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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 29th December, 2021

No. F. 24(64)/2021-Legis.—The following Bills were introduced in the Senate on 27th December, 2021:-

[SENATE BILL NO. XLIX OF 2021]

A

BILL

further to amend the Banking Companies Ordinance, 1962

WHEREAS it is expedient to further amend the Banking Companies Ordinance, 1962 (Ordinance LVII of 1962) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.—**(1) This Act may be called the Banking Companies (Amendment) Act, 2021.

2123(1—5)

Price: Rs. 10.00

[1900(2021)/Ex. Gaz.]

(2) It shall come into force at once.

2. **Amendment of section 83, Ordinance LVII of 1962.—**In Banking Companies Ordinance, 1962 (Ordinance LVII of 1962), in section 83, after sub-section (1D), the following new sub-section shall be inserted, namely:—

"(1E) If an officer of the Banking company or a schedule bank, as the case may be, on the basis of creed, religion, gender, ethnicity, madrasas or Islamic education Institute, class or group of citizens like politicians, Government servants or teachers of the madrasa, refuses to open an account, issuance of letter of credit, bank guarantee or any other financial facility only on the ground of political expose person (PEP), red alert or high-risk alert for business trade, without any sufficient restriction under any law, shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one hundred thousand rupees, or with both.".

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan guarantees the equality of citizens and condemns discrimination on the basis of creed, religion, gender, ethnicity, specific profession, Madrasas or Islamic educational Institutions, class or group of citizens. Many segments of society including Madrasas or Islamic Educational Institutes and politicians have raised their concerns on various occasions regarding the adoption of discriminatory practices by banking company and schedule bank in providing consumer finance and general banking facilities like opening of account, bank guarantee or issuance of letter of credit any other banking facilities. Such practices are against the spirit of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan.

It is responsibility of the Banking Company and schedule bank not to discriminate any segment of the society on the basis of creed, religion, gender, ethnicity, specific profession, class or group of citizens and follow the laws, rules, regulations and instructions on the subject matter in letter and spirit.

SENATOR MUHAMMAD TALHA MEHMOOD,
Member-in-Charge.

[SENATE BILL NO. L OF 2021]

A

BILL

further to amend the Registration Act, 1908

WHEREAS it is expedient further to amend the Registration Act, 1908 (XVI of 1908) in its application to the extent of Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.—**(1) This Act may be called the Registration (Amendment) Act, 2021.

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

(3) It shall come into force at once.

2. **Amendment of section 17, Act XVI of 1908**.—In the Registration Act, 1908 (XVI of 1908), in section 17,—

(i) in sub-section (1), after clause (b), the following new clause shall be inserted, namely:-

“(ba) an instrument which grants power to an attorney or which constitutes an agreement to create, declare, assign, limit or extinguish, by way of sale, any right, title or interest of the value of one hundred rupees and upward, to or in immovable property;”

(ii) in sub-section (2), in clause (v), before the semi-colon “;” occurring at the end, the following shall be inserted, namely:—

“except a document which grants power to an attorney or is an agreement to sell any right, title or interest of the said value in immovable property”

————

STATEMENT OF OBJECTS AND REASONS

In the light of provisions of Section 17,18 and 50 of the Registration Act, 1908, it is obvious that the agreement to sell is not complete transaction and does not create any right on property till fulfillment of the terms and conditions dealt therein. However, due to tendency in the society of making false and forged documents, such as agreement to sell, and then using it in support of false plea in Civil Courts for establishing the right in property, it is desirable to amend Section 17 of the Registration Act by inserting the agreement to sell as compulsorily registrable. This will operate as an effective check to prevent the abuse of an agreement to sell. The amendment also provides any instrument constituting power to attorney as registrable under section 17 of the Act, which shall effect as a bar to the frivolous litigation, thereby saving the precious time of courts and resources of lit igant public.

SENATOR SHAHADAT AWAN,
Member-in-Charge.

[SENATE BILL NO. LI OF 2021]

A

BILL

further to amend the Control of Narcotic Substances Act, 1997

WHEREAS it is expedient further to amend the provisions of the Control of Narcotic Substances Act, 1997 (XXV of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.—** (1) This Act may be called the Control of Narcotic Substances (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 26, Act XXV of 1997.—**In the Control of Narcotic Substances Act, 1997 (XXV of 1997), in section 26,–

i. for the words “three years” the words “ten years” shall be substituted; and

ii. for the words “twenty-five thousand rupees” the words “five hundred thousand rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Legislature had enacted "The Control of Narcotic Substances Act, 1997" as a special law mainly for awarding deterrent punishments to the persons involved in the trade of narcotics. Section 9(c) of the Control of Narcotic Substances Act, specifically provides that whoever contravenes the provisions of Sections 6, 7 or 8 of the Control of Narcotic Substances Act, shall be punishable with death or imprisonment for life, or imprisonment for a term which may extend to fourteen years. However, unfortunately this law has become the easiest tool to be misused by the law enforcement agencies, especially above Section 9 (c) of it. Vexatious entries, searches, seizures or arrests have become order of the day. The officials of the enforcement agencies on the instructions of superiors, to wreak vengeance or to politically victimize someone plant huge quantities of narcotics which often lead to imposition of capital punishments on innocents. This tendency of misusing the law has certainly made the law of Control of Narcotic Substances Act less important in the eyes of general public as well as the courts. Hence, to check this misuse of Narcotic law, legislative action has become necessary.

2. This Bill is designed to achieve the above objective.

SENATOR RANA MAQBOOL AHMAD,
Member-in-Charge.

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MOHAMMAD QASIM SAMAD KHAN,
Secretary.

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