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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 4th January, 2022

No. F. 24(50)/2021-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 29th December, 2021, are published for information:—

Report of Senate Standing Committee on “The Code of Criminal Procedure (Amendment) Bill, 2021 (Amendment of Section 510)” moved by senator Shahadat Awan in the Senate sitting held on 27th September, 2021.

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on “The Code of Criminal Procedure (Amendment) Bill, 2021 (Amendment of Section 510)” moved by Senator Shahadat Awan in the Senate sitting held on 27th September, 2021.

2. The Bill, upon introduction in the Senate, was referred to the Standing committee for consideration and report back to the House under Rule-98 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

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[7028(2022)/Ex. Gaz.]

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

1.	Senator Mohsin Aziz	Chairman
2.	Senator Syed Yousaf Raza Gillani (Leader of the Opposition)	<i>Member</i>
3.	Senator Samina Mumtaz Zehri	<i>Member</i>
4.	Senator Azam Nazeer Tarar	<i>Member</i>
5.	Senator Moula Bux Chandio	<i>Member</i>
6.	Senator Saifullah Abro	<i>Member</i>
7.	Senator Rana Maqbool Ahmad	<i>Member</i>
8.	Senator Faisal Saleem Rahman	<i>Member</i>
9.	Senator Shahadat Awan	<i>Member</i>
10.	Senator Muhammad Talha Mahmood	<i>Member</i>
11.	Senator Fawzia Arshad	<i>Member</i>
12.	Senator Syed Faisal Ali Subzwari	<i>Member</i>
13.	Senator Sarfraz Ahmed Bugti	<i>Member</i>
14.	Senator Dilawar Khan	<i>Member</i>
15.	Minister for Interior	<i>Ex-Officio Member</i>

4. The Committee considered and discussed the Bill in its meeting held on 18th October, 2021 and 19th November, 2021. The last meeting was attended by the following Members:—

1.	Senator Mohsin Aziz	Chairman
2.	Senator Saifullah Abro	<i>Member</i>
3.	Senator Samina Mumtaz Zehri	<i>Member</i>
4.	Senator Shahadat Awan	<i>Member / Mover</i>
5.	Senator Muhammad Talha Mehmood	<i>Member</i>
6.	Senator Fawzia Arshad	<i>Member</i>
7.	Senator Faisal Saleem Rehman	<i>Member</i>
8.	Senator Dilawar Khan	<i>Member</i>

5. Senator Shahadat Awan, Mover, briefed the Committee that Section 510, of the Code of Criminal Procedure provides a special rule of evidence where under any document purporting to be a report under the hands of persons mentioned therein, is admissible in evidence without calling such person as a witness. The forensic document analysis, including the handwriting analysis is a standard forensic practice to assess the identity of a person for written documents, and vital to prove a case in various criminal matters. The section, however, does not deal with Handwriting expert, consequently; such evidence is judicially viewed as inherently weak, unless proved in the manner prescribed under Article 78 of the Qanoon-e-Shahadat Order, 1984. In addition to that, the report of Motor Vehicle Officer (MOV)

of police for an accident, the pharmacist authorized by the Government for cases related to Ice drug and forensic scientist for DNA are also not admissible evidence under this section that may be used as a formal proof in the criminal cases. This amendment aims at inclusion of these reports in section 510, to avoid delay and inconvenience while providing evidence at trial of the criminal cases.

6. Chairman Committee stated that the intent of the Bill seems quite good to avoid delay and inconvenience while providing evidence during trial of the criminal cases. He informed that it was suggested in the previous meeting held on 18th October, 2021 to defer the Bill to ascertain opinion from the provincial governments on the Bill.

7. The Ministry of Interior briefed the Committee that a zoom meeting was held on 21-10.2021 which was attended by Joint Secretary (Law), Deputy Secretary (Law-II) and Section Officer (Law), Ministry of Interior on the said Bill. The ICT, Administration, Home Department of AJ&K and Home Department of KPK have furnished their replies. The Home Departments of Punjab, Sindh, Balochistan and Gilgit Baltistan have endorsed the Bill during the meeting.

8. The Committee considered the Bill clause by clause and recommended to amend Clause 2 of the Bill as under:—

“2. **Amendment of Section 510, Act V of 1898.**— In the Code of Criminal Procedure, 1898 (V of 1898, in Section 510, after the words “ fire arm expert” the words “or the Chemist or the Pharmacist or the Forensic Scientist or Hand Writing Expert”, shall be inserted”.

9. The Committee, keeping in view of the above, recommended that the Senate may pass as amended “**The Code of Criminal Procedure (Amendments) Bill, 2021 (Amendment of Section 510)**”.

10. 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 MOHSIN AZIZ,
Chairman Standing Committee on Interior.

Islamabad, the 19th November, 2021

[AS REPORTED BY THE COMMITTEE]

A
BILL

Further to amend the code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, (V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extend and commencement. — (1) This Act may be the Code of Criminal Procedure (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Section 510, Act V of 1898. — In the Code of Criminal Procedure, 1898 (V of 1898), in section 510, after the words “fire arm expert” the words “**or the Chemist or the Pharmacist or the Forensic scientist or Hand-writing expert**”, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Section 510, of the Code of Criminal Procedure provides a special rule of evidence whereunder any document purporting to be a report under the hands of persons mentioned therein, is admissible in evidence without calling such person as a witness. The forensic document analysis, including the handwriting analysis is a standard forensics practice to assess the identity of a person for written documents, and vital to prove a case in various criminal matters. This section, however, does not deal with Handwriting expert, consequently; such evidence is judicially viewed as inherently weak, unless proved in the manner prescribed under Article 78 of the Qanoon-e-Shahadat Order, 1984. In addition to that, the report of the pharmacist authorized by the Government for cases related to Ice Drug and forensic scientist for DNA are also not admissible evidence under this section that may be used as a formal proof in the criminal cases. This amendment aims at inclusion of these reports in Section 510, to avoid delay and inconvenience while providing evidence at trial of the criminal Cases.

Sd/-
SENATOR SHAHADAT AWAN,
Member-in-Charge.

[AS INTRODUCED IN THE SENATE]

A
BILL

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

It Is hereby enacted as follows;—

1. Short title and commencement. — (1) This Act may be called the Code riminai Procedure (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 5/0, Act V of 1898. — In the Code of Criminal: dure, 1898 (V of 1898), in section 51.0, after the words “fire arm expert the words **“or the Chemist or the Pharmacist or the Forensic scientist or Handing expert or Motor vehicle officer”**, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Section 510, of the Code of Criminal Procedure provides a special rule of evil nce whereunder arty document purporting to be a report under the hands of pegs, ns mentioned therein, is admissible in evidence without calling such person as a witness. The forensic document analysis, including the handwriting analysis is a standard forensics practice to assess the identity of a person for written documents, and tital to prove a case in various criminal matters. This section, however, does not deal with Handwriting expert, consequently; such evidence is judicially viewed as inherently weak, unless proved in the manner prescribed under Article 78 of the Qanoon e Shahadat Order, 1984, In addition to that, the report of Motor Vehicle Officer (MOV of police) for an accident, the pharmacist authorized by the Government for cases related to Ice drug and forensic scientist for DNA are also not admissible evidence under this section that may be used as a formal proof in the criminal cases. This amendment aims at inclusion of these reports in section 510, to avoid delay and inconvenience while providing evidence at trial of the criminal cases.

Sd/-
SENATOR SHAHADAT AWAN,
Member-in-Charge.

REPORT 17 OF 2021**SENATE SECRETARIAT****Report of Senate Standing Committee on “The Islamabad Capital Territory Trusts (Amendment) Bill, 2020” moved by Senator Mushtaq Ahmed in the Senate sitting held on 26th October, 2020.**

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report Cori “The Islamabad Capital Territory Trust (Amendment) Bill, 2020” moved by Senator Mushtaq Ahmed in the Senate sitting held on 26th October, 2020.

2. The Bill, upon introduction in the Senate, was 'referred to the Standing Committee for consideration and report back to the House under Rule-98 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

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

1. Senator Mohsin Aziz	Chairman
2. Senator Syed Yousaf Raza Gillani (Leader of the Opposition)	<i>Member</i>
3. Senator Samina Mumtaz Zehri	<i>Member</i>
4. Senator Azam Nazeer Tarar	<i>Member</i>
5. Senator Moula Bux Chandio	<i>Member</i>
6. Senator Saifullah Abro	<i>Member</i>
7. Senator Rana Maqbool Ahmad	<i>Member</i>
8. Senator Faisal Saleem Rahman	<i>Member</i>
9. Senator Shahadat Awan	<i>Member</i>
10. Senator Muhammad Talha Mahmood	<i>Member</i>
11. Senator Fawzia Arshad	<i>Member</i>
12. Senator. Syed Faisal Ali Subzwari	<i>Member</i>
13. Senator Sarfraz Ahmed Bugti	<i>Member</i>
14. Senator Dilawar Khan	<i>Member</i>
15. Minister for Interior.	<i>Ex-Officio Member</i>

4. The Committee considered and discussed the Bill in its meetings held on 30th September, 2021, 18th October, 2021 and 19th November, 2021. The last meeting was attended by the following Members: —

1. Senator Mohsin Aziz	Chairman.
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2.	Senator Saifullah Abro	<i>Member</i>
3.	Senator Samina Mumtaz Zehri	<i>Member</i>
4.	Senator Shahadat Awan	<i>Member</i>
5.	Senator Muhammad Talha Mehmood	<i>Member</i>
6.	Senator Fawzia Arshad	<i>Member</i>
7.	Senator Faisal Saleem Rehman	<i>Member</i>
8.	Senator Dilawar Khan	<i>Member</i>
9.	Senator Mushtaq Ahmed	<i>'Mover</i>

5. Senator Mushtaq Ahmed, Mover, briefed the Committee that the Islamabad Capital Territory Trust Act, 2020, is a recent legislation providing for the registration of Trusts in Islamabad and for documentation of economy, however some provisions needed further clarification so that the possibility of misuse of authority may be avoided. Moreover, the imposition of penalty by the Director, after the conviction by the Court, may amount to double jeopardy and thus is an unconstitutional step, so it is proposed that the penalty may be imposed by the court at the time of conviction of the accused.

6. Chairman Committee stated that the Bill has already been discussed in two previous meetings and pointed out that the Committee had recommended to discuss all aspects of the Bill in presence of the Secretary, Ministry of Law & Justice and officials of the. FATF. He asked the officials of the Ministry of Interior, who were dealing with 'FATF, to brief the Committee on the Bill.

7. The officials dealing with FATF informed the Committee that it took about three years to finalize the draft of "The Islamabad Capital Territory Trust (Amendment) Bill, 2020" and the same had already been presented in the FATF. They were of the view that it would create serious implications if it is amended at this stage however he was of the point of view that although there is a slight chance of double jeopardy yet it is unlikely to happen as if convicted with a penalty by the Court would in most of the cases be maintained as same by the Director.

8. Chairman Committee also brought to the notice of the members that Amendment is being made in paragraph (a) of sub-section (2) of Section 16 of the Bill that Director ICI may refuse registration of trust but after recording reasons in writing purpose of trust is either unlawful or trust proceeds are suspected on the basis of evidence. However, this amendment seems to be redundant as the provision of sub-section (2) of section 16 read with section 14 of the Trust Act also provides the same. Moreover, Section 14 of the Act says that "the Director shall verify the contents and particulars of the application before

registration through investigating or prosecuting agencies who shall submit the verified report to the director within 14 days of receiving the request from him”.

9. Chairman Committee further informed that the Mover, in view of clarification from Chairman Committee and all other stakeholders in the previous meeting dated 18th October, 2021, has already expressed his consent to withdraw the amendment proposed in paragraph (a) of sub-section (2) of Section 16 of the Bill.

10. The Committee considered the Bill clause by clause.

11. The Committee recommends that the Senate may not pass “**The Islamabad Capital Territory Trust (Amendments) Bill, 2020**” in its present (Copy of the Bill is enclosed).

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

Sd/-
SENATOR MOHSIN AZIZ,
Chairman Standing Committee on Interior.

[INTRODUCED IN THE SENATE]

A

BILL

to amend the Islamabad Capital Territory Trust Act, 2020

WHEREAS it is expedient to amend the Islamabad Capital Territory Trust Act, 2020 (XXV of 2020), to make it more practicable and transparent as per needs of our own society;

It is hereby enacted as follows:—

I. Short title and commencement. — (1) This Act may be called the Islamabad Capital Territory Trust (Amendment) Act, 2020:—

(2). It shall` come into force at once.

2. Amendment of section 16 of Act XXV of 2020.— In the Islamabad Capital Territory Trust Act 2020 (XXV of 2020), hereinafter referred to as the said Act, in section 16, in sub-section (2), in paragraph (a), after the Word “suspected” the` phrase “on the basis of evidence and for the reasons to be recorded in writing' shall be inserted.

3. Amendment of section 17, Act XXV of 2020.— in the said Act, in

section 17,—

- (i) in sub-Section (4), for the word “director” the word “ court” shall be substituted and the phrase “by the competent court of law” shall be omitted; and
- (ii) in sub-Section (6), for the word director” the word” court’ shall be substituted and the phrase by the competent court of law” shall be omitted.

4. Amendment of section 24, Act XXI, of 2020.— In the said Act, in section 24, in the marginal note for the word “Inform” the word “ acquaint” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Capital Territory Trust Act, 2020, is a recent legislation providing for the registration of Trusts in Islamabad and for documentation of economy, however some provisions need further clarification so that the possibility of misuse of authority may be avoided. Moreover, the imposition of penalty by Director after the conviction by the Court may amount to double jeopardy and thus an unconstitutional step, so it is proposed that the penalty may be imposed by the court at the time of conviction of the accused.

Sd/-
SENATOR MUSHTAQ AHMED,
Member-in-Charge.

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON NARCOTICS CONTROL OF NARCOTICS SUBSTANCES (AMENDMENT BILL 2021 INTRODUCED BY SENATOR SHAHADAT AWAN ON 27TH SEPTEMBER, 2021.

I, Senator Ejaz Ahmed Chaudhary, Chairman Standing Committee on Narcotics Control have the honour to present, on behalf of the Committee, this report of the Senate Standing Committee on Narcotics Control on Control of Narcotics Substances (Amendment) Bill, 2021, introduced by Senator Shahadat Awan on 27th September, 2021 and referred to the Committee for consideration and, report,

2. The composition of the Committee is as under:

1.	Senator Ejaz Ahmed Chaudhary	<i>Chairman</i>
2.	Senator Dost Muhammad Khan	<i>Member</i>
3.	Senator Falak Naz	<i>Member</i>
4.	Senator Muhammad Ayub	<i>Member</i>
5.	Senator. Rana Maqbool Ahmed	<i>Member</i>
6.	Senator Hilal-ur-Rehman	<i>Member</i>
7.	Senator Atta-ur-Rehman	<i>Member</i>
8.	Senator Shahadat Awan	<i>Member</i>
9.	Senator Anwar Lal Dean	<i>Member</i>
10.	Senator Jam Mahtab Hussain Dahar	<i>Member</i>
11.	Senator Naseebullah Bazai	<i>Member</i>
12.	Senator Prof. Sajid Mir	<i>Member</i>
13.	Senator Sardar Muhammad Shafiq Tareen	<i>Member</i>
14.	Minister for Narcotics Control	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meeting held on 16th November, 2021. The following attended the meeting:—

1.	Senator Ejaz Ahmed Chaudhary	<i>Chairman</i>
2.	Senator Dost Muhammad Khan	<i>Member</i>
3.	Senator Shahadat Awan	<i>Member</i>
4.	Senator jam Mahtab Hussain Dahar	<i>Member</i>
5.	Senator Prof. Sajid Mir	<i>Member</i>
6.	Senator Bahramand Khan Tangi	<i>Mover</i>

2. The Committee had detailed discussion on the Bill. The Mover of the Bill Senator Shahadat Awan while describing the objective of the Bill said that the amendment seeks to authorize any police officer on duty to arrest the accused under Control of Narcotics Substances Act, 1997 (XXV of 1997).

3. The Ministry said that the proposed amendment in the Act is principally supported by the Ministry with some modifications. It proposed that instead of using the word “any police officer” an officer not below the rank of Assistant Sub-Inspector of police may be replaced. Following amendment was proposed by the Ministry:

- i. **Amendment of section 21. Act XXV of 1997:** In the Control of Narcotic Substances Act, 1997 (XXV of 1997), in section 21, in subsection (1), in clause (d), for the full stop “.” occurring at the end, a colon “:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that for entry, search, seizure and arrest at public

place an officer not below the rank of Assistant Sub Inspector of police or equivalent authorized by the Federal Government or Provincial Government shall have the power to proceed under this Act.”

4. The Mover Senator Shahadat Awan accepted the proposed amendment from the Mbo of Narcotics Control along with the necessary modification in the statement of object and reasons. After discussion, the Bill was put to vote. The Committee unanimously adopted the Bill with above-mentioned amendment and disposed of the Private Member Bill.

5. The Committee recommends that “Control of Narcotics Substances (Amendment) Bill, 2021” as reported by the Committee may be passed by the Senate. The Bill as reported by the Committee is at Annex-A and the Bill as introduced in the Senate is at Annex-B.

Sd/-
ADNAN IBNE ASAD,
Secretary Committee.

Sd/-
SENATOR EJAZ AHMED CHAUDHARY,
Chairman Committee

Annex- A

(AS REPORTED BY THE COMMITTEE)

A

BILL

further to amend the Control of Narcotic Substances Act, 1997

WHEREAS it is expedient further to amend the Control of Narcotic Substances Act, 1997 (XXV 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 Control of Narcotic Substances (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 21, Act XXV of 1997: In the Control of Narcotic Substances Act, 1997 (XXV of 1997), in section 21, in subsection (1),

in clause (d), for the full stop “.” occurring at the end, a colon “:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that for entry, search, seizure and arrest at public place an officer not below the rank of Assistant Sub Inspector of police or equivalent authorized by the Federal Government or Provincial Government shall have the power to proceed under this Act.”

STATEMENT OF OBJECTS AND REASONS

Section 21 of the Control of Narcotic Substances Act, 1997 prescribes that an officer not below the rank of Sub-Inspector of Police or equivalent would arrest the accused. In some instances, at a public place, a Police Officer, below the rank of sub-inspector violates the mandate of this Section by arresting a culprit. The objective of this amendment is therefore to authorize an Assistant Sub-Inspector or equivalent on duty for entry, search, seizure and arrest at a public place as due to paucity of time apprehension of narcotics being removed or the culprit having chance to escape may occur.

Sd/-
SENATOR SHAHADAT AWAN,
Member-in-Charge.

(TO BE INTRODUCED IN THE SENATE)

A
BILL

further to amend the Control of Narcotic Substances Act, 1997

WHEREAS it is expedient further to amend the Control of Narcotic Substances Act, 1997 (XXV 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 Control of Narcotic Substances (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 21, Act XXV of 1997. — In the Control of Narcotic Substances Act, 1997 (XXV of 1997), in section 21, in sub-section (1), in clause (d), for the full stop “.” occurring at the end, a colon “:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that for the arrest at public place, any police-officer shall have the power to arrest any person for cognizable offence provided in this Act.”

STATEMENT OF OBJECTS AND REASONS

Section 21 of the Control of Narcotic Substances Act, 1997 prescribes that an officer not below the rank of Sub-Inspector of Police or equivalent would arrest the accused. And sometimes at public place a Police officer, below the rank of sub-inspector by arresting a culprit, violates the mandate of this Section. The objective of this amendment is to authorize any police-officer on duty at the place to arrest the accused as due to paucity of time apprehension of narcotics being removed or the culprit having chance to escape may occur.

Sd/-
SENATOR SHAHADAT AWAN,
Member-in-Charge.

SENATE SECRETARIAT

**REPORT OF THE SENATE STANDING COMMITTEE ON
COMMUNICATIONS ON PRIVATE MEMBER BILL FURTHER TO
AMEND "THE NATIONAL HIGHWAYS SAFETY ORDINANCE, 2000
[THE NATIONAL HIGHWAYS SAFETY (AMENDMENT) BILL, 2021]**

I, Senator Prince Omer Ahmedzai, Chairman Senate Standing Committee on Communications, have the honor to submit, on behalf of the Committee, this report on the Private Member Bill further to amend "The National Highways Safety Ordinance, 2000 [The National Highways Safety (Amendment) Bill, 2021], introduced by Senator Mohsin Aziz in the Senate sitting held on 08th November, 2021. The House referred the Bill to the Senate Standing Committee on Communications for consideration and report.

2. The Composition of the Standing Committee is as under:-

- | | |
|---|-----------------|
| 1. Senator Prince Omar Ahmedzai | <i>Chairman</i> |
| 2. Senator Syed Yousuf Raza Gillani
Leader of the Opposition | |
| 3. Senator Faisal Saleem Rehman | <i>Member</i> |
| 4. Senator Saifullah Abro | <i>Member</i> |
| 5. Senator. Kamil Ali Agha | <i>Member</i> |
| 6. Senator Danesh Kumar | <i>Member</i> |
| 7. Senator Manzoor Ahmed Kakar | <i>Member</i> |
| 8. Senator Abida Muhammad Azeem | <i>Member</i> |
| 9. Senator Sharmim Afridi | <i>Member</i> |

10. Senator Muhammad Akram	<i>Member</i>
11. Senator Hafiz Abdul Karim	<i>Member</i>
12. Senator Umer Farooq	<i>Member</i>
13. Senator Molana Abdul Ghafoor Haideri	<i>Member</i>
14. Senator Ahmed Khan	<i>Member</i>

3. The Committee considered the Bill in its meeting held 30th November, 2021. The following members attended the meeting of Committee:—

1. Senator Prince Omer Ahmedzai	<i>Chairman</i>
2. Senator Kamil Ali Agha	<i>Member</i>
3. Senator Danesh Kumar	<i>Member</i>
4. Senator Manzoor Ahmed Kakar	<i>Member</i>
5. Senator Abida Muhammad Azeem	<i>Member</i>
6. Senator Muhammad Akram	<i>Member</i>
7. Senator Mohsin Aziz	<i>Mover</i>

4. The Bill as introduced in the Senate was discussed and deliberated in the Committee. The Mover briefed the Committee about the objects and reasons of the proposed amendment. The Ministry principally supported the proposed amendment in the Act with some modifications. The Ministry was of the view that as the jurisdiction of National Highways and Motorway Police (NHMP) is liner and covers more than 4000 kilometers and most of the places are far from urban/rural medical facilities therefore, on the spot testing will be required to determine if a person is driving under the influence of alcoholic drugs. **Accordingly, Ministry proposed addition of breathalyzer test conducted by a police officer to determine driving while under the influence of alcohol as an alternate to medical test and not to the exclusion of the latter**

5. The Committee unanimously approved the amendment proposed by the Ministry In sub-section (2) of Section 68 of the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000) **and recommended that the Bill as reported by the Standing Committee may be passed by the Senate.**

6. The Bill as introduced in the Senate is at **Annex-A** and the Bill as reported by the Standing Committee is at **Annex-B**.

Sd/-	Sd/-
MUDASSAR SHER ALI GONDAL,	SENATOR PRINCE OMER AHMEDZAI,
<i>Secretary Committee.</i>	<i>Chairman Committee</i>
	<u>ANNEXURE-A</u>

INTRODUCED ON 08-11-2021

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the National Highways Safety Ordinance, 2000

WHEREAS it is expedient further to amend the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000) for the purposes hereinafter appearing, and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the National Highways Safty (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Substitution of section 68, Ordinance XL of 2000.—In the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000), for section 68, the following shall be substituted, namely:—

“68. Driving while under the influence of alcohol or drugs.—(1) Any person, when driving or attempting to drive, or when in charge of, a motor vehicle on a national highway is under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be punishable with fine which may extend to twenty-five thousand rupees, or with imprisonment of one month which may extend to six months, or with both, and in the case of a second or subsequent conviction either with fine which may extend to fifty thousand rupees or with imprisonment of six months which may extend to two years, or with both.

(2) No person shall be convicted of an offence punishable under sub-section (1) unless the extent of the influence is determined by a medical practitioner authorized by the Government.”

STATEMENT OF OBJECTS AND REASONS

It has been observed in the recent past that the persons driving motor cars especially publ c transport are found under the influence of alcohol or drugs which seriously affects motor skill such as eye, hand and foot coordination. Without crucial coordination skills, a person may be unable to avoid an

impending harmful situation. Therefore, it is proposed to increase the penalty and also make the conviction transparent by determining the offence subject to an examination of a medical practitioner.

2. The bill seeks to achieve the above said purposes.

Sd/-
SENATOR MOHSIN AZIZ,
Member-in-Charge.

ANNEXURE-B

[AS REPORTED BY THE COMMITTEE]

A
BILL

further to amend the National Highways Safety Ordinance, 2000

WHEREAS it is expedient further to amend the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000) for the purposes hereinafter appearing, and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

2. Short title and commencement.—(1) This Act may be called the National Highways Safety (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Substitution of section 68, Ordinance XL of 2000.—In the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000), for section 68, the following shall be substituted, namely:—

“68. Driving while under the influence of alcohol or drugs.—(1) Any person, when driving or attempting to drive, or when in charge of, a motor vehicle on a national highway is under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be punishable with fine which may extend to twenty-five thousand rupees, or with imprisonment of one month which may extend to six months, or with both, and in the case of a second or subsequent conviction either with fine which may extend to fifty

thousand rupees or with imprisonment of six months which may extend to two years, or with both.

(2) No person shall be convicted of an offence punishable under subsection (1) unless the extent of the influence is determined by a medical practitioner authorized by the Government **or with a breathalyzer test conducted by police officer.”**

SENATOR MOHSIN AZIZ,
Member-in-Charge.

MUHAMMAD QASIM SAMAD KHAN,
Secretary.