Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 10th June, 2020

No. F. 24(44)/2019-Legis.—The following Bills were introduced in the Senate on 8th June, 2020:—

SENATE BILL NO. XVII OF 2020

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1041 (1—15)

Price: Rs. 20.00

[5740(2020)/Ex. Gaz.]
1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Insertion of new Article in the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, after Article 25A, the following new Article shall be inserted, namely:

“25B. **Right to health.**—(1) The State shall provide free health facilities to all citizens of Pakistan without any discrimination.

(2) Every citizen shall have the right to highest possible standards of physical and mental health.”

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**STATEMENT OF OBJECTS AND REASONS**

Article 38(d) states that “the State shall provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”.

Although medical relief is mentioned in Article 38(d) which is under the unenforceable ‘Principles of Policy’ and another difficulty is that same to be provided only to those citizens who cannot earn their livelihood on account of infirmity, sickness or unemployment.

Important aspect of well-being for citizens is most neglected and health sector needs full attention of Federal Government.

It is the need of the time that health be given priority and health right be given to every citizen by inserting new Article 25B in Chapter 1. Fundamental Rights in the Constitution of Islamic Republic of Pakistan.

Amendment is proposed to achieve the aforesaid objects.

SENATOR SIRAJUL HAQ,

*Member-In-Charge.*
to provide for the protection of the rights of women at work place in order to have equal access to employment free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organizations of Pakistan.

WHEREAS Articles 3, 25, 27 and 34 of the Constitution of the Islamic Republic of Pakistan safeguard the fundamental right of every citizen against exploitation, provide equality to all citizens of Pakistan by stressing upon setting up of special provisions for non-discriminatory and protective environment for women in services and ensures full participation of women in all spheres of national life;

AND WHEREAS Article 2(f) of United Nations Convention on the Elimination of All forms of Discrimination Against Women, 1979 (CEDAW), stipulates that Pakistan being a state party to the convention shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

AND WHEREAS provisions of Goal 5 of the Sustainable Development Goals (SDGs) adopted by Pakistan, aims at addressing gender equality and women empowerment;

NOW THEREFORE it is expedient to enact a law for the provision of ensuring non-discriminatory environment at workplace and protection of the right of working women in Pakistan effectively so that the purpose of legislation is carried out.

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Working Women (Protection of Rights) Act, 2020.

(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) “child care centre” means such places set up for supervision and care of infants and young children during the working hours when their parents hold jobs;

(b) “employer” means an organization, any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes;

(i) an heir, successor or assign, as the case may be, of such person or body;

(ii) any person responsible for the direction, administration, management and control of the management;

(iii) the authority, in relation of an organization or a group of organizations run by or under the authority of any Ministry or department of the Federal Government or a Provincial Government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;

(iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;

(v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof;

(vi) a contractor or an organization of a contractor including but not limited to the contractors of industrial and agricultural sectors, who or which undertakes to procure the labour or services of employees, for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and

(vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
(b) “employment” means employment in public and private sector organisations of Pakistan and includes permanent, part time, temporary and employment under a contract of services or of apprenticeship; and

(c) “workplace” means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out.

3. **Prohibition on discrimination in employment.**—(1) An employer, shall in relation to the recruitment, selection or employment of a person, not discriminate against that person on the basis of sex and marital status.

(2) An employer shall not discriminate against a female employee on the basis of sex and marital status.

4. **Equal pay and allowances.**—(1) An employer shall pay equal pay and allowances to women and men performing work of equal value.

(2) The burden of proof to establish that equal remuneration has been paid shall rest on the employer.

5. **Equal opportunities for trainings, progression and promotion.**—The employer shall ensure that the women are given equal opportunities for trainings, progression and promotion at workplace.

6. **Maternity and paternity leave.**—(1) A female employee shall be entitled to avail ninety days paid maternity leave, outside the leave account, from the date of its commencement or ninety days from the date of her confinement, whichever be earlier.

(2) The husband shall be entitled to have ten days paid paternity leave, from the date of the confinement of his spouse.

(3) The female employees shall also be provided with an additional, a maximum of thirty days unpaid maternity leave, separately from their leave account, if required.

7. **Other facilities.**—The employer shall make following facilities available for women at workplace:

   (i) staff room with the provision of prayer place and washroom;
(ii) provision of separate transport by the employer or reserve seats for women in public transport;

(iii) provision of work from home facility for a maximum of fifteen days an annum; and

(iv) child care centres to be set up at workplace.

8. **Place of posting.**—All female employees shall be posted at the same place of posting or residence of their spouses:

Provided that the posting shall be made in accordance with the wedlock policy of the Federal or Provincial Government as the case may be, or under this Act if such policy is not available.

STATEMENT OF OBJECTS AND REASONS

Women economic empowerment is key to success of a country. This can be understood from the conditions in which women work especially the facilities provided at workplace to avoid intersecting forms of discrimination. Article 2(f) of United Nations Convention on the Elimination of all forms of Discrimination Against Women, 1979 (CEDAW) provides that a state party to the convention shall legislate to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. In this regard Federal Government, pursuant to entry 32 of the Part I of Federal Legislative list of Constitution of Islamic Republic of Pakistan may legislate upon international treaties and conventions.

This Bill aims at provision of protection of the rights of women at work place in order to have equal access to employment, free from gender discrimination and safeguard against the systemic undervaluing of work traditionally performed by women in the public and private organizations of Pakistan.

SENATOR SAMINA SAEED,
SENATOR SEEMEE EZDI,
*Members in charge.*
SENATE BILL NO. XIX OF 2020

A

BILL

further to amend the Provincial Motor Vehicles Ordinance, 1965

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), in its application to the Islamabad Capital Territory and for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2020.

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

   (3) It shall come into force at once.

2. Insertion of new section 112AA, Ordinance XIX of 1965.—In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), after section 112A, the following new section 112AA, shall be inserted, namely:—

   “112AA. Offences and Penalties related to Emergency Vehicles.—(1) A driver of a vehicle (other than a train), to the extent practicable, is to give clear and uninterrupted passage to any ambulance or fire brigade vehicle with warning devices sounding or warning lights activated.

   (2) A person who fails to comply with sub-section (1) shall be punishable with fine which may extend to three thousand rupees.

   (3) Any person who uses warning devices sounding or warning lights of ambulance or fire brigade vehicle without reasonable cause or without authorization shall be punishable with fine which may extend to five thousand rupees or imprisonment which may extend to six months or with both.

   (4) Any person who fails to give reasonable help unless the person has a reasonable excuse shall be punishable with fine which may extend to two thousand rupees.
(5) Any person who gives false or misleading information and knows that he is providing false information shall be punishable with fine which may extend to two thousand rupees.

(6) Any person who gives false or misleading call to emergency services shall be punishable with fine which may extend to two thousand rupees or imprisonment which may extend to three months or with both.”

STATEMENT OF OBJECTS AND REASONS

Every Second is critical for life of a person when it comes to medical emergency. The term “Golden Hour” is used for the first hour of initial valuation and primary commencement. This is time when Emergency Vehicles play a essential role as the responsibility of the initial treatment and also transporting the patient to the hospital lies with them.

With increasing traffic load on the roads, everybody in society must be sensitive and be made aware about giving way to the ambulance. As soon as the sound of ambulance or fire brigade siren is heard, the motorist should start moving to a side and give way to it.

Although now a days many ambulances are equipped with modern resuscitative equipment along with trained staff and serve as “Hospital on Wheels” still the best equipped ambulance needs to reach a specialized emergency center at the earliest to have the best chance, to save a life.

Furthermore people must be alerted to the fact that every second counts in a medical emergency, which is why it is vital for people to give way when an ambulance approaches. It may mean the difference between life and death.

Thus need is felt to comprehensively deliberate and legislate upon environment related issues. The situation clamors to introduce the said bill.

The Bill has been designed to achieve the above purpose.

SENATOR FAISAL JAVED,
Member In Charge.
SENATE BILL NO. XX OF 2020

A

BILL

further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002

WHEREAS it is expedient further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Ordinance No. XIII of 2002) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance No. XIII of 2002.—In the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Ordinance No. XIII of 2002), hereinafter referred to as the said Ordinance, in section 2,—

(i) the existing clause (ha), shall be re-numbered, as clause (haa), and before clause (haa), re-numbered as aforesaid, the following new clause (ha) shall be inserted, namely:—

“(ha) “Correspondent” means one who contributes news or commentary to a publication (such as a newspaper) or a radio or television network often from a distant place;

(ii) after clause (hc), the following new clause (hd) shall be inserted, namely:—

“(hd) “Employee” means an individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties;”

(iii) after clause (ka), the following new clause (kaa) shall be inserted, namely:—
“(kaa) "Journalist" means a person who writes news stories or articles for a newspaper or magazine or broadcasts them on radio or television;”

(iv) after clause (ta), the following new clause (taa) shall be inserted, namely:

“(taa) “Reporter” means a person employed by a newspaper, magazine, or television company to gather and report or broadcast news;”

3. Amendment of section 4, Ordinance No. XIII of 2002.—In the said Ordinance, in section 4, after sub-section (1), the following new sub-sections shall be inserted, namely:—

“(1A) The Authority shall be responsible for ensuring of signing, renewal and execution of valid contract between a channel and Correspondent, Employee, Journalist and Reporter.

(1B) The Authority shall be responsible for ensuring that the contract must include description of duties of employee and remuneration to be paid.”

4. Amendment of section 30, Ordinance No. XIII of 2002.—In the said Ordinance, in section 30, in sub-section (1), after clause (a), the following new clauses, shall be inserted, namely:—

“(aa) the channel/company has failed to maintain a valid contract and failed to ensure the compliance of the contract between channel and its employee;

(aaa) the channel/company has failed to pay any employee the due remuneration at due time;”

STATEMENT OF OBJECTS AND REASONS

Although in the past few years the media industry of Pakistan has expanded but these days it is facing a slowdown. The brunt of which is faced by media employees, reporters, newscasters and correspondents etc., in the form of lay-offs, pay cuts and late or no payments of salaries. In some companies, employees have been forced to take pay cuts which they accepted without any resistance fearing the consequence of losing a job. Many news channels have discontinued primetime shows and downsized its employment. This resulted in massive unemployment and poverty.
2. Thus need is felt to comprehensively deliberate and legislate upon the exploitation of media employees by the channels and companies. The situation clamors to introduce the said bill.

3. The Bill has been designed to achieve the above said purpose.

SENATOR FAISAL JAVED,
Member-In-Charge.

SENATE BILL NO. XXI OF 2020

A

BILL

further to amend the Pakistan Penal Code, 1860

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (XLV of 1860) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Pakistan Penal Code (Amendment) Act, 2020.

(2) It shall come into force at once.


STATEMENT OF OBJECTS AND REASONS

This section is a part of the inherited colonial structure of governance that continues in Pakistan. This section was for the natives who had to be kept under control least they incited rebelling against the masters.

This law served a brutal occupying force and today is being applied with increasing regularity to crush political dissent and make the citizen submit to unquestionable obedience.
Today the relationship between the rulers and rules is no longer one or master and subject. Respect for the Government cannot be regulated. It arises from the stat respect for individual freedom and the ability to govern.

SENATOR MIAN RAZA RABBANI,
Member-In-Charge.

SENATE BILL NO. XXII OF 2020

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

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

   (2) It shall come into force at once.

2. **Amendment of Article 89 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, in Article 89, in clause (2), in paragraph (a),—

   (i) in sub-paragraph (i),—

   (a) in the existing first proviso, after the word “Provided”, the word “further” shall be inserted;

   (b) before the first proviso, amended as aforesaid, the following new proviso shall be inserted, namely:—

   “Provided that the Ordinance shall be laid in the first sitting of the National Assembly after its promulgation and shall stand repealed if not laid in that session:”
(c) in the existing second proviso, for the word “further”, occurring for the first time, the word “also” shall be substituted; and

(ii) in sub-paragraph (ii),—

(a) in the existing first proviso, after the word `Provided”, the word “further” shall be inserted;

(b) before the first proviso, amended as aforesaid, the following new proviso shall be inserted, namely:

“Provided that the Ordinance shall be laid in the first sitting of either House of Parliament after its promulgation and shall stand repealed if not laid in that session:”

(c) in the existing second proviso, for the word “further”, occurring for the first time, the word “also” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

There is a long history of the misuse of the power of the President to promulgate an Ordinance, when the Parliament is not in session and such extreme circumstances exist where in legislation becomes imperative.

The Parliament has consciously been placing fetters on such power of the President, but unsuccessfully.

In the recent past, there has been inordinate delay in laying the Ordinances promulgated when the Parliament was not in session in contravention of Article 89 of the Constitution. This process has denied the Members as also both the Houses from exercising their constitutional right of moving a Resolution for disapproval under Article 89 of the Constitution, hence this amendment.

SENATOR MIAN RAZA RABBANI,

Member-in-Charge.
Senate Bill No. XXIII of 2020

A

Bill

further to amend the Pakistan Environmental Protection Act, 1997

Whereas it is expedient further to amend the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997) for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Environmental Protection (Amendment) Act, 2020.

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

(3) It shall come into force at once.

2. Amendment in section 2, Act XXXIV of 1997.—In the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), hereinafter to referred to as the said Act, in section 2, after clause (xxiv), the following new clause (xxiv-a) shall be inserted, namely:

“(xxiv-a) “Littering” means depositing, dropping, placing or throwing litter, any article or thing including wrappers, plastic bottles, the discarded ends of cigarettes, cigars and like products, and discarded chewing-gum and the discarded remains of other products designed for chewing in any public place including public transport except in a dustbin provided for the deposit of rubbish.”

3. Insertion of new section 16A, Act XXXIV of 1997.—In the said Act, after section 16, the following new section 16A, shall be inserted, namely:

“16A Prohibition of littering.—(1) No person shall throw down, drop or otherwise deposit or leave any litter whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter in any place whether on land or in water:

Provided that no offence is committed under sub-section (1) where the littering is—

(a) Authorized by law; or

(b) Done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.”
4. **Amendment of section 17, Act XXXIV of 1997.**—In the said Act, in section 17, after sub-section (8), the following new sub-section (9) shall be added, namely:—

“(9) Whoever contravenes or fails to comply with the provisions of section 16A without reasonable cause shall be punishable with fine which may extend to two thousand rupees, and in case of continuing contraventions, or failure with an additional fine which extend to five thousand rupees for every day during which such contravention continues.”

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**STATEMENT OF OBJECTS AND REASONS**

Litter is trash when it ends up outside a bin or landfill. The pure land of Pakistan is getting impure due to litter. Litter has hazardous impacts not only on environment but also on animals and people. Plastic waste suffocates, disables and kills thousands of animals each year. Litter cause vehicle accidents and injuries, smother plants, start fires and harm or kill animals. It also attracts rats and harmful bacteria. It costs residents and local, Provincial and Federal Governments millions of rupees to pick up litter, reverse the effects of littering and prevent litter. Littering can encourage the spread of pest species and diseases. Pakistan is a country of magnificent beauty, with scenes that will leave any person awestruck. Littered places just looks gross and depreciates the aesthetic value of the surrounding environments. Similarly, it affects local tourism as it makes city areas and roadside look disgusting.

2. Thus need is felt to comprehensively deliberate and legislate upon issues related to littering and its solutions. The situation clamors to introduce the said bill.

3. The Bill has been designed to achieve the above said purpose.

SENATOR FAISAL JAVED,  
*Member–In-Charge.*

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DR. SYED PERVAIZ ABBAS,  
*Secretary.*