

CONFIDENTIAL
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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF SPECIAL COMMITTEE NO.1 REGARDING "THE PUNJAB CIVIL SERVANTS (AMENDMENT) BILL 2024 (BILL NO.1 OF 2024)" AND "THE PUNJAB CIVIL SERVANTS (AMENDMENT) BILL 2024 (BILL NO.2 OF 2024)"

The said Bills were referred to Special Committee No.1 of the Provincial Assembly of the Punjab on 15.03.2024. The Committee considered the Bills in its meetings held on 06.05.2024, 21.05.2024 and 22.05.2024.

2. The following were present:

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| 1. Mr Khurram Khan Virk, MPA (PP-48) | Convener |
| 2. Mujtaba Shuja Ur Rehman
Minister for Finance & Parliamentary Affairs
(Attended on 21.05.2024) | <i>ex-officio Member</i> |
| 3. Mr Khalid Mahmood Ranjha, MPA (PP-42) | Member |
| 4. Rana Munawar Hussain, MPA (PP-78) | Member |
| 5. Mr Mohammad Arshad Malik, MPA (PP-200)
(Attended on 06.05.2024) | Member |
| 6. Mr Usama Leghari, MPA (PP-287) | Member |
| 7. Mr Muhammad Bilal Yamin, MPA (PP-6)
(Attended 06.05.2024 and 21.05.2024) | Member |
| 8. Mr Ahmer Bhatti, MPA (PP-165)
(Attended on 22.05.2024) | |
| 9. Rai Muhammad Murtaza Iqbal, MPA (PP-203)
(Attended on 21 & 22.05.2024) | Member |
| 10. Mr Qasim Nadeem, MPA (PP-199)
(Attended on 21 & 22.05.2024) | Member |
| 11. Ms Sarah Ahmad, MPA (W-339)
(Attended on 06.05.2024 and 21.05.2024) | Member |
| 12. Ms Salma Butt, MPA (W-307) | Member |
| 13. Ms Kanwal Pervez Chaudhry, MPA (W-308) | On invitation |
| 14. Mr Shahbaz Ahmad, MPA (PP-130)
(Attended on 21 & 22.05.2024) | On invitation |

3. Mr Irfan Ahmad Sandhu, Secretary (Regulations), Government of the Punjab, Services & General Administration Department and Mr Muhammad Asif Balal Lodhi, Secretary, Law & Parliamentary Affairs Department represented their Departments. Ch Amer Habib, Secretary General, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Committee, after hearing the Members, having view point of the Administrative Department as well as the Law & Parliamentary Affairs Department and after detailed discussion, recommended to merge Bill No.1 of 2024 into Bill No. 2 of 2024 with Bill No.1 of 2024 be treated as withdrawn, and also recommended, by majority of votes, that Bill No.2 of 2024 be passed by the Assembly, subject to the following amendments:

PTO

AMENDMENTS IN THE BILL

1) Long Title and Preamble

The word "further" be added before the words "to amend".

2) Clause 1

For the figure "2023", the figure "2024" be substituted.

3) New Clause 3

After clause 2, the following new clause 3 be added and the remaining clauses be re-numbered accordingly:

"3. Amendment of section 9 of Act VIII of 1974.- In the Act, in section 9, after the words "province in any" and before the words "post under", the words "equivalent or one scale higher" shall be inserted."

4) Clause 4

In the re-numbered clause 4, for the proposed clause (i) of subsection (1) of section 12 of the principal Act, the following be substituted:

"(i) on such date after he has completed twenty years of service qualifying for pension or other retirement benefits; or, twenty years of service participating in Defined Contribution Pension Scheme or other retirement benefits, as the case may be, as the competent authority may, in public interest, direct; or"

5) Re-numbered clause 5

For re-numbered clause 5, the following be substituted as clause 5 and clause 6, and the next clause be renumbered as clause 7:

"5. Amendment of section 18 of Act VIII of 1974.- In the Act, in section 18, for subsection (1), the following shall be substituted:

"(1) On retirement from service, a civil servant appointed before the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024), shall be entitled to receive such pension or gratuity as may be prescribed."

6. Insertion of new section 18-A in Act VIII of 1974.- In the Act, after section 18, the following new section 18-A shall be inserted:

"18-A. Defined Contribution Pension Scheme.- (1) A person appointed or regularized as civil servant on or after the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024) shall participate in a Defined Contribution Pension Scheme as may be prescribed.

(2) In the Defined Contribution Pension Scheme, the Government, as employer, and such civil servant, as employee, shall contribute to pension account, and such contributions shall be invested in a pension fund until retirement of the employee and the accumulated balance in the pension account, at the time of retirement, is withdrawn or invested further to generate monthly income during post retirement phase, subject to such exceptions as may be prescribed."

6) Re-numbered clause 7

Re-numbered clause 7 be substituted as under:

“7. **Repeal and saving.**— (1) The Punjab Civil Servants (Amendment) Ordinance 2023 (XIX of 2023) and the Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1), all actions taken under the repealed Ordinances, shall be deemed to have been taken under the Act.”.

5. A copy of the Bill as introduced in the Assembly is at Annexure-A, a copy of the Bill, as recommended by the Committee is at Annexure-B and a dissenting note given by two members of the Committee is at Annexure-C.

Lahore:
May 22, 2024

(KHURRAM KHAN VIRK)
Convener
Special Committee No. 1

Lahore:
May 22, 2024

(CH AMER HABIB)
Secretary General

(Bill as introduced in the Assembly)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 02 of 2024

THE PUNJAB CIVIL SERVANTS (AMENDMENT) BILL 2024

A
Bill

to amend the Punjab Civil Servants Act, 1974.

It is necessary to amend the Punjab Civil Servants Act, 1974 (VIII of 1974) for the purposes hereinafter appearing.

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 Civil Servants (Amendment) Act 2023.

(2) This Act shall come into force at once.

2. **Amendment of section 2 of Act VIII of 1974.**— In the Punjab Civil Servants Act, 1974 (VIII of 1974), for brevity referred to as 'the Act', in section 2, in subsection (1), after clause (b), the following shall be inserted:

"(b-a) "Defined Contribution Pension Scheme" means the pension scheme stipulated under subsection (2) of section 18;"

3. **Amendment of section 12 of Act VIII of 1974.**— In the Act, in section 12, in subsection (1), for clause (i), the following shall be substituted:

"(i) on such date after he has completed twenty years of service qualifying for pension or twenty years of service participating in Defined Contribution Pension Scheme, as the case may be, or other retirement benefits as the competent authority may, in public interest, direct; or".

4. **Substitution of section 18 of Act VIII of 1974.**— In the Act, for section 18, the following shall be substituted:

"18. **Pension and gratuity.**— (1) On retirement from service, a civil servant appointed before the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 shall be entitled to receive such pension or gratuity as may be prescribed:

Provided that in the event of death of such civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed:

Provided further that no pension shall be admissible to such civil servant in case he is dismissed or removed from service for reasons of discipline but Government may sanction compassionate allowance to such servant, not exceeding two-third of the pension or gratuity, which would have been admissible to him if he had been by bodily or mental infirmity incapacitated for further service on the date of such dismissal or removal:

Provided further that if the determination of the amount of pension or gratuity admissible to such civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority according to the length of service of such civil servant which qualifies for pension or gratuity, and any overpayment consequent upon such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

(2) A person appointed or regularized, regardless of the effective date of regularization in case of the latter, as civil servant on or after the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 shall participate in a Defined Contribution Pension Scheme as may be prescribed:

Provided that in the Defined Contribution Pension Scheme, the Government, as employer, and a civil servant, as employee, shall contribute to pension account, and such contributions shall be invested in a pension fund until retirement of the employee and the accumulated balance in the pension account, at the time of retirement, is withdrawn or invested further to generate monthly income during post retirement phase, subject to exceptions as may be prescribed."

5. **Repeal.**— The Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024) is hereby repealed.

MINISTER INCHARGE

Lahore:
15 March 2024

CH AMER HABIB
Secretary

(Bill as recommended by Special Committee 1)

A

Bill

further to amend the Punjab Civil Servants Act, 1974.

It is necessary further to amend the Punjab Civil Servants Act, 1974 (VIII of 1974) for the purposes hereinafter appearing.

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 Civil Servants (Amendment) Act 2024.

(2) This Act shall come into force at once.

2. Amendment of section 2 of Act VIII of 1974.— In the Punjab Civil Servants Act, 1974 (VIII of 1974), for brevity referred to as 'the Act', in section 2, in subsection (1), after clause (b), the following shall be inserted:

"(b-a) "Defined Contribution Pension Scheme" means the pension scheme stipulated under section 18-A."

3. Amendment of section 9 of Act VIII of 1974.— In the Act, in section 9, after the words "province in any" and before the words "post under", the words "equivalent or one scale higher" shall be inserted.

4. Amendment of section 12 of Act VIII of 1974.— In the Act, in section 12, in subsection (1), for clause (i), the following shall be substituted:

"(i) on such date after he has completed twenty years of service qualifying for pension or other retirement benefits; or, twenty years of service participating in Defined Contribution Pension Scheme or other retirement benefits, as the case may be, as the competent authority may, in public interest, direct; or".

5. Amendment of section 18 of Act VIII of 1974.— In the Act, in section 18, for subsection (1), the following shall be substituted:

"(1) On retirement from service, a civil servant appointed before the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024), shall be entitled to receive such pension or gratuity as may be prescribed."

6. Insertion of new section 18-A in Act VIII of 1974.— In the Act, after section 18, the following new section 18-A shall be inserted:

"18-A. Defined Contribution Pension Scheme.— (1) A person appointed or regularized as civil servant on or after the commencement of Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024) shall participate in a Defined Contribution Pension Scheme as may be prescribed.

(2) In the Defined Contribution Pension Scheme, the Government, as employer, and such civil servant, as employee, shall contribute to pension account, and such contributions shall be invested in a pension fund until retirement of the employee and the accumulated balance in the pension account, at the time of retirement, is withdrawn or invested further to generate monthly income during post retirement phase, subject to such exceptions as may be prescribed."

7. Repeal and saving.— (1) The Punjab Civil Servants (Amendment) Ordinance 2023 (XIX of 2023) and the Punjab Civil Servants (Amendment) Ordinance 2023 (I of 2024) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1), all actions taken under the repealed Ordinances, shall be deemed to have been taken under the Act.

NOTE OF DISSENT BY RAI MUHAMMAD MURTAZA IQBAL, MPA (PP-203) AND MR AHMER BHATTI, MPA (PP-165) ON THE PUNJAB CIVIL SERVANTS (AMENDMENT) BILL 2024 (BILL NO. 02 OF 2024) SUBMITTED TO THE SPECIAL COMMITTEE NO. 1 ON 22 MAY 2024

We consider the proposed amendments in the bills namely the Punjab Civil Servants (Amendment) Bill 2024 against the Constitution of Pakistan and ultra vires to orders of the Hon'ble Lahore High Court, Lahore, attached to the note. Therefore, we do not approve the proposed amendments.