

NATIONAL ASSEMBLY SECRETARIAT

Subject:- REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON THE PROHIBITION OF SMOKING AND PROTECTION OF NON-SMOKERS HEALTH (AMENDMENT) BILL, 2019.

I, Chairman of the Standing Committee on National Health Services, Regulations and Coordination, have the honor to present this report on the Bill further to amend the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 [The Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Bill, 2019] (Private Member's Bill) referred to the Committee on 1st October, 2019.

2. The Committee comprises the following:-

| | | |
|------|---|-------------------|
| (1) | Mr. Khalid Hussain Magsi | Chairman |
| (2) | Dr. Haider Ali Khan | Member |
| (3) | Mr. Nasir Khan Musazai | Member |
| (4) | Mr. Jai Parkash | Member |
| (5) | Raja Khurram Shahzad Nawaz | Member |
| (6) | Dr. Muhammad Afzal Khan Dhandla | Member |
| (7) | Dr. Nausheen Hamid | Member |
| (8) | Dr. Seemi Bokhari | Member |
| (9) | Ms. Fouzia Behram | Member |
| (10) | Ms. Naureen Farooq Khan | Member |
| (11) | Prof. Dr. Shahnaz Naseer Baloch | Member |
| (12) | Mr. Nisar Ahmad Cheema | Member |
| (13) | Mr. Mukhtar Ahmad Malik | Member |
| (14) | Dr. Samina Matloob | Member |
| (15) | Dr. Darshan | Member |
| (16) | Mr. Mahesh Kumar Malani | Member |
| (17) | Dr. Shazia Sobia Aslam Soomro | Member |
| (18) | Mr. James Iqbal | Member |
| (19) | Mr. Ramesh Lal | Member |
| (20) | Ms. Sams-un-Nisa | Member |
| (21) | Minister In-Charge <i>National Health Services, Regulations and Coordination</i> | Ex-officio Member |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annexure-A, in its meetings held on 2nd January, 2020, 31st January, 2020, 3rd July, 2020 and 17th August, 2020. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

-Sd/-

(MR. KHALID HUSSAIN MAGSI)
Chairman

-Sd/-

(TAHIR HUSSAIN)
Secretary

Islamabad, the 18th September, 2020

A

Bill

further to amend the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002

WHEREAS it is expedient further to amend the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV 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 Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Substitution of section 17, Ordinance LXXIV of 2002.**- In the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV of 2002), for section 17, the following shall be substituted, namely:-

"17. 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 Prohibition of Smoking and Protection of Non-Smokers Health (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.

Sd/-

MR. AMJAD ALI KHAN
Member, National Assembly

قومی اسمبلی سیکرٹریٹ

موضوع: تمباکو نوشی کی ممانعت وغیر تمباکو نوشی افراد کی صحت کا تحفظ (تریمی) بل، ۲۰۱۹ء پر قائمہ کمیٹی برائے قومی صحت خدمات، ضوابط و معاونت کی رپورٹ۔
 میں، چیئر مین قائمہ کمیٹی برائے قومی صحت خدمات، ضوابط و معاونت یکم اکتوبر، ۲۰۱۹ء کو کمیٹی کے سپرد کردہ تمباکو نوشی کی ممانعت وغیر تمباکو نوشی افراد کی صحت کا تحفظ (تریمی) آرڈیننس، ۲۰۲۰ء میں مزید ترمیم کرنے کے بل (تمباکو نوشی کی ممانعت وغیر تمباکو نوشی افراد کی صحت کا تحفظ (تریمی) بل، ۲۰۱۹) (فجی رکن کابیل) پر رپورٹ ہذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ قائمہ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

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|----------------|-----------------------------------|
| چیئر مین | ۱۔ جناب خالد حسین گمی |
| رکن | ۲۔ ڈاکٹر حیدر علی خان |
| رکن | ۳۔ جناب ناصر خان موسیٰ زئی |
| رکن | ۴۔ جناب جے پرکاش |
| رکن | ۵۔ راجہ خرم شہزاد نواز |
| رکن | ۶۔ ڈاکٹر محمد افضل خان ڈھانڈلہ |
| رکن | ۷۔ ڈاکٹر نوشین حامد |
| رکن | ۸۔ ڈاکٹر سبھی بخاری |
| رکن | ۹۔ محترمہ فوزیہ بہرام |
| رکن | ۱۰۔ محترمہ نورین فاروق خان |
| رکن | ۱۱۔ پروفیسر ڈاکٹر شہناز نصیر بلوچ |
| رکن | ۱۲۔ جناب شہزاد احمد چیمہ |
| رکن | ۱۳۔ جناب عتیق احمد ملک |
| رکن | ۱۴۔ ڈاکٹر ثمنینہ مطلوب |
| رکن | ۱۵۔ ڈاکٹر درشن |
| رکن | ۱۶۔ ڈاکٹر ہمیش کمار ملانی |
| رکن | ۱۷۔ ڈاکٹر شازیہ صوبیہ اسلم سومرو |
| رکن | ۱۸۔ جناب جمیز اقبال |
| رکن | ۱۹۔ جناب رمیش لال |
| رکن | ۲۰۔ محترمہ شمس النساء |
| رکن | ۲۱۔ وزیر اچارج |
| رکن بلحاظ عہدہ | قومی صحت خدمات، ضوابط و معاونت |

۳۔ کمیٹی نے ۲۲ جنوری، ۲۰۲۰ء، ۳۱ جنوری، ۲۰۲۰ء، ۳ جولائی، ۲۰۲۰ء اور ۱۷ اگست، ۲۰۲۰ء کو منعقدہ اپنے اجلاسوں میں مسئلہ۔ الف کے طور پر قومی اسمبلی میں پیش کردہ بل پر غور کیا۔ کمیٹی سفارش کرتی ہے کہ قومی اسمبلی پیش کردہ بل کی منظوری دے۔

دستخط۔

(جناب خالد حسین گمی)

چیئر مین

دستخط۔

(طاہر حسین)

سیکرٹری

اسلام آباد، ۱۸ ستمبر، ۲۰۲۰ء