

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON NATIONAL FOOD SECURITY AND RESEARCH ON THE CHEMICAL FERTILIZERS (DEVELOPMENT SURCHARGE) (AMENDMENT) BILL, 2019.

I, Chairman of the Standing Committee on National Food Security and Research, have the honor to present this report on the Bill further to amend the Chemical Fertilizers (Development Surcharge) Act, 1973 (XLI of 1973) [The Chemical Fertilizers (Development Surcharge) (Amendment) Bill, 2019], referred to the Committee on the 17th September, 2019.

2. The Committee comprises the following members:

1. Rao Muhammad Ajmal Khan	Chairman
2. Mr. Shaukat Ali	Member
3. Rai Muhammad Murtaza Iqbal	Member
4. Mr. Zahoor Hussain Qureshi	Member
5. Mr. Ahmad Hussain Deharr	Member
6. Makhdoom Zain Hussain Qureshi	Member
7. Mr. Muhammad Ibrahim Khan	Member
8. Mian Muhammad Shafiq	Member
9. Syed Mobeen Ahmed	Member
10. Sardar Muhammad Jaffar Khan Leghari	Member
11. Sardar Riaz Mehmood Khan Mazari	Member
12. Dr. Nausheen Hamid	Member
13. Mr. Ahmad Raza Maneka	Member
14. Chaudry Muhammad Ashraf	Member
15. Choudhary Faqir Ahmed	Member
16. Ms. Shahnaz Saleem Malik	Member
17. Syed Javed Ali Shah Jillani	Member
18. Pir Noor Muhammad Shah Jillani	Member
19. Syed Ayaz Ali Shah Sherazi	Member
20. Mr. Kamal Uddin	Member
21. Sahibzada Muhammad Mehboob Sultan, Minister for National Food Security & Research	Ex-officio Member

3. The Committee in its meeting held on 17th October, 2019 considered the above mentioned Bill and approved the same unanimously. Therefore, the Committee recommends that the Bill as reported by the Standing Committee (Annexure-A) may be passed.

Sd/-

TAHIR HUSSAIN

Secretary

Islamabad, the 1st November, 2019.

Sd/-

RAO MUHAMMAD AJMAL KHAN

Chairman

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Chemical Fertilizers (Development Surcharge) Act, 1973

WHEREAS it is expedient further to amend the Chemical Fertilizers (Development Surcharge) Act, 1973 (XLI of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.-(1) This Act may be called the Chemical Fertilizers (Development Surcharge) (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Substitution of section 7, Act XLI of 1973.- In the Chemical Fertilizers (Development Surcharge) Act, 1973 (XLI of 1973), for section 7, the following shall be substituted, namely:-

“7. 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 Chemical Fertilizers (Development Surcharge) (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 unusual 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 subordinate 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.

MR. AMJID ALI KHAN
Member-in-charge