament about all the decisions of the Council and keep a liaison between the Council and the Parliament.

4. Secretary and its functions.- (1) The Cabinet Secretary, Government of Pakistan, shall be the Ex-Officio Secretary of the Council and shall act under the supervision and control of the Chairman.

(2) The Secretary shall cause the Minutes of each meeting recorded and shall keep the record of the Council.

(3) The Secretary shall correspond on behalf of the Council with the Federal or Provincial Governments, the Parliament, the Ministries of Federal Government and other Institutions and persons.

(4) The office of the Council shall be run under the Control and supervision of the Secretary.

5. Meetings of the Council.- (1) The Council shall meet at least once in two months for an ordinary meeting.

(2) The Council may also hold an emergent meeting as and when required.

(3) The time, date and place of the meeting shall be fixed by the Chairman.

6. Notice and agenda of the meeting.- (1) A notice of not less than seven days shall be given for an ordinary meeting by the Secretary of the Council to every member of the Council.

(2) A notice of at least three clear days shall be given by the Secretary to every member for an emergent meeting of the Council.

(3) The Secretary shall prepare the agenda under the directions of the Chairman and shall issue it to the Members alongwith the Notice of the Meeting.

(4) Any member of the Council may propose an item for consideration of the Council and with the permission of the Chairman it shall be included in the agenda.

7. Quorum of the meeting.- (1) At least three member excluding the Chairman should be present at a meeting to form the quorum.

(2) If a meeting is adjourned for want of quorum no quorum shall be necessary for such adjourned meeting.

8. Proceedings of the Council.- (1) All the proceedings of the Council shall be recorded by the Secretary in a book to be called the Council Book.

(2) All the items of the agenda shall be entered in the Council Book and every decision taken thereon shall be entered in it.

(3) All the decisions in a Meeting of the Council shall be taken by consensus but if it is not possible then the matter shall be adjourned to the next meeting and even on that day if the consensus is not reached then the matter shall be decided by the two-third majority of the Members present at the second meeting.

(4) The recorded proceedings and the decisions by the Council shall be signed by the Chairman.

(5) A copy of the proceedings and the decisions of the Council shall also be sent to each Member of the Parliament by the Secretary.

9. Decisions of the Council.- (1) Every decision of the Council shall be conveyed by the Secretary to the concerned Ministry of the Federal Government, Department of the Provincial Government or the concerned autonomous body, Authority or the Institution for implementation.

(2) The concerned Ministry of the Federal Government, Department of a Provincial Government, Autonomous body, Authority, or Institution shall comply with the decision and the directions of the Council and send the compliance report or the periodical report to the Council.

(3) The report of the progress and the implementation of the decisions of the Council shall be laid by the Secretary in a meeting of the Council for information and further directions, if any.

10. Formulation of Policies and Supervisions.- (1) The concerned Ministry of the Federal Government, an Authority or an Institution relating to the matters enumerated in Part II of the Federal Legislative list and item No.34 (Electricity) mentioned in Concurrent Legislative list of the Constitution, shall forward a draft policy to the Council in respect of the said matter and the Council shall approve, disapprove, modify or alter it. No policy shall be formulated or implemented with out the approval of the Council.

(2) To exercise control and supervision over the affairs and matters mentioned in sub-section (1) the Council may give direction which shall be binding on the Executing Agencies.

(3) The Chairman of WAPDA, OGDC, PIDC, Railway Board and the related Institutions shall be appointed by the Federal Government in consultation with the Council.

11. Directions of the Parliament.- (1) The Secretary shall lay before the Council any direction or the resolution passed by the Parliament in a joint sitting and conveyed to it through the Federal Government.

(2) The Council shall ensure that the directions or the resolutions mentioned in sub-section (1), be implemented forthwith.

(3) The compliance report of the decisions or resolutions in respect of the matters mentioned in sub-section (1) shall be reported by the Council to the Parliament as early as possible.

12. Complaints as to Interference with water supply.- (1) On receipt of a complaint in respect of the water supply under Article 155 of the Constitution, the Council shall forward it to the Federal Government and every Provincial Government for comments.

(2) After the receipt of the comments the Council may hold an inquiry in this behalf itself or request the President of Pakistan to appoint a Commission in this behalf.

(3) If the Council thinks it necessary to hold an inquiry itself it shall hear all the concerned Governments or Authorities and can have record from any authority for effective decision of the matter.

(4) The Council shall try to give decision by consensus but if that is not possible then by majority of the total number of Members of the Council.

13. Annual Report.- (1) The Annual report of the Council shall be prepared by the Secretary and forwarded to the Secretary of the National Assembly and the Senate.

(2) The Annual report shall be laid before the joint sitting of the Parliament and shall be discussed in the joint sitting.

14. Common seal.- The Council shall have a common seal which shall be affixed to all the documents as a token of authenticity.

STATEMENTS OF OBJECTS AND REASONS

Article 154 (3) of the Constitution of the Islamic Republic of Pakistan, provides that until the Parliament makes provision by law, the Council of Common Interests may make its own Rules or Procedure. So far no law has been enacted in this behalf by the Parliament. In order to fulfill the Constitutional obligation, the present bill is being introduced.

**CH. MUHAMMAD ANWAR BHINDER
MEMBER-IN-CHARGE**