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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 20th July, 2020

No. F.24(38)/2019-Legis.—Pursuant of sub-rule (4) of Rule 194 of the Rules of Procedure and Conduct of Business in the Senate, 2012, the following reports of the Standing Committee presented to the Senate on 17th July, 2020, are published for information:—

**REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON
“THE RIGHTS OF PERSONS ARRESTED, DETAINED OR UNDER
CUSTODIAL INVESTIGATION BILL, 2020” INTRODUCED BY
SENATOR FAROOQ H. NAEK**

1. Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Rights of Persons Arrested, Detained or Under Custodial Investigation Bill, 2020” introduced by Senator Farooq H. Naek in the sitting of the Senate on 6th January, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

1117 (1—25)

Price: Rs. 40.00

[5845(2020)/Ex. Gaz.]

3. The composition of the Standing Committee on Interior as under:—

1. Senator A. Rehman Malik	<i>Chairman</i>
2. Senator Kalsoom Parveen	<i>Member</i>
3. Senator Muhammad Javed Abbasi	<i>Member</i>
4. Senator Muhammad Azam Khan Swati	<i>Member</i>
5. Senator Muhammad Tahir Bizinjo	<i>Member</i>
6. Senator Mian Muhammad Ateeq Shaikh	<i>Member</i>
7. Senator Rana Maqbool Ahmad	<i>Member</i>
8. Senator Muhammad Talha Mehmood	<i>Member</i>
9. Senator Farooq Hamid Naek	<i>Member</i>
10. Senator Kauda Babar	<i>Member</i>
11. Senator Sardar Muhammad Shafiq Tareen	<i>Member</i>
12. Senator Dr. Shahzad Waseem	<i>Member</i>
13. Senator Haji Momin Khan Afridi	<i>Member</i>
14. Minister for Interior	<i>Ex-Officio Member</i>

4. The Committee considered and discussed the Bill in its meeting held on 4th June, 2020. The following Members of the Committee:—

1. Senator A. Rehman Malik	<i>Chairman</i>
2. Senator Kalsoom Parveen	<i>Member</i>
3. Senator Muhammad Javed Abbasi	<i>Member</i>
4. Senator Sardar Muhammad Shafiq Tareen	<i>Member</i>
5. Senator Dr. Shehzad Waseem	<i>Member</i>
6. Senator Kauda Babur	<i>Member</i>
7. Senator Muhammad Azam Khan Swati	<i>Member</i>
8. Senator Mian Muhammad Ateeq, Shaikh	<i>Member</i>

(REPORT 30 OF 2020)

5. Chairman Committee informed that the present Bill “The Rights of Persons Arrested, Detained or under Custodial Investigation Bill, 2020” seeks to define the rights of persons arrested, detained or under custodial investigations as well as the duties of the persons arresting, detaining or investigating offenses. It deals with the provision of assisting advocates by the state and their remuneration (Section 8). The Act is in the line with rights granted to persons arrested, detained or other custodial investigating throughout the world as well as Article 14 of the Constitution of the Islamic Republic of Pakistan, 1973. It is an attempt to herald the dawn of the human rights revolution in Pakistan.

6. The committee discussed all aspects of the Bill in its meeting.

7. In view of the above, the Committee recommends unanimously, that “The Rights of Persons Arrested, Detained or under Custodial Investigation Bill, 2020” as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).

Sd/-
TANVIR AHMED,
D.G./Secretary Committee.

Sd/-
SENATOR
A. REHMAN MALIK,
Chairman Committee.

Islamabad, the 4th June, 2020.

[AS INTRODUCED IN THE SENATE]

A
BILL

*to define rights of person arrested, detained or under custodial investigation
as well as to codify the duties of the arresting, detaining and investigating
officers, and providing penalties for violations thereof;*

WHEREAS it is expedient to define the rights of persons under arrest or detained or otherwise in custody for the purposes of investigation and also to define, codify, and clarify the duties of the officers who are arresting, detaining or investigating persons;

AND WHEREAS the dignity of every human being, subject to law, is inviolable and it is expedient that provisions for respecting the dignity of man be enacted;

It is hereby enacted as follows:—

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Rights of Persons Arrested, Detained or under Custodial Investigation Act, 2020.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force at once.

PART-II

INTERPRETATION

2. **Definitions.**—(1) For the purposes of this Act, unless there is anything repugnant in the subject or context:—

- (a) “Assisting Advocate” means an advocate appointed by the respective Federal or Provincial Governments to fulfill the rights of a person under this Act.
- (b) “Concerned officer” means any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offence.
- (c) “Custodial Investigation” means any investigation or query conducted whilst a person is arrested, detained, confined or under custody of any law enforcement agency or authority and includes the practice of issuing an “invitation” to a person who is investigated in connection with an offence he is suspected to have committed, without prejudice to the liability of the “inviting” officer for any violation of law.
- (d) “Immediate family” means a person’s spouse, parent, child, brother, sister, grandparent or grandchild, uncle or aunt, nephew or niece and guardian or ward.

PART-III

RIGHTS, DUTIES AND PENALTIES

3. **Rights of Persons Arrested, Detained or under Custodial Investigation.**—Any person arrested detained or under custodial investigation shall have the following rights:

- (a) To be informed in writing of the cause or ground of his arrest, detention or custodial investigation.
- (b) To be informed of his right, in a language known and understood by him of his right to remain silent in response to any queries made from him.
- (c) To be at all times assisted by an advocate of his choice and if he cannot afford an advocate to be provided with an assisting advocate and his immediate family.

- (d) To be allowed to confer privately with his advocate.
- (e) To be allowed visits or conferences with his immediate family.
- (f) To be allowed visits by any medical doctor or religious priest/guide chosen by him or his advocate.
- (g) To be provided with any medication prescribed to him by a doctor.
- (h) To be allowed visits by members of any national non-governmental organization duly accredited by the Commission on Human Rights.
- (i) To be allowed access to newspapers and home cooked food.

4. **Duties of the Concerned officer.**—The concerned officer shall be duty bound to ensure that all the rights of a person as listed under section 3 of this Act are fulfilled.

5. **Penalty for contravention.**—(1) Any concerned officer who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent advocate preferably of his own choice, shall suffer a fine of Rs. 6,000/- (Rupees Six Thousand) or a penalty of imprisonment of not less than one month but not more than one year or both:

Provided that the same penalties shall be imposed upon an officer or employee or anyone acting upon orders of the concerned officer, who fails to provide a competent and independent advocate to a person arrested, detained or under custodial investigation for the commission of an offence if the latter cannot afford the services of his own advocate.

(2) Any person who obstructs persons or prohibits an advocate, any member of the immediate family of a person arrested, detained or under custodial investigation, or any medical doctor or religious priest / guide chosen by him or by his advocate, from visiting and conferring privately with him, or from examining and treating him, or from ministering to his religious needs, at any hour of the day or, in urgent cases, of the night shall suffer the penalty of imprisonment of not less than one month nor more than one year, and a fine of Rs. 4,000/- (Rupees Four Thousand):

Provided that the concerned officer may take such measures, as may be necessary, to ensure that persons under custodial investigation are safe and secure.

PART-IV

OTHER PROVISIONS

6. **Remuneration for Assisting Advocate.**—The assisting advocate other than the government lawyers shall be entitled to the following fees:

- (a) An amount of Rs. 10,000/- (Rupees Ten Thousand) if the suspected person is chargeable with an offence not punishable by death or life imprisonment;
- (b) An amount of Rs. 20,000/- (Rupees Twenty Thousand) if the suspected person is chargeable with an offence punishable with death or life imprisonment:—
- (c) The fee for the assisting advocate shall be paid by the respective Provincial Government or Federal Government as the case may be.
- (d) In the absence of any advocate, no custodial investigation shall be conducted.

STATEMENT OF OBJECTS AND REASONS

The present Act seeks to define the rights of persons arrested, detained or under custodial investigation as well as the duties of the persons arresting, detaining or investigating offences. It further deals with the provision of assisting advocates by the State and their remuneration (Section 8). The Act is in line with rights granted to persons arrested, detained or under custodial investigation throughout the world as well as Article 14 of the Constitution of the Islamic Republic of Pakistan, 1973. It is an attempt to herald the dawn of the human rights revolution in Pakistan.

SENATOR
FAROOQ HAMID NAEK,
Member-In-Charge.

(REPORT 31 OF 2020)

**REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON
“THE ISLAMABAD PREVENTION OF BEGGARY BILL, 2020”
INTRODUCED BY SENATOR MIAN MUHAMMAD ATEEQ SHAIKH**

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Islamabad Prevention of Beggary Bill, 2020”

introduced by Senator Mian Muhammad Ateeq Shaikh in the sitting of the Senate on 6th January, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

3. The composition of the Standing Committee on Interior as under:—

1. Senator A. Rehman Malik	Chairman
2. Senator Kalsoom Parveen	Member
3. Senator Muhammad Javed Abbasi	Member
4. Senator Muhammad Azam Khan Swati	Member
5. Senator Muhammad Tahir Bizinjo	Member
6. Senator Mian Muhammad Ateeq Shaikh	Member
7. Senator Rana Maqbool Ahmad	Member
8. Senator Muhammad Talha Mehmood	Member
9. Senator Farooq Hamid Naek	Member
10. Senator Kauda Babar	Member
11. Senator Sardar Muhammad Shafiq Tareen	Member
12. Senator Dr. Shahzad Waseem	Member
13. Senator Haji Momin Khan Afridi	Member
14. Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meeting held on 4th June, 2020. The following Members of the Committee:—

1. Senator A. Rehman Malik	Chairman
2. Senator Kalsoom Parveen	Member
3. Senator Muhammad Javed Abbasi	Member
4. Senator Sardar Muhammad Shafiq Tareen	Member
5. Senator Dr. Shehzad Waseem	Member
6. Senator Kauda Babur	Member
7. Senator Muhammad Azam Khan Swati	Member
8. Senator Mian Muhammad Ateeq Shaikh	Member

5. The Committee considered “The Islamabad Prevention of Beggary Bill, 2020” introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th January, 2020.

6. Senator Mian Muhammad Ateeq Shaikh briefed the committee that Islamabad has witnessed a rising number of beggars on the streets and in squares recently. Some avenues and boulevards like Constitution Avenue or Margalla Road may be free of the nuisance of beggars but other areas, especially in the outskirts of the city, beggars can be seen frequently. Some labourers can also

be seen begging, particularly in the evening. Usually peaceful plans of strolling or sitting outdoors are ruined by the constant persistence of these beggars. This forms a negative impression on the visitors as well. People who visit Islamabad mostly complain that's its very awkward for them to see such activity in the capital of Pakistan. The Government should take serious steps to stop such activity, although the Interior Ministry has now established squads for anti-begging. But even then strict regulatory mechanism is required under the law to control these social evil. We may notice that there are about three types of beggars. The proposed Bill not only aims at banning beggary under the law in all its forms but also proposes a mechanism through which the human needs of those beggars, whether children or adults, may be addressed depending upon the conditions of begging in each case. The nature of actions taken by the Government should be different based upon the causes of begging. For example, beggar mafia / those who force others in egging profession, should be punished according to law; on the contrary those women, children or adults who start begging due to homelessness, unemployment, with no means of income, or on account of any other social or economic reasons must be treated in such a manner by the government that they may become socially and economically strong.

7. The committee discussed all aspects of the Bill in its meeting.

8. In view of the above, the Committee recommends that "The Islamabad Prevention of Beggary Bill, 2020" as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).

Sd/-
TANVIR AHMED,
D.G./Secretary Committee.

Sd/-
SENATOR
A. REHMAN MALIK,
Chairman Committee.

Islamabad, The 4th June, 2020

[AS INTRODUCED IN THE SENATE]

A

BILL

*to provide for the prevention of begging, detention, training and employment
of beggars and their dependents in Certified Institutions and the custody,
trail and punishment of beggar offenders*

WHEREAS it is expedient to prohibit the tradition of beggary in order to maintain good conduct and moralilty of general public, for preventing beggary and making beggars good citizens;

AND WHEREAS it is expedient to make uniform and better provision for the prevention of begging in Islamabad Capital Territory; for the detention, training and employment of beggars and their dependents in certain institutions; for the custody, trial and punishment of beggar offenders; and for these and other purposes to consolidate and amend the law relating to beggars;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This act may be called the Islamabad Prevention of Beggary Act, 2020.

(2) It shall be applicable in the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “Begging” means:—

- (i) Soliciting or receiving alms in a public place, whether or not under any pretence such as fortune telling, performing tricks, selling articles or frequently by knocking at the window panes of vehicles waiting on signals or sometimes forcefully cleaning the windscreen of vehicles in order to seek alms;
- (ii) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms;
- (iii) entering on any private premises for the purposes of soliciting or receiving alms;
- (iv) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity or disease, whether of a human being or of an animal; or
- (v) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

but does not include soliciting or receiving money or food or gifts for a purpose authorized by any law, or authorized in the manner prescribed;

- (b) “Certified Home” means a home certified by the Federal Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious diseases notified in this behalf by the Federal Government;
- (c) “Certified Institution” means any institution which the Federal Government provides and maintains for the detention, training and employment of beggars and their dependents and includes a Certified Home, Special Home or Work Home;
- (d) “Chief inspector” means the person appointed to be the Chief Inspector of Certified Institutions under section 14;
- (e) “Child” means a person below the age of sixteen years;
- (f) “Court” means the court of a Magistrate of not less than second class;
- (g) “Guardian” means a person who looks after or takes care of a child in the absence of, or in the event of the death of his parent;
- (h) “Parent” means the father or the mother of a child;
- (i) “Police officer” means a police officer not below the rank of an assistant sub-inspector;
- (j) “Prescribed” means prescribed by rules made under this Act;
- (k) “Probation Officer” means an officer appointed to be a Probation Officer under section 14;
- (l) “Public place” includes a railway station and any open space to which for the time being the public have or are permitted to have an access, whether on payment or otherwise;
- (m) “Special Home” means a home notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor; and
- (n) “Work House” means a place notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor;

3. Power to require a person found begging to appear before Court.—(1) Any police officer or other person authorized in this behalf by the District Magistrate may arrest without warrant any person who is found begging:

Provided that no person found begging on any premises, not being a public place, shall be so arrested or shall be liable to any proceeding under this Act except on a complaint made by the occupier of such premises:

Provided further that in case of a child found begging she/he shall be entrusted to “Certified Institution” established under the said Act.

(2) Such police officer or other person shall take or send the person so arrested to a court.

(3) The provisions of section 61 of the Code of Criminal Procedure 1898, shall apply to arrests made under this section and the officer-in-charge of the Police Station shall cause the arrested person to be kept in the prescribed manner until he is brought before a Court.

4. Summary inquiry in respect of persons found begging and their detention.—(1) Where a person is brought before a Court under section 3, the Court shall make a summary inquiry in the prescribed manner as regards the allegation that he was found begging.

(2) If the inquiry referred to in sub-section (1) cannot be completed forthwith, a court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.

(3) If on making the inquiry referred to in sub-section (1), the court is not satisfied that the person was found begging, it shall order that such person be released forthwith.

(4) If on making the inquiry referred to in sub-section (1), the court is satisfied that the person was found begging, it shall record a finding that the person is a beggar.

(5) The Court shall order the person found to be a beggar under sub-section (4) to be detained in a Work House, Special Home, or Certified Home in accordance with the provisions of section 7 for “a period of not less than one year and not more than three years:

Provided that if the court is satisfied from the circumstances of the case that such person is not likely to beg again, it may release him after due admonition on a bond for his abstaining from begging being executed, with or without sureties as the court may require, by the beggar or any other person whom the court considers suitable.

(6) In passing an order under this section, the court shall have regard to the following consideration that is to say:

- (a) the age and character of the beggar;
- (b) the circumstances and conditions in which the beggar is living;
- (c) report made by the Probation Officer; and
- (d) such other matters as may, in the opinion of the Court require to be taken into consideration in the interest of the beggar.

(7) The report of the Probation Officer or any other report considered by the court shall be treated as confidential:

Provided that if such report relates to the character, health or conduct of, or the circumstances and conditions in which, the beggar is living, the court may, if it thinks expedient, communicate the substance thereof to the beggar or, in the case or dependents, to the parent or guardian concerned and may give the beggar or guardian as the case may be an opportunity of producing evidence which may be relevant to the matters stated in the report.

(8) A copy of the order made under sub-section (5) shall be sent forthwith by the court to the Chief Inspector.

5. Penalty for begging after detention as beggars.—(1) Whoever having been previously detained in a Certified Institution in accordance with the provisions of section 4 is found begging, shall on conviction be punishable as is hereinafter in this section provided.

(2) When a person is convicted for the first time under sub-section (1) the court shall order him to be detained in a Certified Institution for not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period.

(3) When a person is convicted for the second or subsequent time under sub-section (1), the court shall order him to be detained for a period of ten years in the Certified Institution and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

6. Power of court to detain dependents of convicted beggars.—When the court has ordered the detention of a person in a Certified Institution under section 4 or section 5 it may, after making such inquiry as it thinks fit,

order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period:

Provided that before such an order is made such dependent person or his parent or guardian, as the case may be, shall be given an opportunity of showing cause why it should not be made.

7. **Report of Medical Officer before committal.**—(1) The court which finds a person to be guilty of an offence of begging under section 4 or section 5, shall, before passing any sentence of his committal to a Certified Institution, send such person to the Medical Officer in charge of the federal public hospital, if any, and call for a report about his age, physical capacity for ordinary manual labor and also whether he is suffering from any infectious or contagious disease.

(2) If the Medical officer certifies that the said person is not a child, is physically capable of ordinary manual labour and is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Work House.

(3) If the medical officer reports that the said person is a child or is physically incapable of ordinary manual labour but is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Special Home.

(4) If the medical officer reports that the said person is suffering from any infectious or contagious disease, the Court shall pass a sentence for committal of such person to a Certified Home, but if there is no such Certified Home for the reception of such persons, the Court may stop further enquiry and release him.

8. **Punishment for escape from a Certified Institution.**—Whoever escapes from a Certified Institution to which he has been committed on conviction under the provisions of this Act before the expiry of the period for which he has been committed shall be punishable with fine which may extend to one hundred rupees or with imprisonment which may extend to three months.

9. **Penalty for employing or causing persons to beg or using them for purposes of begging.**—Whoever employs or causes, any person to solicit or receive alms, or whoever, having the custody, charge, care of a child, connives at or encourages the employment or the causing of a child to solicit or receive alms or whoever uses another person as an exhibit for the purposes of begging, shall on conviction be punished with imprisonment for a term which may extend to three years but which shall not be less than one year.

10. **Bonds taken under Act V of 1898.**—The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

11. **Appeals.**—For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act shall be deemed to be a sentence of imprisonment for the same period.

12. **Power of State Government to release from Certified Institutions.**—If the Federal Government at any time, of its own motion or on application made to it, is satisfied that a person convicted under section 4 or section 5 and committed to a Certified Institution has been cured of a disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the Federal Government may, by order, direct that the person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

13. **Provisions of Certified Institutions.**—(1) The Federal Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit, and may certify any institution to be a Certified Institution for the purposes of this Act. Any such Certified Institution may include provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.

(2) Every Certified Institution shall be under the charge of a Superintendent.

14. **Appointment of Chief Inspector and other authorities.**—(1) For carrying out the purposes of this Act, the Federal Government may appoint a Chief Inspector of Certified Institutions, an Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officers as it thinks fit to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector, as the Federal Government directs, but shall act under the direction of the Chief Inspector.

(2) Every Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector.

15. **Visiting committee.**—For every Certified Institution, the Federal Government shall appoint a Visiting Committee in such manner as may be prescribed and assign such powers, duties and functions to the Committee as may be prescribed.

16. **Advisory committee.**—(1) The Federal Government may, constitute an Advisory Committee consisting of such persons, exceeding twenty-one in number, as it may be appointed:

Provided that where a local authority has agreed to render such financial assistance is the Federal Government may consider proper in each case for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction of the local authority are detained, the Federal Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

(2) The Advisory Committee constituted under sub-section (1) in any area or any member thereof may visit at all reasonable times any Certified Institution, in which beggars from that area are detained, after due notice to the Superintendent of that Institution.

(3) The Advisory Committee may also,—

- (a) tender advice as regards management to any Certified Institution through the Chief Inspector or such other officer, as the Federal Government may specify;
- (b) collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or one in which beggars from that area are detained, and disburse the collections in the prescribed manner;
- (c) advise the Federal Government, through the Chief Inspector as regards the certification of any Institution as Certified Institution or the de-certification of any Certified Institution within the area; and
- (d) advise the Federal Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the Federal Government.

17. **Power to make rules.**—The Federal Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Islamabad has witnessed a rising number of beggars on the streets and in squares recently. Some avenues and boulevards like Constitution Avenue or Margalla Road may be free of the nuisance of beggars but other areas, especially

in the outskirts of the city, beggars can be seen frequently. Some labourers can also be seen begging, particularly in the evening. Usually peaceful plans of strolling or sitting outdoors are ruined by the constant persistence of these beggars. This forms a negative impression on the visitors as well. People who visit Islamabad mostly complain that's its very awkward for them to see such activity in the capital of Pakistan. The Government should take serious steps to stop such activity, although the Interior Ministry has now established squads for anti-begging. But even then strict regulatory mechanism is required under the law to control these social evil.

We may notice that there are about three types of beggars. Professional Beggars: there were present a large number of professional beggars in our society. They make sentimental cries and beg in the name of religion and morality. They recite the verses of the Holy Quran and recite Naat to seek our attention. They make heart rending appeals. These professional beggars are properly trained. Some of them are quite healthy but they pose to be sick. There were some others who have broken their arms or legs. They sit on carts pulled by some strong and healthy men. Some of them creep and crawl on the road or footpaths. They were seen frequently in the bazaar, Markaz, U turns etc.

The proposed Bill not only aims at banning beggary under the law in all its forms but also proposes a mechanism through which the human needs of those beggars, whether children or adults, may be addressed depending upon the conditions of begging in each case. The nature of actions taken by the government should be different based upon the causes of begging. For example, beggar mafia/those who force others in begging profession, should be punished according to laws; on the contrary those women, children or adults who start begging due to homelessness, un-employment, with no means of income, or on account of any other social or economic reasons must be treated in such a manner by the government that they may become socially and economically strong.

Certified institutions in the form of Certified Home, Special Home or Work Home has been proposed under the Bill in order to address the medical, social and employment needs of those beggars who enter into this social vice in a compelling manner, or because they don't have any other choice. They are vulnerable. Certified institutions would even cater for their employment needs through provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.

The Bill has been designed to achieve the above purpose.

SENATOR
MIAN MUHAMMAD ATEEQ SHAIKH,
Member-In-Charge.

(REPORT 32 OF 2020)

**REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON
“THE ISLAMABAD CONSUMER PROTECTION (AMENDMENT) BILL,
2020” INTRODUCED BY
SENATOR MIAN MUHAMMAD ATEEQ SHAIKH**

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Islamabad Consumer Protection (Amendment) Bill, 2020” introduced by Senator Mian Muhammad Ateeq Shaikh in the sitting of the Senate on 17th February, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

3. The composition of the Standing Committee on Interior as under:—

1. Senator A. Rehman Malik	Chairman
2. Senator Kalsoom Parveen	Member
3. Senator Muhammad Javed Abbasi	Member
4. Senator Muhammad Azam Khan Swati	Member
5. Senator Muhammad Tahir Bizinjo	Member
6. Senator Mian Muhammad Ateeq Shaikh	Member
7. Senator Rana Maqbool Ahmad	Member
8. Senator Muhammad Talha Mehmood	Member
9. Senator Farooq Hamid Naek	Member
10. Senator Kauda Babar	Member
11. Senator Sardar Muhammad Shafiq Tareen	Member
12. Senator Dr. Shahzad Waseem	Member
13. Senator Haji Momin Khan Afridi	Member
14. Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meeting held on 4th June, 2020. The following Members of the Committee:—

1. Senator A. Rehman Malik	Chairman
2. Senator Kalsoom Parveen	Member
3. Senator Muhammad Javed Abbasi	Member
4. Senator Sardar Muhammad Shafiq Tareen	Member
5. Senator Dr. Shehzad Waseem	Member
6. Senator Kauda Babur	Member
7. Senator Muhammad Azam Khan Swati	Member
8. Senator Mian Muhammad Ateeq Shaikh	Member

(REPORT 32 OF 2020)

5. The Committee considered “The Islamabad Consumers Protection (Amendment) Bill, 2020”.

6. Senator Mian Muhammad Ateeq Shaikh briefed the Committee that “The Islamabad Consumers Protection Act, 1995” contains provisions regarding protection of the rights of consumers in ICT, Islamabad. The proposed Bill shall further improve the effectiveness of the said Act. Penalties and punishments have been categorized for not using cover of following:—

- Goods definition
- Quality of goods
- Showing price list,
- Preserving and displaying price list of services for selling goods.

7. The committee discussed all aspects of the Bill in its meeting.

8. In view of the above, the Committee recommends that “The Islamabad Consumer Protection (Amendment) Bill, 2020” as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).

Sd/-
TANVIR AHMED,
D.G./Secretary Committee.

Sd/-
SENATOR
A. REHMAN MALIK,
Chairman Committee.

Islamabad, the 4th June, 2020.

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Islamabad Consumers Protection Act, 1995

WHEREAS it is expedient further to amend the Islamabad Consumers Protection Act, 1995 (III of 1995), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Islamabad Consumers Protection (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 9, Act III of 1995.**—In the Islamabad Consumers Protection Act, 1995 (III of 1995), in section 9, for sub-sections (2), (3) and (4), the following shall be substituted, namely:—

- “(2) If any person violates any obligation, imposed by any Act or rules, of selling any goods within cover and inscribing weight, amount, ingredients, instructions for use, maximum, retail; price, date of manufacture, date of packaging and date of expiry of that goods on the label, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (3) If any person violates any obligation, imposed by any Act or rules, of displaying the price-list of goods by affixing it at a conspicuous place of his shop or organization, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (4) If any person violates the obligation, imposed under any Act or rules, of preserving price-list of service of his shop or organization and displaying it by affixing at a relevant or conspicuous place, he shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding fifty thousand rupees, or with both.
- (5) If any person sells or offers to sell any goods, medicine or service at a price higher than the price fixed under any Act or rules, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (6) If any person knowingly sells or offers to sell any adulterated goods or medicine, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (7) If any person mixes with foodstuff any ingredient which is injurious to human life or health and the mixing of which with foodstuff is prohibited by any Act or rules, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (8) If any person manufactures or processes any goods in a process which is injurious to human life or health and prohibited under any Act or rules, he shall be punished with imprisonment for a term not

exceeding two years, or with fine not exceeding one hundred thousand rupees, or with both.

- (9) If any person deceives any buyer by any false or untrue advertisement for the purpose of selling any goods or service, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding two hundred thousand rupees, or with both.
- (10) If any person does not sell or deliver properly any goods or service promised in consideration of money, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (11) If any person sells or supplies any goods to consumer less than the offered weight, at the time of supplying or selling, he shall be punished with imprisonment for not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (12) If any weight stone or weight measuring instrument used for measuring weight for the purpose of selling or delivering goods in any shop or commercial organization of any person, shows more than the actual weight, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (13) If any person sells or delivers any goods to the consumer less than the offered measurement at the time of delivering or selling, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (14) If a fraud is committed in measuring gauge or anything used for measuring length in selling or delivering goods in any shop or commercial organization of any person, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (15) If any person makes or manufactures fake goods, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (16) If any person sells or offers to sell any date expired goods or medicine, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.

- (17) If any person, in violation of any prohibition imposed under any Act or rules, does any act which is detrimental to the life or security of any service receiver, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees or with both.
- (18) If any service provider, by negligence, irresponsibility or carelessness, damaging money, health or life of a service receiver, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (19) If any person, with a motive to harass any person, businessman or service provider or to defame him publicly or to damage his business reputation, files any false or vexatious case, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding fifty thousand rupees, or with both.
- (20) If any person convicted of any offence mentioned in this Act does the same offence again, he shall be punished with twice the maximum punishment provided for that offence.
- (21) If the court thinks fit, it may, in addition to the punishment provided in the foregoing sections, pass an order to forfeit the illegal goods of manufacturing ingredients, materials etc. related to the offence in favour of the federal government.”

STATEMENT OF OBJECTS AND REASONS

The Islamabad Consumers Protection Act, 1995 contains provisions regarding protection of the rights of consumers in Islamabad Capital Territory’s jurisdiction. Through the proposed amendment the effectiveness of the Act shall be further improved. Penalties and punishments have been categorized for not using cover of goods etc, for not showing price-list, for not preserving and displaying price-list of services, for selling goods, medicines or service at higher price than fixed one, for selling adulterated goods or medicine, for mixing prohibited materials in foodstuff, for manufacturing or processing goods in illegal process for deceiving buyers by false advertisements, for not selling or delivering properly any goods of service promised, for deceiving in weight, for deceiving in weight stone or weight measuring instruments, for deceiving in measurement, for deceiving in measuring gauge or anything used for measuring length, for making or manufacturing fake goods, for selling any date expired goods or medicine, for doing any act detrimental to life or security of service receiver, for damaging money, health or life etc. service receiver by negligence

etc, for filing false or vexatious cases and for re-occurring offence. In this way it would be more effective and easier of demarcate the nature of violation of consumer rights on one hand and to protect them in every manner on the other hand.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR
MIAN MUHAMMAD ATEEQ SHEIKH,
Member-In-Charge.

(REPORT 33 OF 2020)

**REPORT OF SENATE STANDING COMMITTEE ON INTERIOR
ON “THE ANTI-TERRORISM (AMENDMENT) BILL, 2020”
INTRODUCED BY SENATOR MIAN MUHAMMAD ATEEQ SHAIKH**

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Anti-Terrorism (Amendment) Bill, 2020” introduced by Senator Mian Muhammad Ateeq Shaikh in the sitting of the Senate on 17th February, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

3. The composition of the Standing Committee on Interior as under:—

1. Senator A. Rehman Malik	Chairman
2. Senator Kalsoom Parveen	<i>Member</i>
3. Senator Muhammad Javed Abbasi	<i>Member</i>
4. Senator Muhammad Azam Khan Swati	<i>Member</i>
5. Senator Muhammad Tahir Bizinjo	<i>Member</i>
6. Senator Mian Muhammad Ateeq Shaikh	<i>Member</i>
7. Senator Rana Maqbool Ahmad	<i>Member</i>
8. Senator Muhammad Talha Mehmood	<i>Member</i>
9. Senator Farooq Hamid Naek	<i>Member</i>
10. Senator Kauda Babar	<i>Member</i>
11. Senator Sardar Muhammad Shafiq Tareen	<i>Member</i>
12. Senator Dr. Shahzad Waseem	<i>Member</i>
13. Senator Haji Momin Khan Afridi	<i>Member</i>
14. Minister for Interior	Ex-Officio <i>Member</i>

4. The Committee considered and discussed the Bill in its meeting held on 4th June, 2020. The following Members of the Committee:—

1. Senator A. Rehman Malik	<i>Chairman</i>
2. Senator Kalsoom Parveen	<i>Member</i>
3. Senator Muhammad Javed Abbasi	<i>Member</i>
4. Senator Sardar Muhammad Shafiq Tareen	<i>Member</i>
5. Senator Dr. Shehzad Waseem	<i>Member</i>
6. Senator Kauda Babur	<i>Member</i>
7. Senator Muhammad Azam Khan Swati	<i>Member</i>
8. Senator Mian Muhammad Ateeq Shaikh	<i>Member</i>

5. The Committee considered “The Anti-Terrorism (Amendment) Bill, 2020” introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 17th February, 2020.

6. Senator Mian Muhammad Ateeq Shaikh briefed the Committee that “The Anti-Terrorism Act 1997” lays down the basic legal framework to counter terrorism prosecution in Pakistan. Criminal Justice System has low conviction rates and delayed cases and offers a weak deterrence against terrorism. Basic flaw in ATA Act, 1997 is the extremely broad definition of terrorists Acts. The purpose of the Bill is to provide for a more specific definition of terrorism bringing it in line with the international perspectives.

7. The committee discussed all aspects of the Bill in its meeting.

8. In view of the above, the Committee recommends that “The Anti-Terrorism (Amendment) Bill, 2020” as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).

Sd/- TANVIR AHMED, <i>D.G./Secretary Committee.</i>	Sd/- SENATOR A. REHMAN MALIK, <i>Chairman Committee.</i>
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Islamabad, the 4th June, 2020.

[AS INTRODUCED IN THE SENATE]

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BILL

further to amend the Anti-Terrorism Act, 1997

WHEREAS it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Substitution of Long title and preamble of Act XXVII of 1997.**—In the Anti-Terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, for long title and preamble, the following shall, be substituted, namely:—

“An Act to make provisions for prevention of, and for dealing with, terrorist activities and for matters concerned therewith

Whereas it is expedient to provide for the prevention of, and dealing with terrorist activities and for matters concerned therewith and incidental thereto;”

3. **Amendment of section 6, Act XXVII of 1997.**—In the said Act, in section 6, in sub-section (2), in clause (p), for full stop “.” occurring at the end a colon “.” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that actions specified in sub-section (2) do not qualify to be labeled as terrorism, if such actions are taken in furtherance of personal enmity or private vendetts.”

4. **Amendment of section 7, Act XXVII of 1997.**—In the said Act, in section 7, in sub-section (1), after the words, figure and comma, “under section 6,”, the words and commas, “with an intent to threaten the unity, integrity or sovereignty of Pakistan or to achieve political, ideological or religious objections”, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Anti-Terrorism Act, 1997 lays down the basic legal framework for counter terrorism prosecutions in Pakistan. Despite the law’s passage, the criminal justice system has low conviction rates and delayed cases, and it offers a weak deterrence against terrorism. The lengthy delays and high number of acquittals in terrorism cases are due to a number of factors. The definition under the act is too broad, besides procedural issue among law enforcement officers and Police and intelligence agencies.

2. A basic flaw in A.T.A. is the extremely broad definition of terrorist's act, which over burdens the already over-stretched police, prosecution; and courts and results in delays in disposal of "real" cases of terrorism. The preamble of the ATA describes the rationale of the law as providing for "the prevention of terrorism, sectarian violence and for speedy trial of heinous offences and for matters connected therewith and incidental thereto." The addition of heinous offence which are not otherwise defined in the legislation, has widened the application of the ATA to include cases other than terrorism. Although recently some judges have issued rulings emphasizing the need for more precise applications of the law based upon perpetrators' intent / motives to carry out acts under sub-section (2) of clause 6 of ATA.

3. It is of vital importance to mention that while providing in the amended section 6 that "in order to, or if the effect of his actions will be to strike terror or create a sense of fear and insecurity among the people, does any act or thing..." the legislature never specified the motivation for the "act or thing" on the part of the perpetrator which propelled or promoted him to commit a terrorist act. Thus the actus reus was itself considered to be determinative if the same was intended to create fear and insecurity etc. in the public at large or had a potential for creating such fear and insecurity etc. It is in this very context that an amendment in section 6, sub-section (2) has been proposed. It is very important to understand the determinative factor is the design and purpose behind the act.

4. In addition to that, the purpose of amendment in section 7, sub-section (1) is to provide for a more succinct definition of terrorism, bringing it in line with the international perspectives of that offence and focusing on violent activities aimed at achieving political, ideological or religious objections.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR
MIAN MUHAMMAD ATEEQ SHAIKH,
Member-In-Charge.

DR. SYED PERVAIZ ABBAS,
Secretary.