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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 15th January, 2020

No. F. 23(244)/2019-Legis.—The following Bills were introduced in the National Assembly on 14th January, 2020.

NA BILL NO. 23 OF 2020

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

127 (1—11)

Price: Rs. 20.00

[5058(2020)/Ex. Gaz.]

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

(2) It shall come into force at once.

2. **Amendment of Article 223 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, in Article 223, in clause (2),—

- (a) The words “or more” occurring for first time, shall be omitted.
- (b) After the Explanation, for the full stop, a colon shall be substituted and thereafter a proviso shall be added, namely:—

“Provided that a person being a candidate for two seats at the same time shall incur all expenses of second seat and pay the amount of expenses to be determined by the Election Commission of Pakistan.”

STATEMENT OF OBJECTS AND REASONS

Under the Constitution of the Islamic Republic of Pakistan, the candidates are permitted to participate in the election on more than one seats. And if the candidate won more than one seats, he must resign from all except one of his seats, meaning fresh elections, more expenses. This is the waste of tax payer’s money. Therefore I proposed to limit the participation in election by one candidate to two seats only and also proposed that the expense of Bye-election of the seat he resigned from (in the event that the candidate won both seats) shall be borne by the winning candidate himself. Thus, this amending Bill is proposed.

Sd/-
MR. JUNAID AKBAR,
Member-in-Charge.

N.A. BILL NO. 24 OF 2020

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of Article 51 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, in Article 51, in clause (6),—

(a) for paragraph (d), the following shall be substituted, namely:—

“(d) members to the seats reserved for women which are allocated to a Province under clause (2) shall be direct and free vote in accordance with law.”

(b) for paragraph (e), the following shall be substituted, namely:—

“(e) members to the seats reserved for non-Muslims shall be elected by direct and free vote in accordance with law.”

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan provides Proportional Representative System for the election on reserved seats for women and non-Muslims. Due to this system some areas of the country get more representation while some up-represented. For equal representation of different areas, on reserved seats, of women and non-Muslims, in the National Assembly, direct elections are proposed. Hence, the Bill seeks to achieve the above said objectives.

Sd/-
MR. JUNAID AKBAR,
Member-in-Charge.

N.A. BILL NO. 25 OF 2020

A

BILL

further to amend the Transfer of Evacuee Land (Katchi Abadi) Act, 1972

WHEREAS it is expedient further to amend the Transfer of Evacuee Land (Katchi Abadi) Act, 1972 (XIII of 1972), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the Transfer of Evacuee Land (Katchi Abadi) (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Substitution of section 13, Act No. XIII of 1972.**—In the Transfer of Evacuee Land (Katchi Abadi) Act, 1972 (XIII of 1972), for section 13, the following shall be substituted, namely:-

“13. **Power to make rules.**—(1) Subject to sub-sections (2) and (3), the Minister-in-charge may, by notification in the official Gazette, within six months, make rules to carry out the purposes of this Act.

(2) Except the rules made prior to commencement of the Transfer of Evacuee Land (Katchi Abadi) (Amendment) Act, 2019,-

- (a) the draft of the rules proposed to be made under sub-section (1) shall be published for the information of persons likely to be affected thereby;
- (b) the publication of the draft rules shall be made in print and electronic media including websites in such manner as may be prescribed;
- (c) a notice specifying a date, on or after which the draft rules will be taken into consideration, shall be published with the draft;
- (d) objections or suggestions, if any, which may be received from any person with respect to the draft rules before the

date so specified, shall be considered and decided before finalizing the rules; and

- (e) finally approved, in the prescribed manner, rules shall be published in the official Gazette.
- (3) Rules, made after the prorogation of the last session, including rules previously published, shall be laid before the National Assembly and the Senate as soon as may be after the commencement of next session, respectively, and thereby shall stand referred to the Standing Committees concerned with the subject matter of the rules for examination, recommendations and report to the National Assembly and the Senate to the effect whether the rules,—
- (a) have duly been published for considering the objections or suggestions, if any, and timely been made;
 - (b) have been made within the scope of the enactment;
 - (c) are explicit and covered all the enacted matters;
 - (d) relate to any taxation;
 - (e) bar the jurisdiction of any Court;
 - (f) give retrospective effect to any provision thereof;
 - (g) impose any punishment; and
 - (h) made provision for exercise of any un-usual power.”

STATEMENT OF OBJECTS AND REASONS

Subject to the Constitution, primarily *Majlis-e-Shoora* (Parliament) has exclusive power to make laws with respect to any matter in the Federal Legislative List. Frequently enactments empower the Government, or specified bodies or office-holders to make rules to carry out the purposes thereof popularly known as delegated, secondary, or sub-ordinate legislation.

Rules of both the National Assembly and the Senate provide that delegated legislation may be examined by the Committees concerned. But practically no effective parliamentary oversight has been made. Further, in

the prevalent legal system it is also a departure from the principle of separation of powers that laws should be made by the elected representatives of the people in Parliament and not by the executive Government. In parliamentary democracies, the principle has been largely preserved through an effective system of parliamentary control of executive lawmaking, by making provision that copies of all sub-ordinate legislations be laid before each House of the Parliament within prescribed sitting days thereof otherwise they cease to have effect.

Although under the Constitution, the Cabinet is collectively responsible to the Senate and the National Assembly, yet, under the Rules of Business, 1973, the Minister-in-Charge is responsible for policy concerning his Division and the business of the Division is ordinarily disposed of by, or under his authority, as he assumes primary responsibility for the disposal of business pertaining to his portfolio. Therefore it is necessary that all rules, including previously published, made after the prorogation of the last session shall be laid before both Houses as soon as may be after the commencement of a session and thereby shall stand referred to the Standing Committee concerned with the subject matter of the rules.

The proposed amendment would achieve objective of valuable participation of the people in rules making process, meaningful exercise of authority by the Minister-in-Charge to assume primary responsibility for the disposal of business pertaining to his portfolio including rule making and efficient and effective parliamentary oversight relating to delegated legislation.

Sd/-
MR. RIAZ FATYANA,
Member-in-Charge.

N.A. BILL NO. 26 OF 2020

A

BILL

to amend the Marine Insurance Act, 2018

WHEREAS it is expedient further to amend the Marine Insurance Act, 2018 (V of 2018), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Marine Insurance (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Insertion of new section, Act V of 2018.**—In the Marine Insurance Act, 2018 (V of 2018) after section 95, the following new section 95A, shall be inserted, namely:—

“95A. **Post Legislative Scrutiny.**—(1) The Minister-in-charge shall constitute a departmental committee, with full access to all the information required for the purpose, headed by Secretary of the Division or Department or associated body concerned, as the case may be, to conduct review and prepare report, at least once every three years, on the implementation of the Act particularly relating to —

- (a) full account of achievements made in furtherance of aims and objectives thereof;
- (b) the implications and hurdles, if any, for objective operation thereof;
- (c) adverse effects or sufferings, if any, of the people due to any provision thereof;
- (d) any proposal for amending any provision thereof;
- (e) the findings, if any, of the courts on any provision thereof;
- (f) its systematic examination, elimination of anomalies, if any, simplification, modernization and reform thereof;
- (g) advice and information to other authorities or bodies concerned and otherwise linked therewith for reforming their respective laws;
- (h) international best practices of other similar legal systems on the subject matter to facilitate improved performance thereunder;
- (i) general survey of developments, during the given period, in respect of matters falling within the scope thereof; and
- (j) rule making and effective parliamentary oversight pertaining to bye-laws made thereunder.

- (2) The report shall be laid before the both Houses of *Majlis-e-Shoora* (Parliament) and thereby shall stand referred to Standing Committees concerned with the subject matter of the Act for examination thereof and recommendations thereon to the National Assembly and the Senate, respectively.”.

STATEMENT OF OBJECTS AND REASONS

Parliament allows the opportunity to undertake pre-legislative scrutiny of Bills before these are formally introduced. The extension of Parliamentary scrutiny at the pre-legislative stage could not be complemented by a similar development at the post-legislative stage. There is gap of systematic feedback from those affected by law to enable Parliament for improved legislation. A key weakness in Parliament’s scrutiny of legislation is that there is no consistent arrangement to monitor the implementation of law once they have been enacted. The democratic Governments accept that there is a case for improved post-legislative scrutiny and agree that three years after a Bill’s enactment would provide a reasonable time-frame for review. Governments also accept that Parliament has a role to play in post-legislative scrutiny and considered that any departmental review should include consultation with interested parties.

Departmental reviews are very useful but there are no formal systems in place for departments to review an Act once it has been brought into force. Government departments often have the best access to the information needed for proper analysis of the operation and effects of a statute. The advantage of post-legislative scrutiny in this context would be to provide a channel for considered concerns about the operation of legislation to be fed back into Parliament. There is potential to develop significant role for Parliament, ensuring that it plays a role at all stages of the legislative process. There should be a statutory review of the Act in addition to all the other “sunset” clauses, if any, and reviews, if any, being conducted for other purposes.

The proposed amendment would achieve objective of valuable and meaningful exercise of authority by the Minister-in-charge to assume primary responsibility pertaining to his portfolio including post legislative scrutiny of the Act for effective parliamentary oversight.

Sd/-
MR. RIAZ FATYANA,
Member-in-Charge.

NA. BILL NO. 27 OF 2020

A

BILL

to amend the National University of Technology Act, 2018

WHEREAS it is expedient further to amend the National University of Technology Act, 2018 (VI of 2018), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the National University of Technology (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Insertion of new section, Act VI of 2018.**—In the National University of Technology Act, 2018 (VI of 2018) after section 30, the following new section 30A, shall be inserted, namely:—

“30A. **Post Legislative Scrutiny.**—(1) The Minister-in-charge shall constitute a departmental committee, with full access to all the information required for the purpose, headed by Secretary of the Division or Department or associated body concerned, as the case may be, to conduct review and prepare report, at least once every three years, on the implementation of the Act particularly relating to—

- (k) full account of achievements made in furtherance of aims and objectives thereof;
- (l) the implications and hurdles, if any, for objective operation thereof;
- (m) adverse effects or sufferings, if any, of the people due to any provision thereof;
- (n) any proposal for amending any provision thereof;
- (o) the findings, if any, of the courts on any provision thereof;
- (p) its systematic examination, elimination of anomalies, if any, simplification, modernization and reform thereof;

- (q) advice and information to other authorities or bodies concerned and otherwise linked therewith for reforming their respective laws;
- (r) international best practices of other similar legal systems on the subject matter to facilitate improved performance thereunder;
- (s) general survey of developments, during the given period, in respect of matters falling within the scope thereof; and
- (t) rule making and effective parliamentary oversight pertaining to bye-laws made thereunder.

(2) The report shall be laid before the both Houses of *Majlis-e-Shoora* (Parliament) and thereby shall stand referred to Standing Committees concerned with the subject matter of the Act for examination thereof and recommendations thereon to the National Assembly and the Senate, respectively.”,

STATEMENT OF OBJECTS AND REASONS

Parliament allows the opportunity to undertake pre-legislative scrutiny of Bills before these are formally introduced. The extension of Parliamentary scrutiny at the pre-legislative stage could not be complemented by a similar development at the post-legislative stage. There is gap of systematic feedback from those affected by law to enable Parliament for improved legislation. A key weakness in Parliament’s scrutiny of legislation is that there is no consistent arrangement to monitor the implementation of law once they have been enacted. The democratic Governments accept that there is a case for improved post-legislative scrutiny and agree that three years after a Bill’s enactment would provide a reasonable time-frame for review. Governments also accept that Parliament has a role to play in post-legislative scrutiny and considered that any departmental review should include consultation with interested parties.

Departmental reviews are very useful but there are no formal systems in place for departments to review an Act once it has been brought into force. Government departments often have the best access to the information needed for proper analysis of the operation and effects of a statute. The advantage of post-legislative scrutiny in this context would be to provide a channel for considered

concerns about the operation of legislation to be fed back into Parliament. There is potential to develop significant role for Parliament, ensuring that it plays a role at all stages of the legislative process. There should be a statutory review of the Act in addition to all the other “sunset” clauses, if any, and reviews, if any, being conducted for other purposes.

The proposed amendment would achieve objective of valuable and meaningful exercise of authority by the Minister-in-charge to assume primary responsibility pertaining to his portfolio including post legislative scrutiny of the Act for effective parliamentary oversight.

Sd/-
MR. RIAZ FATYANA,
Member-in-Charge.

TAHIR HUSSAIN,
Secretary.