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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 16th October, 2020

No. F. 24(35)/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 Committees presented to the Senate on 16th October, 2020, are published for information:—

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON
THE ISLAMABAD PREVENTION OF BEGGARY BILL, 2020**

I, Senator A. Rehman Malik, Chairman, Senate Standing Committee on Interior, have the Honour to submit, on behalf of the Committee, this report on a Private Member's Bill further to amend the Islamabad Prevention of Beggary Bill, 2020, introduced by Senator Mian Muhammad Ateeq Shaikh on 27th July, 2020, and referred to the Committee for consideration and report.

1525(1—26)

Price : Rs. 40.00

[6232(2020)/Ex. Gaz.]

2. The composition of the Standing Committee on Interior is 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</i> <i>Member</i> |

3. The Committee considered the said Bill in its meeting held on 7th September, 2020, at Parliament House, Islamabad, which was attended by the following:

| | | |
|----|---------------------------------------|------------------------------------|
| 1. | Senator A. Rehman Malik | <i>Chairman</i> |
| 2. | Senator Rana Maqbool Ahmad | <i>Member</i> |
| 3. | Senator Kalsoom Parveen | <i>Member</i> |
| 4. | Senator Muhammad Tahir Bizinjo | <i>Member</i> |
| 5. | Senator Sardar Muhammad Shafiq Tareen | <i>Member</i> |
| 6. | Senator Dr. Shahzad Waseem | <i>Member</i> |
| 7. | Minister for Interior | <i>Ex-Officio</i> <i>Member</i> |

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4. Chairman Committee stated the Mover has already 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.

5. 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 begging 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. 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.

6. Chairman Committee stated that in view of the above the Bill was passed by the Committee, however, the House referred the Bill to the committee for re-consideration on 27th July, 2020.

7. Chairman Committee informed that the Mover has expressed his consent on telephone to withdraw the Bill.

8. The Committee, therefore, recommended that the House may grant leave to the Member-in-Charge to withdraw "The Islamabad Prevention of Beggary Bill, 2020" in terms of Rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

Sd/-
(TANVIR AHMED)
D.G./Secretary (Committee).

Sd/-
(SENATOR A. REHMAN MALIK)
Chairman (Committee).

Islamabad, the 7th September, 2020.

Introduced on 06-01-2020

[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, trial and punishment of beggar offenders

WHEREAS it is expedient to prohibit the tradition of beggary in order to maintain good conduct and morality 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 Pegging 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 a 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 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 release to 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 shall have such of the powers, and perform such of the duties, of 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 Minister 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, Market, Uturns 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 adult 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.

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 42 OF 2020

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON
THE ANTI-TERRORISM (AMENDMENT) BILL, 2020**

I, Senator A. Rehman Malik, Chairman, Senate Standing Committee on Interior, have the Honour to submit, on behalf of the Committee, this report on a Private Member's Bill further to amend the Anti-Terrorism (Amendment) Bill, 2020, introduced by Senator Mian Muhammad Ateeq Shaikh on 27th July, 2020, and referred to the Committee for re-consideration and report.

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

| | | |
|-----|---------------------------------------|------------------------------|
| 1. | Senator A. Rehman Malik | <i>Member</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 Bezinjo | <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> |

3. The Committee re-considered the said Bill in its meeting held on 10th September, 2020, at Parliament House, Islamabad, which was attended by the following:—

| | | |
|----|---------------------------------------|-----------------|
| 1. | Senator A. Rehman Malik | <i>Chairman</i> |
| 2. | Senator Rana Maqbool Ahmad | <i>Member</i> |
| 3. | Senator Kalsoom Parveen | <i>Member</i> |
| 4. | Senator Sardar Muhammad Shafiq Tareen | <i>Member</i> |
| 5. | Senator Haji Momin Khan Afridi | <i>Member</i> |

4. Chairman Committee stated that the Mover has already briefed the Committee on the “**The Anti-Terrorism (Amendment) Bill, 2020**”. He further stated 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.

11. Chairman Committee stated that in view of the above the Bill was passed by the Committee, however, the House referred the Bill to the committee for re-consideration on 27th July, 2020.

12. Chairman Committee informed that the Mover has expressed his consent on telephone to withdraw the Bill.

13. The Committee, therefore, recommended that the House may grant leave to the Member-in-Charge to withdraw “**The Anti-Terrorism (Amendment) Bill, 2020**” in terms of Rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

Sd/-
(TANVIR AHMED)
D.G./Secretary Committee.

Sd/-
(SENATOR A. REHMAN MALIK)
Chairman.
Senate Standing Committee.

Islamabad, the 10th September, 2020.

[AS INTRODUCED IN THE SENATE]

A

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 vendettas.”

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 word 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 officer 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.

**REPORT OF THE SENATE STANDING COMMITTEE ON
PARLIAMENTARY AFFAIRS FOR CONSIDERATION OF PRIVATE
MEMBERS BILL TITLED: "THE PAKISTAN INSTITUTE OF
PARLIAMENTARY SERVICES (AMENDMENT) BILL 2020.**

I, Senator Sassui Palijo, Chairperson of Standing Committee on Parliamentary Affairs have the honor to present on behalf of the Committee, Private Members Bill titled: "The Pakistan Institute of Parliamentary Services (Amendment) bill 2020, introduced by myself in the House on 10th February, 2020 and referred to the Standing Committee on Parliamentary Affairs for consideration and report.

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

- | | | |
|----|---|--------------------|
| 1. | Senator Sassui Palijo | <i>Chairperson</i> |
| 2. | Senator Abida Muhammad Azeem | <i>Member</i> |
| 3. | Senator Anwar-ul-Haq Kakar | <i>Member</i> |
| 4. | Senator Brig(R). Johan Kenneth Williams | <i>Member</i> |

| | | |
|-----|------------------------------------|------------------------------|
| 5. | Senator Dr. Muhammad Farogh Naseem | <i>Member</i> |
| 6. | Senator Dr. Sikandar Mandhro | <i>Member</i> |
| 7. | Senator Farooq Hamid Naek | <i>Member</i> |
| 8. | Senator Gianchand | <i>Member</i> |
| 9. | Senator Hilal ur Rehman | <i>Member</i> |
| 10. | Senator Musadik Masood Malik | <i>Member</i> |
| 11. | Senator Pervaiz Rasheed | <i>Member</i> |
| 12. | Senator Taj Muhammad Afridi | <i>Member</i> |
| 13. | Senator Walid Iqbal | <i>Member</i> |
| 14. | Minister for Parliamentary Affairs | <i>Ex-officio Member</i> |

3. The Committee took up the issue in its meeting held on 9th September, 2020 which was attended by the following members:—

| | | |
|----|-----------------------------------|--------------------|
| 1. | Senator Sassui Palijo | <i>Chairperson</i> |
| 2. | Senator Pervaiz Rashid | <i>Member</i> |
| 3. | Senator Gianchand | <i>Member</i> |
| 4. | Senator Dr. Sikandar Mandhro | <i>Member</i> |
| 5. | Senator Walid Iqbal | <i>Member</i> |
| 6. | Senator Musadik Masood Malik | <i>Member</i> |
| 7. | Senator Ghous Muhammad Khan Niazi | <i>Member</i> |

4. The Bill was referred to the Committee for consideration and report on 10th February, 2020 and the Committee held four meetings for thorough consideration of the Bill within the ambit of law and rules on 17th February, 22nd July, 24th August and 9th September, 2020 respectively.

5. During the course of the meeting of Standing Committee on 22nd July, 2020 Senators Musadik Masood Malik and Pervaiz Rashid pointed out that the Bill may be considered in the next meeting of the Committee in the presence of the Mover and senior representatives of the Ministry of Law and Justice and Establishment Division so that the legal, financial and administrative compatibilities of the existing PIPS Act 2008 and Civil Servant Act 1973 may be scrutinized and proper mechanism in the interest of the institution may be considered within the ambit of law. The Committee in its meeting held on 24th August, 2020, considered the Bill in the presence of the representatives of the Ministry of Law and Justice,

Establishment Division and Pakistan Institute of Parliamentary Services (PIPS). The Secretary Law and Justice objected to the Statement of Object and Reasons of the Bill and informed that technically and from legal point of view, the Statement of Object and Reasons of the Bill does not create any link between the current status of the employees with the civil servants. Special Secretary Establishment Division stated that PIPS is governed by its own Act of 2008 passed by the Parliament and rules and regulations made there under and at the same time employees of the Institute cannot be governed by the Civil Servant Act 1973. Facilities and benefits on the analogy of the government servants shall open a flood gates for such demands from other employees of autonomous and corporate bodies. Senator Pervaiz Rashid and Dr. Sikandar Mandhro supported the point of view of Executive Director PIPS and stated that giving benefits to the employees of the Institute on the analogy of the government servants does not infringes the authority of the Federal Government employees. Minister for Parliamentary Affairs and Secretary Parliamentary Affairs endorsed the proposal of Secretary Ministry of Law and Justice for review of the Statement of Object and Reasons of the Bill so that it may not create any anomaly from legal point of view. The Committee endorsed the proposal of the Parliamentary Affairs and directed that the Statement of Object and Reasons of the Bill as referred by the House may be reviewed for onward consideration in the next meeting of the Committee.

6. On 9th September, 2020, the Committee during the course of its meeting discussed the revised Statement of Object and Reasons of the Bill in line with the previous proposal by the Ministry of Law. Executive Director PIPS briefed the Committee that amendment in Section 15 of the Bill is not going to change the status of the employees of PIPS but rather facilitate them to the extent of official accommodation and membership in various Federal Government schemes on the analogy of employees of Senate and National Assembly Secretariats.

7. **Recommendations:** In view of the opinion of the Ministry of Law and Justice, Parliamentary Affairs and Establishment Division and Executive Director PIPS and through consideration by the Committee during the four meetings held on the same Bill, the Committee endorsed and passed unanimously the Pakistan Institute of Parliamentary Services (Amendment) Bill 2020 for onward reporting in the House. The Bill as reported by the Standing Committee is annexed.

Sd/-
(ALAMZEB KHAN)
Secretary Committee.

Sd/-
(SENATOR SASSUI PALIJO)
Chairperson.

Islamabad, the
11th September 2020.

Annex-A

[AS REPORTED BY THE COMMITTEE]

A

BILL

further to amend the Pakistan Institute for Parliamentary Services Act, 2008;

WHEREAS it is expedient further to amend the Pakistan Institute for Parliamentary Services Act, 2008 (Act No. III of 2008) for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Institute for Parliamentary Services (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment in Section 15 of the Act No. III of 2008.**—In the said Act, in Section 15, the following shall be amended, namely,—

- i. Title of the section 15 shall be substituted with the words “Appointments of employees and conditions of service”;
- ii. After sub-section (3), the following new sub-sections shall be inserted, namely,—

“(4) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage.

- (5) Subject to the provisions of this Act and rules made thereunder, the employees of the Institute shall be entitled to such perks, entitlements, memberships, facilities, including but not limited to housing and all other schemes of the Government, as admissible or enjoyed or available to the employees of the Senate and National Assembly Secretariats in the corresponding equivalent scales, notwithstanding any judgment or order of any court, tribunal or a quasi-judicial authority.”

STATEMENT OF OBJECT AND REASONS

The Pakistan Institute for Parliamentary Services (PIPS) is the exclusive seat of parliamentary learning; providing legislative, research, capacity building and outreach services to the Members of Senate, National Assembly and four Provincial Assemblies as well as their functionaries. This Bill is intended to ensure provision of entitlements, facilities and perks to PIPS employees' as available to the employees of the Senate and National Assembly Secretariats. This Bill will not change the status of the employees of the Institute as amendment is only taking place for the purpose of perks and entitlements. It will immensely enhance their job satisfaction ultimately raising their level of performance.

This Amendment Bill, therefore, seeks to achieve the aforementioned objectives.

Member-in-Charge.

—————
[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Pakistan Institute for Parliamentary
Services Act, 2008*

WHEREAS it is expedient further to amend the Pakistan Institute for Parliamentary Services Act, 2008 (III of 2008) for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Institute for Parliamentary Services (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 2, Act III of 2008.**—In the Pakistan Institute for Parliamentary Services Act, 2008 (III of 2008), hereinafter referred to as the said Act, in section 2, after clause (b), the following new clause shall be inserted, namely:—

“(ba) “employee means a person appointed in the Institute, who shall have the status of a civil servant subject to such modifications as the Board may make, but does not include—

- (i) a person who is on deputation to the Institute; and
 - (ii) a person Who is employed on contract or work charged basis or who is paid from contingencies;”
3. **Amendment of section 15, Act III of 2008.**—In the said Act, in section 15,—

- (i) in the marginal note, for the words “Appointments of employees”, the words “Appointments of employees and conditions of service”, shall be substituted;
- (ii) after sub-section (3), the following new sub-sections shall be added, namely:—

“(4) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage.

- (5) Subject to this Act and Rules, Hall employees shall be entitled to such rights, perks, privileges, prerogatives, concessions, entitlements, memberships, facilities, including but not limited to medical, housing, education and all other schemes of the Federal Government for an employee, notwithstanding any judgment or order of any court, tribunal or a quasi-judicial authority, as provided by the law, rules, policies, instructions and guidelines for the time being in force and applicable, admissible or enjoyed or available to the civil servants in the corresponding equivalent scales.”

STATEMENT OF OBJECT AND REASONS

The Pakistan Institute for Parliamentary Services (PIPS) is the exclusive seat of parliamentary learning; providing legislative, research, capacity building and outreach services to the Members of Senate, National Assembly and four Provincial Assemblies as well as their functionaries. PIPS provides technical assistance to individual Members of Parliament MPs. and parliamentary committees in addition to holding courses for civil society, youth, media persons and bureaucracy in federal and provincial tier on role and working of the Parliament. In this context, employees of the Pakistan Institute for Parliamentary Services (PIPS), essentially need to retrieve credible information and data from other Government departments to conduct their day to day technical assistance on matters of national

importance. Therefore, PIPS employees' status need to be at par with civil servants so as to enable them timely completion of their requisite functions as per PIPS Act, 2008.

The Pakistan Institute for Parliamentary Services (PIPS) (Amendment) Bill, 2020, seeks to achieve the aforementioned objectives.

SENATOR SASSUI PALIJO,
Member-in-charge.

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE
ON "THE CONSTITUTION (AMENDMENT) BILL, 2019."**

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, 2019" (Insertion of Article 253A), introduced by Senator Mushtaq Ahmed, in the Senate sitting held on 2nd September 2019 and referred to the Committee for consideration and report.

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

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

3. The Committee considered the Bill in various meetings and held conclusive discussion in the meeting on 9th September 2020, with the following in attendance:

| | | |
|----|---------------------------------------|------------------|
| 1. | Senator Muhammad Javed Abbasi | Chairman |
| 2. | Senator Ayesha Raza Farooq | Member |
| 3. | Senator Zeeshan Khanzada | Member |
| 4. | Senator Musadik Masood Malik | Member |
| 5. | Senator Dr. Ghous Muhammad Khan Niazi | Member |
| 6. | Senator Mustafa Nawaz Khokhar | Member |
| 7. | Senator Mushtaq Ahmed | Member-in-Charge |

4. The Committee took exhaustive reading of the Bill. The Ministry of Interior in its response upon the Constitutional amendment, deliberated that a policy directive under Foreigners Act, 1946 has already been issued by the Federal Government in 1984, whereunder direct or indirect purchase and acquisition of land or landed property in Pakistan by foreigners are principally barred and made contingent upon prior permissions in writing from the Federal or Provincial Governments. While commenting on the Bill, Senator Mustafa Nawaz Khokhar and Senator Musadik Masood Malik, were of the view that foreigners should be allowed to purchase property in Pakistan to encourage investment, trade and business. However, the principle of reciprocity should be exercised and all legal formalities should be diligently completed to avoid misuse. The Chairman Committee held that sufficient legal and procedural structures are in place as evident from the responses submitted by the Ministries.

5. After deliberations, the Committee asked the Member In-Charge to withdraw the Bill as the subject amendment had already been addressed in the Foreigners Act, 1946, and a policy directive issued thereunder. Senator Mushtaq Ahmed agreed to withdraw the Bill.

6. The Committee recommends that the House may grant leave to Senator Mushtaq Ahmed to withdraw "The Constitution (Amendment) Bill, 2019" (Insertion of Article 253A). The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.

Sd/-
(HARIS REHMAN)
DS/Secretary Committee.

Sd/-
(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law and Justice.

[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, 2019.

(2) It shall come into force at once.

2. **Insertion of Article 253A in the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, after Article 253, the following new Article 253A shall be inserted, namely:—

“253A. **Prohibition to purchase immovable property by non-citizens.**— A person who is not a citizen of Pakistan shall not be entitled, to own or purchase immovable property in Pakistan:

Provided that the Federal Government may allow non-citizens to possess immovable property in Pakistan through mortgage, lease, will, or through any other instrument for a period not exceeding twenty years.”.

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan ,guarantees right to the Citizens of Pakistan to acquire, hold, or dispose of property in any part of the country. However there is no protection to immoveable property from these who are not the citizens of Pakistan. Due to the Current influx of foreigners and foreign investors in Pakistan, there is danger of purchase of excessive land by the foreigners. This is dangerous for the Social and cultural aspects and for the security of Pakistan. Through the instant amendment, the foreigners will be prohibited from owing and purchasing land in Pakistan. Similarly, they will be prohibited from entering into

agreement which bestow on them the right to possess immovable property for more than twenty years. This will protect the country from any danger aimed at the social, cultural or security aspect of Pakistan.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MUSHTAQ AHMED,
Member-in-Charge.

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE
ON “THE ISLAMABAD HIGH COURT (AMENDMENT) BILL, 2020”**

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 Islamabad High Court (Amendment) Bill, 2020” introduced by Senators Kauda Babar and Manzoor Ahmed, in the Senate sitting held on 17th February 2020 and referred to the Committee for consideration and report.

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

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

3. The Committee considered the Bill in its meeting held on 23rd September 2020, with the following in attendance:

| | | |
|----|---------------------------------------|-----------------|
| 1. | Senator Muhammad Javed Abbasi | Chairman |
| 2. | Senator Farooq Hamid Naek | Member |
| 3. | Senator Dr. Ghous Muhammad Khan Niazi | Member |

| | | |
|----|-----------------------------------|---------------|
| 4. | Senator Musadik Masood Malik | <i>Member</i> |
| 5. | Senator Mustafa Nawaz Khokhar | <i>Member</i> |
| 6. | Senator Zeeshan Khanzada | <i>Member</i> |
| 7. | Senator Sana Jamali | <i>Member</i> |
| 8. | Senator Syed Muzafar Hussain Shah | <i>Member</i> |

4. The Chairman Committee informed the Members that a Government Bill titled “The Islamabad High Court (Amendment) Bill, 2020” had already been passed by the Parliament in the Joint Sitting and, therefore, the Members In-Charge had personally informed him of their desire to withdraw the said Private Members’ Bill, being infructuous. Hence, there was no need to discuss it further in the Committee. It was, therefore, agreed upon by all Members of the Committee that the Members In-Charge may withdraw the Bill.

5. The Committee recommends that the House may grant leave to Senators Kauda Babar and Senator Manzoor Ahmed to withdraw “The Islamabad High Court (Amendment) Bill, 2020”. The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.

| | |
|--|--|
| Sd/- (HARIS REHMAN) <i>DS./Secretary Committee.</i> | Sd/- (SENATOR MUHAMMAD JAVED ABBASI) <i>Chairman</i> <i>Standing Committee on Law and Justice.</i> |
|--|--|

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Islamabad High Court Act, 2010

WHEREAS it is expedient further to amend the Islamabad High Court Act, 2010 (XVII of 2010), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. **Amendment of section 3, Act XVII of 2010.**—In the Islamabad High Court Act, 2010 (XVII of 2010), in section 3, in sub-section (1), for the word “six”, the word “ten”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad High Court (IHC) was established under the Islamabad High Court Act, 2010 (XVII of 2010). As per section 3 (1) of the aforesaid Act, the existing sanctioned strength of Judges of the Islamabad High Court is six plus one Chief Justice. Due to increase in litigation and in the backdrop of rising cases there is a dire need to increase number of judges of the Court from six plus one Chief Justice to ten plus one Chief Justice so that it can function to mitigate the miseries of the litigants and address the evolving needs of the increasing population of Islamabad.

The Bill is designed to achieve the aforesaid objective.

SENATOR KAUDA BABAR
AND
SENATOR MANZOOR AHMED,
Members-in-Charge.

DR. SYED PERVAIZ ABBAS
Secretary.