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PART III

**Other Notifications, Orders, etc.**

**SENATE SECRETARIAT**

*Islamabad, the 6th October, 2020*

**No.F.24(8)/2020-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 presented to the Senate on 27th July, 2020, are published for information:—

**REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON  
“THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) BILL,  
2020” INTRODUCED BY SENATOR FAISAL JAVED**

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Provincial Motor Vehicles (Amendment) Bill, 2020 introduced by Senator Faisal Javed in the House on 08th June, 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:—

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1. <b>Senator A. Rehman Malik</b>	<b>Chairman</b>
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 17th July, 2020. The following Members of the Committee:—

1. <b>Senator A. Rehman Malik</b>	<b>Chairman</b>
2. Senator Kalsoom Parveen	Member
3. Senator Muhammad Javed Abbasi	Member
4. Senator Sardar Muhammad Shafiq Tareen	Member
5. Senator Mian Muhammad Ateeq Shaikh	Member
6. Senator Faisal Javed	Mover

5. Senator Faisal Javed briefed the committee on the objectives of “The Provincial Motor Vehicle (Amendment) Bill, 2020. He stated that every second is critical for, life of a person when it comes to medical emergency. The term “golden Hour” I used for the first hour of initial valuation and primary commencement. This is time when Emergency Vehicles play on essential role as the responsibility of the initial treatment and also transporting the patient to the hospital lies with them. With increasing traffic load on the roads, everybody in society must be sensitive and be made aware about giving way to the ambulance. As soon as the sound of ambulance or fire brigade siren is heard. The motorists should start moving to a side and give way to it. Although now a days many ambulances are equipped with modern resuscitative equipment along with

trained staff and serve as “Hospital on wheels” still the best – equipped ambulance needs to reach a specialized emergency center at the earliest to have the best chance, to save a life. Furthermore people must be alerted to the fact the every second counts in a medical emergency, which is why it is vital for people to give way then as ambulance approaches. It may mean the difference between life and death. He further stated that the Bill is for inserting a new section 112AA in the Ordinance XIX of 1965 regarding offences and penalties related to emergency vehicles. Sub-Sections 1, 2 and 3 of Section 112AA of the Bill is for giving clear and uninterrupted passage to ambulances and fire brigades, imposing fines on failure to comply and punishing people who use warning devices without authorization.

6. The Committee deliberated upon various aspects of the Bill. Senator Faisal Javed agreed to withdraw Sub-Sections 4, 5 and 6 of Section 112AA of “The Provincial Motor Vehicles (Amendment) Bill, 2020”.

7. The Committee recommended as under:—

- (i) Sub-clause 4 of Section 112AA of the “The Provincial Motor Vehicle (Amendment) Bill, 2020, shall be deleted.
- (ii) Sub-clause 5 of Section 112AA of the “The Provincial Motor Vehicle (Amendment) Bill, 2020, shall be deleted.
- (iii) Sub-clause 6 of Section 112AA of the “The Provincial Motor Vehicle (Amendment) Bill, 2020, shall be deleted.

8. In view of the above, the Committee recommends that “The Provincial Motor Vehicles (Amendment) Bill, 2020” introduced in the House, may be passed by the Senate as amended. (The Bill as reported by the Committee is at Annexure-A and the Bill as introduced in the Senate is at Annexure-B).

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

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

ISLAMABAD, THE 17th July, 2020.

**Annexure-“A”**

[AS REPORTED BY THE COMMITTEE]

A

BILL

*further to amend the Provincial Motor Vehicles Ordinance, 1965*

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), in its application to the Islamabad Capital Territory and for the purposes hereinafter appearing;

It is hereby amended as following:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Insertion of new section 112AA, Ordinance XIX of 1965.**—In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), after section 112A, the following new section 112AA, shall be inserted, namely:—

**“112AA. Offences and Penalties related to Emergency Vehicles:—**

(1) A driver of a vehicle (other than a train), to the extent practicable, is to give clear and uninterrupted passage to any ambulance or fire brigade vehicle with warning devices sounding or warning lights activated.

(2) A person who fails to comply with sub-section (1) shall be punishable with fine which may extend to three thousand rupees.

(3) Any person who uses warning devices sounding or warning lights of ambulance or fire brigade vehicle without reasonable cause or without authorization shall be punishable with fine which may extend to give thousand rupees or imprisonment which may extend to six months or with both.

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**STATEMENT OF OBJECTS AND REASONS**

Every Second is critical for life of a person when it comes to medical emergency. The term “Golden Hour” is used for the first hour of initial valuation and primary commencement. This is time when Emergency Vehicles play an essential role as the responsibility of the initial treatment and also transporting the patient to the hospital lies with them.

With increasing traffic load on the roads, everybody in society must be sensitive and be made aware about giving way to the ambulance. As soon as the sound of ambulance or fire brigade siren is heard, the motorist should start moving to a side and give way to it.

Although now a days many ambulances are equipped with modern resuscitative equipment along with trained staff and serve as “Hospital on Wheels” still the best — equipped ambulance needs to reach a specialized emergency center at the earliest to have the best chance, to save a life.

Furthermore people must be alerted to the fact that every second counts in a medical emergency, which is why it is vital for people to give way when as ambulance approaches. It may mean the difference between life and death.

Thus need is felt to comprehensively deliberate and legislate upon environment related issues. The situation clamors to introduce the said bill.

The Bill has been designed to achieve the above purpose.

SENATOR FAISAL JAVED,  
*Member-in-Charge.*

INTRODUCED ON 8-6-2020

**Annexure-“B”**

[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Provincial Motor Vehicles Ordinance, 1965*

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W. P. Ordinance XIX of 1965), in its application to the Islamabad Capital Territory and for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Insertion of new section 112AA, Ordinance XIX of 1965.**—In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), after section 112A, the following new section 112AA, shall be inserted, namely:—

**“112AA. Offences and Penalties related to Emergency Vehicles.—**

(1) A driver of a vehicle (other than a train), to the extent practicable, is to give clear and uninterrupted passage to any ambulance or fire brigade vehicle with warning devices sounding or warning lights activated.

(2) A person who fails to comply with sub-section (1) shall be punishable with fine which may extend to three thousand rupees.

(3) Any person who uses warning devices sounding or warning lights of ambulance or fire brigade vehicle without reasonable cause or without authorization shall be punishable with fine which may extend to five thousand rupees or imprisonment which may extend to six months or with both.

(4) Any person who fails to give reasonable help unless the person has a reasonable excuse shall be punishable with fine which may extend to two thousand rupees.

(5) Any person who gives false or misleading information and knows that he is providing false information shall be punishable with fine which may extend to two thousand rupees.

(6) Any person who gives false or misleading call to emergency services shall be punishable with fine which may extend to two thousand rupees or imprisonment which may extent to three months or with both.”

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**STATEMENT OF OBJECTS AND REASONS**

Every Second is critical for life of a person when it comes to medical emergency. The term “Golden Hour” is used for the first hour of initial valuation and primary commencement. This is time when Emergency Vehicles play a essential role as the responsibility of the initial treatment and also transport the patient to the hospital lies with them.

With increasing traffic load on the roads, everybody in society must be sensitive and be made aware about giving way to the ambulance. As soon as the sound of ambulance or fire brigade siren is heard, the motorist should start moving to a side and give way to it.

Although now a days many ambulances are equipped with modern resuscitative equipment along with trained staff and serve as “Hospital on Wheels” still the best – equipped ambulance needs to reach a specialized emergency center at the earliest to have the best chance, to save a life.

Furthermore people must be alerted to the fact that every second counts in a medical emergency, which is why it is vital for people to give way when an ambulance approaches. It may mean the difference between life and death.

Thus need is felt to comprehensively deliberate and legislate upon environment related issues. The situation clamors to introduce the said bill.

The Bill has been designed to achieve the above purpose.

SENATOR FAISAL JAVED,  
*Member-in-Charge.*

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**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE  
ON “THE CONSTITUTION (AMENDMENT) BILL, 2020  
(AMENDMENT OF ARTICLES 213 & 215)”**

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on “The Constitution (Amendment) Bill, 2020 (Amendment of Articles 213 and 215)” (Private Member’s Bill), introduced in the Senate by Senator Lt. General (R) Abdul Qayyum HI (M), on 13th January 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:—

- |     |                                       |                        |
|-----|---------------------------------------|------------------------|
| 1.  | <b>Senator Muhammad Javed Abbasi</b>  | <b><i>Chairman</i></b> |
| 2.  | Senator Mian Raza Rabbani             | <i>Member</i>          |
| 3.  | Senator Farooq Hamid Naek             | <i>Member</i>          |
| 4.  | Senator Zeeshan Khanzada              | <i>Member</i>          |
| 5.  | Senator Sirajul Haq                   | <i>Member</i>          |
| 6.  | Senator Syed Muzafar Hussain Shah     | <i>Member</i>          |
| 7.  | Senator Ayesha Raza Farooq            | <i>Member</i>          |
| 8.  | Senator Dr. Ghous Muhammad Khan Niazi | <i>Member</i>          |
| 9.  | Senator Mustafa Nawaz Khokhar         | <i>Member</i>          |
| 10. | Senator Sana Jamali                   | <i>Member</i>          |

- |                                    |                                    |
|------------------------------------|------------------------------------|
| 11. Senator Walid Iqbal            | <i>Member</i>                      |
| 12. Senator Muhammad Ali Khan Saif | <i>Member</i>                      |
| 13. Senator Musadik Masood Malik   | <i>Member</i>                      |
| 14. Minister for Law and Justice   | <i>Ex-Officio</i><br><i>Member</i> |

3. The Committee considered the Bill in multiple meetings but conclusive deliberations were held in its meeting on 13th July 2020, with the following in attendance:

- |   |                              |
|---|------------------------------|
| 1. Senator Muhammad Javed Abbasi            | <i>Chairman</i>              |
| 2. Senator Mian Raza Rabbani                | <i>Member</i>                |
| 3. Senator Farooq Hamid Naek                | <i>Member</i>                |
| 4. Senator Dr. Ghous Muhammad Khan Niazi    | <i>Member</i>                |
| 5. Senator Zeeshan Khanzada                 | <i>Member</i>                |
| 6. Senator Sana Jamali                      | <i>Member</i>                |
| 7. Senator Musadik Masood Malik             | <i>Member</i>                |
| 8. Senator Mustafa Nawaz Khokhar            | <i>Member</i>                |
| 9. Senator Walid Iqbal                      | <i>Member</i>                |
| 10. Senator Lt. Gen (R) Abdul Qayyum, HI(M) | <i>Member-in-<br/>Charge</i> |

4. At the outset, the Committee observed that appointment of Chief Election Commissioner and Members of Election Commission of Pakistan (ECP) was a function vested in the Parliament by the Constitution. It was also noted that reaching consensus was a democratic process therefore it cannot be used as a justification for transferring this function to any other institution, such as the Judiciary. The Chairman Committee opened the floor for the Committee to deliberate upon alternate parliamentary forums of finalizing appointment of Chief Election Commissioner and Members of ECP in case of deadlock under the existing Constitutional provisions, however no particular alternate received consensus. Ministry of Law and Justice also opined that the Constitution gives this mandate to the Parliament to appoint Chief Election Commissioner and Members of ECP and it should rest with the Parliament.

5. Member-in-Charge, Senator Lt. Gen (R) Abdul Qayyum pressed for passage of bill contending that Constitution is silent in case of deadlock in the parliamentary committee on appointments of Chief Election Commissioner and Members of Election Commission. All Committee members, however, had unanimous view that Parliament is supreme and no law can be promulgated to give any of Parliament's functions to other institutions, including Supreme Court, as proposed *vide* amendment of Article 213 in the bill under consideration. It was unanimously agreed that the function of appointing



Chief Election Commissioner and Members of Election Commission should stay with Parliament. The Committee also considered an alternate proposal that instead of referring the matter to Supreme Court, a committee may be formed comprising Speaker National Assembly and Chairman Senate to resolve the deadlock, however after detailed discussion it was decided that alternate proposals, if any, would be considered if a bill containing such a proposal is introduced in the House and referred to the Committee for consideration.

6. With respect to amendment in Article 215, Senator Farooq Hamid Naek proposed the following amendment in the bill:

***“provided that the process to an anticipated vacancy to be caused by the retirement of the Chief Election Commissioner or a member shall be initiated six months prior to occurrence of such vacancy and shall be completed before due date of retirement of the Chief Election Commissioner or member, as the case maybe”.***

However, this amendment was also not agreed to by majority of members. After further discussion, the Committee decided to reject the amendment of Article 215 proposed in the bill, as it was not in consonance with clause (4) of Article 215.

7. In conclusion, it was proposed that the Member-in-Charge may withdraw the bill and bring a fresh bill in the House in the light of discussions held in the Committee. Member-in-Charge, Senator Lt. Gen (R) Abdul Qayyum, agreed to the proposal of withdrawing the instant bill and bringing in a fresh bill in due course.

Sd/-  
HARIS REHMAN,  
D.S./Secretary Committee.

Sd/-  
SENATOR MUHAMMAD JAVED ABBASI,  
Chairman, Committee on Law and Justice.

Islamabad,  
The 23rd July, 2020.

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[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Constitution of the Islamic Republic of Pakistan*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the Purposes hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. **Amendment of Article 213 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, Article 213, in clause (2A) in the existing proviso, for the full stop at the end a colon shall be substituted and thereafter the following second proviso shall be added, namely:—

“Provided further that in case the Parliamentary Committee is unable to confirm any one name, the matter shall stand referred to the Supreme Court whose decision shall be final.”

3. **Amendment of Article 215 of the Constitution.**—In the Constitution, in Article 215, in clause (4) or the full stop at the end colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that the process to fill an anticipated vacancy to be caused by the retirement of the Commissioner or a member shall be completed prior to the occurrence of such vacancy.”

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### STATEMENT OF OBJECTS AND REASONS

The Election Commission of Pakistan (ECP) is a key institution constitutionally charged with the responsibility of holding elections honestly, justly, fairly, and in accordance with law. The procedure for appointment of Chief Election Commissioner and members of the Commission is provided in Articles 213 and 218 of the Constitution. Article 213 says the Prime Minister shall, in consultation with the Opposition Leader, forward three names for appointment of the Commissioner or a member of the commission to a Parliamentary Committee for confirmation of any one. This is the first step. The second step arises when there is no consensus between the Premier and Opposition Leader and then each forwards separate lists to the Parliamentary Committee for consideration which may confirm any one name. In both cases, the names are to go to the Parliamentary Committee for confirmation. The constitutional provision doesn't say what will happen if the Committee is unable to confirm any names. Therefore, it would be appropriate to provide for referral

of matter to the Supreme Court, in case there is an impasse in the committee. It has also been felt that this process of appointments in the commission is time taking and has potential to make the commission practically a dysfunctional body. To deal with such an undesirable situation, there is need to provide for completion of process for appointments prior to occurrence of actual vacancy so as to ensure continuity in the commission.

2. The Bill has been designed to achieve the aforesaid objectives.

LT. GENERAL ABDUL QAYYUM HI (M) RETD,  
*Member-in-Charge.*

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**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE  
ON “THE CONSTITUTION (AMENDMENT) BILL, 2020  
(AMENDMENT OF ARTICLE 213)”**

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on “The Constitution (Amendment) Bill, 2020 (Amendment of Article 213)” (Private Member’s Bill), introduced in the Senate by Senator Sirajul Haq on 20th January 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:—

1. <b>Senator Muhammad Javed Abbasi</b>	<i>Chairman</i>
2. Senator Mian Raza Rabbani	<i>Member</i>
3. Senator Farooq Hamid Naek	<i>Member</i>
4. Senator Zeeshan Khanzada	<i>Member</i>
5. Senator Sirajul Haq	<i>Member</i>
6. Senator Syed Muzafar Hussain Shah	<i>Member</i>
7. Senator Ayesha Raza Farooq	<i>Member</i>
8. Senator Dr. Ghous Muhammad Khan Niazi	<i>Member</i>
9. Senator Mustafa Nawaz Khokhar	<i>Member</i>
10. Senator Sana Jamali	<i>Member</i>
11. Senator Walid Iqbal	<i>Member</i>
12. Senator Muhammad Ali Khan Saif	<i>Member</i>
13. Senator Musadik Masood Malik	<i>Member</i>
14. Minister for Law and Justice	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in multiple meetings but conclusive deliberations were held in its meeting on 13th July 2020, with the following in attendance.

1. Senator Muhammad Javed Abbasi	<i>Chairman</i>
2. Senator Mian Raza Rabbani	<i>Member</i>
3. Senator Farooq Hamid Naek	<i>Member</i>
4. Senator Dr. Ghous Muhammad Khan Niazi	<i>Member</i>
5. Senator Zeeshan Khanzada	<i>Member</i>
6. Senator Sana Jamali	<i>Member</i>
7. Senator Musadik Masood Malik	<i>Member</i>
8. Senator Mustafa Nawaz Khokhar	<i>Member</i>
9. Senator Walid Iqbal	<i>Member</i>

4. At the outset, the Committee observed that appointment of Chief Election Commissioner and Members of Election Commission of Pakistan (ECP) was a function vested in the Parliament by the Constitution. It was also noted that reaching consensus was a democratic process therefore it cannot be used as a justification for transferring this function to any other institution, such as the Judiciary. The Chairman Committee opened the floor for the Committee to deliberate upon alternate parliamentary forums of finalizing appointment of Chief Election Commissioner and Members of ECP in case of deadlock under the existing Constitutional provisions, however no particular alternate received consensus. Ministry of Law and Justice also opined that the Constitution gives this mandate to the Parliament to appoint Chief Election Commissioner and Members of ECP and it should rest with the Parliament.

5. Member-In-Charge, Senator Sirajul Haq, did not attend the meeting on 13th July 2020. However, the Committee observed that all the discussion held on the bill moved by Senator Lt. Gen (R) Abdul Qayyum was also applicable on the bill by Senator Sirajul Haq, as the two bills were identical in proposing the appointments of Chief Election Commissioner and Members ECP to be referred to Supreme Court in case of deadlock. The Committee had unanimous view that Parliament is supreme and no law can be promulgated to give any of Parliament's functions to other institutions, including Supreme Court, as proposed in the bill. It was unanimously agreed that the function of appointing Chief Election Commissioner and Members of Election Commission should stay with Parliament. Therefore, it was decided that Senator Sirajul Haq should also withdraw his bill and bring in a fresh bill in the House in light of discussions held in the Committee.

Sd/-  
HARIS REHMAN,  
*D.S./Secretary Committee.*

Sd/-  
SENATOR MUHAMMAD JAVED ABBASI,  
*Chairman, Committee on Law and Justice.*

Islamabad,  
The 23rd July, 2020.

[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Constitution of the Islamic Republic of Pakistan*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. **Insertion of new clauses in Article 213 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, in Article 213, after clause (2B), the following new clauses shall be inserted, namely:—

“(2C) When there is no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within seven days shall become forwarded to the Judicial Committee duly constituted under clause (2D).

(2D) The Judicial Committee shall consist of Chief Justice and two senior most Judges of the Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible.”.

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### STATEMENT OF OBJECTS AND REASONS

Two seats in Election Commission of Pakistan had been lying vacant since January 26, 2019. The Government was bound to fill the seats in 45 days.

Prime Minister and opposition leader did not reach consensus and names were referred to Parliamentary Committee duly constituted under Article 213 (2B).

There was no consensus in Parliamentary Committee too for appointments.

The Government had announced the appointment of two new members of the Election Commission and the appointment was about seven months after the retirement of ECP members from Sindh and Balochistan.

Chief Election Commissioner refused to administer oath to the new members stating that their appointment has not been carried out as per the Constitution of Pakistan.

In above situation, there is no provision in the constitution to deal with the matter.

Through above amendment, it is proposed in case there is also no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within 7 days shall become forwarded to the Judicial Committee duly constituted under newly inserted clause (2D) and it is proposed that the judicial Committee shall consist of Chief Justice and two senior most Judges of Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible.

Amendment is proposed to achieve above objects.

SENATOR SIRAJUL HAQ,  
*Member-in-Charge.*

DR. SYED PERVAIZ ABBAS,  
*Secretary.*