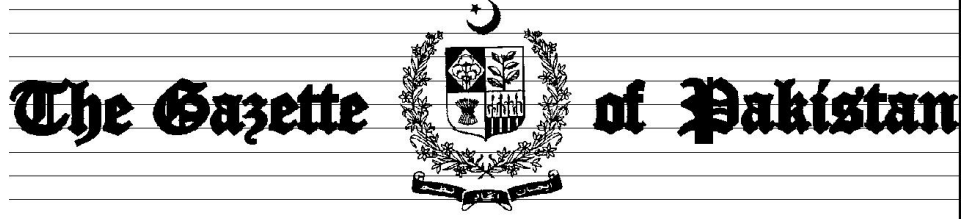


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**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

**ISLAMABAD, MONDAY, SEPTEMBER 23, 2019**

**PART III**

**Other Notifications, Orders, etc.**

**NATIONAL ASSEMBLY SECRETARIAT**

*Islamabad, the 13th September, 2019*

**No. F. 22(21)/2019-Legis.**—The following Bills/Reports have been introduced/presented in the National Assembly on 13th September, 2019:—

**N. A. BILL NO. 59 OF 2019**

**A**

**BILL**

*to repeal the President's Order No.15 of 1980*

WHEREAS it is expedient to repeal the Superior Courts (Court Dress and Mode of Address) Order, 1980 (P.O. No.15 of 1980);

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Superior Courts (Court Dress and Mode of Address) Order (Repeal) Act, 2019.

1647(1-50)

*Price : Rs. 80.00*

[1442(2019)/Ex. Gaz.]

(2) It shall come into force at once.

2. **Repeal of President's Order No.15 of 1980.**—The Superior Courts (Court Dress and Mode of Address) Order, 1980 (P.O. No.15 of 1980), is hereby repealed.

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STATEMENT OF OBJECTS AND REASONS

Article 191 and 202 of the Constitution of the Islamic Republic of Pakistan empower, Supreme Court and High Court to make rules regulating its own practice and procedure. Therefore, the matter relating to Court dress and mode of address to judges may be regulated by the Superior Courts.

MINISTER-IN-CHARGE

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N. A. BILL NO. 60 OF 2019

A

BILL

*further to amend the Pakistan Coinage Act, 1906*

WHEREAS it is expedient further to amend the Pakistan Coinage Act, 1906 (III of 1906), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act shall be called the Pakistan Coinage (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Addition of section 25, Act III of 1906.**—In the Pakistan Coinage Act, 1906 (III of 1906), after section 24, the following new section shall be added, namely:—

**“25. Act No. X of 2012 not to apply to the Mint.**—The Industrial Relations Act, 2012 (X of 2012) shall not apply to or in relation to any person in the service of the Mint”.

STATEMENT OF OBJECTS AND REASONS

In view of the harmful labour union activities in the Pakistan Mint, Essential Services Act, 1952 was promulgated in 2014 for smooth running of the coinage production. These activities should be permanently banned through non application of Industrial Relations Act, 2012 in the organization being the only coinage entity in Pakistan for the following reasons:—

- i. Pakistan Mint is a sensitive department and declared security key point category 1A where trade union activities should be prohibited.
  - ii. Being the only coin manufacturing organization, stoppage of work can cause currency /coins crisis in the country.
  - iii. Pakistan Mint being services provider to Ministry of Defence and Cabinet Division, Islamabad, manufacture and supply of all types of military and civil awards which are conferred by President of Pakistan to the Armed Forces and dignitaries in the gallantry investiture ceremony on 23<sup>rd</sup> March every year. Any strike in Pakistan Mint as a consequence of Union activities can adversely affect supply of the aforementioned awards for distribution in various ceremonies/events.
  - iv. Pakistan Mint is situated in the densely populated and politically volatile area whereby local bodies functionaries interfere in the operations of the department through workers unions which adversely affects the discipline of the department.
  - v. Before promulgation of Pakistan Essential Services (Maintenance) Act, 1952, workers under the umbrella of labour union (CBA) pressurize the administration for their unlawful demands through their non-employed political patrons which is required to be stopped in the interest of the public.
  - vi. Sometimes labour union activities damage the peaceful atmosphere of the department in the shape of threats, physical torture, go-slow and stoppage of work etc. to achieve their ulterior motives.
3. The Bill seeks to achieve the aforesaid objective.

Dr. Abdul Hafeez Shaikh  
Adviser to the Prime Minister on  
Finance, Revenue and Economic Affairs

N. A. BILL NO. 61 OF 2019

A

BILL

*further to amend the Banks (Nationalization) Act, 1974*

WHEREAS it is expedient further to amend the Banks (Nationalization) Act, 1974 (XIX of 1952), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Banks (Nationalization) (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Amendment of section 11-A, Act XIX of 1974.—In the Banks (Nationalization) Act, 1974 (XIX of 1974), in section 11-A, clauses (iii), (v) and (vi) shall be omitted.

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STATEMENT OF OBJECTS AND REASONS

Regulatory supervision of all non-banking institutions including National Investment Trust Limited (NITL) has been brought under the regulatory purview of the Securities Exchange Commission of Pakistan. It is therefore necessary to exclude NITL from purview of the Banks (Nationalization) Act, 1974. Further, Small Business Finance Corporation (SBFC) and Regional Development Finance Corporation (RDFC) were merged and SME Bank Limited was formed, therefore, exclusion of names of SBFC and RDFC from section 11-A is also proposed.

Dr. Abdul Hafeez Shaikh  
Adviser to PM on Finance,  
Revenue and Economic Affairs

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N. A. BILL NO. 62 OF 2019

A

BILL

*to enact a law for mutual legal assistance in criminal matters*

WHEREAS it is expedient to enact a law relating to mutual legal assistance in criminal matters and matters connected therewith and ancillary thereto;

It is hereby enacted as follows

**PRELIMINARY**

1. **Short title, extent and commencement.**—(1) This Act may be called the Mutual Legal Assistance (Criminal Matters) Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “agreement” means a treaty, agreement, memorandum of understanding, convention or other international arrangement to which Islamic Republic of Pakistan is a party and which contains provisions relating to mutual legal assistance in criminal matters;
- (b) “appropriate authority” in relation to a foreign country, means a person or body in that country referred to in the agreement or reciprocal arrangement with Islamic Republic of Pakistan as the authority responsible for administering mutual legal assistance to and from such country;
- (c) “central authority” means the Secretary to the Ministry of Interior, Government of Islamic Republic of Pakistan or such other officer of the Government, as the Secretary to the Ministry of Interior may, by notification in the official Gazette, designate to exercise powers and perform functions of the central authority under this Act.
- (d) information system includes an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing any information;

- (e) “data” means content data and traffic data;
- (f) “electronic” means electrical, digital, magnetic, optical, biometric, electrochemical, electromechanical, wireless or electromagnetic technology;
- (g) “computer system” means any device or a group of interconnected or related devices one or more of which, pursuant to a programme, performs automatic processing or recording data, and includes a mobile telephone and other telecommunication devices;
- (h) “confiscation” means deprivation of property by order of a court or competent authority subject to the prescribed procedure;
- (i) “confiscation order” means an order made by a court or other competent authority in Islamic Republic of Pakistan or a court of a country with whom Islamic Republic of Pakistan has entered into an agreement or reciprocal agreement or notified under sub-section (3) of section 3 of the confiscation of proceeds or instrumentalities of crime or terrorist property, whether or not the order is based on criminal conviction;
- (j) “court” means the court which has jurisdiction to try an offence for which a request has been made under this act;
- (k) “criminal matter” includes any investigation, prosecution or judicial proceedings relating to,—
  - (i) a criminal offence;
  - (ii) identification or tracing of proceeds or instrumentalities of crime or other related articles for evidentiary process;
  - (iii) the determination as to whether a property is proceeds or instrumentalities of crime, money laundering or terrorist property or corruption;
  - (iv) a confiscation order;
  - (v) the freezing or seizure of proceeds or instrumentalities of crime or terrorist property; or
  - (vi) an investigation carried out by a law enforcement agency with a view to refer the case for prosecution under the criminal law;

- (l) “criminal offence” means a thing punishable under Islamic Republic of Pakistan Penal Code 1860 or under any law of Islamic Republic of Pakistan;
- (m) “freezing” or “seizure” means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other authority and includes an order restraining such dealings;
- (n) “instrumentalities of crime” means any property,—
  - (i) used in, or in connection with, the commission of a criminal offence; or
  - (ii) intended to be used in, or in connection with, the commission of a criminal offence, whether the property is located, or the offence is committed, within or outside Islamic Republic of Pakistan.
- (o) “material” includes any book, document, computer data or mobile data or other record in any form and in any container or article relating to it;
- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “proceeds of crime” means any property derived from or obtained, directly or indirectly, through commission of a criminal offence whether such property is located, or the offence is committed, within or outside Islamic Republic of Pakistan;
- (r) “property” means property/assets of every description, whether moveable or immoveable, corporeal or incorporeal, tangible or intangible, a legal document or instrument evidencing title to or interest in property, and whether situated in or outside Islamic Republic of Pakistan;
- (s) “rules” means rules made under this Act;
- (t) “service provider” shall have the same meaning as given to it by section 2(XXVIII) of the Prevention of Electronic crimes Act, 2016;
- (u) “terrorism” shall have the same meaning as given to it by section 6 of the Anti-terrorism Act, 1997 (XXVII of 1997); and
- (v) “terrorist property” shall have the same meaning as given to it by section 2(Z)(aa) of the Anti-terrorism Act, 1997 (XXVII of 1997).

3. **Application of the Act.**—(1) This Act shall regulate the procedure for rendering and soliciting mutual legal assistance in criminal matters by Islamic Republic of Pakistan.

(2) Subject to the provisions of this Act, the mutual legal assistance may be provided by Islamic Republic of Pakistan to a country on the basis of an agreement or reciprocal arrangement.

(3) Where the Federal Government considers it expedient to provide mutual legal assistance in a criminal matter to a country which has not entered into an agreement or reciprocal arrangement with Islamic Republic of Pakistan, it may, by notification in the official Gazette, direct that the provisions of this Act shall, subject to such modifications and conditions as may be specified therein, have effect to that country.

(4) Nothing in this section shall be taken to limit the nature or extent of mutual legal assistance that Islamic Republic of Pakistan may otherwise lawfully provide to, or receive from, a country.

4. **Functions of the central authority.**—(1) The central authority shall have all such powers as may be necessary to perform its duties and functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the central authority shall be authorized to,—

- (a) make a request on behalf of Islamic Republic of Pakistan to the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in Islamic Republic of Pakistan relating to a criminal offence committed, or suspected on reasonable grounds to have been committed within or outside Islamic Republic of Pakistan;
- (b) receive and deal with requests received from the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in that country relating to an offence committed, or Suspected on reasonable grounds to have been committed within or outside that country;
- (c) certify or authenticate, or arrange for the certification and authentication of any documents or other material supplied in response to a request for assistance;



- (d) to take practical measures to facilitate the orderly and rapid disposition of request for assistance;
- (e) to make any arrangements deemed necessary in order to transmit the evidentiary material gathered in response to request for assistance to the appropriate authority of the requesting country or to authorize any other authority as prescribed to do so; and
- (f) to carry out such other tasks as provided for in this Act or which may be necessary for effective assistance to be provided or received.

(3) The central authority may, having regard to its functions and to exercise its powers efficiently, delegate its functions and powers to one or more subordinate officers.

5. **Transmission of information.**—(1) Where the central authority considers it expedient, it may initiate transmitting of any information relating to criminal matters confidentially to the appropriate authority in a country concerned with such criminal matters, without prior request by that country.

(2) Subject to the provisions of this Act, a request transmitted by a country to any other agency or authority in Islamic Republic of Pakistan may be referred by such agency or authority to the central authority and this shall not affect the validity of the request or actions taken thereupon.

6. **Form and manner of requests.**—The central authority may specify the form, manner and conditions of making requests to Islamic Republic of Pakistan and all requests shall be entertained in accordance with such form, manner and conditions:

Provided that the central authority may dispense with any particular condition where it is likely to cause undue delay and frustrate the object for which the request for mutual legal assistance has been made by a country.

7. **Mutual legal assistance request by Islamic Republic of Pakistan.**—A request for mutual legal assistance by the central authority to a country may comprise one or more of the following matters, namely:—

- (a) inquire about the location and identification of witnesses, suspects, perpetrators and offenders;
- (b) have evidence taken or documents or other articles produced;

- (c) obtain search warrants or other lawful instruments authorizing a search for evidence relevant to investigations or proceedings in Islamic Republic of Pakistan, located or as permissible under the domestic law of that country believed to be located in that country and if found, to seize them as permissible under the domestic law of that country;
- (d) freeze or seize properties that may be the subject of investigations or proceedings, through relevant legal process in that country, to the extent to which the properties are believed on reasonable ground to be located in that country;
- (e) confiscate properties, subject to the confiscation order, to the extent to which the properties are believed to be located in that country;
- (f) transmit to Islamic Republic of Pakistan any evidence, documents, articles, properties or proceeds realized from the disposal of properties;
- (g) transfer in custody to Islamic Republic of Pakistan a person in foreign country who consented to assist Islamic Republic of Pakistan in the relevant investigation or proceedings;
- (h) effect service of judicial documents;
- (i) identify or trace proceeds or instrumentalities of crime or properties for evidentiary purpose;
- (j) facilitate the voluntary appearance of persons required in relation to any existing or intended investigations or proceedings in Islamic Republic of Pakistan;
- (k) provide original or certified copies of relevant documents and records, including government, bank, financial, corporate or business records; and
- (l) provide any other type of assistance that is not contrary to the domestic law of that country.

8. **Foreign request for assistance.**—(1) Where a country makes a request to Islamic Republic of Pakistan for mutual legal assistance, the central authority may approve mutual legal assistance for similar purposes as those specified in section 7 to the country in relation to investigations commenced or proceedings instituted in that country.

(2) The request under sub-section (1) shall be made out in conformity with the form, manner and conditions specified under section 6 and include the following, namely:—

- (a) the name of the appropriate authority or such other authority concerned with the criminal matter to which the request relates;
- (b) a description of nature of the criminal matter and a statement setting out a summary of relevant facts and law;
- (c) the description of the purpose of the request and the nature of assistance being sought;
- (d) in the case of request to freeze, seize or confiscate assets believed on reasonable grounds to be located in Islamic Republic of Pakistan, be accompanied with the details of the criminal offence, particulars of any investigation or proceedings commenced in respect of that offence and a copy of any relevant freezing, seizure or confiscation order of the court;
- (e) details of any procedure that the country wishes to be followed by Islamic Republic of Pakistan in giving effect to the request, particularly in the case of a request to take evidence, as far as it is not contrary to the laws of Islamic Republic of Pakistan;
- (f) a statement setting out any requirements of the country concerning any confidentiality relating to the request and the reasons thereof;
- (g) details, of the period within which the country wishes the request to be complied with;
- (h) details, where applicable, regarding the grounds for believing that the relevant properties to be traced, frozen or seized or confiscated, are located in Islamic Republic of Pakistan; and
- (i) any other information that may assist in giving effect to the request.

9. **Foreign request for an evidence gathering order or search warrant.**—(1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves the request of a country pursuant to section 8 for the following purposes;

- (a) taking of a statement or testimony from a person; or

- (b) production of documentary or other evidence in Islamic Republic of Pakistan; or
- (c) identification of a person, property or record,

the central authority may apply to the court for a search warrant or any evidence gathering order, as the case may be.

(2) The court, to which an application is made under sub-section (1), may issue a search warrant or, as the case may be, an evidence-gathering order where it is satisfied that there are reasonable grounds to believe that,—

- (a) an offence has been committed, or is suspected on reasonable grounds to have been committed, against the laws of the requesting country and which, if committed in Islamic Republic of Pakistan, constitutes an offence under the laws of Islamic Republic of Pakistan;
- (b) evidence of commission of the offence is likely to be found in any place in Islamic Republic of Pakistan; and
- (c) the person suspected of committing the offence or the witness is likely to be present in Islamic Republic of Pakistan.

(3) An evidence-gathering order,—

- (a) shall provide for the manner in which the statement or testimony is to be taken or the evidence is to be obtained or the person or thing to be identified in order to give proper effect to the request unless prohibited under the laws of Islamic Republic of Pakistan, and, in particular, may require any person named therein to—
  - (i) make a record from data or make a copy of record;
  - (ii) attend court to give evidence on oath; or
  - (iii) produce to the court or to any person, named by the court, anything including any article, record or copy thereof; and
- (b) may include such terms and conditions as the court considers expedient, including those relating to the interests of the person named therein or of the third party.

(4) Where the evidence sought under this Act is a statement or testimony from a witness, an expert or defendant, as the case may be, the court may permit,—

- (a) any person to whom the foreign investigation, prosecution or proceedings relate or that person's legal representative to participate in the proceedings; and
- (b) the legal representative of the country to participate in the proceedings and question the witness.

(5) A person named in an evidence-gathering order may refuse to answer a question or to produce a record or thing where such refusal is based on,—

- (a) a law in force in Islamic Republic of Pakistan ;
- (b) privilege recognized by a law in force in the country that made the request; or
- (c) a law in force in the country that made the request providing that the answering of that question or the production of that record or thing by that person in its own jurisdiction is, or shall be deemed to be, a criminal offence.

(6) Where a person refuses to answer a question or to produce a record or thing under sub-section (5), the court shall refer the matter to the central authority which shall notify the requesting country accordingly and request it to provide a response on whether the person's refusal is well founded under the law of that country.

(7) Any response received by the central authority from the country in response to a request under sub-section (6) shall, notwithstanding anything contained in the Qanoon-e-Shahadat 1984, (P.O. No 10 of 1984), be admissible in the evidence-gathering proceedings.

(8) The court may issue a warrant for the arrest of a person named in an evidence-gathering order where it is satisfied that the person was personally served with the order and he wilfully did not attend or remain in attendance as required or is about to abscond.

(9) A person arrested in pursuance of warrant issued under sub-section (8) shall be forthwith brought before the court, to ensure compliance with the order made under sub-section (2), and the court may pass order that the person be detained in custody or released with or without production of sureties.

(10) A search warrant,—

- (a) shall be issued in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898);
- (b) shall specify time and date when the court will hear any representation from any person from whom a record or thing is seized pursuant to the warrant, before any order is made to send it to the country; and
- (c) may include such terms and conditions as the court considers desirable including conditions relating to the time or manner of its execution.

(11) The person executing a search warrant, issued under sub-section (2),—

- (a) may seize any property which he believes on reasonable grounds to afford evidence of, or has been obtained for, or used in, or is intended to be used in the commission of a criminal offence; and
- (b) shall, at least three days before the time of the hearing to consider its execution, file in the court a written report concerning the execution of the warrant including a description of the records or things seized.

(12) At the hearing to consider the execution of search warrant, the court, after considering any representation made by the central authority or any person from whom record or thing was seized pursuant to the warrant or any person who claims to have an interest in the record or thing may,—

(a) order that the record or thing be returned to the person from whom it was seized or the person lawfully entitled to its possession and the warrant was not executed according to its terms and that it would be in the public interest to return it; or

(b) order that the record or thing be sent to the country, and include in the order such terms and conditions as the court considers necessary—

- (i) to, give effect to the request from that country; and
- (ii) with respect to the preservation and return to Islamic Republic of Pakistan of any record or thing seized so as to respect the interest of a third party.

(13) No record or thing seized and ordered to be sent to a country shall be sent until the central authority is satisfied that the country has agreed to comply with any terms or conditions imposed in respect of the sending abroad of the record or thing.

10. **Limitation on use of evidence.**—Any evidentiary material provided to a country by Islamic Republic of Pakistan as a result of a request for gathering of evidence under this Act,—

- (a) shall not be used for any other purpose than the investigation, prosecution or judicial proceedings in respect of which the request for assistance was made; and
- (b) shall be inadmissible as evidence in any proceedings other than the proceedings in respect of which it was obtained, unless the central authority has approved its use for those other purposes with the consent of the country or the material has been made public in the normal course of the judicial proceedings for which it was provided.

11. **Foreign requests for assistance from persons serving imprisonment.**—(1) Where the central authority approves a request of a country to have a person serving a term of imprisonment in Islamic Republic of Pakistan, transferred to the requesting country for fixed period to give evidence or assist in an investigation or proceedings in that country relating to ‘an offence committed or suspected on reasonable ground to have been committed against the laws of the requesting country, in respect of conduct which if occurred in Islamic Republic of Pakistan constitutes a criminal offence, the central authority may apply to the court for a transfer order.

(2) The court, to which an application is made under sub-section (1), may make a transfer order where, after having considered among other things any documents filed or information given in support of the application, it is satisfied that the person serving imprisonment has consented to the transfer.

(3) A transfer order, made under sub-section (2),—

- (a) shall set out the name of the person serving imprisonment and his place of confinement;
- (b) shall require the person who has custody of the person to deliver him into the custody of the person who is designated in the order or who is a member of the class of persons so designated;
- (c) shall require the person receiving the person into custody to take him to the requesting country and on return of the person to Islamic Republic of Pakistan, to return him to the place of confinement where he was detained when the order was made, or to such other place of confinement as the central authority subsequently may notify;

- (d) shall specify the reasons for the transfer;
- (e) shall fix the period of time at, or before the expiration of, which the person must be returned to Islamic Republic of Pakistan;
- (f) shall have written undertaking from the requesting country that the person will not be detained, prosecuted, extradited to a third country or punished for any offence against the law of the foreign country that is alleged to have committed, or that was committed, before the persons departure from Islamic Republic of Pakistan;
- (g) shall have written undertaking from the requesting country that the person shall not to be required to give evidence in any proceeding in the foreign country other than in respect of conduct which if occurred in Islamic Republic of Pakistan constitutes a criminal offence, to which the request relates; and
- (h) may include such terms or conditions relating to the protection of the interest of the person as the court considers appropriate.

(4) The time spent in custody by a person pursuant to transfer order shall, so long as such person remains in such custody and is of good behavior, be deemed to have been spent in service of the sentence.

**12. Detention of person in Pakistan in response to request by Pakistan.**—(1) The central authority may, by written notice, authorize temporary detention in Islamic Republic of Pakistan of a person in detention in a country who is transferred from that country to Islamic Republic of Pakistan pursuant to a request under clause (g) of section 7, for such period as may be agreed with that country for the purposes of request and return the person in custody to that country.

(2) A person in respect of whom a notice is issued under sub-section (1) shall, so long as the notice is in force,—

- (a) be permitted to enter Islamic Republic of Pakistan and remain in Islamic Republic of Pakistan for the purpose of the request and to leave Islamic Republic of Pakistan when no longer required for that purpose; and
- (b) while in custody in Islamic Republic of Pakistan for the purpose of request, be deemed to be in lawful custody.

(3) The central authority may at any time vary notice under sub-section (1), where the country makes a request for release of the person from custody,



either immediately or on the specified date, and direct that the person be released from custody accordingly.

(4) The provisions of this section shall apply, *mutatis mutandis*, in the case of any detained person in transit through Islamic Republic of Pakistan from one foreign country to another pursuant to a request for assistance of the kind referred to in this section.

(5) Any person in Islamic Republic of Pakistan under this section who is in Islamic Republic of Pakistan in response to a request by the central authority under this Act to give evidence in any proceedings or to give assistance in relation to an investigation, prosecution or the related proceedings, may not be—

- (a) detained, prosecuted or punished for any other criminal offence that occurred prior to his arrival in Islamic Republic of Pakistan; and
- (b) subjected to judicial process in any other matter before the person's departure from the country pursuant to the request.

**13. Foreign request to Islamic Republic of Pakistan for freezing or seizure orders.**—(1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country pursuant to section 10 to restrain dealings in any properties, some or all of which are believed on reasonable ground to be located in Islamic Republic of Pakistan, the central authority may apply to the court for a freezing or seizure order.

(2) The court to which an application is made under sub-section (1) may issue a freezing or seizure order, where the court is satisfied that there are reasonable grounds to believe that—

- (a) an offence has been committed, or is suspected on reasonable grounds to have been committed, by a person under the laws of the requesting country which, if committed in Islamic Republic of Pakistan, also constitutes a criminal offence in Islamic Republic of Pakistan;
- (b) an investigation or proceeding have commenced in the country relating to that offence;
- (c) properties derived by the person, by himself or any other person on his behalf, from the commission of the offence are located in Islamic Republic of Pakistan; and
- (d) an order has been made, or is likely to be made in the country having the effect of confiscating such properties.

(3) Where a foreign freezing or seizure order is registered in accordance with this section, a copy of any amendments made in the order of the country, whether before or after registration, may be registered in the same manner as the order was registered, but shall not have effect for the purpose of this Act until they are so registered.

(4) The court shall, on application by the central authority, cancel the registration of a foreign freezing or seizure order, if it appears that the order has ceased to have effect in that country.

(5) Subject to sub-section (6), where the foreign freezing or seizure order is a facsimile of a duly authenticated foreign order, or amendment made in such order, the facsimile shall be regarded for the purpose of this Act as the duly authenticated foreign order.

(6) Registration effected by means of a facsimile shall cease to have effect at the end of a period of fourteen days commencing on the date of registration, unless a duly authenticated original order has been registered by that time.

**14. Foreign confiscation order.**—(1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country for enforcement of a confiscation order in relation to any property which is believed on reasonable ground to be located in Islamic Republic of Pakistan, the central authority may apply to the court for enforcement of the confiscation order against such property.

(2) The court shall issue adequate notice to all persons appearing to have an interest in the property against which the confiscation order may be executed.

(3) Any person with an interest in the property against which the application for execution of the confiscation order has been tiled may, within thirty days of receiving notice under sub-section (2), make an application for an order excluding his interest in the property from execution of the confiscation order.

(4) The court to which an application is made under sub-section (1) may order to enforce the foreign confiscation order, where it is satisfied that there are reasonable grounds to believe that—

- (a) an offence has been committed by a person under the laws of the requesting country which, if committed in Islamic Republic of Pakistan, also constitutes a criminal offence in Islamic Republic of Pakistan;
- (b) the foreign confiscation order has been made in the country in relation to the offence referred to in clause (a);

- (c) the confiscation order is in force in the requesting country and is not subject to appeal;
- (d) the properties specified in the confiscation order are located in Islamic Republic of Pakistan; and
- (e) the person, who is the subject of the confiscation order, did not appear in the proceedings in that country for the following reasons, namely:—
  - (i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or
  - (ii) the person died or absconded before such notice could be given.

(5) The central authority may enter into arrangements with the requesting country for transfer to the central authority the whole or part of any property, proceeds or instrumentalities of crime confiscated in Islamic Republic of Pakistan in response to a request for the enforcement of a confiscation order pursuant to this Act.

**15. Request to recover foreign fines.**—(1) Where the central authority approves a request from a country to enforce payment of a fine imposed by a court of that country, it shall make an application to the court to enforce payment of the fine in the manner as if the fine has been imposed by a court in Islamic Republic of Pakistan.

*Explanation.*—For the purpose of this section the expression “fine” shall include any pecuniary penalty determined by a foreign court to represent the value of any property, benefit, advantage, obtained or derived directly or indirectly as a result of the commission of an offence.

- (2) The court may pass the order for enforcement of fine, if it is satisfied that—
- (a) the foreign order is in force in that country and is not subject to appeal; and
  - (b) where the person, who is the subject of the foreign order, did not appear in the proceedings in that country for the following reasons, namely:—
    - (i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or

(ii) the person died or absconded before such notice could be given.

(3) No proceedings under sub-section (1) shall be instituted after the expiry of three years from the date when the fine was imposed.

**16. Application of specific procedures sought by the requesting country.**—(1) A request for assistance shall be executed in accordance with any procedures specified in the request, unless such execution is contrary to the provisions of any law or Constitution of Islamic Republic of Pakistan.

(2) If a country requests a form of assistance not specifically mentioned in this Act but available under the law of Islamic Republic of Pakistan for domestic criminal matters, the assistance sought may be provided to the same extent and under the same conditions as is available to law enforcement authorities of Islamic Republic of Pakistan in a domestic criminal matter.

**17. Refusal of request for assistance.**—(1) A request for mutual legal assistance to Islamic Republic of Pakistan under this Act may be refused by the central authority if,—

- (a) granting the request is prejudicial to the sovereignty, security, public interest or national interests of Islamic Republic of Pakistan;
- (b) there are reasonable grounds to believe that the request has been made for the purpose of punishing a person by reason of his race, sex, sexual orientation, religion, nationality, ethnic origin, language, colour, age, mental or physical disability or political opinion;
- (c) the provision of assistance is prejudicial to an investigation or on going proceedings in Islamic Republic of Pakistan, the execution of the request for assistance may be postponed until the finalization of the investigation or proceedings;
- (d) the provision of the assistance imposes an excessive burden on the resources of the Federal, Provincial or local authorities of Islamic Republic of Pakistan;
- (e) the authorities of Islamic Republic of Pakistan are prohibited by the domestic law or order of a court from carrying out any action requested with regard to any similar offence, had it been subject to domestic investigation, prosecution or judicial proceedings; or
- (f) it would be contrary to the laws of Islamic Republic of Pakistan.

(2) Notwithstanding contained in sub-section (1) or the provisions of any other law for the time being in force in Islamic Republic of Pakistan, assistance under this Act shall not be refused,—

- (a) on the ground of bank secrecy; or
- (b) on the sole ground that the offence for which assistance is sought is also considered to involve fiscal matters.

**18. Non-disclosure of confidential requests for assistance.—**(1) Unless otherwise authorized by law, a person who, because of his official capacity or office and being aware of confidential nature of the requests, has knowledge of the,—

- (a) contents of such request made under this Act;
- (b) fact that such a request has been or is about to be made; or
- (c) fact that such a request has been refused,

shall not disclose those contents or those facts except to the extent that the disclosure is necessary to execute the foreign request.

(2) Any person who contravenes the provision of sub-section (1), shall be deemed to have committed an offence and shall on conviction be punished with imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

(3) The court may order the person providing a statement or testimony, or the custodian of evidence or information being provided under this Act, to keep confidential the fact of having such statement or testimony or having produced such evidence or information. The failure in this respect is liable to a sentence which on conviction may entail imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

**19. Expedited preservation and disclosure of information system.—**(1) upon request by a country setting forth,—

- (a) the need for specified electronic data to be preserved;
- (b) the urgency of preserving it;
- (c) sufficient information to locate the electronic data; and

- (d) a statement that a request for production of the data will follow,

the central authority may issue an order to any person in Islamic Republic of Pakistan to preserve and safeguard such data.

(2) The order under sub-section (1) shall lapse if the request for production is not received within sixty days of the request for preservation.

(3) Where in the course of execution of a request under sub-section (1) to preserve computer data concerning a specific communication, the central authority discovers that a service provider in another country was involved in the transmission of the communication, the central authority shall have power to disclose to the requesting country, prior to receipt of the request for production, sufficient amount of the computer data to identify that service provider and the path through which the communication was transmitted.

**20. Production, Search and seizure of information system.**—(1) Upon request of a country, the central authority may make an application to the court to issue an order for the production of,—

- (a) specified electronic data in the possession or control of a person which is stored in a computer system; and
- (b) electronic data in the possession or control of service provider, where such data or information is relevant to the criminal matter in the requesting country.

(2) The court may issue a search warrant, or order authorizing a person designated by it to search or otherwise access any computer system or part thereof in which computer data may be stored.

(3) The search warrant or order issued pursuant to sub-section (1) may authorize the designated person, where necessary to—

- (a) seize or otherwise secure a information system or part thereof;
- (b) make and retain a copy of the electronic data;
- (c) maintain the integrity of the relevant electronic data; and
- (d) render inaccessible or remove the electronic data in the accessed information system.

21. **Costs.**—The execution of a request for mutual legal assistance in Islamic Republic of Pakistan shall be conducted without charge to the requesting country, except for—

- (a) costs incurred by the attendance of experts in the territory of Islamic Republic of Pakistan; or
- (b) costs incurred by the transfer of a person in custody; or
- (c) any costs of substantial or extraordinary nature.

(2) The costs of establishing a video or audio or telephone link, costs related to the servicing of a video or telephone link in Islamic Republic of Pakistan, the remuneration of interpreters provided by it and allowances to witnesses and their travelling shall be borne by that country.

22. **Suspension of time pending execution of a request for assistance.**—Notwithstanding anything contained in any other law for the time being in force, the law of limitation or other time limit on bringing prosecution or enforcing a sentence in relation to a person or property shall be suspended of time pending execution of a mutual assistance request made by Islamic Republic of Pakistan to a country.

23. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Federal Government, central authority or any other officer or person exercising, any power or performing any functions under this Act or rules made thereunder for anything done or intended to be done in good faith.

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

25. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent With the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

26. **Savings.**—(A) The provisions of this Act shall be in addition to and not in derogation of any of the provision relating to mutual legal assistance in criminal matters contained in Any other law for the time being in force, including the Customs Act, 1969 (IV of 1969), the Extradition Act, 1972 (X of 1972), the securities Exchange Commission of Islamic Republic of Pakistan Act, 1997 (XLII of 1997), the National Accountability Ordinance 1999 (XVIII of 1999), the Transfer of offenders Ordinance 2002 (XXXVII of 2002), the Anti-money Laundering Act, 2010 (VII of 2010) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016).

26(b) Notwithstanding anything contained hereinabove, the procedure of International Co-operation Requests for mutual legal assistance in relation to the matters falling under the National Accountability Ordinance, 1999 and the United Nations Convention Against Corruption (UNCAC), shall be pursued directly, as a recipient or requesting agency, by the National Accountability Bureau.

STATEMENT OF OBJECTS AND REASONS

MUTUAL LEGAL ASSISTANCE (CRIMINAL MATTERS) ACT, 2019.

Increase in transnational organized crime has made it imperative for the international community including Islamic Republic of Pakistan to improve effectiveness of legal instruments. Lack of uniformity in law and weak coordination mechanisms between countries affect combating of crime across borders. In order to overcome these challenges legal cover is essentially required.

2. International cooperation in criminal matters through mutual legal assistance is intended to bridge existing gaps in respective countries towards effective law enforcement. The requested state will provide legal support to the requesting state by executing necessary actions on its territory in criminal cases warranting shared assistance.

MR. IJAZ AHMAD SHAH,  
*Minister for Interior.*

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N. A. BILL NO. 63 OF 2019

A

BILL

*further to amend the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 in its application to such areas in the Federation as are not included in any Province*

WHEREAS, it is expedient further to amend the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 (XLII of 1973), in its application to such areas in the Federation as are not included in any Province, for the purposes hereinafter appearing;

It is hereby enacted as follows:—



1. **Short title and commencement.**—(1) This Act shall be called the Loans for Agricultural, Commercial and Industrial Purposes (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XLII of 1973.**—In the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 (XLII of 1973), hereinafter called as the said Act, in section 3,—

(a) after clause (a), the following new clause shall be inserted, namely:—

“(aa) “designated agency” means a department or authority as the Minister-in-charge of the Federal Government or Provincial Government as the case may be may, by notification in the official Gazette, designate to prepare, issue and authenticate e-pass book and cause to give effect to entries in revenue record;”;

(b) after clause (d), the following new clause shall be inserted, namely:—

“(da) “pass book” means a title-document prepared in the prescribed manner setting out particulars of land owned by land owner and shall include e-pass book prepared or issued by a designated agency;”.

3. **Amendment of section 4, Act XLII of 1973.**—In the said Act, in section 4, in sub-section (1), the words “setting out particulars of the land owned by him” shall be omitted.

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#### STATEMENT OF OBJECTS AND REASONS

- (1) Agricultural Pass Book System was introduced by the Federal Government through promulgation of Loans for Agricultural, Commercial & Industrial Purposes (LACIP) Act, 1973 for simplifying the agricultural loans procedure, which was subsequently amended in 1987 to provide for assessment of value of land on market price in addition to PIU (Produce Index Unit).
- 2) The Pass book can be obtained from any Post Office on nominal price. The Pass Book contains record of entire land owned by the land owner falling within territorial jurisdiction of Tehsil/Sub-Tehsil/ Issuing Authority possessed by him/her alongwith his/her legal share

- with any encumbrance or charge thereon at the time of its issuance duly authenticated by the concerned Kanungo/Revenue Officer.
- (3) LACIP Act-1973 and Rules made there under provide complete mechanism right from issuance of Agricultural Pass Book, land valuation, legal share, charge creation upto the redemption of charge on land after repayment of loan.
- (4) Presently 99% ZTBL loans are provided on Agricultural Pass Book system which is prepared by the Revenue Authorities in accordance with provisions of “Loans for Agricultural, Commercial & Industrial Purposes Act, 1973 (LACIP Act) and Rules made there under”.
- (5) After introduction of Mark-up Free Agricultural E-Credit Scheme, Government of the Punjab has been financing under digitalized/E-Pass Book System. Since digitalized/E-Pass Book is not recognized by LACIP Act, 1973 & Rules made there under or any other Law, therefore, loans provided on the basis of this digitalized/E-Pass Book are likely to jeopardize the interest/funds of the Bank.
- (6) In order to avoid any legal implications as well as to safeguard the loans/funds of the Bank, the amendments in the “Loans for Agricultural, Commercial & Industrial Purposes Act, 1973” are imperative & essential across the Pakistan to safeguard the financing of the Banks/DFIs under digitalized/E-Pass Book system.

DR. ABDUL HAFEEZ SHAIKH  
*Adviser to Prime Minister on Finance,  
Revenue, and Economic Affairs*

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N. A. BILL NO. 64 OF 2019

A

BILL

*to provide for constitution and regulation of the Joint Maritime Information  
Organization*

WHEREAS it is expedient to constitute a Joint Maritime Information Organization to synergize efforts of all organizations and agencies, information sharing for Maritime Security and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Joint Maritime Information Organization Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all Ministries, Divisions, departments and agencies related to maritime sector including the law enforcement agencies at sea, specified in Schedule-I to this Act.

(4) It shall come into force at once.

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

- (a) “concerned agencies” means those agencies, departments, Divisions and Ministries which are specified in Schedule-I;
- (b) “Director” means the officer in command of JMICC appointed under sub-section (2) of section 3;
- (c) “Joint Maritime Information Organization” or “JMIO” means the Joint Maritime Information Organization established under section 3;
- (d) “Joint Maritime information and Coordination Centre” or “JMICC” means the Joint Maritime Information and Coordination Centre, established under clause (a) of sub-section (2) of section 5;
- (e) “maritime interests of Pakistan” includes rights, control, jurisdiction and sovereignty over maritime zones and the sovereign rights of Pakistan to explore, exploit, conserve, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the unauthorized exploitation of resources of Pakistan seas, sub-soil and prevention thereto from damage through pollution or any other means;
- (f) “maritime zones” mean the territorial sea, the contiguous zone, continental shelf and exclusive economic zone of Pakistan as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976), or any other zone or area declared as such by the Federal Government and includes the internal waters;
- (g) “maritime domain awareness” means the effective understanding of anything associated with the maritime domain that could impact the security, safety, economy or environment of the country;

- (h) “prescribed” means prescribed by rules made under this Act; and
- (i) “rules” means rules made under this Act.

(2) All words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings as assigned thereto by the Pakistan Navy Ordinance, 1961 (XXXV of 1961).

3. **Constitution of Organization.**—(1) The Federal Government may by notification in the official Gazette, constitute a Joint Maritime Information Organization (JMIO).

(2) The JMIO shall consist of a Director to be appointed by the Naval headquarters from amongst the officers of Pakistan Navy and such other officers and members of the staff for smooth functioning of the organization as may be prescribed.

(3) The head of concerned agency shall be authorized to appoint, depute or attach officers including civilian officers and other members of the staff to JMIO and duties to be performed by these officers or staff may be determined by the Director.

(4) The JMIO shall be manned by officers and staff of Pakistan Navy and representatives of concerned agencies on deputation or attachment from respective concerned agency.

4. **Control, superintendence, command and administration of the JMIO.**—Subject to overall control of the Division to which business of defence of Pakistan stands allocated and superintendence of the Pakistan Navy, the command and administration of JMIO shall vest in JMIO and shall be exercised by the Director as its chief executive in accordance with the provisions of this Act and the rules made thereunder.

5. **Powers and functions of JMIO.**—(1) All concerned agencies shall be responsible to share information with JMIO on terrorism, subversive and criminal activities which include human trafficking, illegal arms transportation, smuggling of contraband goods, drug trafficking and illegal fishing etc. JMIO shall be responsible to coordinate and disseminate actionable information with the concerned agency to generate immediate and effective response.

(2) Without prejudice to the generality of the provisions of sub-section (1), the functions of the JMIO shall be to—

- (a) establish JMICC at Karachi under the auspices of Pakistan Navy;
- (b) manage and maintain the expeditious flow of information relating to incidents of maritime terrorism, piracy, distress at sea, environmental protection, illegal fishing and any other illegal activity within Pakistan's maritime jurisdiction;
- (c) collect, collate and analyze the information received from any of the concerned agencies or organization including other relevant information, if any, relating to individuals and transnational organized criminal groups intending or committing illegal activities along the coastal areas including acts of terrorism against ships within maritime zones including ports and harbours;
- (d) prepare statistics and reports on the basis of the information gathered and analyzed under clause (c) and to disseminate them to the concerned agencies or organizations, as far as possible;
- (e) provide an appropriate alert, whenever possible, to the concerned agencies if there is a reasonable ground to believe that a threat of incidents of illegal act along the coastal areas including act of terrorism against ships within maritime zones including ports and harbour is imminent;
- (f) coordinate and share available information on shipping and on criminal groups and individuals with regional and international maritime information sharing organizations and centers for maritime domain awareness;
- (g) prepare non-classified statistics and reports based on information gathered and analyzed under clause (c) and to disseminate them to the shipping community and the international maritime organizations;
- (h) perform such other functions as may be agreed upon by the concerned agencies with a view to preventing illegal acts within Pakistan's maritime jurisdiction; and
- (i) perform such other functions as may be assigned to it by the Division to which business of defence of Pakistan stands allocated, from time to time, to protect maritime interests of Pakistan.

(3) In performance of its functions, the JMIO shall maintain the confidentiality of information provided by the concerned agency and shall not release or disseminate such information unless the consent of that agency is taken in advance.

6. **Application of certain laws.**—(1) Subject to the provision of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961).

(2) Notwithstanding anything contained in sub-section (1), a civil servant transferred to the JMIO on deputation or a person subject to the Pakistan Army Act, 1952 (XXXIX of 1952) or the Pakistan Air Force Act, 1953 (XXXV of 1953), on secondment to the JMIO, not otherwise subject to this Act, shall be so subject to this Act and the Pakistan Navy Ordinance, 1961 (XXXV of 1961), to the extent and under such conditions as the Division to which business of defence of Pakistan stands allocated may direct, provided that such civil servant and other person shall be subject to the said Ordinance when he—

- (a) seduces or attempts to seduce any person subject to this Act from his duty or allegiance to the Government;
- (b) commits any offence in relation to any work of defence, arsenal, naval, military, air force or JMIO's establishment or station;
- (c) commits any offence under the Official Secrets Act, 1923 (XIX of 1923) in relation to the affairs of the JMIO; or
- (d) commits any offence punishable under any law for the time being in force on the establishment, station or property of the JMIO or in relation thereof.

7. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

8. **Power to make rules.**—The Federal Government may make rules consistent with this Act for carrying out the purpose of this Act.

9. **Oath of allegiance.**—A member of private sector shall, as soon as possible after appointment or enrolment to the JMIO, make and subscribe before his Director or any other officer appointed by the Director on his behalf, an oath in the form set out in the Schedule-II to this Act.

10. **Power to amend Schedule.**—The Division to which business of defence of Pakistan stands allocated may, by notification in the official Gazette, amend Schedule-I to this Act, so as to add any entry thereto, omit any entry therefrom or amend any entry therein.

## SCHEDULE-I

*[see sub-section (3) of section 1 and sub-section(1) of section 5]*

S No	Concerned Agencies	
(1)	(2)	(3)
1.	Federal Investigation Authority (Immigration)	
2.	Pakistan Coast Guard (PCG)	Ministry of Interior
3.	Pakistan Rangers (Sindh)	
4.	Directorate of Ports and Shipping at Karachi	
5.	Mercantile Marine Department (MMD)	
6.	Karachi Port Trust (KPT)	
7.	Port Qasim Authority (PQA)	Ministry of Maritime Affairs
8.	Gwadar Port Authority (GPA)	
9.	Fishery Department Sindh	
10.	Pakistan National Shipping Corporation (PNSC)	
11.	Marine Fishery Department(MFD)	
12.	Korangi Fish Harbour (KoFH)	Ministry of National Food Security and Research
13.	Pakistan Marine Academy	
14.	Fishery Development Board (FDB)	
15.	National Institute of Oceanography (NIO)	
16.	Space and Upper Atmosphere Research Commission (SUPARCO)	
17.	Anti-Narcotics Force (Sindh and Balochistan)	Narcotics Control Division
18.	Customs Department (Sindh and Balochistan)	Revenue Division/ FBR
19.	Pakistan Army (Southern Command/HQ 5 Corps)	Ministry of Defence
20.	Pakistan Maritime Security Agency (PMSA)	
21.	Inter-Services Intelligence (ISI)	
22.	Institute of Maritime Affairs (IMA)/ PN	
23.	Ministry of Foreign Affairs	
24.	Commissioner Office (Karachi)	Govt of Sindh
25.	Karachi Fish Harbour Authority (KFHA)	
26.	Sindh Police	
27.	Fisherman Cooperative Society (FCS)	

28. Rescue Dept Hawks Bay
29. Provincial Disaster Management Authority, Sindh
30. Gadani Ship Breaking Association (GSBA) Govt of Balochistan
31. Fishery Department Balochistan
32. Balochistan Police
33. Provincial Disaster Management Authority,  
Balochistan
34. Pakistan Shipping Agents Association (PSAA)
35. Pakistan Sea Friends Welfare Organization
36. Native Island Fisherman Association (NIFA)
37. Fisherman Awareness Forum (FAF)
38. Pakistan Fisher Folk Forum (PFFF)
39. Sind Trawler Owners & Fishermen Association (STOFA) Miscellaneous/  
Private
40. Cargo Dhow Operator (CDO)
41. Bringing You Clear Option (BYCO)
42. Passenger Boat Association (PBA)
43. Ferry Operator Churna

#### SCHEDULE-II

[see section 9]

I \_\_\_\_\_ do solemnly swear that I shall bear true faith and allegiance to Pakistan;

That as an officer or member of the staff of Joint Maritime Information Organization, I shall discharge my duties and perform my functions faithfully and honestly, to the best of my ability and in accordance with the Constitution and the laws of the Islamic Republic of Pakistan, without fear, favour, affection or ill-will. That I shall not allow my personal interest to influence my official conduct or my official decisions.

May Allah Almighty help and guide me (Ameen).

Date: \_\_\_\_\_

\_\_\_\_\_

#### STATEMENT OF OBJECTS AND REASONS

Pakistan Navy conceived Joint Maritime Information Organization (JMIO) concept in 2012 to establish a formal mechanism for effective exchange of Maritime



related information between all stakeholders. Consequently, a Joint Maritime Information Coordination Centre (JMICC) was established under the auspices of Pakistan Navy at PNS Qasim, Karachi on 07th February, 2013.

2. Maritime security has assumed significant importance in contemporary global environment. Major threats emanating from sea include piracy, transnational criminal activities, illegal fishing, smuggling, human and drug trafficking, gun running, etc. These threats can assume asymmetric proportions for the state. Early detection and timely warning to various agencies responsible for maritime security will enable coordinated, immediate, and effective response to emerging situations. Majority of the maritime states have already restructured their maritime security organizations under a similar concept.

3. JMIO will act as a nerve centre for collecting, fusing, and disseminating information related to maritime domain to all stakeholders. Since the concept involves a number of stakeholders/agencies, which had peculiar command structure and organizations, therefore, a Bill passed by Parliament is considered imperative to achieve seamless integration of all the organizations.

Pervez Khattak  
Federal Minister for Defence

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Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 13th September, 2019 are published for information.

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE  
ON THE WHISTLEBLOWER PROTECTION AND VIGILANCE  
COMMISSION BILL, 2019**

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill to provide for the establishment of the Whistleblower Protection and Vigilance Commission [The Whistleblower Protection and Vigilance Commission Bill, 2019] (Government's Bill) referred to the Committee on 2nd May, 2019.

2. The Committee comprises the following:—

- |                            |                        |
|----------------------------|------------------------|
| 1. <b>Mr. Riaz Fatyana</b> | <b><i>Chairman</i></b> |
| 2. Mr. Atta Ullah          | <i>Member</i>          |
| 3. Mr. Lal Chand           | <i>Member</i>          |

4.	Mr. Muhammad Farooq Azam Malik	<i>Member</i>
5.	Ms. Kishwer Zehra	<i>Member</i>
6.	Ms. Maleeka Ali Bokhari	<i>Member</i>
7.	Mr. Muhammad Sana Ullah Khan Masti Khel	<i>Member</i>
8.	Malik Muhammad Ehsan Ullah Tiwana	<i>Member</i>
9.	Agha Hassan Baloch	<i>Member</i>
10.	Mr. Sher Ali Arbab	<i>Member</i>
11.	Ms. Shunila Ruth	<i>Member</i>
12.	Mr. Saad Waseem	<i>Member</i>
13.	Rana Sana Ullah Khan	<i>Member</i>
14.	Ch. Mehmood Bashir Virk	<i>Member</i>
15.	Mr. Usman Ibrahim	<i>Member</i>
16.	Khawaja Saad Rafique	<i>Member</i>
17.	Syed Hussain Tariq	<i>Member</i>
18.	Syed Naveed Qamar	<i>Member</i>
19.	Dr. Nafisa Shah	<i>Member</i>
20.	Ms. Aliya Kamran	<i>Member</i>
21.	Barrister Dr. Muhammad Farogh Naseem	<i>Ex-officio Member</i>
	Minister for Law and Justice	

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meetings held on 7th May, 15th May and 10th June, 2019 and recommended that the Bill may be passed by the National Assembly. However, note of Dissent given by Ms. Aliya Kamran, MNA is placed at Annex-B.

Sd/-  
TAHIR HUSSAIN  
Secretary  
Islamabad, the 13th June, 2019

Sd/-  
RIAZ FATYANA  
Chairman

### **Annex-A**

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to provide for the establishment of the Whistleblower Protection and  
Vigilance Commission*

WHEREAS it is expedient to provide for the establishment of the Whistleblower Protection and Vigilance Commission in order to facilitate a mechanism

for whistleblower information relating to corruption and to protect whistleblowers from disadvantageous measures, and to give them rewards for such whistleblower information and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Whistleblower Protection and Vigilance Commission Act, 2019.

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

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:

(a) “Authority” includes National Accountability Bureau, Federal Investigation Agency, Securities and Exchange Commission of Pakistan, Federal and Provincial anti-corruption departments, Financial Monitoring Unit and other Federal or Provincial agencies and authorities empowered to prosecute a person in respect of corruption and corrupt practices.;

(b) “Chairman” means the Chairman of the Commission;

(c) “Commission” means the Whistleblower Protection and Vigilance Commission established under section 3 of this Act;

(d) “Disadvantageous Measures” includes the following actions:

(i) removal from office, release from office, dismissal or any other unfavorable penal or personal action equivalent to the loss of status at work;

(ii) disciplinary action, suspension from office, reduction in pay, demotion, restriction on promotion and any other unfair personal action;

(iii) work reassignment, transfer, denial of duties, rearrangement of duties or any other personal actions that are against the Whistleblower’s will;

(iv) discrimination in the performance evaluation, etc. and subsequent discrimination in the payment of wages, bonuses, etc.;

- (v) cancellation of education, training or other self-development opportunities;
- (vi) the restriction or removal of budget, work force or other available resources;
- (vii) the suspension of access to security information or classified information or the cancellation of authorization to handle security information or classified information or any other discrimination or measure detrimental to the working conditions of the Whistleblower;
- (viii) putting the Whistleblower's name on a black or grey lists as well as the release of such a black or grey lists, bullying, the use of violence and abusive language, or any other action that causes physical harm;
- (ix) unfair audit or inspection of the Whistleblower's work;
- (x) cancellation of a license or permit, or any other action that causes disadvantage to the Whistleblower;
- (xi) termination of contract for goods or services, or any other measure that causes financial loss to the Whistleblower;
- (xii) intimidation;
- (xiii) threat of any of the above; and
- (xiv) any other unlawful adverse action;
- (e) "Government" means the Federal Government;
- (f) "prescribed" means prescribed by rules or regulations;
- (g) "Whistleblower Information" includes a complaint against a holder of public office to the Commission relating to the commission of offences:—
  - (i) of corruption and corrupt practices under the National Accountability Bureau Ordinance, 1999;
  - (ii) of a scheduled offence under Federal Investigation Agency Act, 1974;

- (iii) under the Anti-Money Laundering Act, 2010;
- (iv) under the Securities Act, 2015 in relation to public listed companies;
- (v) cognizable under the Federal and Provincial anti-corruption laws;
- (h) “regulations” mean regulations made under this Act;
- (i) “rules” mean rules made under this Act;
- (j) “Whistleblower” means a person or entity or an agency, who files a Whistleblower Information under this Act.

**3. Establishment of Whistleblowers Protection and Vigilance Commission.**—(1) As soon as, after the commencement of this Act:

- (a) the Government shall establish a Commission, to be known as the Whistleblower Protection and Vigilance Commission; or
- (b) the Government may, by notification, appoint any body corporate or office or any department of such body corporate or any Government department or functionary or any organization to act as the Commission as may be specified in the notification.

(2) In the event of exercise of power under clause (b) of sub-section (1) of this section, the notified body corporate, office, department, functionary or organization shall be deemed to be the Commission under this Act.

(3) The Commission may establish offices at such other places in Pakistan as it considers necessary.

(4) The Commission shall be administratively and functionally independent, and the Federal Government shall use its best efforts to promote, enhance and maintain the independence of the Commission.

**4. Composition of Commission.**—(1) The Commission shall consist of at least three members including a Chairman:

Provided that the Government may increase the number of Members, from time to time, as it may consider appropriate.

(2) The Members shall be appointed by the Federal Government for a period of three years and from amongst the Members of the Commission, the Federal Government shall appoint the Chairman:

Provided that the Chairman and Members shall be eligible for re-appointment for such term or terms but shall cease to hold office on attaining the age of sixty-five years or on the expiry of the term, whichever is earlier.

(3) All the Members of the Commission shall serve on a full-time basis.

(4) No person shall be recommended for appointment as a Member unless that person is known for his integrity, expertise, eminence and experience for not less than ten years in any relevant field including industry, commerce, economics, finance, law, accountancy, public administration, or service of Pakistan:

Provided that the Government may prescribe qualifications and experience and mode of appointment of such Members including the Chairman, in such manner as it may prescribe.

(5) No person shall be appointed or continued as a Member if he:—

- (a) has been convicted of an offence involving moral turpitude;
- (b) has been or is adjudged insolvent;
- (c) is incapable of discharging his duties by reason of physical, psychological or mental unfitness and has been so declared by a registered medical practitioner appointed by the Federal Government;
- (d) absents himself from three consecutive meetings of the Commission, without obtaining leave of the Commission;
- (e) fails to disclose any conflict of interest at or within the time provided for such disclosure under this Act or contravenes any of the provisions of this Act pertaining to unauthorized disclosure of information.

(6) No act or proceeding of the Commission shall be invalid by reason of absence of a Member or existence of vacancy among its Members or any defect in the constitution thereof.

(7) No Member or officer of the Commission shall assume his office until he has made a declaration affirming secrecy and fidelity.

(8) The remuneration payable to the Members, officers, employees, staff, officials, experts, advisers and consultants by whatever nomenclature and the administrative expenses of the Commission shall be expenditures charged upon the Federal Consolidated Fund.

(9) The accounts of the Commission shall be audited every year by the Auditor General of Pakistan.

5. **The Chairman.**—(1) The Chairman shall be the chief executive of the Commission and shall, together with the other Members, be responsible for the administration of the affairs of the Commission.

(2) The Chairman may, subject to such conditions as he may deem fit, from time to time, delegate all or any of his powers and functions to any of the Members.

6. **Meetings of Commission.**—(1) Subject to this section, the Chairman may convene such meetings of the Commission at such times and places as he considers necessary for the efficient performance of the functions of the Commission.

(2) The Chairman shall preside at every meeting of the Commission, and in the absence of the Chairman, the Members may elect a Member to preside at the meeting.

(3) All questions arising at any meeting of the Commission shall be determined by a majority of votes of the Members present and voting.

(4) In the event of an equality of votes, the Chairman shall have a casting vote.

(5) Subject to the provisions of this Act, the Chairman may give directions regarding the procedure to be followed at or in connection with the working of the Commission.

7. **Appointments by Commission.**—(1) The Commission may appoint such officers, employees, officials, experts, advisers, and consultants by whatever nomenclature as it considers necessary to carry out such functions as may be prescribed by the Commission with such powers and on such terms and conditions as it may determine from time to time.

(2) The Commission may delegate any of its powers and functions to any officer of the Commission, as it may deem appropriate.

(3) The Commission may, by notification in the official Gazette, make regulations in respect of the terms and conditions of service of its employees.

8. **Requirements of a Whistleblower Information.**—(1) Any person or entity or an agency may make a Whistleblower Information before the Commission.

(2) Any person or agency making the Whistleblower Information shall make a personal declaration stating that he reasonably believes that the information disclosed by him and allegations contained therein are true to the best of his knowledge and belief.

(3) Every Whistleblower Information shall be made in writing or by electronic mail or electronic mail message in accordance with the rules as may be prescribed and be accompanied by supporting documents, or other material, if any.

(4) No action shall be taken on a Whistleblower Information by the Commission if the disclosure does not indicate the identity of the Whistleblower or the identity of the Whistleblower is found to be incorrect or false.

9. **Exemption from Disclosure.**—Whistleblower information shall not be made if the information:

- (i) is likely to prejudicially affect:
  - (a) the sovereignty and integrity of Pakistan;
  - (b) the security, strategic or economic interests of Pakistan;
  - (c) relations with foreign states;
  - (d) is prohibited under the Official Secrets Act, 1923;
- (ii) may lead to incitement of an offence;
- (iii) contains Cabinet or Cabinet Committees' papers, including records of deliberations of the Ministers, Secretaries and other offices in the Cabinet except as permitted by the Cabinet Secretary;
- (iv) has been expressly forbidden to be disclosed or published under any law or by a court or tribunal, or if the disclosure of information may result in contempt of court, cause a breach of privilege of Parliament or Provincial Assembly;
- (v) relates to trade secrets or intellectual property, except if such information is permitted to be disclosed under the law;
- (vi) is available to the person making the disclosure in his fiduciary capacity, except if such information is permitted to be disclosed under the law;



- (vii) is received in confidence from a foreign government;
- (viii) impedes the process of inquiry, investigation or apprehension or prosecution of offenders;
- (ix) endangers the life or physical safety of a person, or identifies information given in confidence for law enforcement;
- (x) contains disclosure of personal information or if the information has no relationship with public interest or if the information causes unwarranted invasion of privacy, except if it is permitted to be disclosed under the law.

**10. Powers and functions of the Commission.**—(1) The Commission shall have the powers to receive and assess Whistleblower Information complaints.

(2) For the purpose of assessment, the Commission shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any authority, agency, court or office;
- (e) issuing commissions for the examination of witnesses or documents;  
and
- (f) such other matters as may be prescribed.

(3) The Commission shall be deemed to be a court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1898 (Act V of 1898), and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and section 196 of the Pakistan Penal code, 1860 (Act XLV of 1860).

(4) The Commission or an officer of the Commission duly authorized shall have the power to seek full and complete assistance and call for all or any documents

and information relevant to or in connection with any matter or assessment pending before the Commission from any department of the Federal Government, Provincial Government, local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector, as the Commission may deem fit and proper to demand or require, provided that in any case in which a question of secrecy is involved or is raised by such department of the Federal Government, Provincial Government, local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector, at any time, the decision of the Commission shall be final.

(5) Where any record has been provided to the Commission for the purpose of assessment, the same shall be returned in original to the concerned institution, as soon as possible, but not later than thirty (30) days and attested copies thereof may be retained by the Commission.

(6) No claim for any privilege and confidentiality shall be accepted in a proceeding under this Act unless otherwise decided by the Commission.

**11. Assessment and complaint in relation to Whistleblower Information.**—(1) The officer duly authorized by the Commission may make an assessment of the Whistleblower Information within a period of sixty (60) days from receipt thereof.

(2) Upon assessment, if the Commission is of the view that the Whistleblower Information warrants further probe, inquiry or investigation by an Authority which could result in criminal prosecution in respect of any offence under the National Accountability Bureau Ordinance, 1999, the Federal Investigation Agency Act, 1974, the Anti-Money Laundering Act, 2010, and the Securities Act, 2015 in relation to listed companies, it shall refer the Whistleblower Information or any other relevant material including any finding or analysis by the Commission or otherwise, to the Authority.

(3) The reference by the Commission under sub-section (2) of this section shall constitute a complaint to the Authority, which shall be the complainant before the Authority.

**12. Protection to the Whistleblower.**—(1) The Commission shall ensure that no Whistleblower is victimized by Disadvantageous Measures or otherwise merely on the ground that such Whistleblower had made a Whistleblower Information or rendered assistance in assessment under this Act.

(2) If a Whistleblower is being subjected to Disadvantageous Measures or likely to be subjected to Disadvantageous Measures on the ground that he has

made Whistleblower Information, he may file an application before the Commission seeking redressal in the matter. The Commission may pass such orders to the concerned authority as deemed appropriate.

(3) Every order given under sub-section (2) by the Commission shall be binding upon the concerned authority against whom the allegation of victimization has been proved.

**13. Rewards and Punishments.**—(1) In the event of recovery, as result of Whistleblower Information, made by the Whistleblower under this Act, he shall be rewarded twenty percent of the recovered amount and a certificate of appreciation.

(2) In case any recovery is made in view of Whistleblower Information made by more than one Whistleblower, the twenty percent reward mentioned in sub-section (1) of this section shall be equitably apportioned between the Whistleblowers as deemed fit by the Commission, keeping in view the contribution of each Whistleblower.

**Explanation:** For the purpose of this section, “Whistleblower” means a natural person and not an entity or agency.

(3) Any person who lodges a frivolous or false Whistleblower Information shall be punished with imprisonment for a term which shall not extend to more than two years or with fine which may extend upto two hundred thousand rupees or with both:

Provided that the amount of the fine shall be paid to the person against whom the false Whistleblower Information has been made.

**14. Identity of Whistleblower.**—The identity of the Whistleblower shall not be disclosed before the Authority or any agency or forum or to anyone even after the finalization of the matter, except upon written consent by the Whistleblower, and if the Commission after inquiry is of the view that any person has revealed the identity of the Whistleblower, it may impose a fine which may extend to rupees five hundred thousand, which shall be paid to the Whistleblower.

**15. Annual report.**—(1) The Commission shall prepare a Consolidated Annual Report of the performance of its activities in such a form as may be prescribed and submit it to the Government preferably in the last month of the year, without disclosing the identity of the Whistleblower.

(2) The Annual Report shall be laid before the Parliament for consideration.

16. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Commission or against any officer, employee, agency or person acting on its behalf or a Whistleblower, in respect of anything which is in good faith done or intended to be done under this Act.

17. **Act to override other laws.**—The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

18. **Power to make rules.**—(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of following matters, namely:—

- (a) prescribing a process for Whistleblower Information;
- (b) the procedure for assessment of Whistleblower Information under sub-section (1) of section 11;
- (c) determination and payment of Reward under sub-section (1) of section 13;
- (d) prescribing the qualifications, terms and conditions of service, and the methodology of appointment of Members;
- (e) the procedure for the working and meetings of the Commission; and
- (f) any other matter which is incidental, ancillary or connected to the purpose of this Act.

19. **Power to make regulation.**—The Commission may make regulations, not inconsistent with the provisions of this Act.

20. **Repeal.**—The Public Interest Disclosures Act, 2017 (XXXVI of 2017) is hereby repealed.

#### STATEMENT OF OBJECTS AND REASONS

The Bill is designed to establish Whistleblower Protection and Vigilance Commission in order to provide a mechanism for whistleblower information relating to corruption and to protect whistleblowers from disadvantageous measures such as removal from office, disciplinary action and intimidation etc. In order to give incentive

to whistleblowers the Bill provides rewards but also to discourages false information it also provides punishment for them.

MINISTER-IN-CHARGE

**Note of Dissent**

This is a very dangerous idea. It will further augment differences within the Society. There will be enmities amongst the people. There will be a group of informer and the culture of informer would flourish. People will humiliate the others in greed of money. We are unable to protect the witnesses in cases in our country and are setting up military Courts for this purpose then how would we defend the informers. The matter which are to be dealt by the government institutes, are being assigned to common people. It will produce dangerous results.

Sd/-  
AALIA KAMRAN  
*Member of National Assembly*  
(NA-329)

NATIONAL ASSEMBLY SECRETARIAT

**REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE  
ON THE ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS BILL,  
2019**

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill to protect and secure the rights of ownership of women in the property [The Enforcement of Women's Property Rights Bill, 2019] (Government's Bill) referred to the Committee on 2nd May, 2019.

2. The Committee comprises the following:—

1. <b>Mr. Riaz Fatyana</b>	<b>Chairman</b>
2. Mr. Atta Ullah	<i>Member</i>
3. Mr. Lal Chand	<i>Member</i>
4. Mr. Muhammad Farooq Azam Malik	<i>Member</i>
5. Ms. Kishwer Zehra	<i>Member</i>
6. Ms. Maleeka Ali Bokhari	<i>Member</i>
7. Mr. Muhammad Sana Ullah Khan Masti Khel	<i>Member</i>
8. Malik Muhammad Ehsan Ullah Tiwana	<i>Member</i>
9. Agha Hassan Baloch	<i>Member</i>
10. Mr. Sher Ali Arbab	<i>Member</i>

11.	Ms. Shunila Ruth	<i>Member</i>
12.	Mr. Saad Waseem	<i>Member</i>
13.	Rana Sana Ullah Khan	<i>Member</i>
14.	Ch. Mehmood Bashir Virk	<i>Member</i>
15.	Mr. Usman Ibrahim	<i>Member</i>
16.	Khawaja Saad Rafique	<i>Member</i>
17.	Syed Hussain Tariq	<i>Member</i>
18.	Syed Naveed Qamar	<i>Member</i>
19.	Dr. Nafisa Shah	<i>Member</i>
20.	Ms. Aliya Kamran	<i>Member</i>
21.	Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	<i>Ex-officio Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meetings held on 7th May, 15 May and 10th June, 2019 and recommended that the Bill may be passed by the National Assembly.

Sd/-  
TAHIR HUSSAIN  
*Secretary*  
Islamabad. the 13th June, 2019

Sd/-  
RIAZ FATYANA  
*Chairman*

**Annex-A**

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to protect and secure the rights of ownership of women in the property*

WHEREAS it is expedient to provide for the protection of the rights of ownership and possession of properties owned by women, ensuring that such rights are not violated by means of harassment, coercion, force or fraud;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act shall be called the Enforcement of Women's Property Rights Act, 2019.

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

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

- (a) ‘complainant’ means a woman who files a complaint or for whom proceedings are initiated in respect of the title or possession of her property;
- (b) ‘Government’ means the Federal Government;
- (c) ‘Ombudsman’ means the Ombudsman appointed under section 7 of the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010);
- (d) ‘prescribed’ means prescribed by rules;
- (e) ‘property’ includes any moveable and immoveable property; and
- (f) ‘rules’ mean rules made under this Act.

3. **Powers of the Ombudsman.**—In addition to the powers, functions and authority under this Act and rules made hereunder, the Ombudsman, for the purpose of this Act, shall have the same powers, functions and authority as are vested in the Ombudsman for the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

4. **Complaint to the Ombudsman in case no proceedings in a court of law are pending.**—(1) Any woman deprived of ownership or possession of her property, by any means, may file a complaint to the Ombudsman if no proceedings in a court of law are pending regarding that property:

Provided that the Ombudsman, on its own motion or on a complaint filed by any person including a non-governmental organization, may also initiate action under sub-section (1) in relation to the ownership or possession of a woman’s property, if no proceedings are pending in a court in respect of that property.

(2) The Ombudsman shall make a preliminary assessment of the complaint filed under sub-section (1) whereafter he may, if the matter requires further probe or investigation, refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsman.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsman may, after calling any record, if deemed necessary, pass orders under section 5.

(4) The Ombudsman upon receiving the report under sub-section (2), may further conduct such summary enquiry and call for such record as he may deem fit.

(5) The Ombudsman after confronting the report of the concerned Deputy Commissioner and the conclusion and findings of his own enquiry, shall call upon the complainant and her adversaries to submit objections, whereafter he may conduct a hearing, and pass orders under section 5, preferably within sixty days of receipt of the complaint under sub-section (1).

**5. Delivery of possession and transfer of ownership of property to women etc.**—(1) On conclusion of the proceedings under section 4, if the Ombudsman finds that the complainant has been illegally deprived of ownership or possession of her property, he shall direct the Deputy Commissioner or a state functionary or any private person to take steps so as to restore or confer possession or title of the property to the complainant, including measures to perfect such title.

(2) The Ombudsman may, where deemed fit, direct the officer-in-charge of a police station for such assistance as may be required for the purposes of implementing the orders passed under sub-section (1).

(3) The concerned Deputy Commissioner shall submit a compliance report within seven days to the Ombudsman in respect of implementation of his orders.

**6. Reference to court.**—(1) Notwithstanding anything contained in sections 4 and 5, if upon preliminary assessment, or upon receiving the report of the Deputy Commissioner or upon conducting further summary enquiries by the Ombudsman himself, he comes to the conclusion that the matter requires in-depth enquiry, investigation or detailed recording of evidence or intricate adjudication, he shall formulate a reference along with all the reports and material collected and submit the same to the concerned Civil Court preferably within sixty days of receipt of the complaint under sub-section (1) of section 4.

(2) Notwithstanding anything contained in any other law, the Civil Court shall entertain the reference under sub-section (1), as a civil suit and proceed further in terms of the Code of Civil Procedure, 1908 (Act V of 1908) and the relevant rules.

**7. Complaint to the Ombudsman in case proceedings in a court of law are pending.**—(1) Where proceedings in a court of law are pending in relation to the ownership or possession of any property claimed to be owned by a woman, she may file a complaint under this sub-section to the Ombudsman:



Provided that the Ombudsman, on its own motion or on a complaint filed by any person including a non-governmental organization may also initiate action under sub-section (1) in relation to the ownership or possession of a woman's property, even if proceedings are pending in a court in respect of that property.

(2) The Ombudsman shall make a preliminary assessment of the complaint under sub-section (1), whereafter he may, if the matter requires further probe or investigation, refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsman.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsman may, after calling any record, if deemed necessary, may file a report in the court of law, in which the case is pending, recommending that the proceedings in the court may be terminated or put in abeyance unconditionally or subject to any court order and the Ombudsman be permitted by the court to take further proceedings under this Act.

(4) Before filing of the report under sub-section (3), the Ombudsman shall call upon the complainant and her adversaries to submit objections, and conduct a hearing and pass orders, preferably within thirty days of the hearing, as to whether the Ombudsman will or will not file a report under sub-section (3).

(5) In case the Ombudsman passes an order of not filing a report under sub-section (3), he may advise the complainant to pursue the proceedings in the court of law and terminate the complaint.

(6) The Ombudsman upon receiving the report under sub-section (2), may further conduct such summary inquiry and call for such record as he may deem fit.

8. **Loss of rent.**—On culmination of proceedings under section 5, the Ombudsman may also direct the complainant to be paid by the person depriving the said complainant of the use of the property, the amount equivalent to the rent that the property would fetch at the prevalent market rate, for the duration for which the complainant was deprived of the use of such property.

9. **Execution of orders.**—The Ombudsman may direct any executive state functionary including the relevant Deputy Commissioner where the property of the Complainant is situated, to execute the orders in letter and spirit.

10. **Appointment of officers, etc.**— For carrying out the object and purpose of this Act, the Federal Government shall appoint such officers as may be required, on such terms and conditions as prescribed.

11. **Bar of jurisdiction.**—No court or other authority shall have jurisdiction—

- (a) to question the validity of any action taken, or intended to be taken, or order made, or anything or purporting to have been taken, made or done under this Act; or
- (b) to grant an injunction or stay or to make any interim order in relation to any proceeding before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Ombudsman.

12. **Power to make rules.**—The Federal Government may make rules to carry out the purpose of this Act.

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#### STATEMENT OF OBJECT AND REASONS

The Constitution of the Islamic Republic of Pakistan gives clue respect to the women in society and guarantees their right of ownership. However the rights of ownership of women in inheritance are violated usually by their family members by means of coercion, fraud, fabrication, forgery and cheating etc. It is therefore, necessary to provide for an effective and speedy redressal mechanism to protect and secure the rights of ownership of women in the property.

The Bill is designed to achieve the aforesaid object.

DR. MUHAMMAD FAROGH NASEEM,  
*Minister for Law and Justice*  
*Minister In-charge*

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TAHIR HUSSAIN,  
*Secretary.*