

C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE STANDING COMMITTEE ON SERVICES AND GENERAL ADMINISTRATION REGARDING THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY (AMENDMENT) BILL 2017 (BILL NO. 26 OF 2017)

The Punjab Employees Efficiency, Discipline and Accountability (Amendment) Bill 2017 (Bill No.26 of 2017) was referred to the Standing Committee on Services and General Administration on 13 September 2017. The Committee considered the Bill in its meeting held on 10 October 2017.

2. The following were present:—

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| 1. | Bao Akhtar Ali, MPA (PP-144) | Chairman |
| 2. | Mrs Nazia Raheel, MPA (PP-88)
Parliamentary Secretary for Revenue | Member |
| 3. | Mr Muhammad Naeem Safdar Ansari, MPA (PP-177)
Parliamentary Secretary for Communication and Works | Member |
| 4. | Mrs Shabeena Zikria Butt, MPA (W-326) | Member |
| 5. | Ms Nabila Hakim Ali Khan, MPA (W-358) | Member |
| 6. | Dr Salah-ud-Din Khan, MPA (PP-44) | Member |

3. Dr Muhammad Saleh Tahir, Secretary (Regulations), Services and General Administration Department and Mr Abid Raza Khan, Deputy Secretary, Government of the Punjab, Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Dr Muhammad Saleh Tahir, Secretary (Regulations), Services and General Administration Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary further to amend the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (XII of 2006) for specifying the period after which certain punishments would cease to have effect. He further stated that pursuant to the judgment of Hon'ble Supreme Court of Pakistan in CPLA No.2348-L/2003, penalty of reduction to a lower stage or stages in pay scale was proposed to be limited to a specific period alongside making the penalty of withdrawal of pension or any part thereof restricted to a certain period. Besides, the period of ninety days was to be reduced to sixty days within which the competent authority would decide the case after receipt of inquiry report for expeditious disposal of inquiry against an employee. Right of appeal was also extended to an aggrieved employee who was retired from Government service before completion of proceedings against him under the Act. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative as well as Law and Parliamentary Affairs Departments and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) CLAUSE 1

in the marginal heading the expression “, extent” be omitted.

(2) CLAUSE 3

in the rider clause, the word “said” occurring in line 1, be omitted.

(3) CLAUSE 4

in the rider clause, the word “said” occurring in line 1, be omitted.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Standing Committee on Services and General Administration is at Annexure-B.

Lahore
10 October 2017

(BAO AKHTAR ALI)
Chairman
Standing Committee on Services and General Administration

Lahore
10 October 2017


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

(BILL AS INTRODUCED IN THE ASSEMBLY)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 26 of 2017

THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY (AMENDMENT) BILL 2017

A
BILL

further to amend the Punjab Employees Efficiency, Discipline and Accountability Act, 2006.

It is necessary further to amend the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (*XII of 2006*) for purposes of specifying the period after which certain punishments shall cease to have effect, for expressly providing that a former employee shall also have a right of appeal; and, for the matters appearing hereinafter.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 4 of Act XII of 2006.— In the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (*XII of 2006*), hereinafter referred to as the Act, in section 4, in subsection (1):

- (a) in clause (a), in sub-clause (iv), after the words "five stages", the words "for a specific period" shall be inserted; and
- (b) in clause (c):
 - (i) in sub-clause (i), after the word "thereof", the words "for a specific period keeping in view the loss caused to the Government" shall be inserted; and
 - (ii) in sub-clause (ii), after the word "thereof", the words "for a specific period keeping in view the loss caused to Government" shall be inserted.

3. Amendment in section 13 of Act XII of 2006.— In the said Act, in section 13:

- (a) in subsection (7) and subsection (8) for the words "ninety days", wherever occur, the words "sixty days" shall be substituted; and
- (b) after subsection (7) as amended, the following subsection (7a) shall be inserted:

"(7a) the Cabinet Committee on Legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for reasons beyond its control."

4. Amendment in section 19 of Act XII of 2006.— In the said Act, in section 19, the following Explanation shall be added at the end:

“Explanation: The word “employee”, in this section, shall include a former employee.”

STATEMENT OF OBJECTS AND REASONS

Pursuant to the judgment of Hon'ble Supreme Court of Pakistan in CPLA No.2348-L/2003, penalty of reduction to a lower stage or stages in pay scale is proposed to be limited to a specific period alongside making the penalty of withdrawal of pension or any part thereof restricted to a certain period. Besides, the period of ninety days is reduced to sixty days within which the competent authority shall decide the case after receipt of inquiry report for expeditious disposal of inquiry against an employee. Right of appeal is also extended to an aggrieved employee who retires from Government service before completion of proceedings against him under the Act. Hence this Bill.

MINISTER INCHARGE

Lahore:
13 September 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE B

**(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON
SERVICES AND GENERAL ADMINISTRATION)**

A
BILL

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Act, 2006.*

It is necessary further to amend the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (*XII of 2006*) for purposes of specifying the period after which certain punishments shall cease to have effect, for expressly providing that a former employee shall also have a right of appeal; and, for the matters appearing hereinafter.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 4 of Act XII of 2006.— In the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (*XII of 2006*), hereinafter referred to as the Act, in section 4, in subsection (1):

(a) in clause (a), in sub-clause (iv), after the words "five stages", the words "for a specific period" shall be inserted; and

(b) in clause (c):

(i) in sub-clause (i), after the word "thereof", the words "for a specific period keeping in view the loss caused to the Government" shall be inserted; and

(ii) in sub-clause (ii), after the word "thereof", the words "for a specific period keeping in view the loss caused to Government" shall be inserted.

3. Amendment in section 13 of Act XII of 2006.— In the Act, in section 13:

(a) in subsection (7) and subsection (8) for the words "ninety days", wherever occur, the words "sixty days" shall be substituted; and

(b) after subsection (7) as amended, the following subsection (7a) shall be inserted:

“(7a) the Cabinet Committee on Legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for reasons beyond its control.”

4. Amendment in section 19 of Act XII of 2006.— In the Act, in section 19, the following Explanation shall be added at the end:

“**Explanation:** The word “employee”, in this section, shall include a former employee.”
