



ANNUAL REPORT
ON
THE COUNCIL OF COMMON INTERESTS
UNDER ARTICLE 153 (4)
OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN

INTER PROVINCIAL COORDINATION DIVISION
SECRETARIAT OF COUNCIL OF COMMON INTERESTS



ANNUAL REPORT
ON
THE COUNCIL OF COMMON INTERESTS
UNDER ARTICLE 153 (4)
OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN

INTER PROVINCIAL COORDINATION DIVISION
SECRETARIAT OF COUNCIL OF COMMON INTERESTS

TABLE OF CONTENTS

| S # | Contents | Page No |
|-----|--|---------|
| | Foreword | iii |
| 1 | Council of Common Interests | 1 |
| 2 | Constitutional (Eighteenth Amendment) Act, 2010 | 1 |
| 3 | Secretariat of the Council | 2 |
| 4 | Rules of Procedure of the Council | 2 |
| 5 | Strengthening of the Council | 2 |
| 6 | Subjects shifted from the Federal Legislative List Part-I to Part-II | 3 |
| 7 | Subjects transferred from Concurrent Legislative List to Federal Legislative List Part-II | 3 |
| 8 | New subjects added to the Federal Legislative List-Part-II | 3 |
| 9 | Present Composition of CCI. | 4 |
| 10 | Meetings of the Council of Common Interests | 4 |
| 11 | Cases considered and decisions by the Council of Common Interests | 4 - 23 |
| | Annexure | |
| | Annex-I - Rules of Procedure of the CCI, 2010 | 25 - 36 |
| | Annex-II - Summary submitted by the Government of the Punjab on "Dispute arising from the interpretation of Article 157 of the Constitution by the Federation & appropriate amendment in the policy for power generation projects 2002 so as to bring it in line with the letter and spirit of the said article" | 37 - 41 |

FOREWORD

The Constitution of Islamic Republic of Pakistan envisages and covers all shades of statecraft, the institutional framework, their organisational parameters and functions, all aimed at attaining the laid down objectives.

2. Under Article 153 (4) of the Constitution of the Islamic Republic of Pakistan, the Council of Common Interests is responsible to (Majlis-e-Shoora (Parliament)) and has to submit an Annual Report to both Houses of Majlis-e-Shoora (Parliament).

3. In terms of rule 3(3) of the Rules of Business, 1973 the Prime Minister was pleased to order the transfer of "all secretarial work for the Council of Common Interests" from Cabinet Division to Inter-Provincial Coordination Division vide Cabinet Division's memorandum dated March 4, 2010. This is the first annual report of the Council of Common Interests to be presented before the Houses of Parliament covering the period from July, 2010 to June 30, 2011. The objective of this report is to meet constitutional obligations and inform the Houses about the decisions taken by the Council during the year.

4. The Secretariat of the Council of Common Interests established in the Inter Provincial Coordination Division has the responsibility to keep track of formulation and regulation of policies in respect of matters enumerated in Part-II of Federal Legislative List and to ensure arrangements for CCI's supervision and control over related institutions. The tasks entrusted are sensitive and time consuming and were accomplished satisfactorily due to the hard work and commitment of our officers and staff in the CCI Secretariat. Their contribution in compilation of this report is acknowledged with gratitude.

5. As authorised by the Council of Common Interests (CCI), the Report is laid before the National Assembly and Senate of Pakistan as required under Article 153 (4) of the Constitution.

Anisul Hasnain Musavi
SECRETARY

COUNCIL OF COMMON INTERESTS (CCI)

Prior to 4th March, 2010, Cabinet Division, in terms of entry 3 under serial. No. 1 of Schedule-II of the Rules of Business, 1973, was the Secretariat of the Council of Common Interests (CCI). In March, 2010, on a proposal of IPC Division, the Prime Minister was pleased to transfer the Secretarial work of the Council to the Ministry of Inter-Provincial Coordination.

Articles 153, 154 and 155 of the Constitution of Islamic Republic of Pakistan deals with the forum of Council of Common Interests (CCI) :

- Article 153 provides the forum of CCI and deals with constitution and composition of the Council;
- Article 154 deals with functions and rules of procedure of the Council; and,
- Article 155 deals with complaints as to interference with water supplies and the manner in which the Council should deal with such complaints.

Constitutional (Eighteenth Amendment) Act, 2010

Constitutional (Eighteenth Amendment) Act, 2010 notified on 20th April, 2010 has enhanced the role and functions of the Council. Important changes brought out by the Eighteenth Amendment in respect of CCI are:-

- Article 153(2) The Council shall consist of:-
- (a) the Prime Minister who shall be the Chairman of the Council;
 - (b) the Chief Ministers of the Provinces; and
 - (c) three members from the Federal Government to be nominated by the Prime Minister from time to time.
- Article 153(4) The Council shall be responsible to Majlis-e-Shoora (Parliament) and shall submit an Annual Report to both Houses of Majlis-e-Shoora (Parliament).
- Article 154(1) The Council shall formulate and regulate policies in relation to matters in Part-II of the Federal Legislative

List and shall exercise supervision and control over related institutions.

Article 154(2) The Council shall be constituted within thirty days of the Prime Minister taking oath of office.

Article 154(3) The Council shall have a permanent Secretariat and shall meet at least once in ninety days:

Provided that the Prime Minister may convene a meeting on the request of a Province on an urgent matter.

Articles 155 and 157 authorizes the Council to deal with complaints as to interference with water supplies or reservoirs and to resolve disputes with respect to construction of hydro or thermal power stations in any Province and laying of Inter-Provincial transmission lines.

Secretariat of the Council

In terms of entry 4 under serial No. 18-A of the Schedule-II of the Rules of Business, 1973 inter-alia, the Secretarial work of CCI stands allocated to the Ministry of IPC. The Prime Minister was pleased to designate the IPC Division as Secretariat of the Council as required under Article 154(3) of the Constitution. Creation of a separate Secretariat would be reviewed once the justification for that is established.

Rules of Procedure of the Council

The Council in its meeting held on July 18, 2010 approved its Rules of Procedure (Annex-I). Matters enumerated in Schedule-I of these Rules fall under the purview of CCI. In terms of Rule 3(1) of the Rules of Procedure of the Council, Secretary Inter Provincial Coordination Division, is the Secretary of the Council. The Secretary of the Council is assisted by a Sr. Joint Secretary, a Deputy Secretary and two Section Officers.

Strengthening of the Council

With Eighteenth Constitutional Amendment the Concurrent Legislative List was abolished and Federal Legislative List Part-II was introduced. This expanded the purview of the Council of Common

Interests. This was a major breakthrough in the Constitutional History of Pakistan. The Eighteenth Amendment has strengthened and introduced the concept of participatory management both by the Federation and the Federating Units through the forum of CCI. The subjects transferred from Part-I to Part-II of Federal Legislative List and those transferred from the Concurrent Legislative List to Part-II of Federal Legislative List and new subjects added to the Part-II of the Federal Legislative List are indicated below:-

Subjects shifted from the Federal Legislative List Part-I to Part-II

- Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
- Census.
- Extension of the powers and jurisdiction of members of a police force belonging to any Provinces to any area in another Province but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.
- National Planning and National Economic Coordination including Planning and Coordination of Scientific and Technological Research.

Subjects transferred from Concurrent Legislative List to Federal Legislative List Part-II

- Electricity
- Legal, medical and other professions.

New subjects added to the Federal Legislative List- Part-II

- All regulatory authorities established under a Federal law.
- Supervision and management of public debt.

- Standards in institutions for higher education and research, scientific and technical institutions.
- Inter-Provincial matters and Coordination.

Present Composition of CCI

The Council of Common Interest (CCI) was reconstituted vide notification No.1(2)/2010-CCI dated 21st November, 2011 as under: -

| | |
|--|----------|
| 1. The Prime Minister | Chairman |
| 2. The Chief Minister, Balochistan | Member |
| 3. The Chief Minister, Khyber Pakhtunkhwa | Member |
| 4. The Chief Minister, Punjab | Member |
| 5. The Chief Minister, Sindh | Member |
| 6. Mir Changez Khan Jamali, Minister for Science & Technology | Member |
| 7. Dr. Arbab Alamgir Khan, Minister for Communications | Member |
| 8. Mir Hazar Khan Bijarani, Minister for Inter Provincial Coordination | Member |

Meetings of the Council of Common Interests

Prior to the Eighteenth Constitutional Amendment, only eleven meetings of the Council were held since 1973. However, after passage of the Eighteenth Constitutional Amendment, it is mandatory for the Council to meet once in ninety days. As such, the Council held its six meetings on July 18, September 6, November 8, 2010, February 1, April 28, and June 1, 2011.

Cases considered and decisions by the Council of Common Interests

The Council in its meetings has deliberated on vital issues of national importance and taken decisions on matters relating to the

Federation with the full participation of the provinces. 36 cases have been deliberated upon by the Council in its six meetings. Decisions taken by the Council in its six meetings alongwith implementation status are given hereunder:

| | |
|--|---|
| Case No. CCI. 1/1/2010 Dated 18th July, 2010 | Rules of Procedure of Council of Common Interests, 2010. |
|--|---|

DECISION

The Council of Common Interests (CCI) considered the Summary dated 12th July, 2010 submitted by Ministry of Inter Provincial Coordination /Secretariat of Council of Common Interests on "Rules of Procedure of Council of Common Interests, 2010" and approved the Rules of the Council at Annex-VII of the Summary.

Implementation Status

Implemented

| | |
|--|--|
| Case No. CCI. 2/1/2010 Dated 18th July, 2010 | Implementation of the Eighteenth Amendment. |
|--|--|

DECISION

The Council of Common Interests (CCI) considered the Summary dated 12th July, 2010 submitted by Ministry of Inter Provincial Coordination/Secretariat of Implementation Commission on "Implementation of Eighteenth Amendment" and noted the progress in the matter.

Implementation Status

Implemented

| | |
|---|--|
| Case No. CCI. 3/1/2010 Dated 18 th July, 2010 | NEPRA's Annual Report, 2008-09 and State of Industry Report, 2009. |
|---|--|

DECISION

The Council of Common Interests (CCI) considered the Summary dated 15th February, 2010 submitted by Cabinet Division on "NEPRA's Annual Report, 2008-09 and State of Industry Report, 2009" and decided to set up a Committee comprising the following, to examine the working and functioning of the NEPRA within the Constitution:-

- i. Syed Naveed Qamer, Minister for Petroleum & Natural Resources.
 - ii. Dr. Arbab Alamgir Khan, Minister for Communications
 - iii. Mir Humayun Aziz Kurd, Minister for Livestock and Dairy Development.
 - iv. Senator Mian Raza Rabbani, Advisor to the Prime Minister on IPC/Chairman Implementation Commission.
 - v. One nominee each from the Provincial Governments, to be nominated by the respective Chief Ministers.
- II. The Committee shall submit its report within one month.

Implementation Status

The report of the Committee has been received and forwarded to Cabinet Division for bringing up a Summary for the CCI for placing the same in its next meeting.

| | |
|---|---|
| Case No. CCI. 4/1/2010 Dated 18 th July, 2010 | Intellectual Property Organization of Pakistan (IPO-Pakistan)'s issues. |
|---|---|

DECISION

The Council of Common Interests (CCI) considered the Summary dated 12th July, 2010 submitted by Cabinet Division on "Intellectual Property Rights Organization of Pakistan (IPO-Pakistan)'s issues" and directed that the Summary may be resubmitted after examining the legal

position, defining a role for the Provincial courts, and, in consultation with the stakeholders suggesting appropriate changes in the law.

Implementation Status

In spite of repeated reminders, IPO-Pakistan has not yet submitted a fresh Summary.

| | |
|---|---|
| Case No. CCI. 5/1/2010 Dated 18 th July, 2010 | National consensus for construction of Diamer Basha Dam Project. |
|---|---|

DECISION

The Council of Common Interests (CCI) considered the Summary dated 7th July, 2010 submitted by Ministry of Water & Power on "National consensus for construction of Diamer Basha Dam Project" and approved the draft resolution at Annex-V of the Summary with the modification that the last paragraph of the resolution shall be amended to read as;

"To recommend to the Government of Pakistan to initiate implementation policy concerning the construction of Diamer Basha Dam"

II. The Council also directed that water distribution from the source shall be as per Water Apportionment Accord, 1991.

Implementation Status

Implemented

Non-Agenda Items of the CCI Meeting dated 18th July, 2010

The Council also took the following decisions:-

- i. Ministry of Water & Power should develop a scheme with foreign funding for development of infrastructure to support the early completion of Thar Coal Project.
- ii. Ministry of Railways to give a detailed briefing on their working in the next meeting of the Council.

