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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 20th October, 2020

No. F.23(99)2019-Legis.— Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committees, presented to the National Assembly on 20th October, 2020 are published for information:—

**REPORT OF THE STANDING COMMITTEE ON INFORMATION &
BROADCASTING ON THE PAKISTAN BROADCASTING
CORPORATION (AMENDMENT) BILL, 2020**

I, Chairman of the Standing Committee on Information & Broadcasting, have the honour to present the report on the Bill further to amend the Pakistan Broadcasting Corporation Ordinance, 1973 (XXXII of 1973) [the Pakistan Broadcasting Corporation (Amendment) Bill, 2020] (Private Member's Bill) referred to the Committee on 17th September, 2019.

1537 (1-35)

Price: Rs.60.00

[6260(2020)/Ex. Gaz.]

2. The Committee comprises the following:—

- | | |
|---|--------------------------|
| 1. Mian Javed Latif | <i>Chairman</i> |
| 2. Engr. Usman Khan Tarakai | <i>Member</i> |
| 3. Mr. Nasir Khan Musazai | <i>Member</i> |
| 4. Mr. Zahoor Hussain Qureshi | <i>Member</i> |
| 5. Mr. Tahir Iqbal | <i>Member</i> |
| 6. Mr. Muhammad Akram Cheema | <i>Member</i> |
| 7. Mr. Muhammad Alamgir Khan | <i>Member</i> |
| 8. Mr. Aftab Jahangir | <i>Member</i> |
| 9. Ms. Javeria Zafar Aheer | <i>Member</i> |
| 10. Ms. Syma Nadeem | <i>Member</i> |
| 11. Ms. Kanwal Shauzab | <i>Member</i> |
| 12. Syed Amin-ul-Haque | <i>Member</i> |
| 13. Khawaja Saad Rafique | <i>Member</i> |
| 14. Mr. Nadeem Abbas | <i>Member</i> |
| 15. Ms. Marriyum Aurangzeb | <i>Member</i> |
| 16. Ms. Maiza Hameed | <i>Member</i> |
| 17. Mr. Zulfiqar Ali Behan | <i>Member</i> |
| 18. Dr. Nafisa Shah | <i>Member</i> |
| 19. Ms. Naz Baloch | <i>Member</i> |
| 20. Minister Incharge for Information &
Broadcasting | <i>Ex-Officio Member</i> |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 07-10-2019, 05-12-2019, 30-12-2019, 21-01-2020 and 06-03-2020. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary

Islamabad, the 8th July, 2020.

Sd/-
(MIAN JAVED LATIF)
Chairman.

Annex-A

[AS REPORTED BY THE STANDING COMMITTEE]

A
BILL

further to amend the Pakistan Broadcasting Corporation Act, 1973

WHEREAS it is expedient further to amend the Pakistan Broadcasting Corporation, Act, 1973 (XXXII of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. **Substitution of section 21, Act XXVII of 1997.**— In the Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1973), for section 21, the following shall be substituted, namely:—

“21. **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 Pakistan Broadcasting Corporation (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 law-making, 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. AMJID ALI KHAN,
Member, National Assembly.

REPORT OF THE STANDING COMMITTEE ON MINISTRY OF POWER ON THE REGULATION OF GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER (AMENDMENT) BILL, 2019.

I, Chairman of the Standing Committee on Power have the honour to present this report on the Bill further to amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997) [The Regulation of Generation, Transmission and Distribution of Electric Power (Amendment), 2019] (Private Member's Bill) referred to Committee on 10-12-2019.

2. The Committee comprises the following:—

- | | |
|--------------------------------------|-----------------|
| (1) Chaudhry Salik Hussain | <i>Chairman</i> |
| (2) Mr. Sher Akbar Khan | <i>Member</i> |
| (3) Mehar Ghulam Muhammad Lali | <i>Member</i> |
| (4) Ms. Ghulam Bibi Bharwana | <i>Member</i> |
| (5) Malik Muhammad Amir Doger | <i>Member</i> |
| (6) Mr. Muhammad Abdul Ghafar Wattoo | <i>Member</i> |

(7) Mr. Saif-Ur-Rehman	<i>Member</i>
(8) Mr. Aamir Hussain	<i>Member</i>
(9) Mr. Lal Chand	<i>Member</i>
(10) Engr. Sabir Hussain Kaim Khani	<i>Member</i>
(11) Mr. Muhammad Israr Tareen	<i>Member</i>
(12) Ms. Saira Bano	<i>Member</i>
(13) Mr. Azhar Qayyum Nahra	<i>Member</i>
(14) Mr. Moshin Nawaz Ranjha	<i>Member</i>
(15) Sardar Muhammad Irfan Dogar	<i>Member</i>
(16) Mr. Muhammad Afzal Khokhar	<i>Member</i>
(17) Mahar Irshad Ahmad Khan	<i>Member</i>
(18) Syed Ghulam Mustafa Shah	<i>Member</i>
(19) Shazia Marri	<i>Member</i>
(20) Mr. Zahid Akram Durrani	<i>Member</i>
(21) Mr. Muhammad Omer Ayub Khan, Minister for Power	Ex-Officio <i>Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at 'Annex-A' in its meeting held on 24th February, 2020 and recommends that the Bill, as introduced may be passed by the National Assembly.

—Sd/—

(TAHIR HUSSAIN)

Secretary.

Islamabad, the 8th July, 2020.

—Sd—

(CHAUDHRY SALIK HUSSAIN)

Chairman.

Annex-A

[AS REPORTED BY THE STANDING COMMITTEE]

A
BILL

*further to amend the Regulation of Generation, Transmission and
Distribution of Electric Power Act, 1997*

WHEREAS, it is expedient further to amend the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997) for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) this Act may be called the Regulation of Generation, Transmission and Distribution of Electric Power (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 18, Act XL of 1997.**— In the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997, in section 18, in sub-section (1), for the full stop (.) at the end, a colon (:) shall be substituted and thereafter, the following proviso shall be added, namely:—

“Provided that, any Company, shall not disconnect the electricity, on any ground of any consumer who regularly pays his bills. Moreover, the electricity of a consumer regularly paying bills, shall not be disconnected on the pretext that his neighbours or other consumers of that particular locality do not pay bills.”

STATEMENT OF OBJECTS AND REASONS

It has come to knowledge that electricity distribution companies also disconnect electricity connections of those consumers who pay their bills regularly. However their neighbours or the people of that locality (Mohallah) do not pay Bills. This is injustice to those who pay their bills regularly and they are punished for the crime committed by others. Distribution companies have failed to evolve a mechanism in this regard. So this Bill is need of the hour.

Sd/—
SYED AGHA RAFIULLAH,
Member, National Assembly

REPORT OF THE STANDING COMMITTEE ON HOUSING AND WORKS. ON THE FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY BILL, 2019

I, the Chairman of Standing Committee on Housing and Works, have the honor to present this report on the Bill to provide for establishment of Federal Government Employees Housing Authority [The Federal Government Employees Housing Authority Bill, 2019] (Private Member's Bill) referred to the Committee on 1st October, 2019.

2. The Committee consists of the following :—

1. Engr. Muhammad Najeeb Haroon	<i>Chairman</i>
2. Mr. Mehboob Shah	<i>Member</i>
3. Malik Anwar Taj	<i>Member</i>
4. Malik Karamat Ali Khokhar	<i>Member</i>
5. Makhdoom Syed Sami-ul-Hassan Gillani	<i>Member</i>
6. Ch. Javed Iqbal Warraich	<i>Member</i>
7. Ms. Nafeesa Inayatullah Khan Khattak	<i>Member</i>
8. Ms. Wajiha Akram	<i>Member</i>
9. Mr. Salahuddin	<i>Member</i>
10. Mr. Iqbal Muhammad Ali Khan	<i>Member</i>
11. Mr. Muhammad Israr Tareen	<i>Member</i>
12. Chaudhry Abid Raza	<i>Member</i>
13. Syed Iftikhar-Ul-Hassan	<i>Member</i>
14. Mr. Azhar Qayyum Nahra	<i>Member</i>
15. Ms. Tahira Aurangzeb	<i>Member</i>
16. Ms. Seema Mohiuddin Jameeli	<i>Member</i>
17. Mr. Abid Hussain Bhayo	<i>Member</i>
18. Jam Abdul Karim Bijar	<i>Member</i>
19. Syed Agha Rafiullah	<i>Member</i>
20. Mr. Munir Khan Orakzai	<i>Member</i>
21. Ch. Tariq Bashir Cheema, Minister for Housing and Works	Ex-Officio <i>Member</i>

3. The Committee considered the Bill, placed at 'Annex-A' in its meetings held on 13th November, 2019 and 2nd January, 2020 and made the following amendments therein:—

1. **CLAUSE-2**

In clause 2, after paragraph (h), new paragraph (i), shall be inserted and the remaining paragraphs shall be re-numbered accordingly:—

“(i) “President” means the President of the Governing Body.”

2. **CLAUSE-4**

In clause 4, sub-clause (1) shall be substituted with the following, namely:—

“(1) There shall be a Governing Body consisting of the following:—

- | | |
|--|-----------------------|
| (a) Minister for the Division allocated with business of the Authority | <i>President</i> |
| (b) Secretary of the Division allocated with business of the Authority | <i>Vice-President</i> |
| (c) Secretary, Cabinet Division | <i>Member</i> |
| (d) Secretary, Establishment Division | <i>Member</i> |
| (e) Secretary, Law and Justice Division | <i>Member</i> |
| (f) Chief Executive Officer | <i>Member</i> |

4. The Committee recommends that the Bill as reported by the Standing Committee placed at ‘**Annex-B**’ may be passed by the Assembly.

Sd/-
(ENGR. MUHAMMAD NAJEEB HAROON)
Chairman.

Sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 9th March, 2020.

ANNEX-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

*to provide for establishment of Federal Government Employees
Housing Authority*

WHEREAS it is expedient to establish the Federal Government Employees Housing Authority for serving and retired Federal Government Employees and other specified groups and matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called Federal Government Employees Housing Authority Bill, 2019.

(2). It extends to the whole of Pakistan.

2. **Definitions.**— In this Act, unless the context otherwise require.—

(a) “Authority” means the Authority established under section 3;

(b) “Chairman” means Chairman of the Executive Board of the Authority;

(c) “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 8;

(d) “Executive Board” means the Executive Board constituted under section 6;

(e) “Foundation” means the Federal Government Employees Housing Foundation duly registered with the Securities and Exchange Commission of Pakistan;

(f) “Governing Body” means governing body constituted under section 4;

(g) “member” means a member of the Executive Board;

(h) “prescribed” means prescribed by rules or regulations, as the case may be;

(i) “regulation” means regulations made under this Act;

- (j) “rules” means rules made under this Act;
- (k) “scheme” means any scheme, plan, facility or project for development of land for residential or commercial purposes undertaken, planned or approved by the Authority including the schemes earlier launched and started by the Foundation before commencement of this Act; and
- (l) “specified area” means all lands owned, purchased, acquired or procured by the vested in or leased to the Foundation under any law before the commencement of this Act and such other land as may be purchased or procured or acquired or vested in or leased to the Authority in Islamabad Capital Territory or other parts or Pakistan.

3. **Authority.**— (1) The Government may, by Notification, establish the Federal Government Employees Housing Authority.

(2) The Government Employees Housing Authority shall be a body corporate having perpetual succession and common seal with power to purchase, procure through acquisition or otherwise, land as well moveable and immovable properties and assets with the object to hold, possess, sell, lease, transfer, exchange any property including landed property and to regulate the schemes undertaken by it in the specified area.

(3) The head office of the Authority shall be at Islamabad. The Authority may establish regional offices in other parts of Pakistan with the approval of Executive Board.

(4) The Authority shall also be the local authority in the specified areas and shall be responsible for all public services and facilities.

(5) While making or arranging, planning, designing and executing a scheme in specified area, adherence to local municipal regulations and master plan of the concerned district shall be ensured.

4. **Governing Body.**— (1) There shall be a Governing Body consisting of the following:—

- (a) Secretary of the Division concerned with the affairs of the Authority *President*
- (b) Secretary, Cabinet Division *Vice-President*
- (c) Secretary, Establishment Division *Member.*

(d) Secretary, Law & Justice Division *Member*

(e) Chief Executive Officer *Member.*

(2) The Chief Executive Officer shall also act as the Secretary of the Governing Body.

5. **Powers, Functions and meetings of the Governing Body.**— (1) subject to the provisions of this Act, the Governing Body may take such decisions and exercises such powers as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of forgoing powers but subject to the provisions of this Act, the Governing Body may—

(a) review progress and activities of the Authority.

(b) lay down policy for guidance of the Executive Board.

(c) consider and approve budget and audit report of the Authority.

(d) transact such other business of the Authority and as the Executive Board may place before it.

(3) The decision of the Governing Body shall be through majority of its members. The President shall have casting vote.

(4) The President or Vice-President shall preside over meetings:

Provided that if the President and the Vice President are unable to preside over the meeting of the Governing Body then any senior member chosen by the members present, shall preside the meeting.

(5) The Governing Body shall meet twice a year or as and when required or considered necessary by the President or on the request of Chief Executive Officer.

6. **Executive Board.**— (1) The general administration, supervision and control of the affairs of the Authority shall vest in the Executive Board which shall consist of—

(a) Secretary of the Division concerned with the affairs of the Authority *Chairman*

(b) Additional Secretary, Cabinet Division *Member*

(c) Additional Secretary, Ministry of Interior *Member*

- (d) Additional Secretary, Finance Division *Member*
- (e) Additional Secretary, Establishment Division *Member*
- (f) Draftsman Law and Justice Division *Member*
- (g) Additional Secretary of the Division concerned with the affairs of the Authority *Member*
- (h) Managing Director, Pakistan Housing Authority Foundation *Member*
- (i) Director General, Pakistan Public Works Department *Member*
- (j) Chief Commissioner, Islamabad Capital Territory *Member*
- (k) Chairman, Capital Development Authority Islamabad *Member*
- (l) Chief Executive Officer *Member/Secretary*

7. **Power, Functions and Meetings of the Executive Board.**— (1) Subject to the provisions of this Act, the Executive Board may take such decisions and exercise such powers, as, may be necessary for preparation, planning, approval and development, of schemes in the specified area for carrying out the purposes of this Act.

(2) Without prejudice to the generally of forgoing powers but subject to local laws, the Executive Board may.—

- (a) Purchase, procure through acquisition under the Land Acquisition Act, 1894 (I of 1894) or any other prevailing law for the said purpose, as per approved policy from Federal Cabinet for the time being in vogue, as applicable at the site of the scheme, or otherwise any land or property in Islamabad or any part of Pakistan and hold, manage, reclaim and take possession of such land or property, in accordance with law;
- (b) Prepare plan, approve, develop, execute, implement, maintain, manage and regulate any scheme in the specified area;
- (c) Accord approval of the layout plan, building plans of the scheme in conformity with the local municipal regulations;
- (d) Accord approval for collection of revenues for maintenance of the scheme and enforcement of regulations made under this Act;

- (e) Enter into contracts, arrangements, joint venture agreements with any person or firm, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area, for carrying out the purposes of this Act;
 - (f) incur any expenditure and procure land, buildings, plant, machinery, equipment, instrument and necessary materials;
 - (g) carry out, maintain, arrange, manage and provide all facilities, services and utilities including water, electricity, gas and sewerage for schemes in the specified area;
 - (h) impose, vary and recover development charges, transfer fee, service charges, toll or other charges in respect of any land or buildings within any scheme in the specified area;
 - (i) lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority;
 - (j) modify, re-plan or cancel any scheme or a part thereof in specified area;
 - (k) do all such acts and deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial property in the schemes in the specified area;
 - (l) plan, approve and execute mergers and amalgamation with other housing schemes or cooperative housing societies;
 - (m) obtain loan for the purpose of generating capital for its scheme or seek contributions from members of the schemes or drives announced and, floated by the Authority;
 - (n) receive grants from the Federal Government for the purpose of generating capital for its scheme or seek contributions from members of schemes or drives announced and floated by the Authority; and
 - (o) accord approval of launching of schemes for Federal Government employees and other specified groups to be determined by governing body.
- (2) The Executive Board shall decide through majority votes and its quorum shall be simple majority of its members. The Chairman shall have casting vote.

(3) The Chairman shall preside over meetings and in his absence any senior member chosen by the members present shall preside the meeting.

(4) The Executive Board shall meet as and when required or considered necessary by the Chairman or on the request of Chief Executive Officer.

8. **Chief Executive Officer.**— (1) The Federal Government shall appoint Chief Executive Officer (CEO) of the Authority. The qualification, terms and conditions etc., of the CEO shall be such as may be prescribed by rules.

(2) The Chief Executive Officer shall exercise such powers and perform such functions as may be prescribed by regulations.

9. **Establishment.**— (1) The Executive Board may, in such manner and on such terms and conditions as may be prescribed by regulations, appoint such officers, employees, staff, experts consultants and advisors as may be necessary for purposes of this Act.

(2) On the winding up of the Foundation all officers and employees thereof shall become the employees of the Authority on the terms and conditions as may be prescribed which shall not be less favorable than the terms and conditions being availed by them in the Foundation before commencement of this Act.

10. **Delegation of powers.**— Subject to this Act, the Executive Board and the Chief Executive Officer may, by order in writing, delegate to any officer of the Authority any of its or his powers to perform such functions and duties as may be specified in the order.

11. **Committees.**— The Executive Board may, by order, constitute committees including Finance Committee. Budget and Accounts Committee and such other committees as may be deemed necessary for carrying the functions of the Authority and assign to them such specific functions for efficient performance of the Authority. The committees shall perform the functions in the manner specified in the order.

12. **Funds of Authority.**— There shall be a fund known as the Federal Government Employees Housing Authority Fund, which shall vest in the Authority.

(2) The Following shall be the sources of the Fund, namely:—

- (a) All moneys received from the members of the Authority;
- (b) all grants from the Federal or Provincial Governments;
- (c) transfer fees, services charges, penalties, etc;

- (d) any donation or other sum of money received by the Authority shall be credited in the fund.
- (3) The fund shall be kept in the scheduled banks and shall be utilized, spent and regulated in such manner as may be prescribed by regulations.
- (4) The budget of the Authority shall be approved by the Governing Body and its accounts shall be maintained and audited in such manner as may be prescribed by the regulations.
- (5) The annual audit of the Authority shall be conducted by the Auditor General of Pakistan.

13. **Acquisition of land.**— Acquisition of any land or any interest in land for the purpose of Authority shall be deemed to be an acquisition for public purpose within the meaning of the applicable Land Acquisition Act, 1894 (I of 1894) or any other prevailing law for the said purpose, as per approved policy from the Federal Cabinet currently in vogue.

14. **Power to cancel allotment.**— (1) The Chief Executive Officer may cancel or revoke or rescind any allotment, transfer, licence, lease or agreement on the recommendation of a committee constituted by the Executive Board.

(2) An appeal from an order under sub-section (1) shall lie before the Executive Board. When the Executive Board is deciding the appeal the Chief Executive Officer shall not participate in the proceedings.

15. **Encroachments.**— (1) if a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transfer, license or lessee in the specified area, he shall be liable to punishment of imprisonment which may extend to two years or fine which may extend to five hundred thousand Rupees or both.

(2) The Magistrate of the first class shall conduct summary trial of an offence under sub-section (1) and pass any sentence provided in that sub-section in accordance with the provisions of Chapter-XII of the Code of Criminal Procedure, 1898 (Act V of 1898) on the complaint filed by an officer of the Authority authorized under the regulations.

(3) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, the Magistrate may, during or on conclusion of trial under sub-section (2) but subject to the final decision of the Civil court, order the police to forthwith remove encroachment or dispossess the illegal possessor.

16. **Violation of building regulations.**— If a person violates the building regulations in the specified area, the Authority may, in the prescribed manner, direct the person to remove the structure or part of the structure or pay fine to the Authority which may be fixed in the regulations for each category of violation.

17. **Transfer and Savings.**— On the Commencement of this Act—

- (a) all assets, rights, power, authorities and privileges and all property, moveable and immovable, bank balance, bank account, reserve funds, investment and all other interests and rights in or arising out of such property and all liabilities and obligations of whatever kind of the Foundation, established before commencement of this Act, shall stand transferred to and vested in the Authority;
- (b) all contracts and agreements entered into, all rights acquired and all matters and things agreed to be done by the Foundation and obligations incurred shall be deemed to have been entered into, acquired or agreed to be done by the Authority;
- (c) all contracts, projects, schemes, work whether in progress or not and all guarantees undertaken, obligation, liabilities executed or subsisting in the name of the Foundation shall be deemed to be contracts, projects, schemes, work, guarantees, undertakings, rights, obligations, liabilities of the Authority;
- (d) all land owned, purchased, acquired or procured and developed by the Foundation shall be deemed to be the property of the Authority;
- (e) all leases executed, in the name of the Foundation before commencement of this Act shall be deemed to be leases executed in the name of Authority;
- (f) all suits, appeals, petitions or legal proceedings by or against the Foundation shall be deemed to be suits, appeals, petitions or legal proceedings by or against the Authority;
- (g) all allotments and transfer of, plots, whether residential or commercial, made by the Foundation shall be deemed to be allotments and transfers made by the Authority;
- (h) all pending disputes or matters, if any, before the Foundation shall stand transferred to Authority and shall be decided by the by the Chief Executive Officer and any aggrieved party shall have the right to appeal before the Executive Board within ninety days;

- (i) all bylaws, polices and regulations in force immediately before commencement, of this Act shall continue to remain in force until altered amended or repealed; and
- (j) notwithstanding anything mentioned herein before, all and every rights and obligations of the Foundation shall stand transferred to the Authority and the Foundation shall be wound up in accordance with law.

18. **Appeal.**— Any person aggrieved by any order passed by Chief Executive Officer in respect to his rights in relation to any plot, built up or otherwise, may file an appeal, before the Executive Board within ninety days of such order. Such appeal be decided by the Executive Board excluding the Chief Executive Officer, who passed such order.

19. **Overriding effect.**— The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

20. **Power to make rules.**— The Federal Government by notification in the official Gazette, make rules to carry out the purpose of this Act.

21. **Power to make regulations.**— The Authority may make regulations, not inconsistent with the rules, to give to the provisions of this Act.

22. **Recovery as arrears of land revenue.**— If a person fails to pay any amount due to the Authority, the Collector shall, on the request in writing of the Authority, recover the amount as arrears of land revenue.

23. **Validation.**— All actions done or taken by the Foundation, before the commencement of this Act, shall be deemed to have been validity done or have been taken under this Act to the extent they are consistent with the provisions of this Act.

24. **Removal of difficulty.**— If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may give such directions, consistent with the provisions of this Act, as it may consider necessary for removal of such difficulty.

STATEMENT OF OBJECTS AND REASONS

The Federal Government Employees Housing Foundation (FGEH) is mandated to arrange affordable residential accommodation to the employees of

the Federal Government and other specified groups on the basis of no profit no loss. Its jurisdiction extends to whole of Pakistan. The Foundation is not a regulatory body and it has to go through lengthy process of seeking permissions and NOCs from different authorities for launching its projects. The maintenance of existing schemes is not possible until the Foundation is given the status of an Authority. The Bill is, therefore, aimed to address this issue.

Sd/
MR. MEHBOOB SHAH
Member, National Assembly.

ANNEX-B

[AS REPORTED BY THE STANDING COMMITTEE]

A
BILL

*to provide for establishment of Federal Government Employees
Housing Authority*

WHEREAS it is expedient to establish the Federal Government Employees Housing Authority for serving and retired Federal Government employees and other specified groups and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Federal Government Employees Housing Authority Act, 2020.

(2) It extends to the whole of Pakistan.

2. **Definitions.**— In this Act, unless the context otherwise requires,—

(a) “Authority” means the Authority established under section 3;

(b) “Chairman” means Chairman of the Executive Board of the Authority;

(c) “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 8;

(d) “Executive Board” means the Executive Board constituted under section 6;

- (e) “Foundation” means the Federal Government Employees Housing Foundation duly registered with the Securities and Exchange Commission of Pakistan;
- (f) “Governing Body” means governing body constituted under section 4;
- (g) “member” means a member of the Executive Board;
- (h) “prescribed” means prescribed by rules or regulations, as the case may be;
- (i) “President” means the President of the Governing Body.
- (j) “regulations” means regulations made under this Act;
- (k) “rules” means rules made under this Act;
- (l) “scheme” means any scheme, plan, facility or project for development of land for residential or commercial purposes undertaken, planned or approved by the Authority including the schemes earlier launched and started by the Foundation before commencement of this Act; and
- (m) “specified area” means all lands owned, purchased, acquired or procured by or vested in or leased to the Foundation under any law before the commencement of this Act and such other land as may be purchased or procured or acquired or vested in or leased to the Authority in Islamabad Capital Territory or other parts of Pakistan.

3. **Authority.**— (1) The Federal Government may, by notification in the official Gazette, establish the Federal Government Employees Housing Authority.

(2) The Authority shall be a body corporate having perpetual succession and common seal with power to purchase, procure through acquisition or otherwise, land as well moveable and immovable properties and assets with the object to hold, possess, sell, lease, transfer, exchange any property including landed property and to regulate the schemes undertaken by it in the specified area.

(3) The head office of the Authority shall be at Islamabad and it may establish regional offices in other parts of Pakistan with approval of the Executive Board.

(4) The Authority shall also be the local authority in the specified areas and shall be responsible for all public services and facilities.

(5) While making or arranging, planning, designing and executing a scheme in specified area, adherence to local municipal regulations and master plan of the concerned district shall be ensured.

4. **Governing Body.**— (1) There shall be a Governing Body consisting of the following:—

- | | |
|--|-----------------------|
| (a) Minister for the Division allocated with business of the Authority | <i>President</i> |
| (b) Secretary of the Division allocated with business of the Authority | <i>Vice-President</i> |
| (c) Secretary, Cabinet Division | <i>Member</i> |
| (d) Secretary, Establishment Division | <i>Member</i> |
| (e) Secretary, Law and Justice Division | <i>Member</i> |
| (f) Chief Executive Officer | <i>Member</i> |

(2) The Chief Executive Officer shall also act as the Secretary of the Governing Body.

5. **Powers, functions and meetings of the Governing Body.**— (1) Subject to the provisions of this Act, the Governing Body may take such decisions and exercise such powers, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of forgoing powers but subject to the provisions of this Act, the Governing Body may—

- (a) review progress and activities of the Authority;
- (b) lay down policy for guidance of the Executive Board;
- (c) consider and approve budget and audit report of the Authority; and
- (d) transact such other business of the Authority and as the Executive Board may place before it.

(3) The decision of the Governing Body shall be through majority of its members and in case of equal votes, the President shall have casting vote.

(4) The President or Vice-President shall preside over meetings:

Provided that if the President and the Vice-President are unable to preside over the meeting of the Governing Body then any senior member chosen by the members present, shall preside the meeting.

(5) The Governing Body shall meet twice a year or as and when required or considered necessary by the President or on the request of Chief Executive Officer.

6. **Executive Board.**— (1) The general administration, supervision and control of the affairs of the Authority shall vest in the Executive Board which shall consist of—

- | | |
|--|------------------------------|
| (a) Secretary of the Division allocated with the business of the Authority | <i>Chairman</i> |
| (b) Additional Secretary, Cabinet Division | <i>Member</i> |
| (c) Additional Secretary, Ministry of Interior | <i>Member</i> |
| (d) Additional Secretary, Finance Division | <i>Member</i> |
| (e) Additional Secretary, Establishment Division | <i>Member</i> |
| (f) Draftsman Law and Justice Division | <i>Member</i> |
| (g) Additional Secretary of the Division allocated with the business the Authority | <i>Member</i> |
| (h) Managing Director, Pakistan Housing Authority Foundation | <i>Member</i> |
| (i) Director General, Pakistan Public Works Department | <i>Member</i> |
| (j) Chief Commissioner, Islamabad Capital Territory | <i>Member</i> |
| (k) Chairman, Capital Development Authority Islamabad | <i>Member</i> |
| (l) Chief Executive Officer | <i>Member/
Secretary</i> |

7. **Powers, functions and meetings of the Executive Board.**— (1) Subject to the provisions of this Act, the Executive Board may take such decisions and exercise such powers, as may be necessary for preparation, planning, approval, and development of schemes in the specified area for carrying out the purposes of this Act

(2) Without prejudice to the generally of forgoing powers but subject to local-laws, the Executive Board may—

- (a) purchase, procure through acquisition under the Land Acquisition Act, 1894 (I of 1894) or any other prevailing law for the said purpose, as per approved policy of the Federal Cabinet for the time being in vogue, as applicable at the site of the scheme, or otherwise

any land or property in Islamabad or any part of Pakistan and hold, manage, reclaim and take possession of such land or property, in accordance with law;

- (b) prepare plan, approve, develop, execute, implement, maintain, manage and regulate any scheme in the specified area;
- (c) accord approval of the layout plan, building plans of the schemes in conformity with the local municipal regulations;
- (d) accord approval for collection of revenues for maintenance of the schemes and enforcement of regulations made under this Act;
- (e) enter into contracts, arrangements, joint venture agreements with any person or firm, for preparation, planning, development, execution, implementation and maintenance of schemes in the specified area, for carrying out the purposes of this Act;
- (f) incur any expenditure and procure land, buildings, plant, machinery, equipment, instrument and necessary materials;
- (g) carry out, maintain, arrange, manage and provide all facilities, services and utilities including water, electricity, gas and , sewerage for schemes in the specified area;
- (h) impose, vary and recover development charges, transfer fee, service charges, toll or other charges in respect of any land or buildings within any scheme in the specified area;
- (i) lease, purchase, procure, sell, exchange, mortgage, rent out or otherwise dispose of any property vested in the Authority;
- (j) modify, re-plan or cancel any scheme or a part thereof in specified area;
- (k) do all such acts and deeds and things that may be necessary or expedient for the purpose of proper preparation, planning, development, execution, implementation, management and maintenance of residential and commercial property in the schemes in the specified area;
- (l) plan, approve and execute mergers and amalgamation with other housing schemes or cooperative housing societies;

- (m) obtain loan for the purpose of generating capital for its schemes or seek contributions from members of the schemes or drives announced and floated by the Authority;
- (n) receive grants from the Federal Government for the purpose of generating capital for its schemes or seek contributions from members of schemes or drives announced and floated by the Authority; and
- (o) accord approval of launching of schemes for Federal Government employees and other specified groups to be determined by Governing Body.

(2) The Executive Board shall decide through majority votes and its quorum shall be simple majority of its members. In case of equal votes, the Chairman shall have casting vote.

(3) The Chairman shall preside over meetings and in his absence any senior member chosen by the members present shall preside the meeting.

(4) The Executive Board shall meet as and when required or considered necessary by the Chairman or on the request of Chief Executive Officer.

8. **Chief Executive Officer.**— (1) The Federal Government shall appoint Chief Executive Officer (CEO) of the Authority. The qualification, terms and conditions etc., of the CEO shall be such as may be prescribed by rules.

(2) The Chief Executive Officer shall exercise such powers and perform such functions as may be prescribed by regulations.

9. **Establishment.**— (1) The Executive Board may, in such manner and on such terms and conditions as may be prescribed by regulations, appoint such officers, employees, staff, experts, consultants and advisors as may be necessary for purposes of this Act.

(2) On winding up of the Foundation, all officers and employees thereof shall become the employees of the Authority on the terms and conditions as may be prescribed which shall not be less favorable than the terms and conditions being availed by them in the Foundation before commencement of this Act.

10. **Delegation of powers.**— Subject to this Act, the Executive Board and the Chief Executive Officer may, by order in writing, delegate to any officer of the Authority any of its or his powers to perform such functions and duties as may be specified in the order.

11. **Committees.**— The Executive Board may, by order, constitute committees including finance committee, budget and accounts committee and such other committees as may be deemed necessary for carrying the functions of the Authority and assign to them such specific functions for efficient performance of the Authority. The committees shall perform the functions in the manner specified in the order.

12. **Funds of Authority.**— There shall be a fund known as the Federal Government Employees Housing Authority Fund, which shall vest in the Authority.

(2) The Following shall be the sources of the Fund, namely:—

- (a) all moneys received from the members of the Authority;
- (b) all grants from the Federal or Provincial Governments;
- (c) transfer fees, services charges, penalties, etc;
- (d) any donation or other sum of money received by the Authority shall be credited in the fund.

(3) The fund shall be kept in the scheduled banks and shall be utilized, spent and regulated in such manner as may be prescribed by regulations.

(4) The budget of the Authority shall be approved by the Governing Body and its accounts shall be maintained and audited in such manner as may be prescribed by regulations in accordance with Articles 169 and 170 of the Constitution of the Islamic Republic of Pakistan.

(5) The annual audit of the Authority shall be conducted by the Auditor General of Pakistan.

13. **Acquisition of land.**— Acquisition of any land or any interest in land for the purpose of Authority shall be deemed to be an acquisition for public purpose within the meaning of the applicable Land Acquisition Act, 1894 (I of 1894) or any other prevailing law for the said purpose, as per approved policy of the Federal Cabinet currently in vogue.

14. **Power to cancel allotment.**— (1) The Chief Executive Officer may cancel or revoke or rescind any allotment, transfer, licence, lease or agreement on the recommendation of a committee constituted by the Executive Board.

(2) An appeal from an order under sub-section (1) shall lie before the Executive Board. When the Executive Board is deciding the appeal the Chief Executive Officer shall not participate in the proceedings.

15. **Encroachments.**— (1) If a person encroaches on property of the Authority or any open space or illegally possesses property of an allottee, transfer, license or lessee in the specified area, he shall be liable to punishment of imprisonment which may extend to two years or fine which may extend to five hundred thousand rupees or both.

(2) The Magistrate of the first class shall conduct summary trial of an offence under sub-section (1) and pass any sentence provided in that sub-section in accordance with the provisions of Chapter-XII of the Code of Criminal Procedure, 1898 (Act V of 1898) on the complaint filed by an officer of the Authority authorized under the regulations.

(3) If a person encroaches on the property of the Authority or any open space or illegally possesses property of an allottee, transferee, licensee or lessee in the specified area, the Magistrate may, during or on conclusion of trial under sub-section (2) but subject to the final decision of the Civil court order the police to forthwith remove encroachment or dispossess the illegal possessor.

16. **Violation of building regulations.**— If a person violates the building regulations in the specified area, the Authority may, in the prescribed manner, direct the person to remove the structure or part of the structure or pay fine to the Authority which may be fixed in the regulations for each category of violation.

17. **Transfer and savings.**— On the Commencement of this Act,—

- (a) all assets, rights, power, authorities and privileges and all property, moveable and immovable, bank balance, bank account, reserve funds, investment and all other interests and rights in or arising out of such property and all liabilities and obligations of whatever kind of the Foundation, established before commencement of this Act, shall stand transferred to and vested in the Authority;
- (b) all contracts and agreements entered into, all rights acquired and all matters and things agreed to be done by the Foundation and obligations incurred shall be deemed to have been entered into, acquired or agreed to be done by the Authority;
- (c) all contracts, projects, schemes, work whether in progress or not and all guarantees undertaken, obligation, liabilities executed or subsisting in the name of the Foundation shall be deemed to be contracts, projects, schemes, work, guarantees, undertakings, rights, obligations, liabilities of the Authority;
- (d) all land owned, purchased, acquired or procured and developed by the Foundation shall be deemed to be the property of the Authority;

- (e) all leases executed, in the name of the Foundation before commencement of this Act shall be deemed to be leases executed in the name of Authority;
- (f) all suits, appeals, petitions or legal proceedings by or against the Foundation shall be deemed to be suits, appeals, petitions or legal proceedings by or against the Authority;
- (g) all allotments and transfer of plots, whether residential or commercial, made by the Foundation shall be deemed to be allotments and transfers made by the Authority;
- (h) all pending disputes or matters, if any, before the Foundation shall stand transferred to Authority and shall be decided by the Chief Executive Officer and any aggrieved party shall have the right to appeal before the Executive Board within ninety days;
- (i) all by-laws, polices and regulations in force immediately before commencement of this Act shall continue to remain in force until altered, amended or repealed; and
- (j) notwithstanding anything mentioned herein before, all and every rights and obligations of the Foundation shall stand transferred to the Authority and the Foundation shall be wound up in accordance with law.

18. **Appeal.**— Any person aggrieved by any order passed by Chief Executive Officer in respect to his rights in relation to any plot, built up or otherwise, may file an appeal before the Executive Board within ninety days of such order and such appeal shall be decided by the Executive Board, excluding the Chief Executive Officer, who passed such order.

19. **Overriding effect.**— The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

20. **Power to make rules.**— The Federal Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.

21. **Power to make regulations.**— The Authority may, by notification in the official Gazette, make regulations, not inconsistent with the rules, to give effect to the provisions of this Act.

22. **Recovery as arrears of land revenue.**— If a person fails to pay any amount due to the Authority, the collector shall, on the request in writing of the Authority, recover the amount as arrears of land revenue.

23. **Validation.**— All actions done or taken by the Foundation, before the commencement of this Act, shall be deemed to have been validity done or have been taken under this Act to the extent they are consistent with the provisions of this Act.

24. **Removal of difficulty.**— If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may make such order, consistent with the provisions of this Act, as it may consider necessary for removal of such difficulty.

STATEMENT OF OBJECTS AND REASONS

The Federal Government Employees Housing Foundation (FGEH) is mandated to arrange affordable residential accommodation to the employees of the Federal Government and other specified groups on the basis of no profit no loss. Its jurisdiction extends to whole of Pakistan. The Foundation is not a regulatory body and it has to go through lengthy process of seeking permissions and NOCs from different authorities for launching its projects. The maintenance of existing schemes is not possible until the Foundation is given the status of an Authority. The Bill is, therefore, aimed to address this issue.

Sd/-
MR. MEHBOOB SHAH,
Member, National Assembly.

**REPORT OF THE STANDING COMMITTEE ON RELIGIOUS AFFAIRS
AND INTERFAITH HARMONY ON “THE PROHIBITION OF FORCED
RELIGIOUS CONVERSION BILL, 2020” (MOVED BY MR. NAVEED
AMIR JEEVA, MNA)**

I, Chairman of the Standing Committee on Religious Affairs and Inter-Faith Harmony have the honour to present report of the Committee on the Bill titled “The Prohibition of Forced Religious Conversion Bill, 2020” (Member’s Bill), referred to the Standing Committee on 23rd April, 2019.

2. The Committee comprises the following:
1. **Mr. Asad Mahmood** *Chairman*
 2. Mr. Saleem Rehman *Member*
 3. Sahibzada Sibghatullah *Member*

4. Mr. Muhammad Bashir Khan *Member*
5. Prince Muhammad Nawaz Allai *Member*
6. Mr. Mujahid Ali *Member*
7. Mr. Muhammad Iqbal Khan *Member*
8. Raja Riaz Ahmad *Member*
9. Ch. Javed Iqbal Warraich *Member*
10. Mr. Jamshed Thomas *Member*
11. Ms. Saira Bano *Member*
12. Ms. Shunila Ruth *Member*
13. Choudhary Faqir Ahmed *Member*
14. Begum Tahira Bokhari *Member*
15. Syed Imran Ahmad Shah *Member*
16. Mr. Kesoo Mal Kheeral Das *Member*
17. Mahar Irshad Ahmad Khan *Member*
18. Pir Syed Fazal Ali Shah Jillani *Member*
19. Ms. Shagufta Jumani *Member*
20. Ms. Shahida Akhtar Ali *Member*
21. Mr. Noor-ul-Haq Qadri *Ex-Officio*
Minister for Religious Affairs and *Member*
Inter-Faith Harmony

3. The Committee considered the Bill, as introduced in the National Assembly, placed at Annex-‘A’, in its meetings held on 6th September 2019, 27th September 2019 and 28th February 2020. The Committee recommends that the Bill placed at Annex-‘A’, may not be passed by the National Assembly.

-Sd/-
(TAHIR HUSSAIN)
Secretary.

Islamabad, the 28th July, 2020.

-Sd/-
(ASAD MAHMOOD)
Chairman
Standing Committee on Religious
Affairs and Inter-Faith Harmony.

Annex-“A”

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

to provide for prohibition of religious conversion by use of force, allurement or fraudulent means and for matters connected therewith;

It is hereby enacted as follows:-

Short title, extent and commencement.— (1) This Act may be called the Prohibition of Forced Religious Conversion Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(2) **Definitions.**— In this Act, unless the context otherwise require,—

(a) **“allurement”** means offer temptation in the form of—

(i) any gift or gratification, either in cash or kind;

(ii) grant of any material benefit, either monetary or otherwise;

(b) **“conversion”** means renouncing one religion and adopting another religion;

(c) **“force”** includes a show of force or a threat of injury of any kind including a threat of divine displeasure or social excommunication;

(d) **“fraudulent means”** include mis-representation or any other fraudulent contrivance;

(e) **“minor”** means a person who has not completed eighteen years of age; and

(f) **“prescribed”** means prescribed by rules made under this Act.

3. **Forced Religious Conversion.**—(1) No person shall convert or attempt to convert, or abet the conversion of, either directly or otherwise, any person from one religion to another by use of force allurement or any fraudulent means.

(2) Whoever contravenes the provision of sub-section (1) shall be punished with nprisonment for a term, which may extend to three years and shall also be liable to a fine, which lay extend to rupees fifty thousand.

(3) Notwithstanding anything in sub-section (2), whoever contravenes the provisions of sub-section (1), in respect of a minor, a woman or a person shall be punished with imprisonment for term which may extend to five years and shall also be liable to fine which may extend to rupees one hundred thousand.

4. **Report of Conversion.**— (1) Whoever performs conversion by performing any ceremony as a religious cleric or takes part, directly or indirectly, in such ceremony, shall give information regarding such conversion to the District Magistrate concerned in such form and with such period before performing of the ceremony, as may be prescribed.

(2) Whoever fails to comply with the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees twenty-five thousand or with both.

5. **Prosecution.**— No prosecution for an offence under this Act shall be instituted except by or with the previous permission of the District Magistrate or such other authority as may be authorized by him in that behalf.

6. **Cognizable offence**— (1) An offence under this Act shall be cognizable.

(2) An offence under this Act shall be investigated by an officer not below the rank of an ASP.

7. **Savings.**— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

8. **Rules.**— (1) The Federal Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) The rules made under this Act by the Federal Government shall be laid, before each House of the Majlis-e-Shoora (Parliament), within six months of their notification in the official Gazette.

STATEMENT OF OBJECTS AND REASONS

Following the code of belief of a particular religion is a matter of personal faith and belief for an individual. Basically religious conversion itself causes hurt to faith and belief of an individual when it is done through allurement or force or mischief or by taking advantage of poverty of a person. Balance of society is disturbed when religious conversion is done through the means of force, fraud or allurement. Religious conversion performed through such means not only transgresses the freedom of religion available to every citizen, but also creates law and order problem. Therefore, it is necessary to take steps to keep a check on religious conversion by force or fraudulent means.

Sd/-
MR. NAVEED AAMIR JEEVA,
Member National Assembly.

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE
TRANSFER OF OFFENDERS (AMENDMENT) BILL, 2020**

I, Chairman of the Standing Committee on Interior have the honor to present this report on the Bill further to amend the Transfer of Offenders Ordinance, 2002 [The Transfer of Offenders (Amendment) Bill, 2020] (Private Member's Bill) referred to the Committee on 17th September, 2019.

2. The Committee comprises the following:—

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| (1) Raja Khurram Shahzad Nawaz | <i>Chairman</i> |
| (2) Mr. Sher Akbar Khan | <i>Member</i> |
| (3) Mehar Ghulam Muhammad Lali | <i>Member</i> |
| (4) Mr. Raza Nasrullah | <i>Member</i> |
| (5) Khawaja Sheraz Mehmood | <i>Member</i> |
| (6) Mr. Rahat Aman Ullah Bhatti | <i>Member</i> |
| (7) Malik Karamat Ali Khokhar | <i>Member</i> |
| (8) Sardar Talib Hassan Nakai | <i>Member</i> |
| (9) Ms. Nafeesa Inayatullah Khan Khattak | <i>Member</i> |
| (10) Mr. Muhammad Akhtar Mengal | <i>Member</i> |
| (11) Nawabzada Shazain Bugti | <i>Member</i> |
| (12) Malik Sohail Khan | <i>Member</i> |
| (13) Syed Iftikhar-Ul-Hassan | <i>Member</i> |

(14) Mr. Mohammad Pervaiz Malik	<i>Member</i>
(15) Mr. Nadeem Abbas	<i>Member</i>
(16) Ms. Maryam Aurangzaib	<i>Member</i>
(17) Syed Agha Rafiullah	<i>Member</i>
(18) Nawab Muhammad Yousuf Talpur	<i>Member</i>
(19) Mr. Abdul Qadir Patel	<i>Member</i>
(20) Mr. Asmatullah	<i>Member</i>
(21) Mr. Ijaz Ahmad Shah	<i>Ex-Officio</i>
Minister for Interior	<i>Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meetings held on 4-10-19, 24-10-19, 13-11-19, and 14-11-19. The Committee recommends that the Bill as introduced may not be passed by the National Assembly.

Sd-
(TAHIR HUSSAIN)
Secretary.
Islamabad, the 22nd July, 2020.

Sd-
(RAJA KHURRAM SHAHZAD NAWAZ)
Chairman.
Standing Committee on Interior.

Annex-A

[AS REPORTED BY THE STANDING COMMITTEE]

A
BILL

further to amend the Transfer of Offenders Ordinance, 2002

WHEREAS it is expedient further to amend the Transfer of Offenders Ordinance, 2002 (XXXVII of 2002), 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 Offenders (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Substitution of section 14, Ordinance XXXVII of 2002.**— In the Transfer of Offenders Ordinance, 2002 (XXXVII of 2002), for section 14, the following shall be substituted, namely:—

“14. **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 Ordinance.

(2) Except the rules made prior to commencement of the Transfer of Offenders (Amendment) Act, 2019,—

- (a) the draft of the ruled 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 subordinate 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 law-making, 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.

MIAN NAJEEB-UD-DIN AWAISI,
Member-in-charge.

TAHIR HUSSAIN,
Secretary.