

REGISTERED No. M - 302
L.-7646



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, MARCH 2, 2020

PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 26th February, 2020

No. F. 24(10)/2020-Legis.—The following Bills were introduced in the Senate on 17th February, 2020:—

SENATE BILL NO. XIV OF 2020

A

BILL

further to amend the Islamabad High Court Act, 2010

WHEREAS it is expedient further to amend the Islamabad High Court Act, 2010 (XVII of 2010), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

339 (1—8)

Price: Rs. 10.00

[5243(2020)/Ex. Gaz.]

1. **Short title and commencement.**—(1) This Act may be called the Islamabad High Court (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XVII of 2010.**—In the Islamabad High Court Act, 2010 (XVII of 2010), in section 3, in sub-section (1), for the word “**six**”, the word “**ten**”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad High Court (IHC) was established under the Islamabad High Court Act, 2010 (XVII of 2010). As per section 3 (1) of the aforesaid Act, the existing sanctioned strength of Judges of the Islamabad High Court is six plus one Chief Justice. Due to increase in litigation and in the backdrop of rising cases there is a dire need to increase number of judges of the Court from six plus one Chief Justice to ten plus one Chief Justice so that it can function to mitigate the miseries of the litigants and address the evolving needs of the increasing population of Islamabad.

The Bill is designed to achieve the aforesaid objective.

SENATOR KAUDA BABAR,
AND
SENATOR MANZOOR AHMED,
Members-in-Charge.

SENATE BILL NO. XV OF 2020

A

BILL

further to amend the Islamabad Consumers Protection Act, 1995

WHEREAS it is expedient further to amend the Islamabad Consumers Protection Act, 1995 (III of 1995), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Islamabad Consumers Protection (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 9, Act III of 1995.**—In the Islamabad Consumers Protection Act, 1995 (III of 1995), in section 9, for sub-sections (2), (3) and (4), the following shall be substituted, namely:—

- “(2) If any person violates any obligation, imposed by any Act or rules, of selling any goods within cover and inscribing weight, amount, ingredients, instructions for use, maximum, retail; price, date of manufacture, date of packaging and date of expiry of that goods on the label, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (3) If any person violates any obligation, imposed by any Act or rules, of displaying the price-list of goods by affixing it at a conspicuous place of his shop or organization, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (4) If any person violates the obligation, imposed under any Act or rules, of preserving price-list of service of his shop or organization and displaying it by affixing at a relevant or conspicuous place, he shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding fifty thousand rupees, or with both.
- (5) If any person sells or offers to sell any goods, medicine or service at a price higher than the price fixed under any Act or rules, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (6) If any person knowingly sells or offers to sell any adulterated goods or medicine, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (7) If any person mixes with foodstuff any ingredient which is injurious to human life or health and the mixing of which with foodstuff is prohibited by any Act or rules, he shall be punished

with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.

- (8) If any person manufactures or processes any goods in a process which is injurious to human life or health and prohibited under any Act or rules, he shall be punished with imprisonment for a term not exceeding two years, or with fine not exceeding one hundred thousand rupees, or with both.
- (9) If any person deceives any buyer by any false or untrue advertisement for the purpose of selling any goods or service, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding two hundred thousand rupees, or with both.
- (10) If any person does not sell or deliver properly any goods or service promised in consideration of money, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (11) If any person sells or supplies any goods to consumer less than the offered weight, at the time of supplying or selling, he shall be punished with imprisonment for not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (12) If any weight stone or weight measuring instrument used for measuring weight for the purpose of selling or delivering goods in any shop or commercial organization of any person, shows more than the actual weight, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (13) If any person sells or delivers any goods to the consumer less than the offered measurement at the time of delivering or selling, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (14) If any fraud is committed in measuring gauge or anything used for measuring length in selling or delivering goods in any shop or commercial organization of any person, he shall be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.

- (15) If any person makes or manufactures fake goods, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (16) If any person sells or offers to sell any date expired goods or medicine, he shall, be punished with imprisonment for a term not exceeding one year, or with fine not exceeding fifty thousand rupees, or with both.
- (17) If any person, in violation of any prohibition imposed under any Act or rules, does any act which is detrimental to the life or security of any service receiver, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees or with both.
- (18) If any service provider, by negligence, irresponsibility or carelessness, damaging money, health or life of a service receiver, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding two hundred thousand rupees, or with both.
- (19) If any person, 'with a motive to harass any person, businessman or service provider or to defame him publicly or to damage his business reputation, files any false or vexatious case, he shall be punished with imprisonment for a term not exceeding three years, or with fine not exceeding fifty thousand rupees, or with both.
- (20) If any person convicted of any offence mentioned in this Act does the same offence again, he shall be punished with twice the maximum punishment provided for that offence.
- (21) If the court thinks fit, it may, in addition to the punishment provided in the foregoing sections, pass an order to forfeit the illegal goods of manufacturing ingredients, materials etc. related to the offence in favour of the federal government.”

STATEMENT OF OBJECTS AND REASONS

The Islamabad Consumers Protection Act, 1995 contains provisions regarding protection of the rights of consumers in Islamabad Capital Territory's jurisdiction. Through the proposed amendment the effectiveness

of the Act shall be further improved. Penalties and punishments have been categorized for not using cover of goods etc, for not showing price-list, for not preserving and displaying price-list of services, for selling goods, medicines or service at higher price than fixed one, for selling adulterated goods or medicine, for mixing prohibited materials in foodstuff, for manufacturing or processing goods in illegal process for deceiving buyers by false advertisements, for not selling or delivering properly any goods or service promised, for deceiving in weight, for deceiving in weight stone or weight measuring instruments, for deceiving in measurement, for deceiving in measuring gauge or anything used for measuring length, for making or manufacturing fake goods, for selling any date expired goods or medicine, for doing any act detrimental to life or security of service receiver, for damaging money, health or life etc. service receiver by negligence etc, for filing false or vexatious case a and for reoccurring offence. In this way it would be more effective and easier of demarcate the nature of violation of consumer rights on one hand and to protect them in every manner on the other hand.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR MIAN MUHAMMAD ATEEQ SHEIKH,
Member-In-Charge.

SENATE BILL NO. XVI OF 2020

A

BILL

further to amend the Anti-Terrorism Act, 1997

WHEREAS it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII 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 Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Substitution of Long title and preamble of Act XXVII of 1997.**—In the Anti-Terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, for long title and preamble, the following shall be substituted, namely:—

“An Act to make provisions for prevention of, and for dealing with, terrorist activities and for matters concerned therewith

WHEREAS it is expedient to provide for the prevention of, and dealing with terrorist activities and for matters concerned therewith and incidental thereto;”

3. **Amendment of section 6, Act XXVII of 1997.**—In the said Act, in section 6, in sub-section (2), in clause (p), for full stop “.” occurring at the end a colon “:” shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that actions specified in sub-section (2) do not qualify to be labeled as terrorism, if such actions are taken in furtherance of personal enmity or private vendetts.”

4. **Amendment of section 7, Act XXVII of 1997.**—In the said Act, in section 7, in sub-section (1), after the words, figure and comma, “under section 6,” the words and commas, “with an intent to threaten the unity, integrity or sovereignty of Pakistan or to achieve political, ideological or religious objections”, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Anti-Terrorism Act, 1997 lays down the basic legal framework for counter terrorism prosecutions in Pakistan. Despite the law’s passage, the criminal justice system has low conviction rates and delayed cases, and it offers a weak deterrence against terrorism. The lengthy delays and high number of acquittals in terrorism cases are due to a number of factors. The definition under the act is too broad, besides procedural issue among law enforcement officers and Police and intelligence agencies.

2. A basic flaw in A.T.A. is the extremely broad definition of terrorist’s act, which over burdens the already over-stretched police, prosecution; and courts and results in delays in disposal of “real” cases of terrorism. The preamble of the ATA describes the rationale of the law as providing for “the prevention of terrorism, sectarian violence and for speedy trial of heinous offences and for matters connected therewith and incidental

thereto.” The addition of heinous offence which are not other-wise defined in the legislation, has widened the application of the ATA to include cases other than terrorism, Although recently some judges have issued rulings emphasizing the need for more precise applications of the law based upon perpetrators’ intent motives to carry out acts under sub-section (2) of clause 6 of ATA.

3. It is of vital importance to mention that while providing in the amended section 6 that “in order to, or if the effect of his actions will be to strike terror or create a sense of fear and insecurity among the people, does any act or thing...” the legislature never specified the motivation for the “act or thing” on the part of the perpetrator which propelled or promoted him to commit a terrorist act. Thus the actus reus was itself considered to be determinative if the same was intended to create fear and insecurity etc. in the public at large or had a potential for creating such fear and insecurity etc. It is in this very context that an amendment in section 6, sub-section (2) has been proposed. It is very important to understand the determinative factor is the design and purpose behind the act.

4. In addition to that, the purpose of amendment in section 7, sub-section (1) is to provide for a more succinct definition of terrorism, bringing it in line with the international perspectives of that offence and focusing on violent activities aimed at achieving political, ideological or religious objections.

The Bill has been designed to achieve the aforementioned purpose.

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

MAJOR (R) SYED HASNAIN HAIDER,
Acting Secretary.