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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 4th September, 2019

No. F. 24(10)/2019-Legis.—Pursuant to 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 3rd September, 2019, are published for information:—

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE
ON “THE CONSTITUTION (AMENDMENT) BILL, 2019
(AMENDMENT OF ARTICLE 198)”**

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Constitution (Amendment) Bill, 2019 (Amendment of article 198)” introduced by Senator Muhammad Javed Abbasi in the Senate sitting held on 29th April, 2019. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:—

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[1347 (2019)/Ex. Gaz.]

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 Mir Hasil Khan Bizenjo	<i>Member</i>
5. Senator Siraj ul Haq	<i>Member</i>
6. Senator Syed Muzafar Hussain Shah	<i>Member</i>
7. Senator Ayesha Raza Farooq	<i>Member</i>
8. Senator Muhammad Ali Khan Saif	<i>Member</i>
9. Senator Musadik Masood Malik	<i>Member</i>
10. Senator Dr. Ghous Muhammad Khan Niazi	<i>Member</i>
11. Senator Mustafa Nawaz Khokar	<i>Member</i>
12. Senator Sana Jamali	<i>Member</i>
13. Senator Walid Iqbal	<i>Member</i>
14. Senator Sitara Ayaz	<i>Member</i>
Minister for Law and Justice	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meeting held on 16th May, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi, however, at the time of consideration of Bill Senator Javed Abbasi recused himself from presiding the meeting and Senator Farooq Hamid Naek occupied the Chair as Acting Chairman, which was attended by the following Members:—

- i. Senator Muhammad Javed Abbasi
- ii. Senator Farooq Hamid Naek
- iii. Senator Siraj ul Haq
- iv. Senator Muhammad Ali Khan Saif
- v. Senator Mustafa Nawaz Khokar
- vi. Senator Sana Jamali
- vii. Senator Sitara Ayaz

4. Senator Muhammad Javed Abbasi, Member-in-Charge briefed the Committee that “the reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. This Bill seeks to address the problems faced by the

litigants as well as the lawyers community seeking cost-effective and early disposal of their litigation through sufficient benches of the High Courts in the provinces.”

5. The Secretary, Law and Justice briefed the Committee that the creation of benches is already provided in clause (4) of Article 198 of the Constitution. In terms of the said clause benches can be constituted at such other places as the Governor may determine on the advice of the Cabinet and in consultation with the Chief Justice of the High Court.

6. The Committee took note that clause (3) of Article 198 of the Constitution had already been amended by Constitution (18th Amendment) Act, 2010, wherein benches in Mingora and Turbat were provided for. Therefore, the Committee opined that the instated of substituting clause (3) amendments may be brought in the existing clause (3) in line with the earlier scheme of amendments.

7. All Members present principally supported the Bill, however, Senators Muhammad Ali Khan Saif and Mustafa Nawaz Khokar were of the opinion that condition of resolution by the provincial assembly for establishment of benches, may be omitted and existing clause (4), as provided in Article 198 of the Constitution shall remain as it is. Furthermore, proposed clause (4A) may also be omitted as power to create benches includes power to abolish the same.

8. In view of the deliberations, the Committee recommended that clause (2) of the Bill shall be substituted with the following:

“(2) Amendment of clause (3) of Article 198 of the Constitution.—in the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, in clause (3),—

- (i) after the word Multan, commas and following words shall be inserted, namely,—
“, Dera Ghazi Khan, Faisalabad, Gujranwala, Sargodha,”
- (ii) after the word “Sukkur”, the commas and following words shall be inserted, namely,—
“, Hyderabad and Larkana”
- (iii) after the word “Mingora”, the commas and following words shall be inserted, namely,—
“, Mohmand Agency, North Waziristan”

- (iv) after the word “Sibi”, the commas and following words shall be inserted, namely,—
“, Loralai, Khuzdar”

9. The proposed amendments were duly supported by the Member-In-Charge of the Bill.

10. In view of the above mentioned, the Committee recommends that “The Constitution (Amendment) Bill, 2019 (Amendment of Article 198)”, as reported by the Committee may be passed by the Senate. (The Bill reported by the Committee is annexed as “A” and the Bill introduced in the Senate is annexed as “B”).

(RABEEA ANWAR),
J.S/ Secretary Committee.

(SENATOR MUHAMMAD JAVED ABBASI),
Chairman.
Standing Committee on Law & Justice.

Annex-“A”

[AS REPORTED BY THE COMMITTEE]

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973 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. **Amendment of clause (3) of Article 198 of the Constitution.**— in the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, in clause (3),—

- (i) after the word Multan, commas and following words shall be inserted, namely
“, Dera Ghazi Khan, Faisalabad, Gujranwala, Sargodha,”

- (ii) after the word “Sukkur”, the commas and following words shall be inserted, namely,
“, *Hyderabad and Larkana*”
- (iii) after the word “Mingora”, the commas and following words shall be inserted, namely,
“, *Mohmand Agency, North Waziristan*”
- (iv) after the word “Sibi”, the commas and following words shall be inserted, namely,
“, *Loralai, Khuzdar*”

STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of their litigation through sufficient benches of the high courts in the provinces.

SENATOR MUHAMMAD JAVED ABBASI,
Member-In-Charge.

Annex-“B”

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973, 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. **Amendment of Article 198 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, -

(i) for clauses (3) and (4) the following shall be substituted, namely:—

“(3) The High Court of Khyber Pakhtunkhwa shall have a Bench each at Abbottabad, Mingora, Mohmand Agency, North Waziristan and Dera Ismail Khan; the High Court of Punjab shall have a Bench each at Rawalpindi, Sargodha, Gujranwala, Faisalabad, Multan, Dera Ghazi Khan and Bahawalpur; the High Court of Sindh shall have a Bench each at Hyderabad, Larkana and Sukkur and High Court of Baluchistan shall have a Bench each at Khuzdar, Loralai, Sibi and Turbat.

(4) Each of the High Courts may have Benches at such other places as the Governor, in consultation with the Chief Justice of the High Court, may order after the Resolution determining establishment of such Benches passed by the Provincial Assembly with two-third majority of the sitting members.”

(ii) after clause (4), substituted as aforesaid, the following new clause 4A shall be inserted, namely:—

“(4A) One or more seats of the High Court may be abolished after five years by the Governor in consultation with the Chief justice of the High Court upon a Resolution passed by the Provincial Assembly with two-third majority of the sitting members.”

STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The

lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. Despite demands of the lawyers community for establishment of additional benches of the High Courts, the existing Constitutional provision could not address this issue.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of the litigation through sufficient benches of the high Courts in the provinces.

SENATOR MUHAMMAD JAVED ABBASI
Member-In-Charge.

**REPORT OF THE SENATE STANDING COMMITTEE ON
NATIONAL HEALTH SERVICES, REGULATIONS &
COORDINATION ON THE BILL TITLED “THE ISLAMABAD
COMPULSORY VACCINATION AND PROTECTION OF HEALTH
WORKERS BILL 2019” MOVED BY SENATOR AYESHA RAZA
FAROOQ IN THE SENATE SITTING HELD ON 04-03-2019**

I, Senator Mian Muhammad Ateeq Shaikh, Chairman, Senate Standing Committee on National Health Services, Regulations & Coordination, have the honour to submit, on behalf of the Committee, this report on the Bill titled “The Islamabad Compulsory Vaccination And Protection Of Health Workers Bill, 2019” referred by the House to the Standing Committee on National Health Services, Regulations & Coordination in its sitting held on 4th March, 2019.

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

- | | |
|---|-----------------|
| (1) Senator Mian Muhammad Ateeq Shaikh | <i>Chairman</i> |
| (2) Senator Dr. Ghous Muhammad Khan Niazi | Member |
| (3) Senator Ayesha Raza Farooq | Member |
| (4) Senator Dilawar Khan | Member |
| (5) Senator Dr. Asad Ashraf | Member |
| (6) Senator Dr. Ashok Kumar | Member |
| (7) Senator Dr. Sikandar Mandhro | Member |

(8)	Senator Liaqat Khan Tarakai	Member
(9)	Senator Prof. Dr. Mehr Taj Roghani	Member
(10)	Senator Sana Jamali	Member
(11)	Senator Sardar Muhammad Shafiq Tareen	Member
(12)	Senator Manzoor Ahmed Khan Kakar	Member

3. The Committee considered and discussed the Bill in detail in its meeting held on 29th July, 2019. The following Members of the Committee attended the meeting.

(1)	Senator Mian Muhammad Ateeq Shaikh	Chairman
(2)	Senator Dr. Ghous Muhammad Khan Niazi	Member
(3)	Senator Dilawar Khan	Member
(4)	Senator Dr. Asad Ashraf	Member
(5)	Senator Dr. Sikandar Mandhro	Member
(6)	Senator Dr. Ashok Kumar	Member
(7)	Senator Liaqat Khan Tarakai	Member
(8)	Senator Sana Jamali	Member
(9)	Senator Sardar Muhammad Shafiq Tareen	Member

4. An extensive discussion took place on this bill in the meetings of the Standing Committee held on 02-05-2019 and thereby amendments were proposed by the members which were duly vetted by the Ministry. The same matter was taken up under agenda item for the meeting of the Committee held on 12-07-19 and 29-07-19 respectively. The Ministry presented its briefing in support of the bill but with certain amendments. The amendment was related to the extension in the age of primary vaccination up to 15 months instead of 6 months. It was proposed in section 3, sub-session (1) of the said bill. The chair sought the consent of the mover about the same amendment. After seeking the consent, the bill was approved by the Committee unanimously.

5. After discussion and deliberation, the Committee recommends that the bill titled "The Islamabad Compulsory Vaccination And Protection of Health Workers Bill, 2019" may be passed by the House as introduced in the Senate.

6. The committee has directed the ministry to formulate the rules under the said Act not later than 3 months from the approval of the same from

both Houses of the Parliament and report back to the Senate Standing Committee on National Health Services, Regulations and Coordination through notification of formulation of the relevant rules.

7. The bill as introduced in the Senate is placed at Annexure-A.

(ALTAF AHMED SHAIKH), (SENATOR MIAN MUHAMMAD ATEEQ SHAIKH),
Secretary Committee. *Chairman (Committee).*

[INTRODUCED ON 04-03-2019]

[AS INTRODUCED IN THE SENATE].

A

BILL

it give power to make the vaccination for universal immunization of children compulsory and to protect the health workers designated for immunization programs

WHEREAS it is expedient to give power to make the vaccination for universal Immunization of children compulsory and to provide for the security of persons employed as health workers for performing vaccinations;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Islamabad Compulsory Vaccination and Protection of Health Workers Act, 2019.

(2) It extends to Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context;

(a) “child” means an individual of an age prescribed by Expanded Program on Immunization (EPI) department, Government of Pakistan;

- (b) “designated Medical Officer” means the Medical Officer designated by the Federal Government;
- (c) “designated vaccine preventable disease” means any one of the infectious diseases Included In Expanded Programme of Immunization’s Schedule for which vaccination shall be mandatory, including but not limited to vaccine preventable diseases and any other vaccine prescribed by the Federal Government;
- (d) “Expanded Program on Immunization” means a program to provide safe, effective and cost-effective vaccination against vaccine preventable diseases; ,
- (e) “Federal Government” means Ministry concerned for Health services;
- (f) “health facility” means a hospital, rural Health center, basic health unit, family welfare centers, Mother and child healthcare centers, reproductive health centers or a clinic or any other place designated by Federal Government where vaccination services are available or administered to children of prescribed age;
- (g) “Health Worker” means a person authorized by the Federal Government to administer vaccine of a designated vaccine preventable diseases to child and includes a doctor, vaccinator, dined volunteer for immunization or vaccination program, a member an outreach team or other person whose duty is to assist or, the health worker;
- (h) “outreach team” means a team of health workers which moves around to different places and administer vaccines to children of prescribed age group;
- (i) “parent” means a Father or Mother or as otherwise an individual who, in law, has custody, guardianship or access rights in regards to a child and who may have corollary obligations to financially support a minor, typically by way of child support;
- (j) “prescribed” means prescribed by the rule or regulation made under the Act;
- (k) “Union Council” means the local government which is required by law to maintain child birth record of the local area;.

- (l) “unprotected child” means a child who has not been vaccinated or who has not, within a period of five years, been successfully re-vaccinated and who has not been certified under this Act to be insusceptible to vaccination ;
- (m) “vaccination” means administration of quality antigenic material to stimulate an individual’s immune system to develop adaptive Immunity to a designated vaccine preventable disease;
- (n) “vaccination circle” means a local area or one of the parts into which a local area has been divided under this Act for the performance of vaccination; and
- (o) “vaccinator” means any person appointed under the Act perform the operation of vaccination or any private person authorized by the Government to perform the same operation.

3. **Compulsory vaccination.**—(1) Subject to sub-section (2), the parent, as the case may be, of every unprotected child shall complete its primary vaccination before the child attains the age of six months and thereafter shall cause the child to complete the prescribed program of vaccination in relation to each of designated vaccine preventable diseases.

(2) The provisions of sub-section (1) shall not apply to the parent who, in relation to a vaccine of a designated vaccine preventable disease, has obtained a statement of medical exemption In the Form - I specified in the Schedule from a designated Medical Officer and, where the designated Medical Officer has specified an effective time period for exemption, only during the effective time period of exemption and to the extent of the designated vaccine preventable-diseases.

(3) Subject to this section, a health worker or an outreach team shall administer vaccine against designated vaccine preventable disease to a child living within the area allocated to the health worker or outreach team.

(4) The designated Medical Officer or in-charge of an outreach team shall issue a certificate of vaccination of a designated vaccine preventable disease to the parent of the child to whom vaccine has been administered in the Form as prescribed by the Federal Government:

Provided that whenever the residence of an unprotected child is changed the parent of such child shall, within one month of such change of residence, communicate the same to the Medical Officer of Health, or any other person authorized by him in this behalf, of the place from which the residence was changed and shall furnish full particulars of the new residence of the child.

4. **Health facilities.**—(1) The Federal Government shall establish, maintain or declare health facilities adequately equipped to maintain vaccine preservation (cold chain) and administer vaccination to all children of prescribed age group and shall form outreach teams for administering vaccination to all children of prescribed age group so Identified by the local area administration.

(2) The in-charge of a health facility shall display at prominent place information about vaccination, and special vaccination campaigns and programs.:

(3) No fee is to be charged by public health workers and outreach team at a health facility designated by the Federal Government.

5. **Issuance of Birth certificate and Form B.**—A Union Council and the National Database Registration Authority may not issue a birth certificate if information of vaccination of the child Is not available with it.

6. **Certain persons to ensure vaccination.**—After admission, an incharge of a primary or elementary school or Madrassah may ensure that the parent has provided a certified copy of the prescribed Vaccination Certificate that states that the child has been administered requisite vaccine of a designated vaccine preventable disease.

7. **Vaccination during travel.**—The Federal Government may, by general or special order, direct the outreach team to administer vaccination of a designated vaccine preventable disease to children of prescribed age group at the airports, Railway stations, bus terminals or at entry and exit points of the Islamabad Capital Territory.

8. **Vaccination report.**—(1) Every health facility shall, on monthly basis, maintain a record of vaccination in the area allocated to the health facility In the prescribed manner by designated Medical Officers and Health Workers of the health facility.

(2) It shall be the duty of every Medical Officer In-Charge of a Health facility to keep the vaccination record open to all times to inspection by a member of the designated authority or local area administration.

9. **Public servant.**—(1) Every designated Medical Officer, Health Worker or any other person authorized under the Act or Rules shall be deemed to be a public servant within the meaning of section 21 of the of the Pakistan Penal Code, 1860 (Act XLV of 1860).

(2) Every designated Medical Officer or Health Worker shall, in addition to other duties imposed on him under the provision of this Act or the Rules prescribed therein, ascertain that all unprotected children in the area have obtained primary vaccination or re-vaccination as the case may be, and if It comes to knowledge of designated Medical Officer or Health Worker through their own inspection or secondary information or complaint that a parent has willfully or otherwise omitted to have a child vaccinated with the requisite vaccinations as heretofore mandatory required under this Act, he shall serve the parent with a notice requiring the child to be vaccinated at a time and place specified in such notice.

10. **Appeal.**—Any person aggrieved from an order passed by a designated Medical Officer, Health Worker, Union Council ma /thin thirty days, prefer an appeal to the concerned reporting officer.

11. **Protection of Health Workers.**—(1) Every person shall facilitate a Health Worker while performing functions under this Act.

(2) The Federal Government shall make arrangements wherever necessary for the protection and security of Health Workers in performance of their functions under the Act.

12. **Offences and penalties.**—(1) A person who:—

- (a) violates the provisions of sub-section (1) of section 3;
- (b) does not comply with the provisions of sub-section (4) of section 3;
- (c) fails without just cause, to comply with an order under sub-section (2) of section 9;
- (d) violates any of the Rules made under the Act;
- (e) falls to comply with the provisions of section 6; and
- (f) fails without just cause to comply with an order under sections 3 and 6 after having been convicted before for the same or having neglected to obey a similar order for the same child shall be liable to be punished as follows:—
 - (i) in case of an offence under paragraph (a) with simple fine that may extend up to one thousand Rupees or imprisonment of one month or both;

- (ii) in the case of offences under paragraphs (b), (c) and (d) with a fine that may extend up to ten thousand Rupees;
- (iii) in case of offence under paragraph (e) with fine of one thousand Rupees and in case of second or subsequent offence of the same nature, shall be liable to punishment of fine which shall not be less than one thousand Rupees or more than twenty five thousand Rupees; and
- (iv) In the case of an offence under paragraph (f) with a term, of simple imprisonment which may extend up to one month or a fine not less than twenty five thousand Rupees.

(2) If a person propagates through a written or spoken word against vaccination, intimidates or obstructs a designated Medical Officer Worker in the performance of the functions under this Act shall be liable to punishment of imprisonment which may extend to six months or fine which shall not be less than twenty five thousand Rupees or more than one hundred thousand Rupees or both.

13. **Cognizance of offences.**—Notwithstanding anything contained in the Code of criminal Procedure, 1898 (Act V of 1898):

- (a) An offence under section 12 shall be cognized on the complaint of the Executive District Officer (Health) or any other officer designated by Executive District Officer (Health) and shall be bailable
- (b) A court shall not take cognizance of an offence under sub-section (2) of section 12 except on a complaint in writing by the Executive District Officer (Health) or any officer designated by Executive District Officer (Health).

14. **Summary trial.**—A Magistrate of class one shall summarily try an offence under this Act in accordance with the provisions of Chapter XXII of the Code of criminal Procedure, 1898 (Act V of 1898) relating to the summary trials and may pass any sentence under section 12.

15. **Compounding of offence.**—(1) Subject to sub-section (2), the Federal Government or an officer specifically authorized in this behalf by the Federal Government may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than one thousand Rupees.

(2) The offence under this Act shall not be compoundable If the accused been previously convicted under the Act or his previous offence had been compounded by the Federal Government or the Officer authorized the Federal Government.

16. **In addition to other laws.**—The provision of this Act shall be in addition to and not in derogation of any other law.

17. **Power to make Rules.**—The Federal Government may, by notification in the official Gazette, make Rules for carrying out the purposes of this Act.

18. **Repeal.**—The West Pakistan Vaccination Ordinance, 1958 (XXVII of 1958), the extent of its application to Islamabad Capital Territory, is hereby repealed.

—————
SCHEDULE
FORM I

Statement of Medical Exemption
[See sub-section (2) of section 3]

HEALTH DEPARTMENT, ISLAMABAD CAPITAL TERRITORY
ADMINISTRATION

I, _____ Designated Medical Officer do hereby certify that in my opinion----- (Name of the child), son/daughter of _____ age of _____, resident of _____ is in a state unfit for administration of vaccine of the _____ (designated vaccine preventable disease) and that such unfitness shall continue during the following period:

- (a) During the current vaccination session.
- (b) From _____ to _____
- (c) For life
- (d) Other reasons _____

(Signature)_____ **Designated Medical Officer**

Name _____
Designation _____
Address _____
Dated _____

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan, 1973, guarantees the right to the life for every citizen of the country. Right to life has been recognized as a fundamental right and the state is duty-bound to provide safeguards and an enabling environment that allows an individual to lead a secure and healthful life. protection from diseases that cause death and disability is therefore an obligation of the State.

According to Article 35 of the Constitution, It is the responsibility of the state to protect the marriage, the family, the mother and the child. Immunization has been recognized the world over as the most efficient and cost-effective strategy to control and prevent disease.

In Pakistan, one out of the ten children die before they reach their fifth birthday. A large percentage of these children die of diseases that can be prevented through vaccination.

Vaccination coverage in the country remains abysmally low despite a Government run vaccination program that was established in 1978 to provide free of cost vaccination services against fatal and disability causing infectious diseases. The country is not on track to reach either MDG4 or its national immunization targets. Currently only 54% of children receive a full course of the vaccines included in Pakistan's EPI schedule while in many regions, coverage is even lower. Only sixteen percent of children in Balochistan Province receive any EPI vaccination with some districts reporting zero percent coverage of the third vaccination as schedule. Pakistan also remains one of three countries with endemic polio, reporting highest number of cases worldwide.

Each year Billions of Rupees in investment is made into the program besides Millions of Dollars in aid from international donors. Pakistan has an annual birth cohort of 5.7 million children, and it has been the largest recipient of international support to-date with over US \$842 million committed till 2019. A large percentage of children are not being covered by the vaccination program, with the result that there is colossal loss of the huge financial investment into the program.

A child is the most vulnerable segment of the society who requires protection and care by the family and the State. It is the right of every child to be protected against fatal diseases. It is alarming that around forty-six percent of children in the country remain deprived of their right to immunization in the country.

Access to immunization is the right of every child and duty of the State to ensure the services reach every child. Any hindrance caused to provision of immunization services causes grievous harm to a child and exposes him or her to highly infectious diseases that cause death or disability.

Pakistan has been facing a peculiar situation where organized and targeted attacks against vaccination teams are rampant. Killings and kidnappings of doctors, paramedics, vaccinators and volunteers associated with Polio Eradication Program were taking place sporadically between 2002 to 2014. However, violence against Health Workers administering vaccines reached a crescendo. July 2012 onwards when targeted attacks began in different cities of the country.

In the period between July 2012 and February 2015, eighty polio workers and those protecting them have been killed whereas fifty-four received serious injuries. Such brazen attacks against Health Workers finds no precedent anywhere in the world.

Concurrently, negative propaganda against vaccination led to a regime of fear both among the recipients of the service and the Health Workers with the result that polio vaccination remained suspended in parts of the country for extended period causing permanent irreversible disability to hundreds of children.

According to experts, denial of vaccination or inability to vaccinate a child not only exposes the child to a serious risk of contracting infectious diseases but also puts the other children in the community at risk. An unvaccinated child is therefore akin to a ticking bomb.

The intent of this bill is to establish immunization as a norm in the society through making the caregivers, health providers and heads of learning institutions of children, responsible to ensure that a child is fully protected against all diseases being covered under the country's immunization program and other interventions launched by the Government in view of the incidence or prevalence of a particular disease.

The bill also aims to safeguard the society against propaganda that not only misleads parents and their influencers causing irreversible lifelong disability or disease to a child besides inciting violence against Health Workers.

The bill makes immunization compulsory for every child by involving a range of persuasive measures including pre-conditions to issuance of NADRA B form and admission to schools which will be granted provisionally to those not in possession of the certificate of vaccination.

Offences and penalties have also been prescribed with provisions. for cognizance, summary trial and composition/compounding, This law will be in addition to other laws on the subject and Federal Government will be able to make Rules for detailed explanatory provisions for achieving the purposes of this law. Hence this Bill.

SENATOR AYESHA RAZA FAROOQ,
Member-In-Charge.

REPORT OF THE SENATE STANDING COMMITTEE ON FEDERAL EDUCATION AND PROFESSIONAL TRAINING

I Senator Rahila Magsi, Chairperson of the Standing Committee on Federal Education and Professional Training, have the honour to present report on the behalf of the Committee on the Bill titled “The Maintenance and Welfare of Old Parents and Senior Citizen Bill, 2019” introduced by Senator Rana Maqbool Ahmad on 29th April, 2019 in the House and referred to the Standing Committee for consideration and report.

2. The following is the composition of the Committee.

1. Senator Rahila Magsi	<i>Chairperson</i>
2. Senator Mushahid Hussain Syed	<i>Member</i>
3. Senator Rana Maqbool Ahmad	<i>Member</i>
4. Senator Molvi Faiz Muhammad	<i>Member</i>
5. Senator Gul Bashra	<i>Member</i>
6. Senator Najma Hameed	<i>Member</i>
7. Senator Hilal-ur-Rehman	<i>Member</i>
8. Senator Dr. Engr. Rukhsana Zuberi	<i>Member</i>
9. Senator Bahramand Khan Tangi	<i>Member</i>
10. Senator Nauman Wazir Khattak	<i>Member</i>
11. Senator Prof. Dr. Mehr Taj Roghani	<i>Member</i>
12. Senator Manzoor Ahmed Kakar	<i>Member</i>
13. Minister for Federal Education and Professional Training	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meeting held on 8th August, 2019 at Committee Room No. 4, Parliament House, Islamabad. Meeting was attended by the following Members:—

1. Senator Rahila Magsi	Chairperson
2. Senator Mushahid Hussain Syed	<i>Member</i>
3. Senator Rana Maqbool Ahmad	<i>Member</i>
4. Senator Molvi Faiz Muhammad	<i>Member</i>
5. Senator Najma Hameed	<i>Member</i>
6. Senator Engr. Rukhsana Zuberi	<i>Member</i>
7. Senator Nauman Wazir Khattak	<i>Member</i>
8. Senator Prof. Mehr Taj Roghani	<i>Member</i>
9. Senator Behramand Khan Tangi	<i>Member</i>
10. Senator Usman Khan Kakar	<i>Special Invitee</i>
11. Senator Nuzhat Sadiq	<i>Special Invitee</i>
12. Senator Muhammad Ali Khan Saif	<i>Special Invitee</i>

4. After detailed discussions and examining the input from the Ministry of Federal Education and Professional Training, the members raised no objection to the Bill. Senator Rana Maqbool Ahmed gave a brief introduction of the bill and highlighted that due to eroding values in our society, the rights towards our family are not being fulfilled. He said that we should not forget the rights of our parents as well as those of our spouse and children.

5. If a person does not look after his wife children or fails to provide basic facilities of life to them, he is held accountable in the court of law but the same does not hold true in case of one's parents. Negligence in caring for one's parents should not go unnoticed; it should have a corrective punishment. Chairperson and all the Senators agreed with Senator Rana Maqbool Ahmed's point of view.

6. Secretary Federal Education and Professional Training, Mr. Arshad Mirza told that the Cabinet, has sent the mentioned subject to the Human Rights Division, *i.e.* care for senior citizen. Senator Rana Maqbool Ahmed said that although taking care of old persons is important but care of parents holds more significance. If everybody takes care of parents and fulfils his/her responsibilities towards them then there would be no need for old welfare homes. Chairperson directed that the bill may be sent to the Human Rights Committee since it is the Right forum to discuss the issue. Senator Rana Maqbool Ahmed agreed with the Chairperson.

(FAIQA ABDULHAYE),
Secretary Committee.

(SENATOR RAHILA MAGSI),
Chairperson Committee.

[AS INTRODUCED IN THE SENATE]

A

BILL

*to provide for the maintenance and welfare of old parents and well-being,
comfort and dignity of the senior citizens in Pakistan*

PREAMBLE

WHEREAS It is provided in the Holy Quran

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِنََّّمَا
يَبْغُونَ عِنْدَكَ الْكِبْرَ أَحَدُهُمَا أَوْ كِلَيْهِمَا فَلَا تَقُلْ لَهُمَا آيِبٌ
وَلَا تَنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا ﴿١٧﴾ وَأَخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ
مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْنِي صَغِيرًا ﴿١٨﴾

“Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say. ‘My Lord, have mercy on them, since they cared for me when I was small” (17: 23-24).

AND WHEREAS the Constitution establishes a society- based on democratic values, social justice and fundamental rights and seeks to improve the quality of life of all citizens;

AND WHEREAS the State must create an enabling environment in which the fundamental rights of every citizen must be respected, protected and fulfilled; and the senior citizens must be empowered to continue to live meaningfully and constructively in a society that recognizes them as important sources of knowledge, wisdom and expertise;

AND WHEREAS it is expedient to provide for the establishment of a Commission for the wellbeing, comfort and dignity of the senior citizens and old parents in the Islamabad Capital Territory;

It is hereby enacted as follows:

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the maintenance and Welfare of Old Parents and Senior Citizens Act, 2019.

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

It shall come into force at once.

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

- (a) “Act” means the Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019;
- (b) “Commission” means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission established under section 3;
- (c) “Concerned Division” means the Division dealing with the subject of Social Welfare;
- (d) “Chairperson” means the Chairperson of the Commission;
- (e) “Children” means the biological children, legal heirs and includes all those who are residing within any premises along with the old parents and senior citizen;
- (f) “Fund” means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund established under section 9;
- (g) “Government” means the Federal Government of Pakistan;
- (h) “Indigent”, means any senior citizen who has not having sufficient means of income as may be determined. by the Commission from time to time;
- (i) “Prescribed” means prescribed by the rules framed under Section 26;
- (j) “Regulation” means regulation made by the Commission under paragraph (o) of sub-section (2) Section (6);

- (k) “Rehabilitation” means a process by which an older person is enabled to reach and maintain his optimal physical, sensory, intellectual, psychiatric or social functional levels, and induces measures to restore functions;
- (l) “Relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;
- (m) “Senior citizen” means an elderly person of age 60 years and above Living in Pakistan.
- (n) “shelter” means any building or premises maintained or used for the reception, protection and temporary care of any senior citizen in need of care and protection;
- (o) “Welfare” includes all such services relating to social, economic, lodging and legal protection of senior citizens; and
- (p) “Welfare packages or grants” mean welfare and social security packages or grants announced for welfare of the senior citizens by the Government.

(2) The expressions, not -defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used

PART-II

OLD PARENTS AND SENIOR CITIZENS WELFARE COMMISSION

3. **Establishment of the Commission.**—(1) Within six months of the commencement of this Act, the Government shall establish a Commission to be known as the -Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission.

(2) The principal office and establishments of the Commission shall be at Islamabad and it may set up its offices at such place or places as it may deem appropriate.

(3) The Commission shall be a body corporate having perpetual succession and common seal and may sue and be sued in its own name and for the purpose of this Act, may enter into a contract and may acquire, purchase take, hold and enjoy moveable and immoveable property of every description and may convey, assign, surrender, yield-up, charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with any moveable and immoveable property or any interest vested in it.

(4) The Commission shall be an autonomous body under the administrative control of the Government.

(5) The common seal of the Commission shall be kept in the custody of the Chairperson or such other person as may be prescribed by 'regulations and documents required or permitted under the common seal shall be specified and authenticated in such manner as may be prescribed by regulations,

4. **Composition of the Commission.**—(1) The Commission shall consist of,—

- | | |
|---|--|
| (a) The Minister of the concerned Division; | <i>Chairperson</i> |
| (b) Three Members of the Senate preferably having age of 60 years or above to be ruminated by the Chairman Senate; | <i>Members</i> |
| (c) Three members of the National Assembly preferably having age of 60 years or above to be nominated by the Speaker National Assembly; | <i>Members</i> |
| (d) Chairman CDA; | <i>Member</i> |
| (e) Secretary of the concerned Division; | <i>Ex-officio
Member/Secretary</i> |

(2) The Commission shall have powers to co-opt members from amongst persons who are experts in their respective fields, for advice on particular matters under its consideration.

(3) The members of the Commission, other than ex-officio members, shall be nominated for a term of three years.

(4) If a member of the Commission, other than ex-officio member, is unable to perform as member of the Commission, he shall inform the Commission and the Commission after receiving such information, may cancel his, membership.

Any casual vacancy of a member, other than an ex-officio member, shall be filled in by a person nominated by the respective authority and the person so nominated shall hold office for the unexpired period of the term of his predecessor.

5. **Qualification of Members.**—A person shall be eligible to be a Member of the Commission if,—

- (a) he is a citizen of Pakistan;
- (b) he is sane and of sound mind;
- (c) he has not been convicted of an offence involving moral turpitude;
- (d) he has not at any time been adjudicated insolvent;
- (e) he has not at any time been disqualified for employment in or dismissed from Government service;
- (f) he is not acting in contravention of the provisions of this Act; and
- (g) he has no financial interest in any aspect of the Commission, or has a conflict of interest, directly or indirectly, with the Commission.

6. **Powers and functions of the Commission.**—(1) Subject to the provisions of this Act and rules, the Commission shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going subsection, the Commission shall,-

- (a) formulate policy proposals on aging in the light of national commitments on the welfare of senior citizens and submit it to the government for approval from time to- time;
- (b) conduct research and compile data on various aspects of aging for the wellbeing of senior citizens for policy or plan formulation;
- (c) create different forums for the senior citizens to participate in activities that enhance their income-generating capacity;
- (d) take steps towards introduction of geriatrics as part of the syllabus of medical universities or colleges;
- (e) propose arrangements in hospitals for better medical attention to senior citizens;

- (f) provide facilities including clubs, community centers for their free access to opportunities that promote their optimal level of social, physical, mental and emotional well-being;
- (g) make them participate in inter-generational programmes for better social inter-action among all community members including senior citizens;
- (h) arrange workshops to educate senior citizens about life changing requirements for a healthy old age and an environment catering for the changing capacities;
- (i) formulate proposals to accommodate the requirements of senior citizens and parents in urban and rural planning and development;
- (j) promote participation of senior citizens in decision-making processes at all levels;
- (k) undertake social, economic and other welfare activities in collaboration with public and private sectors for the welfare of senior citizens and parents ;
- (l) mobilize financial resources for welfare of the senior citizens and parents;
- (m) constitute committees to assess and carry out welfare activities for senior citizens;
- (n) co-ordinate with Government, non-governmental social and welfare organizations at national and international level to take steps for the welfare of senior citizens and parents;
- (o) make regulations for proper functioning of the Commission including regulations for appointment of different categories of employees under the administrative control of the Commission;
- (p) publish reports and other material for guidance and welfare of senior citizens;
- (q) grant of senior citizens awards in the fields of their expertise;
- (r) ensure access to information by education and training of senior citizens and create awareness in the public through organizing seminars, workshops, conferences and use of mass media;

- (s) establish senior citizens homes to accommodate homeless, deserted and indigent senior citizens and parents ; and
- (t) encourage to setup organization of senior citizen corps for utilization of their potential for service activities and national development.

7. **Meetings of the Commission.**—(1) The meetings of the Commission be held quarterly, and shall be presided over by the Chairperson or, in his absence, by a member nominated by the Chairperson for the purpose. One third of the total members shall constitute the quorum.

(2) All decisions of the Commission shall be taken by simple majority of the members of the Commission present in the meetings. The Chairperson shall have a casting vote in case of a tie.

(3) Decision of the Commission shall be recorded by the Secretary of the Commission, who shall circulate such decisions for confirmation to Chairperson and the members within fifteen days of each meeting.

PART-III

PRIVILEGES TO SENIOR CITIZENS

8. **Privileges to senior citizens.**—(1) A senior citizen may, on completion of his sixty (60) years of age, apply for the senior citizen card.

(2) The procedure and criteria for obtaining the senior citizen card shall be such as may be prescribed by rules.

(3) The senior citizens shall be allowed the following privileges on the basis of senior citizen card:—

- (a) free of charge entry to public museums, libraries, parks and recreation facilities;
- (b) financial supports to deserving senior citizens;
- (c) separate counters for senior citizens in hospitals, malls, banks and all other public places wherever applicable;
- (d) prioritized receiving of basic services at all services areas;
- (e) concession in medical facilities and medicine charges;

(f) separate medical wards and rehabilitation care units and the provisioning of proper care to the deserving senior citizen; and

(g) fares concession in public transport.

9. **Fund.**—(1) The Government shall establish a Fund to be known as the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund, which shall consist of,-

(a) all grants and allocations made by the Government;

(b) donations, endowments and contributions made by the private individuals and organizations within country and abroad; and

(c) all sums received by the Commission from any other source including Pakistan Bait-ul-Mal, Profits on Investment from funds, funds generated by different motivated campaigns and received from lawful sources. Funds shall be invested only in scheduled banks and National Saving Schemes. No investment will be made in stock market shares or used for speculation in any manner.

(2) The Fund shall be administered by the Commission, which shall make such allocations for specific activities, enumerated in sections 8 and 9 of this Act and may deem appropriate in line with the performance of functions of the Commission.

(3) The Government shall make annual budgetary allocations for the establishment and other charges of the Commission.

(4) The Fund shall be utilized for,—

(a) the establishment charges; and

(b) welfare of the senior citizens.

(5) The Fund shall be maintained in a scheduled bank and shall be Operated in accordance with directions of the Commission.

(6) The Fund shall be regularly monitored by the Commission and audited in the same manner as in the case of the funds of other Government Departments.

(7) The Fund shall be maintained in accordance with the rules and shall be auditable annually through Auditor General of Pakistan and annual audit report of the Fund shall be submitted to the Government.

10. **Public servants.**—All employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

11. **Appointment of officers, employees, etc.**—To carry out the purposes of this Act, the Commission may, appoint advisors, consultants and experts, having specialization and expertise in the related field and other officers and employees on such terms and conditions as may be prescribed.

PART-IV

MAINTENANCE OF PARENTS AND SENIOR CITIZENS

12. **Maintenance.**—(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of property owned by him, shall be entitled to make an application under section 13 in case of,—

- (a) Parent or grand-parent, against one or more of his children not being a minor;
- (b) A childless senior citizen, against such of his relative referred to in paragraph (I) of section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the child to maintain his parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.

(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relatives in the proportion in which they would inherit his property.

13. **Application for maintenance.**—(1) An application for maintenance under section 13, may be made,—

- (a) by a senior citizen or a parent, as the case may be; or

- (b) if he is incapable, by any other person or 'organization authorized by him; or
- (c) the Tribunal may take cognizance *suo-motu*.

Explanation.—For the purposes of this section, organization means any voluntary association or NGO registered under the Registration Act.

(2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizens including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

(3) The Tribunal may on receipt of an application for maintenance under sub section (1) and after giving notice of the application to the children or relative and providing the opportunity of being heard, hold an inquiry for determining the amount of maintenance.

(4) An application filed under sub section (2) for the monthly allowance for the maintenance and expenses shall be disposed of within ninety days from the date of the service of the notice of the application to such person:

Provided that the Tribunal may extend such period, once for a maximum period of thirty days in exceptional circumstances for reason to be recorded in writing.

(5) An application for maintenance under sub section (1) may be filed against one or more persons:

Provided that such children or relative may implead the other persons liable to maintain the parent in the application of maintenance.

(6) Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.

(7) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.

(8) If, children or relative so ordered fail, without sufficient cause to comply with the order of the Tribunal may, for every breach of the order may issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

14. Jurisdiction and Procedure.—(1) The proceedings under this section may be taken against any children or relative of senior citizen in the Islamabad Capital Territory,—

- (a) where he reside; or last resided; or
- (b) where children or relative resides.

(2) On receipt of the application under sub-section (1), the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.

(3) for securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1898.

(4) All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for:

Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to gear and determine the case ex-parte.

(5) Where the children or relative is residing out of Pakistan, the summons shall be served by the Tribunal through such authority, as the Government may by notification in the official Gazette, specify in this behalf.

(6) The Tribunal before hearing an application under this section may, refer The same to a Conciliation Officer and such Conciliation Officer

shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation.—For the purposes of this sub-section “Conciliation Officer” means any person or representative of an organization referred to in Explanation to sub-section (1) of section 13 or the Maintenance Officers designated by the Government under sub-section (1) of section 22 or any other-person nominated by the Tribunal for this purpose.

15. Constitution of Tribunal.—(1) The Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for Islamabad Capital Territory one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 14.

(2) The Tribunal shall be presided over by an officer of the Government not below the rank of BS 18 or a judicial officer of BS 18 as may be nominated by the Islamabad High Court.

(3) Where two or more Tribunals are constituted for Islamabad Capital Territory, the Government may, by general or special order, regulate the distribution of business among them.

16. Summary Procedure in case of Inquiry.—(1) In holding any inquiry under section 14, the Tribunal may, subject to any rules that may be prescribed by the Government in this behalf, follow such summary procedure as it deems fit.

(2) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Criminal Court for all the purposes and of the Code of Criminal Procedure, 1898.

(3) Subject to any rule that may be made in this behalf, the Tribunal may, for the purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

17. Order for Maintenance.—(1) if children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.

(2) the maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the Government which shall not exceed ten thousand rupees per month,

18. Alteration in Allowance.—(1) On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under this section, the tribunal may make such alteration, as it thinks fit, in ire allowance for the maintenance.

(2) Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 18 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.

19. Enforcement of order of Maintenance.—(1) A copy of the order of maintenance including the order regarding expenses of proceedings, shall be given without payment of any fee to the senior citizen or to parent, in whose favour it is made and such order may be enforced by any Tribunal in any place Where the person against whom it is made, resides.

(2) A maintenance order made under this Act shall have the same force and effect as an order passed under the Code of Civil Procedure, and shall be executed in the manner prescribed for the execution of such decree by that Code.

20. Constitution of Appellate Tribunal.—(1) The Government may, by notification in the Official Gazette, constitute Appellate Tribunal for Islamabad Capital Territory to hear the appeal against the order of the Tribunal.

(2) The Appellate Tribunal shall be presided over by an officer of the Government not below the rank of BS 20 or a judicial officer in BS 20 to be nominated by the Islamabad High Court.

21. Appeal.—(1) Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4) The Appellate Tribunal may, after examining the appeal and the recodes called for either allow or reject the appeal,

(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal Shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorized representative.

(6) The Appellate Tribunal shall Make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.

22. Maintenance Officer.—(1) The government shall designate an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.

(2) The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during, the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

PART-V

ESTABLISHMENT OF OLDAGE HOMES

23. Establishment of old age homes.—(1) The Government may establish and maintain such number of old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in Islamabad Capital Territory to accommodate senior citizens who are indigent,

(2) The Government may, prescribe a scheme for management of old age homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

24. Exposure and abandonment of senior citizens and parents.—Whoever, having the care or protection of senior citizen or parent leaves, such senior citizen or parent in any place with the intention of wholly abandoning

such senior citizen or parent, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to twenty five thousand rupees or with both.

25. **Cognizance of offences.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall be cognizable and bail able.

(2) An offence under this Act shall be tried summarily by a Magistrate.

26. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

When the winds of change blow all around and new situations and conditions emerge, this necessitates newer responses conducive to achieve the broad national goal. There has been a steady rise in the population of older persons in Pakistan, because of an appreciable increase in the life expectancy, but with the increase in population the traditional norms and status of the senior citizens have deteriorated. The result of withering of the joint family system, industrialization, globalization etc., is that a large number of parents are not being maintained by their children, as was the normal social practice. Consequently, the elders are now exposed to emotional neglect and to lack of physical and financial support. They are facing a lot of problems in the absence of adequate social security. Allah Almighty has ordained in the Holy Quran to be “docile, humble and obedient and do not utter even “uff” if they scold you.” Keeping in view these facts, to ensure that the children perform their moral obligation towards their parents and to eliminate the agony and sufferings of this vulnerable section of society, legislation for the welfare of the Parents and Senior Citizens is proposed and titled as ‘The Maintenance and Welfare of old Parents and Senior Citizens Act, 2019’.

The Bill seeks to achieve the above objectives.

SENATOR RANA MAQBOOL AHMAD,
Member-in-Charge.

MUHAMMAD ANWAR,
Secretary.