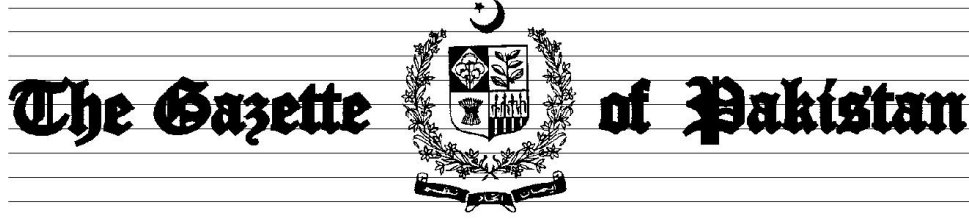


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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 7th January, 2020

No. F. 24(41)/2019-Legis.—The following Bills were introduced in the Senate on 6th January, 2020:—

SENATE BILL NO II OF 2020

A

BILL

further to amend the Pakistan Engineering Council Act, 1976

WHEREAS it is expedient further to amend the Pakistan Engineering Council Act, 1976 (V of 1976), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Engineering Council (Amendment) Act, 2020.

(2) It shall come into force at once.

35(1—25)

Price : Rs. 40.00

[5022(2020)/Ex. Gaz.]

2. **Amendment of section 27, V of 1976.**—In the Pakistan Engineering Council Act, 1976 (V of 1976), in section 27, in sub-section (5A), for the words, “in an engineering organization” the phrases “including the posts of Chairman, C.E.O, MD or Secretary of any Government or public sector entity dealing with infrastructure, energy, irrigation, communications and works projects all over the country or any area of the county, or the post of DG of any Development Authority dealing with infrastructure projects or any post in a private engineering organization” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Public sector companies or public service entities or any other Government organization which deals with the infrastructure, energy, communication, construction or any kind of development work in the country hold huge significance from the point of view of public exchequer as well as people’s safety. In the past we have seen that mostly non-engineers were being appointed as heads or on high executive posts in such entities with a little know how of the engineering profession. On account of the said negligence the significant infrastructure or energy or roads projects did not produce the desired outcome and caused huge losses to the economy. For example, the energy sector circular debt had reached Rs. 1.7 trillion mainly because of the inability of the successive governments to utilize the potential of engineers and their planning skills. These highly professional and technical assignments should be given to competent engineers only. Keeping in view of the significance of the appointment of technical persons at higher positions, Supreme Court of Pakistan had three years ago ordered that non-technical persons be removed from technical positions against which the government of that time went into appeal but the appeal was rejected and yet the implementation of that court decision was still pending.

2. Through the amendment proposed in this Bill it has been brought under the ambit of the Pakistan Engineering Council to especially take care / monitor that only the persons having sound technical knowledge and recognized engineering background may be selected for such posts.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH,
Member-in-Charge.

SENATE BILL NO. III OF 2020

A

BILL

*further to amend the Unani, Ayurvedic and Homoeopathic
Practitioners Act, 1965*

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Unani, Ayurvedic and Homoeopathic Practitioners (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Substitution of section 21 (Act II of 1965).**—In the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), for section 21, the following shall be substituted, namely:—

“21. **Qualifications for admission to institutions.**—(1) The minimum qualifications required for admission to a recognized institution of Unani or Ayurvedic System of medicine shall be Intermediate with Science (F.Sc. Pre-Medical) or equivalent examination of any University or Education Board in Pakistan established by or under any law for the time being in force.

(2) The minimum qualification required for admission to a recognized institution of Homoeopathy shall be Intermediate with Science (F.Sc. Pre-Medical) or equivalent examination of any University or Education Board in Pakistan established by or under any law for the time being in force, but those with Bachelor or higher qualification with science shall be preferred.”

STATEMENT OF OBJECTS AND REASONS

In the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 the minimum qualification required for admission to a recognized institution of Homoeopathy is Matriculation or equivalent examination. Keeping in view the

importance of health and contemporary circumstances the proposed amendment enhances the minimum qualification from Matriculation to intermediate (F.Sc. Pre-Medical).

2. The Bill seeks to achieve the said purpose.

SENATOR PROF. DR. MEHR TAJ ROGHANI,
Member-in-Charge.

SENATE BILL NO. IV OF 2020

A

BILL

*to provide for the prevention of begging, detention, training and
employment of beggars and their dependents in Certified Institutions and
the custody, trial and punishment of beggar offenders*

WHEREAS it is expedient to prohibit the tradition of beggary in order to maintain good conduct and morality of general public, for preventing beggary and making beggars good citizens;

AND WHEREAS it is expedient to make uniform and better provision for the prevention of begging in Islamabad Capital Territory; for the detention, training and employment of beggars and their dependents in certain institutions; for the custody, trial and punishment of beggar offenders; and for these and other purposes to consolidate and amend the law relating to beggars;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This act may be called the Islamabad Prevention of Beggary Act, 2020.

(2) It shall be applicable in the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “Begging” means:—

- (i) Soliciting or receiving alms in a public place, whether or not under any pretence such as fortune telling, performing tricks, selling articles or frequently by knocking at the window panes of vehicles waiting on signals or sometimes forcefully cleaning the windscreen of vehicles in order to seek alms;
- (ii) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms;
- (iii) entering on any private premises for the purposes of soliciting or receiving alms;
- (iv) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity or disease, whether of a human being or of an animal; or
- (v) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

but does not include soliciting or receiving money or food or gifts for a purpose authorized by any, law, or authorized in the manner prescribed;

- (b) “Certified Home” means a home certified by the Federal Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious diseases notified in this behalf by the Federal Government;
- (c) “Certified Institution” means any institution which the Federal Government provides and maintains for the detention, training and employment of beggars and their dependents and includes a Certified Home, Special Home or Work Home;
- (d) “Chief Inspector” means the person appointed to be the Chief Inspector of Certified Institutions under section 14;
- (e) “Child” means a person below the age of sixteen years;
- (f) “Court” means the court of a Magistrate of not less than second class;

- (g) “Guardian” means a person who looks after or takes care of a child in the absence of, or in the event of the death of his parent;
- (h) “Parent” means the father or the mother of a child;
- (i) “Police officer” means a police officer not below the rank of an assistant sub-inspector;
- (j) “Prescribed” means prescribed by rules made under this Act;
- (k) “Probation Officer” means an officer appointed to be a Probation Officer under section 14;
- (l) “Public place” includes a railway station and any open space to which for the time being the public have or are permitted to have an access, whether on payment or otherwise;
- (m) “Special Home” means a home notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor; and
- (n) “Work House” means a place notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor;

3. Power to require a person found begging to appear before Court.—(1) Any police officer or other person authorized in this behalf by the District Magistrate may arrest without warrant any person who is found begging:

Provided that no person found begging on any premises, not being a public place, shall be so arrested or shall be liable to any proceeding under this Act except on a complaint made by the occupier of such premises:

Provided further that in case of a child found begging she/he shall be entrusted to “Certified Institution” established under the said Act.

(2) Such police officer or other person shall take or send the person so arrested to a court.

(3) The provisions of section 61 of the Code of Criminal Procedure 1898, shall apply to arrests made under this section and the officer-in-charge of the Police Station shall cause the arrested person to be kept in the prescribed manner until he is brought before a Court.

4. **Summary inquiry in respect of persons found begging and their detention.**—(1) Where a person is brought before a Court under section 3, the Court shall make a summary inquiry in the prescribed manner as regards the allegation that he was found begging.

(2) If the inquiry referred to in sub-section (1) cannot be completed forthwith, a court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.

(3) If on making the inquiry referred to in sub-section (1), the court is not satisfied that the person was found begging, it shall order that such person be released forthwith.

(4) If on making the inquiry referred to in sub-section (1), the court is satisfied that the person was found begging, it shall record a finding that the person is a beggar.

(5) The Court shall order the person found to be a beggar under sub-section (4) to be detained in a Work House, Special Home, or Certified Home in accordance with the provisions of section 7 for a period of not less than one year and not more than three years:

Provided that if the court is satisfied from the circumstances of the case that such person is not likely to beg again, it may release him after due admonition on a bond for his abstaining from begging being executed, with or without sureties as the court may require, by the beggar or any other person whom the court considers suitable.

(6) In passing an order under this section, the court shall have regard to the following consideration that is to say:—

- (a) the age and character of the beggar;
- (b) the circumstances and conditions in which the beggar is living;
- (c) report made by the Probation Officer; and
- (d) such other matters as may, in the opinion of the Court require to be taken into consideration in the interest of the beggar.

(7) The report of the Probation Officer or any other report considered by the court shall be treated as confidential:

Provided that if such report relates to the character, health or conduct of, or the circumstances and conditions in which, the beggar is living, the court may, if it thinks expedient, communicate the substance thereof to the beggar or, in the case or dependents, to the parent or guardian concerned and may give the beggar or guardian as the case may be an opportunity of producing evidence which may be relevant to the matters stated in the report.

(8) A copy of the order made under sub-section (5) shall be sent forthwith by the court to the Chief Inspector.

5. Penalty for begging after detention as beggars.—(1) Whoever having been previously detained in a Certified Institution in accordance with the provisions of section 4 is found begging, shall on conviction be punishable as is hereinafter in this section provided.

(2) When a person is convicted for the first time under sub-section (1) the court shall order him to be detained in a Certified Institution for not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period.

(3) When a person is convicted for the second or subsequent time under sub-section (1), the court shall order him to be detained for a period of ten years in the Certified Institution and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

6. Power of court to detain dependents of convicted beggars.—When the court has ordered the detention of a person in a Certified Institution under section 4 or section 5 it may, after making such inquiry as it thinks fit, order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period:

Provided that before such an order is made such dependent person or his parent or guardian, as the case may be, shall be given an opportunity of showing cause why it should not be made.

7. Report of Medical Officer before committal.—(1) The court which finds a person to be guilty of an offence of begging under section 4 or section 5, shall, before passing any sentence of his committal to a Certified Institution, send such person to the Medical Officer in charge of the federal public hospital, if any, and call for a report about his age, physical capacity for ordinary manual labor and also whether he is suffering from any infectious or contagious disease.

(2) If the medical officer certifies that the said person is not a child, is physically capable of ordinary manual labour and is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Work House.

(3) If the medical officer reports that the said person is a child or is physically incapable of ordinary manual labour but is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Special Home.

(4) If the medical officer reports that the said person is suffering from any infectious or contagious disease, the Court shall pass a sentence for committal of such person to a Certified Home, but if there is no such Certified Home for the reception of such persons, the Court may stop further enquiry and release him.

8. **Punishment for escape from a Certified Institution.**—Whoever escapes from a Certified Institution to which he has been committed on conviction under the provisions of this Act before the expiry of the period for which he has been committed shall be punishable with fine which may extend to one hundred rupees or with imprisonment which may extend to three months.

9. **Penalty for employing or causing persons to beg or using them for purposes of begging.**—Whoever employs or causes, any person to solicit or receive alms, or whoever, having the custody, charge, care of a child, connives at or encourages the employment or the causing of a child to solicit or receive alms or whoever uses another person as an exhibit for the purposes of begging, shall on conviction be punished with imprisonment for a term which may extend to three years but which shall not be less than one year.

10. **Bonds taken under Act V of 1898.**—The provisions of Chapter-XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

11. **Appeals.**—For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act shall be deemed to be a sentence of imprisonment for the same period.

12. **Power of State Government to release from Certified Institutions.**—If the Federal Government at any time, of its own motion or on application made to it, is satisfied that a person convicted under section 4 or section 5 and committed to a Certified Institution has been cured of a disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the Federal Government may, by order, direct that the person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

13. **Provisions of Certified Institutions.**—(1) The Federal Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit, and may certify any institution to be a Certified Institution for the purposes of this Act. Any such Certified Institution may include provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.

(2) Every Certified Institution shall be under the charge of a Superintendent.

14. **Appointment of Chief Inspector and other authorities.**—(1) For carrying out the purposes of this Act, the Federal Government may appoint a Chief Inspector of Certified Institutions, an Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officers as it thinks fit to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers, and perform such of the duties, of the Chief Inspector, as the Federal Government directs, but shall act under the direction of the Chief Inspector.

(2) Every Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector.

15. **Visiting committee.**—For every Certified Institution, the Federal Government shall appoint a Visiting Committee in such manner as may be prescribed and assign such powers, duties and functions to the Committee as may be prescribed.

16. **Advisory committee.**—(1) The Federal Government may, constitute an Advisory Committee consisting of such persons, exceeding twenty-one in number, as it may be appointed:

Provided that where a local authority has agreed to render such financial assistance is the Federal Government may consider proper in each case for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction of the local authority are detained, the Federal Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

(2) The Advisory Committee constituted under sub-section (1) in any area or any member thereof may visit at all reasonable times any Certified Institution, in which beggars from that area are detained, after due notice to the Superintendent of that Institution.

(3) The Advisory Committee may also,—

(a) tender advice as regards management to any Certified Institution through the Chief Inspector or such other officer, as the Federal Government may specify;

- (b) collector subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or one in which beggars from that area are detained, and disburse the collections in the prescribed manner;
- (c) advice the Federal Government, through the Chief Inspector as regards the certification of any Institution as Certified Institution or the de-certification of any Certified Institution within the area; and
- (d) advice the Federal Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the Federal Government.

17. **Power to make rules.**—The Federal Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Islamabad has witnessed a rising number of beggars on the streets and in squares recently. Some avenues and boulevards like Constitution Avenue or Margalla Road may be free of the nuisance of beggars but other areas, especially in the outskirts of the city, beggars can be seen frequently. Some labourers can also be seen begging, particularly in the evening. Usually peaceful plans of strolling or sitting outdoors are ruined by the constant persistence of these beggars. This forms a negative impression on the visitors as well. People who visit Islamabad mostly complain that it's very awkward for them to see such activity in the capital of Pakistan. The Government should take serious steps to stop such activity, although the Interior Ministry has now established squads for anti-begging. But even then strict regulatory mechanism is required under the law to control these social evil.

We may notice that there are about three types of beggars. Professional Beggars: there were present a large number of professional beggars in our society. They make sentimental cries and beg in the name of religion and morality. They recite the verses of the Holy Quran and recite Naat to seek our attention. They make heart rending appeals. These professional beggars are properly trained. Some of them are quite healthy but they pose to be sick. There were some others who have broken their arms or legs. They sit on carts pulled by some strong and healthy men. Some of them creep and crawl on the road or footpaths. They were seen frequently in the bazaar, Markaz, U turns etc.

The proposed Bill not only aims at banning beggary under the law in all its forms but also proposes a mechanism through which the human needs of those beggars, whether children or adults, may be addressed depending upon the conditions of begging in each case. The nature of actions taken by the government should be different based upon the causes of begging. For example, beggar mafia/those who force others in begging profession, should be punished according to laws; on the

contrary those women, children or adults who start begging due to homelessness, unemployment, with no means of income, or on account of any other social or economic reasons must be treated in such a manner by the government that they may become socially and economically strong.

Certified Institutions in the form of Certified Home, Special Home or Work Home has been proposed under the Bill in order to address the medical, social and employment needs of those beggars who enter into this social vice in a compelling manner, or because they don't have any other choice. They are vulnerable. Certified institutions would even cater for their employment needs through provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.

The Bill has been designed to achieve the above purpose.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH,
Member-in-Charge.

SENATE BILL NO. V OF 2020

A

BILL

further to amend the Guardians and Wards Act, 1890

WHEREAS it is expedient further to amend the Guardians and Wards Act, 1890 (VIII of 1890) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Guardians and Wards (Amendment) Act, 2020.

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

(3) It shall come into force at once.

2. **Amendment of section 4, Act VIII of 1890.**—In the Guardians and Wards Act, 1890 (VIII of 1890), hereinafter referred to as the said Act, in section 4, after sub-section (6), the following new sub-section shall be inserted, namely:—

“(7) “Hizanat” means the legal right of custody of a child;”

3. **Insertion of new sections, Act VIII of 1890.**—In the said Act, after section 19, the following new sections shall be inserted, namely:—

“19A. **Hizanat of Children.**—The real mother is entitled to the custody of her male child until he attains the age of seven years and of a female child until she attains puberty or the age of sixteen years.

19B. **Right of Hizanat after mother, of women relatives.**—In case of absence of the real mother, or if she renounces her right or her right is legally held to have lapsed, the Hizanat of her son less than seven years of age and of her daughter who has not attained the age of puberty or sixteen years shall vest successively in the female relatives in the following order;

Maternal Grandmother however so high in degree, Paternal Grandmother however so high in degree, full sister, uterine sister, consanguine sister, full sister's daughter, uterine sister's daughter, consanguine sister's daughter, mother's sister and father's sister.

19C. **Male relative's Hizanat.**—When none of the women eligible to Hizanat under sections 19A and 19B are available or willing to accept it or such a woman is disentitled to Hizanat, the male relatives shall then become eligible for custody of the child in the following order:

Father, Maternal Grandfather however so high in degree, Paternal Grandfather however so high in degree, full Brother, Uterine Brother, consanguine Brother, full Brother's son, Uterine Brothers son, consanguine Brother's son.

19D. **Right of Hizanat of other relatives.**—When none of the persons mentioned in sections 19A, 19B and 19C are available or in case they are unwilling to accept or their Hizanat has lapsed. Hizanat shall then vest in the nearest relative by order of inheritance subject to the welfare of the child:

Provided that in deciding where the right shall vest preference shall be given to the female relatives of the child.

19E. **Lapse of Woman's Hizanat.**—The right of Hizanat of any person entitled under sections 19A, 19B or 19C of this Act may lapse only if the court decides that a child's welfare does not lie in being in the custody of such a person.

19F. **Preference of Child.**—Notwithstanding the provisions of sections 19A to 19E, where the male child has reached the age of seven and the female child has reached the age of ten years his / her preference of custody shall be given due consideration.

19G. **Power to make Interlocutory Orders.**—(1) In any proceedings to be determined by the Court under this Act, the Court may make an interim order with respect to the child concerned.

(2) Where the Court makes an interim order, it may give such directions, if any, as to the services or placement that the child shall receive, pending final disposal of the application:

Provided that if an application for custody is made on behalf of a real mother having Hizanat of a child then interim orders with regard to custody shall be passed in favour of the real mother on the first day of presentation of the application before the concerned Court.

STATEMENT OF OBJECTS AND REASONS

The amendments seek to codify and clarify existing case law and afford protection to mothers in relation to the custody of their children. It further purports to codify the hierarchy of preference in relation to custody.

SENATOR FAROOQ HAMID NAEK,
Member-in-Charge.

SENATE BILL NO. VI OF 2020

A

BILL

to provide for special measures for the education of children suffering from dyslexia and/or associated disorders

WHEREAS it is expedient to provide for special measures for the education of children suffering from dyslexia and associated disorders; their identification; appropriate instructional services to them; institutions for the therapy of such children; awareness programs for public and to deal with ancillary matters;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Dyslexia Special Measures Act, 2020.

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

(3) It shall come into force at once.

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

(a) “associated disorders” include but is not limited to dysgraphia, dyscalculia and dyspraxia, ‘dysgraphia’ refers to difficulties in the

ability to write, primarily in terms of handwriting and content; ‘dyscalculia’ refers to difficulties in the ability to learn class/age appropriate mathematics; ‘dyspraxia’ refers to difficulties of motor coordination usually apparent in childhood;

- (b) “child” means a child having dyslexia or associated disorder who is below the age of eighteen years;
- (c) “dyslexia” means a disorder manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and socio-cultural opportunity;
- (d) “Government” means the Federal Government;
- (e) “rules” means rules framed under this Act; and
- (f) “special educator” includes teachers, trainers, resource persons trained to address the general and particular learning needs of children with dyslexia or associated disorders.

3. **Right of dyslexic, etc. to education.**—(1) All children with dyslexia or associated disorder have a right to education to enable the full development of their human potential, sense of dignity and self-worth; to develop their personality, talents and creativity, mental and physical abilities to their fullest potential; and to enable their effective participation in an inclusive society.

(2) No child with dyslexia or associated disorder shall be excluded from the education system on the basis of it, and the Government shall ensure that all persons with dyslexia or associated disorder, especially girls, have access to education, without discrimination and on an equal basis with others, at all levels.

4. **Identification and screening test.**—(1) The Government shall prescribe procedure for identifying children having dyslexia or associated disorder.

(2) It shall also ensure the dyslexia and associated disorder screening test of all the children at the time of their admission in schools.

5. **Special educators.**—(1) Every school shall have a staff of special educators who have the requisite qualifications and training to cater to the needs of students with dyslexia or associated disorder.

(2) Teachers in all types of schools shall be imparted orientation and training to understand specific needs of children with dyslexia or associated disorder.

6. **Instructional services.**—(1) All schools shall provide appropriate instructional services and other accommodations to the children identified having dyslexia or associated disorder.

(2) They shall ensure that instructions to the children having dyslexia or associated disorder are simple, clear, and complete.

(3) Once a child has been identified with dyslexia or associated disorder, the child or parent shall be entitled to ask for specific instructions for that child's specific needs.

7. **Appointment of dyslexia therapists.**—(1) The Government shall appoint sufficient number of professional dyslexia therapists in every school having children identified with dyslexia or associated disorder.

(2) It shall also ensure that training programs for such therapists are conducted on regular basis and at least once in a calendar year.

8. **Bar on disciplinary measures.**—No child shall be subjected to physical punishment or mental harassment or in any manner discriminated on the basis of dyslexia or associated disorder.

9. **Handbook.**—All schools shall develop and maintain a handbook for use in the schools for guidance of children, parents and teachers about dyslexia and associated disorders.

10. **Awareness programs.**—(1) The Government shall conduct, sponsor, encourage, support or promote awareness programs to ensure that rights recognized in this Act are respected, protected and promoted.

(2) Such programs should aim at enabling both state and civil society to recognize the capabilities of children with dyslexia or associated disorders; to combat the stereotypes, prejudices and harmful practices which impede their active participation in the field of education.

11. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act within one hundred and twenty days.

STATEMENT OF OBJECTS AND REASONS

The right to education has been internationally recognized as an overarching right. It is a human right in itself and is indispensable for the exercise of other human rights. A number of international legal instruments protect the fundamental human right to education. "Everyone has the right to education" according to Article 26

of the Universal Declaration of Human Rights (1948). The United Nations Convention on the Rights of the Child (1989) enshrines the right to education as a right of the child (Articles 28-30) and specifically addresses education of children with disabilities (Article 23). The Constitution of Pakistan, in its Article 25A, has made binding on the State to provide free and compulsory education to all children of age five to sixteen years.

Unfortunately, children suffering from dyslexia or associated disorders are unable to fully benefit from the above international and national legal standards. Dyslexia is a learning disorder that involves difficulty in reading due to problems identifying speech sounds and learning how they relate to letters and words, which is known as decoding. It is the most common learning disorder in children but it has not received adequate attention in developing countries such as Pakistan.

Due to lack of awareness about dyslexia in Pakistan, we have to rely on international statistics according to which 15 to 20pc of children in each class have some form of learning difficulty. It is not a disease and therefore has no cure, and with support, proper instruction and hard work, many people with dyslexia are able to succeed academically and in their later lives. But most of the parents of dyslexic children are in denial, and educational institutes are not “dyslexia” friendly. Many in Pakistan still think that a learning disability comes under the “mental illness” category and this adds to the shame and stigma. The schools in Pakistan do not have programs to help children with such learning disabilities, and teachers are not generally trained to deal with the issue, if not completely ignorant of it. The few private schools that offer special education often charge extortionate prices which aren’t accessible to the general public.

It is, therefore, high time to change the attitudes which society has towards those with learning difficulties including dyslexia. We need to begin to understand that there isn’t one standard way of thinking and we need to appreciate each individual child’s way of understanding and expressing the world surrounding them. Dyslexic children need special mechanism to understand learning. Identification of children with dyslexia, appropriate instructional service to them, institutions for the therapy of such children and awareness programs for public can help children suffering from dyslexia or associated disorders. Through this Bill, special measures for education of the dyslexic children will be ensured and such children will be able to get meaningful education as a fundamental right.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR SAMINA SAEED,
Member-in-Charge.

SENATE BILL NO. VII OF 2020

A

BILL

to define rights of person arrested, detained or under custodial investigation as well as to codify the duties of the arresting, detaining and investigating officers, and providing penalties for violations thereof;

WHEREAS it is expedient to define the rights of persons under arrest or detained or otherwise in custody for the purposes of investigation and also to define, codify, and clarify the duties of the officers who are arresting, detaining or investigating persons;

AND WHEREAS the dignity of every human being, subject to law, is inviolable and it is expedient that provisions for respecting the dignity of man be enacted;

It is hereby enacted as follows:—

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Rights of Persons Arrested, Detained or under Custodial Investigation Act, 2010.

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

(3) It shall come into force at once.

PART-II

INTERPRETATION

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

- (a) “Assisting Advocate” means an advocate appointed by the respective Federal or Provincial Governments to fulfill the rights of a person under this Act.
- (b) “Concerned officer” means any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offence.

- (c) “Custodial Investigation” means any investigation or query conducted whilst a person is arrested, detained, confined or under custody of any law enforcement agency or authority and includes the practice of issuing an “invitation” to a person who is investigated in connection with an offence he is suspected to have committed, without prejudice to the liability of the “inviting” officer for any violation of law.
- (d) “Immediate family” means a person’s spouse, parent, child, brother, sister, grandparent or grandchild, uncle or aunt, nephew or niece and guardian or ward.

PART-III

RIGHTS, DUTIES AND PENALTIES

3. Rights of Persons Arrested, Detained or under Custodial Investigation.—Any person arrested detained or under custodial investigation shall have the following rights:

- (a) To be informed in writing of the cause or ground of his arrest, detention or custodial investigation.
- (b) To be informed of his right, in a language known and understood by him of his right to remain silent in response to any queries made from him.
- (c) To be at all times assisted by an advocate of his choice and if he cannot afford an advocate to be provided with an assisting advocate and his immediate family.
- (d) To be allowed to confer privately with his advocate.
- (e) To be allowed visits or conferences with his immediate family.
- (f) To be allowed visits by any medical doctor or religious priest/guide chosen by him or his advocate.
- (g) To be provided with any medication prescribed to him by a doctor.
- (h) To be allowed visits by members of any national non-governmental organization duly accredited by the Commission on Human Rights.
- (i) To be allowed access to newspapers and home cooked food.

4. **Duties of the Concerned officer.**—The concerned officer shall be duty bound to ensure that all the rights of a person as listed under section 3 of this Act are fulfilled.

5. **Penalty for contravention.**—(1) Any concerned officer who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent advocate preferably of his own choice, shall suffer a fine of Rs. 6,000/- (Rupees Six Thousand) or a penalty of imprisonment of not less than one month but not more than one year or both:

Provided that the same penalties shall be imposed upon an officer or employee or anyone acting upon orders of the concerned officer, who fails to provide a competent and independent advocate to a person arrested, detained or under custodial investigation for the commission of an offence if the latter cannot afford the services of his own advocate.

(2) Any person who obstructs persons or prohibits an advocate, any member of the immediate family of a person arrested, detained or under custodial investigation, or any medical doctor or religious priest / guide chosen by him or by his advocate, from visiting and conferring privately with him, or from examining and treating him, or from ministering to his religious needs, at any hour of the day or, in urgent cases, of the night shall suffer the penalty of imprisonment of not less than one month nor more than one year, and a fine of Rs. 4,000/- (Rupees Four Thousand):

Provided that the concerned officer may take such measures, as may be necessary, to ensure that persons under custodial investigation are safe and secure.

PART-IV

OTHER PROVISIONS

6. **Remuneration for Assisting Advocate.**—The assisting advocate other than the government lawyers shall be entitled to the following fees:

- (a) An amount of Rs. 10,000/- (Rupees Ten Thousand) if the suspected person is chargeable with an offence not punishable by death or life imprisonment;
- (b) An amount of Rs. 20,000/- (Rupees Twenty Thousand) if the suspected person is chargeable with an offence punishable with death or life imprisonment:
- (c) The fee for the assisting advocate shall be paid by the respective Provincial Government or Federal Government as the case may be.

- (d) In the absence of any advocate, no custodial investigation shall be conducted.

STATEMENT OF OBJECTS AND REASONS

The present Act seeks to define the rights of persons arrested, detained or under custodial investigation as well as the duties of the persons arresting, detaining or investigating offences. It further deals with the provision of assisting advocates by the State and their remuneration (Section 8). The Act is in line with rights granted to persons arrested, detained or under custodial investigating throughout the world as well as Article 14 of the Constitution of the Islamic Republic of Pakistan, 1973. It is an attempt to herald the dawn of the human rights revolution in Pakistan.

SENATOR FAROOQ HAMID NAEK,
Member-in-Charge.

SENATE BILL NO. VIII OF 2020

A

BILL

further to amend the National Highways Safety Ordinance, 2000

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

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the National Highways Safety (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 65, Ordinance XL of 2000.**—In the National Highways Safety Ordinance, 2000 (XL of 2000), hereinafter referred to as the said Ordinance, in section 65, in sub-section (1), for the words “six months or with fine which may extend to one thousand rupees”, the words “two years or with fine which may extend to five thousand rupees” shall be substituted.

3. **Amendment of section 67, Ordinance XL of 2000.**—In the said Ordinance, in section 67, for the words “one month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees”, the words “five months or with fine which shall not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

4. **Amendment of section 68, Ordinance XL of 2000.**—In the said Ordinance, in section 68, in sub-section (1), for the words “one month or with fine which shall not be less than five thousand rupees and may extend to ten thousand rupees”, the words “five months or with fine which shall not be less than twenty five thousand rupees and may extend to fifty thousand rupees” shall be substituted.

5. **Amendment of section 69, Ordinance XL of 2000.**—In the said Ordinance, in section 69, in sub-section (1), for the words “one month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees”, the words “five months or with fine which shall not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

6. **Amendment of section 70, Ordinance XL of 2000.**—In the said Ordinance, in section 70, for the words “one month or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees”, the words “five months or with fine which shall not be less than five thousand rupees and may extend to ten thousand rupees” shall be substituted.

7. **Amendment of section 72, Ordinance XL of 2000.**—In the said Ordinance, in section 72, for the words “one month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees”, the words “five months or with fine which shall not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

8. **Amendment of section 73, Ordinance XL of 2000.**—In the said Ordinance, in section 73, for the words “one month or with fine which shall not be less than five hundred rupees and may extend to two thousand rupees”, the words “five months or with fine which shall not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

9. **Amendment of section 74, Ordinance XL of 2000.**—In the said Ordinance, in section 74, for the words “six month or with fine which shall not be less than five hundred rupees and may extend to one thousand rupees”, the words “two years or with fine which shall not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

10. **Amendment of section 75, Ordinance XL of 2000.**—In the said Ordinance, in section 75, for the words “one month or with fine which shall not be less than one thousand rupees and may extend to five thousand rupees”, the words “five months or with fine which shall not be less than five thousand rupees and may extend to twenty five thousand rupees” shall be substituted.

11. **Amendment of section 76, Ordinance XL of 2000.**—In the said Ordinance, in section 76,—

- (a) in sub-section (1), for the words “six months or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees”, the words “two years or with fine which shall not be less than five thousand rupees and may extend to ten thousand rupees” shall be substituted;
- (b) in sub-section (3), for the words “five hundred rupees”, the words “two thousand five hundred rupees” shall be substituted; and
- (c) in sub-section (4), for the words “one month or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees”, the words “five months or with fine which shall not be less than five thousand rupees and may extend to ten thousand rupees” shall be substituted.

12. **Amendment of section 77, Ordinance XL of 2000.**—In the said Ordinance, in section 77, for the words “six months or with fine which shall not be less than one thousand rupees and may extend to two thousand rupees”, the words “two years or with fine which shall not be less than five thousand rupees and may extend to twenty five thousand rupees” shall be substituted.

13. **Amendment of section 78, Ordinance XL of 2000.**—In the said Ordinance, in section 78, for the words “not be less than five hundred rupees and may extend to one thousand rupees”, the words “not be less than two thousand five hundred rupees and may extend to five thousand rupees” shall be substituted.

14. **Amendment of section 80, Ordinance XL of 2000.**—In the said Ordinance, in section 80, for the words “with fine which may extend to five hundred rupees, and if having been previously convicted of such an offence, for every such subsequent offence to a fine which may extend to one thousand rupees”, the words “with fine which may extend to two thousand five hundred rupees, and if having been previously convicted of such an offence, for every such subsequent offence to a fine which may extend to five thousand rupees” shall be substituted.

15. **Amendment of tenth schedule, Ordinance XL of 2000.**—In the said Ordinance, in the tenth schedule,—

- (a) In the first column, against Sl. No. 2, in 3rd and 4th columns for the figures “500-1000” the figures “2500-5000” and for the words “six months” the words “two years” shall be substituted, respectively.
- (b) In the first column, against Sl. No. 3, in 3rd and 4th columns for the figures “500-1000” the figures “2500-5000” and for the words “six months” the words “two years” shall be substituted, respectively.
- (c) In the first column, against Sl. No. 11, in 3rd and 4th columns for the figures “1000-3000” the figures “5000-10000” and for the words “six months” the words “two years” shall be substituted, respectively.
- (d) In the first column, against Sl. No. 12, in 3rd and 4th columns for the figures “500-1000” the figures “2500-5000” and for the words “one month” the words “five months” shall be substituted, respectively.
- (e) In the first column, against Sl. No. 13, in 3rd and 4th columns for the figures “1000-2000” the figures “5000-10000” and for the words “one month” the words “five months” shall be substituted, respectively.
- (f) In the first column, against Sl. No. 15, in 3rd and 4th columns for the figures “750-1500” the figures “3750-7500” and for the words “one month” the words “five months” shall be substituted, respectively.
- (g) In the first column, against Sl. No. 18, in 3rd and 4th columns for the figures “5000-10000” the figures “25000-50000” and for the words “one month” the words “five months” shall be substituted, respectively.
- (h) In the first column, against Sl. No. 19, in 3rd and 4th columns for the figures “500-1000” the figures “2500-5000” and for the words “one month” the words “five months” shall be substituted, respectively.

16. **Amendment of twelfth schedule, Ordinance XL of 2000.**—In the said Ordinance, in the twelfth schedule,—

- (a) In the first column, against Sl. No. 1, in the 3rd column for the figure “750” the figure “3750” shall be substituted.
 - (b) In the first column, against Sl. No. 31, in the 3rd column for the figure “750” the figure “3750” shall be substituted.
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STATEMENT OF OBJECTS AND REASONS

The Vienna Convention on Road Traffic 1968 provides rules on all aspects of international road traffic and safety, and serves as a reference for national legislation. There are seventy eight signatories of convention, including Pakistan. It describes all road user behaviour, such as what drivers and pedestrians must do at crossings and intersections. It encourages safe road user behaviour. The rapidly growing numbers of vehicles and road users and increased trade, globalization and urbanization, coupled with staggering global road traffic injury rates underline the critical need to actively promote road safety everywhere. Never before have sustainable transport, mobility and development been so intertwined and interdependent. Sustainability must go hand-in-hand with safety, which is dependent on implementing internationally agreed norms and harmonizing the world's response; building a culture of safety on all levels and across all borders, with increased political will and governance at the core.

Increase in traffic violations cause slow traffic, blockage of roads, and accidents. Social and economic harms are associated with traffic offences. The cost of accidents is enormous and its burden on the health system and families is huge. The national exchequer is also suffering lot in dealing with repercussions of the accidents. There are minor penalties of few hundred rupees which are unable to create deterrence and people wilfully violate the traffic rules. Enhancement in penalties would create deterrence in motorists tightening the noose around the motorists who dare to flout traffic rules. This will not only reduce the traffic offences but also mitigate the harms associated. Moreover it would also enhance revenue.

SENATOR BAHRAMAND KHAN TANGI,
Member-in-Charge.

DR. AKHTAR NAZIR,
Secretary.