SENATE SECRETARIAT

Islamabad, the 26th October, 2020

No. F. 24(52)/2020-Legis.—The following Bills were introduced in the Senate on 26th October, 2020:—

[Senate Bill No. XLV of 2020]

A

BILL

to provide for the prevention and control of infectious diseases

WHEREAS it is expedient to control transmission of the infectious diseases and provide for a legal framework for regulating the issues of public health policy and related matters during epidemics;

1571 (1—45)

Price: Rs. 60.00

[6335(2020)/Ex. Gaz.]
PART-I

INTRODUCTION

1. **Short title, extent and commencement.**—(1) This Act may be called the Prevention and Control of Infectious Diseases Act, 2020.

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

   (3) This Act shall come into force at once.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires:

   (i) “Aircraft” includes every description of craft used in aerial navigation;

   (ii) “Airport” means any area of land, water or space designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft and includes the roof of a building which is designed, equipped or set apart for affording facilities for the take-off and landing of aircraft;

   (iii) “Article” means any non-living movable thing including food and drugs and also includes fittings and fixtures;

   (iv) “Authorized Officer” means any medical officer of health department, any health inspector, or any officer appointed by the Federal Government under Section 3;

   (v) “Boarding-House” includes:

      (a) a hotel;
      (b) a hostel; or
      (c) any institution of refuge or rest for persons needing healthcare;

   (vi) “Commander” means the person for the time being in command of an aircraft or a ship;

   (vii) “Contact” means any person who has been or is likely to have been exposed to the risk of contracting an infectious disease, including any person arriving from an infected area;
(viii) “Contamination” means the presence of agents of an infectious disease on the surface of or in non-living things or on the body surface of living things;

(ix) “Deratize” means to render free from rodents;

(x) “Director General” means the Director General of Health appointed by Federal Government;

(xi) “Disinfect” means to destroy or remove the agents of disease;

(xii) “Dis-insecting” means the operation in which measures are taken to kill noxious insects;

(xiii) “Epidemic” means an extension of a disease by a multiplication of cases in an area;

(xiv) “Food” includes any substance consumed by human beings or animals or any substance used in the composition or preparation of any such substance and also includes flavoring materials and condiments, but does not include drugs;

(xv) “Government” means the Federal Government;

(xvi) “Health Inspector” means any health inspector in the service of the Federal Government or of any local authority;

(xvii) “Immunization” means the introduction of specific antigens or antibodies into the human body with the object of conferring immunity against the disease in question, and includes vaccination;

(xviii) “Infection” means the entry of agents of an infectious disease into living things and the multiplication of such agents in living things;

(xix) “Infectious Disease” means any disease specified in the Schedule;

(xx) “Infested” means infested with rodents or noxious insects;

(xx) “International Health Regulations” means the International Health Regulations as adopted by the World Health Assembly in 1969 and as amended from time to time;

(xxii) “Isolation” when applied to a person or a group of persons means the separation of that person or group of persons from other persons, except the personnel in-charge of the care and isolation of
such persons, in such a manner as to prevent the spread of infection, and includes the treatment of that person or group of persons;

(xxiii) “Local Authority” includes the Chief Commissioner Islamabad Capital Territory, Capital Development Authority and Islamabad Metropolitan Corporation or any other authority functioning in the Islamabad Capital Territory.

(xxiv) “Medical Officer of Health Department” means any medical practitioner in the service of the Government or any local authority who is for the time being carrying out the duties of a Medical Officer of Health Department in any area, district, or local authority area, including the airport and port limits thereof, and includes the Director General, the Deputy Director General of Health and the Director of Health Services;

(xxv) “Medical Practitioner” means a medical practitioner registered under the relevant law;

(xxvi) “Noxious Insect” means any arthropod carrying or causing or capable of carrying or causing any infectious disease, and includes the eggs, larvae and pupae of such arthropod;

(xxvii) “Observation” means the segregation of any contact or person suspected of suffering from any infectious disease for the purpose of ascertaining whether or not he is suffering from any infectious disease, and includes the treatment of that person;

(xxviii) “Pathogenic Organism or Substance” includes:

(a) any animal;
(b) any noxious insect;
(c) any living germ, microbe, bacteria or virus;
(d) the culture of any germ, microbe, bacteria or virus; or
(e) the product of any germ, microbe, bacteria or virus, capable of causing any infectious disease;

(xxix) “Port” means a seaport or an inland navigation port which is normally frequented by ships;

(XXX) “Premises” includes any structure, permanent or otherwise, the land on which the structure is situated, and any adjoining land used in connection therewith, and also includes any street, open space or vehicle;
“Quarantine Station” means any place where isolation or observation is carried out and includes an infectious disease hospital and any place declared by the Federal Government in the Gazette to be a quarantine station;

“Ship” includes any vessel used in navigation by water;

“Surveillance” means the subjection of any person, who is not isolated, to periodical examination or enquiry for the purpose of ascertaining his state of health and to conditions imposed by an authorized officer for such purpose;

“Treatment” includes all such acts and procedures as may be necessary for the purpose of determining whether a person is infected with an infectious disease and the proper treatment of such person;

“Vehicle” includes a ship, an aircraft, a train, a road vehicle and any other machinery used as means of transport.

(2) Any reference to “airport” or “port” includes a reference to any structure, permanent or otherwise, within the limits thereof.

PART-II

ADMINISTRATION

3. Appointment of Authorized Officers.—(1) The Federal Government shall appoint any suitable person to be an authorized officer for the purposes of this Act.

(2) An authorized officer shall, when acting within the scope of his powers and duties under this Act, be deemed to be a public servant.

(3) An authorized officer shall maintain the confidentiality of all matters which come to his knowledge in the performance of his official duties under this Act and shall not communicate any such matter to any person except for the purpose of carrying into effect the provisions of this Act.

(4) An authorized officer who contravenes the provisions of sub-section (3) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years or a fine or both.

4. Limitation of Liability.—(1) Nothing done by any authorized officer for the purpose of executing this Act and the regulations made thereunder
shall subject the authorized officer personally to any action, liability, claim or demand whatsoever.

(2) Sub-section (1) shall apply to any officer acting under section 5.

5. **Police Assistance, etc.**—Police, customs and immigration officers and officers from other government departments and agencies shall render such assistance as any authorized officer may request for the purpose of enabling him to exercise the powers vested in him by this Act or the regulations made under this Act.

PART-III

**PREVENTION OF IMPORTATION OF INFECTIOUS DISEASE**

6. **Declaration of Infected Area.**—(1) Whenever a notification is issued under the International Health Regulations that an infected area exists outside Pakistan, the Federal Government may, by order in the official Gazette, declare such area to be an infected area for the purposes of this Act.

(2) Notwithstanding the provisions of sub-section (1), the Federal Government may, by order in the official Gazette, declare any other area outside Pakistan to be an infected area.

(3) The Federal Government may, by regulations made under this Act, prescribe the measures to be taken to prevent the introduction of any infectious disease into Pakistan from an infected area.

7. **Entry into and examination of vehicles and the measures thereafter.**—(1) For the purposes of this Act an authorized officer may—

(a) enter into and medically examine any vehicle at any time upon its arrival in Pakistan;

(b) medically examine any person, animal or article on board such vehicle; and

(c) take such samples as may be necessary for the purpose of determining the sanitary condition of such vehicle or article or the state of health of such person or animal.

(2) An authorized officer may order any part of any vehicle, which he has reason to believe to be contaminated or infested, to be dis-infected, dis-insected or deratized to that officer’s satisfaction.
(3) If in the course of a medical examination under sub-section (1) an authorized officer finds or has reason to believe that any person is infected or is a contact, he may order such person—

(a) to be removed to a quarantine station and detained therein for isolation or observation; or

(b) to be put under surveillance until such time as the disease is no longer communicable to others.

8. **Time for Examination.**—(1) Examinations under section 7 shall be conducted at such reasonable time as may be determined by an authorized officer; and the owner of any vehicle, or his agent or servant, shall make such arrangements as may be required by the authorized officer for the examinations to take place.

(2) The owner of any vehicle, or his agent or servant, who contravenes sub-section (1) commits an offence.

9. **Importation or exportation of human remains and pathogenic organism or substance.**—(1) No person shall knowingly import into or export out of Pakistan—

(a) any human remains, human tissues or part thereof; or

(b) any pathogenic organism or substance or part thereof, except in accordance with regulations made under this Act.

(2) Any person who contravenes sub-section (1) commits an offence.

(3) When any person is charged under this section, he shall be presumed to have knowingly imported or exported such human remains, human tissues or part thereof or such pathogenic organism or substance or part thereof until the contrary is proved.

**PART-IV**

**CONTROL OF THE SPREAD OF INFECTIOUS DISEASE**

10. **Requirement to notify Infectious Disease.**—(1) Every adult occupant of any house in which any infectious disease appears, and every person in charge of, or in the company of, and every person, not being a medical practitioner, attending on any person suffering from or who has died of an infectious disease shall, upon becoming aware of the existence of such disease, with the least practicable delay notify the officer in charge of the nearest district
health office or government health facility or police station or notify the nearest village head of the existence of such disease.

(2) Every medical practitioner who treats or becomes aware of the existence of any infectious disease in any premises shall, with the least practicable delay, give notice of the existence of the infectious disease to the nearest Medical Officer of Health in the form prescribed by regulations made under this Act.

(3) The person in-charge of any boarding-house shall, with the least practicable delay, notify the officer in-charge of the nearest district health office or government health facility or police station if he knows or has reason to believe that any person in the boarding-house is suffering from or has died of an infectious disease.

(4) Any police officer or village head receiving notification under this section shall, with the least practicable delay, notify the officer in-charge of the nearest district health office or government health facility.

(5) Any person who contravenes this section commits an offence.

(6) When any person is charged under this section, he shall be presumed to have known of the existence of the infectious disease or to have had reason to believe that an infectious disease existed, unless he shows to the satisfaction of the Court before which he is charged that he did not know and could not with reasonable diligence have obtained knowledge of the infectious disease or that he did not have reason to believe that an infectious disease existed.

11. Declaration of an Infected Local Area.—(1) If the Federal Government is satisfied that there is an outbreak of an infectious disease in any area in Pakistan, or that any area is threatened with an epidemic or pandemic of any infectious disease, it may, by order in the official Gazette, declare such area to be an infected local area.

(2) The Federal Government may, by regulations made under this Act, prescribe the measures to be taken to control or prevent the spread of any infectious disease within or from an infected local area.

(3) During the continuance in force of an order made under sub-section (1), it shall be lawful for any authorized officer to direct any person or class or category of persons living in an infected local area or in any part thereof to subject himself or themselves—

(a) to treatment or immunization;
(b) to isolation, observation or surveillance, the period of which being specified according to circumstances; or

(c) to any other measures as the authorized officer considers necessary to control the disease.

(4) It shall be lawful for an authorized officer to use such force, with or without assistance, as may be necessary and to employ such methods as may be sufficient to ensure compliance with any direction issued under sub-section (3).

(5) Any person who refuses to comply with any direction issued under sub-section (3) commits an offence.

12. **Infected Persons not to act in a manner likely to spread Infectious Disease.**—(1) No person who knows or has reason to believe that he is suffering from an infectious disease shall expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.

(2) No person who knows or has reason to believe that he is suffering from any infectious disease specified in the Schedule shall do any act which he knows or has reason to believe is likely to lead to the spread of such infectious disease.

(3) Any person who contravenes this section commits an offence.

(4) This section shall not apply to any person whose presence or conduct in such place as mentioned in sub-section (1) is necessary for the purpose of obtaining medical treatment.

13. **Control of contaminated articles and infected animals.**—(1) No person who knows or has reason to believe that any article is contaminated or that any animal is infected or contaminated shall give, lend, sell, transmit, use or expose such article or animal without prior disinfection.

(2) Any person who contravenes sub-section (1) commits an offence.

(3) This section shall not apply to any person who transmits, with proper precautions, any article or animal for the purpose of having it dis-infected.

14. **Isolation of Infected Persons and suspects.**—An authorized officer may cause any person who is infected or whom he has reason to believe to be infected to be removed to quarantine station for treatment and may detain the person at the station until he can be discharged without danger to the public.
15. **Observation or surveillance of Contacts.**—(1) An authorized officer may order any contact to undergo observation in such place and for such period as he may think fit, or to undergo surveillance until he may be discharged without danger to the public.

(2) For the purposes of sub-section (1), an authorized officer may use such force as may be necessary to ensure compliance with his order.

16. **Order for examination of corpse.**—Whenever an authorized officer suspects that a person has died of an infectious disease, he may order the corpse to be conveyed to such place as he may appoint for such examination as he may consider necessary.

17. **Disposal of the dead.**—(1) Where—

(a) a person has died or is suspected to have died of an infectious disease; and

(b) an authorized officer has given directions as to the manner in which the corpse of such person is to be buried or cremated in accordance with the known religious association of the deceased, no person shall bury or cremate such corpse otherwise than in accordance with the directions of the authorized officer.

(2) Any person who contravenes sub-section (1) commits an offence.

18. **Dis-infection and closure of premises.**—(1) If an authorized officer has reason to believe that there has been a person with an infectious disease on any premises, or that there exist on any premises conditions likely to lead to the outbreak or spread of any infectious disease, he may do any or all of the following:

(a) examine or cause to be examined any person found on the premises with a view to ascertaining if the person is suffering or has been suffering from an infectious disease;

(b) examine the premises and any article or animal on the premises with a view to ascertaining if they are contaminated or infected, as the case may be;

(c) order the premises or any part thereof to be dis-infected, dis-insected and deratized;

(d) order the premises or any part thereof to be closed until the premises have been thoroughly dis-infected, dis-insected and deratized;
(e) order the disinfection of all contaminated articles and infected or contaminated animals on the premises or, if such article or animal is incapable of being thoroughly disinfected, order its destruction;

(f) do any other act to prevent the outbreak or the spread of any infectious disease.

(2) An authorized officer may at any time enter any premises after giving notice for the purpose of exercising the powers conferred upon him by sub-section (1).

19. Destruction of structures.—(1) A Medical Officer of Health Department may order the destruction of any structure where a case of infectious disease has occurred if the structure is incapable of being thoroughly disinfected.

(2) The Medical Officer of Health shall report to the Director General every order made under sub-section (1).

20. Selling or letting contaminated buildings.—(1) Where an authorized officer is satisfied that there is or has been a case of infectious disease in any building and that it is necessary to do so, he may issue an order prohibiting any person from selling or letting such building or any part thereof without the certificate in writing of an authorized officer certifying that such building, or part thereof, and articles therein—

(a) have been disinfected to the authorized officer’s satisfaction; or

(b) need not be disinfected, as the case may be.

(2) Any person who contravenes any order issued under sub-section (1) commits an offence.

(3) For the purpose of this section, “letting” includes the admission of any person into a boarding-house as a paying lodger.

21. Power to order Disinfection of certain vehicles.—Where an authorized officer is satisfied that any vehicle has been used to convey any person suffering from an infectious disease, the authorized officer may cause such vehicle to be disinfected.

PART-V

OFFENCES AND PENALTIES

22. Offence Generally.—Any person who—

(a) obstructs or impedes, or assists in obstructing or impeding, any authorized officer in the execution of his duty;
PART III

(b) disobeys any lawful order issued by any authorized officer;

(c) refuses to furnish any information required for the purposes of this Act or any regulations made under this Act; or

(d) upon being required to furnish any information under this Act or any regulations made under this Act, gives false information, commits an offence.

23. Prosecution.—Any authorized officer may appear in any court and conduct any prosecution with respect to any offence under this Act or any regulations made thereunder.

24. General Penalty.—Any person guilty of an offence under this Act for which no specific penalty is provided shall be liable on conviction—

(a) in respect of a first offence, to imprisonment for a term not exceeding two years or fine or both;

(b) in respect of a second or subsequent offence, to imprisonment not exceeding five years or fine or both;

(c) in respect of a continuing offence, to a further fine not exceeding one hundred thousand rupees for every day such offence continues.

25. Compounding of Offences.—The Director General or any public officer authorized for this purpose by him in writing may compound any offence mentioned in this Act.

PART VI

MISCELLANEOUS

26. Requisition of Premises.—(1) Whenever it appears to the Director General necessary for carrying out of any of the provisions of this Act and the regulations made under this Act, he may in writing authorize any authorized officer to requisition temporarily any premises for such period as in the opinion of the Director General is necessary.

(2) Where any premises are requisitioned under sub-section (1), the premises shall be cleansed and dis-infected before being returned to the owner.

(3) Where any premises are requisitioned under sub-section (1), the owner thereof shall be paid such compensation on market rate, as may be agreed between the owner and the Director General or, in default of agreement, be determined by arbitration in accordance with the provisions of the Arbitration Act, 1940.
27. Seizure and disposal of contaminated articles, etc.—(1) Without prejudice to any other authority conferred under this Act, an authorized officer may seize any article which is or is likely to have been contaminated, or which contains or appears to contain any pathogenic organism or substance, and may seize any animal which is or is likely to have been infected or contaminated.

(2) Where any article or animal seized under sub-section (1) is incapable of being thoroughly disinfected and the owner or the person in whose possession the article or animal was at the time of the seizure consents in writing to the destruction of the article or animal, the article or animal may be destroyed or otherwise disposed of as the authorized officer may direct.

(3) Where any article or animal seized under sub-section (1) is incapable of being thoroughly disinfected and the owner or person in whose possession the article or animal was at the time of the seizure does not consent to the destruction of the article or animal, the authorized officer shall apply to a Magistrate for an order for the disposal of the article or animal and the Magistrate may make such order as he may deem fit, including an order for the destruction of such article or animal, notwithstanding that no one has been charged with or convicted of any offence in connection with the article or animal.

28. Recovery of costs and expenses.—(1) The Government may recover from the owner of any vehicle, or his agent or servant, any cost and expenses charged or incurred by the Government under this Act or the regulations made under this Act for all or any of the following:

(a) the removal, medical attendance and maintenance of any person who is or is suspected to be suffering from an infectious disease and who is removed to any hospital or place from such vehicle for medical treatment or for isolation or observation;

(b) the burial or cremation of any person who dies of an infectious disease on such vehicle, or who dies of an infectious disease after removal to hospital from such vehicle;

(c) the cleansing, disinsecting, disinfection and deratizing of such vehicle or of any part thereof;

(d) the disposal of contaminated articles or infected or contaminated animals on such vehicle.

(2) Any cost or expenses charged or incurred by the Government under this Act or any regulations made under this Act may, without prejudice to any other remedy, be recovered by civil proceedings as a debt due to the Government.
29. **Exemption.**—(1) The Federal Government may, by order published in the official Gazette, exempt—

(a) any person or class of persons;
(b) any article;
(c) any vehicle;
(d) any human remains, human tissues or part thereof;
(e) any animal; or
(f) any pathogenic organism or substance, from the operation of any of the provisions of this Act or any regulations made under this Act.

(2) The Federal Government may, in making the order under subsection (1), impose such conditions as it deems fit.

30. **Power to amend Schedule.**—The Federal Government may, from time to time, by order in the official Gazette delete any provision from or add to, alter or amend the provisions of the Schedule.

31. **Power to Make Regulations.**—(1) The Federal Government may make regulations, in respect of the whole or any part of Pakistan, including airports, ports, coastal waters and land frontiers thereof, for carrying the provisions of this Act into effect.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under this section may provide for all or any of the following matters:

(a) The establishment and maintenance of facilities on land or sea or at the common frontier of contiguous territories for health measures to be applied to local and international traffic;

(b) Regulating the entry and movement of any vehicle and prescribing the measures to which the vehicle shall be subject to prevent the outbreak of infectious diseases;

(c) Regulating—

(i) the entry of persons into, their movements within, and their departure from, Pakistan;

(ii) the importation and exportation of articles;

(iii) the importation and exportation of human remains, human tissues or part thereof;

(iv) the importation and exportation of pathogenic organisms and substances.
(d) Regulating the sanitary standards required for ships and aircrafts registered in Pakistan;

(e) Regulating the sanitary standards required for ships and aircraft coming into Pakistan;

(f) The duties to be performed by commanders and other persons who are or have been on board any vehicle, or who are desirous of boarding the vehicle, to prevent the spread of infectious diseases;

(g) Regulating the sanitary standards required for ports, airports and their surroundings and the health standards of persons employed thereat;

(h) Regulating quarantine procedures and the management of quarantine stations;

(i) The detention, isolation and observation in quarantine station of persons suffering from or suspected to be suffering from an infectious disease;

(j) Regulating the cleansing and disinfection of premises—
   (i) where there has been a case or suspected case of infectious disease; or
   (ii) which are suspected of being contaminated with the agents of infectious disease.

(k) Regulating the removal and disinfection or destruction of articles which have been or are suspected to have been contaminated with the agents of infectious disease;

(l) The prevention and control of the spread of infection by insects, rodents or other animals;

(m) Prescribing sanitary standards and sanitary facilities for premises;

(n) The inspection of premises and articles therein;

(o) The collection and transmission of epidemiological and health information and the compulsory reporting of infectious diseases;

(p) Prescribing the fees to be paid under this Act and the regulations made under this Act;

(q) The payment to the Government of any costs and expenses charged or incurred for the medical attendance and maintenance of persons removed to hospitals or quarantine stations;
(r) Prescribing offences which may be compounded and the procedure for compounding;

(s) Prescribing the forms to be used under this Act and the regulations made under this Act;

(t) Such other matters as may appear to the Minister in-charge of concerned department advisable for the prevention or mitigation of infectious diseases.

32. **Compensation.**—The Federal Government may provide compensation to the owner the compensation on market rate for the destruction or disposal of building, vehicle, article or animal, as the case may be.

33. **Repeal and Savings.**—This Act shall repeal The West Pakistan Epidemic Diseases Act, 1958 (W.P. Act XXXVI of 1958), however, actions taken under the repealed Act shall have the effect till the publication of this Act in the official Gazette.

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**SCHEDULE**
[Section 2]

**INFECTION DISEASES**

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<td>Any other life-threatening microbial infection.</td>
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<td>29.</td>
<td>Human Immunodeficiency Virus Infection (All forms)</td>
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STATEMENT OF OBJECTS AND REASONS

Minimizing the transmission of infectious diseases is a core function of public health law. The appropriate exercise of legal powers will vary according to the seriousness of the disease, the means of transmission, and how easily the disease is transmitted. A law can contribute to the prevention of infectious diseases by improving access to vaccination and by facilitating screening, counseling and education of those at risk of infection. The law also has a reactive role: supporting access to treatment and authorizing public health authorities to limit contact with infectious individuals and to exercise emergency powers in response to disease outbreaks.

Where public health laws authorize interferences with freedom of movement, the right to control one’s health and body, privacy, and property rights, these laws should balance such private rights with the public health interest in an ethical and transparent way. Public health powers should be based on the principles of public health necessity, reasonable and effective means, proportionality, distributive justice, and transparency.

This Bill aims to achieve these objectives and to prevent, control and contain the infectious, epidemic and pandemic diseases in Pakistan.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-Charge.

[SENATE BILL NO. XLVI OF 2020]

A

BILL

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898 (V of 1898)

WHEREAS it is expedient further to amend the Pakistan Penal Code 1860 (XLV of 1898) and Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Criminal Laws (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 297A, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (XLV of 1860), after Section 297, the following new Section shall be inserted, namely:

“297A. **Rape, molestation or sexual intercourse of any kind to any human corpse.**—Whoever commits rape, molestation or sexual intercourse of any kind to any human corpse shall be punished with imprisonment for life but not less than fourteen years and fine which may extend to one million rupees but not less than one hundred thousand rupees.”

3. **Amendment of Schedule-II, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule-II, after section 297 the new section 297A, shall be inserted, and the following new entries shall be made in the subsequent columns accordingly:

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<th>“297A.”</th>
<th>Rape, molestation or sexual intercourse of any kind to any human corpse.</th>
<th>May arrest without warrant</th>
<th>Not-compoundable</th>
<th>Imprisonment for life but not less than 14 years and fine which may extend to one million rupees but not less than one hundred thousand rupees</th>
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**STATEMENT OF OBJECTS AND REASONS**

In context of the increasing cases of raping the human corpse, there is a need to make a law which could deter the offenders and the people of like mind from committing the offense. The human corpse has dignity in Islamic Law, hence to preserve the right of dignity of the human corpse, the said amendment is needed.

SENATOR MUHAMMAD JAVED ABBASI,  
Member-in-Charge.
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:—

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 93 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 93, after clause (2) the following new clause (3) shall be added, namely:

   “(3) Before entering upon office, an Adviser shall make before the President oath in the Form set out in the Third Schedule.”

3. **Amendment of Third Schedule of the Constitution.**—In the Constitution, in the Third Schedule for the Oath Form for the office of the Federal Minister or Minister of State, the following shall be substituted, namely:

   “FEDERAL MINISTER OR MINISTER OF STATE OR ADVISER
   [Articles 92 (2) and 93 (3)]

   (in the name of Allah, the most Beneficent, the most Merciful.)

   I,___________________ do solemnly swear that I will bear true faith and allegiance to Pakistan:

   That, as Federal Minister (or Minister of State) or Adviser; I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:
That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Federal Minister (or Minister of State) or Adviser, except as may be required for the due discharge of my duties as Federal Minister (or Minister of State) or Adviser, or as my be specially permitted by the Prime Minister.

May Allah Almighty help and guide me (A’meen)”

———

STATEMENT OF OBJECTS AND REASONS

It is necessary to prescribe oath for Advisers just like for Minister or Minister of State.

These Advisers have access to all official secrets. They also attend the meetings of the cabinet and can participate in the proceedings of both the Houses of the Parliament.

By making them accountable before Majlis-e-Shoora (Parliament), it should be obligatory for them to take oath under Constitution of Islamic Republic of Pakistan.

Every member of the cabinet and every member of the Parliament work under oath not these Advisers.

This is major lacuna in the Constitution and must be rectified by prescribing the same oath for these Advisers as its provided in the Constitution for the Minister or Minister of State.

SENATOR SIRAJUL HAQ,
Member-in-Charge.
further to amend the Enforcement of Women’s Property Rights Act, 2020

WHEREAS it is expedient to amend the Enforcement of Women’s Property Rights Act, 2020 (XII of 2020), to ensure property rights for female citizens who are mostly deprived of right to own and possess their inherited property;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Enforcement of Women’s Property Rights (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 6, Act XII of 2020.—(1) In the Enforcement of Women’s Property Rights Act, 2020 (XII of 2020), hereinafter referred to as the said Act, in section 6,—

(i) in sub-section (1) the word “preferably” shall be omitted;

(ii) for sub-section (2) the following shall be substituted, namely:—

“(2) Notwithstanding anything contained in any other law for the time being in force, the civil court shall entertain the reference under sub-section (1) as civil suit and shall decide the same within sixty days.”

(iii) after sub-section (2) substituted as aforesaid, the following new sub-section (3), shall be inserted, namely:—

“(3) The proceedings of such suits shall be conducted under the provisions of the Code of Civil Procedure, 1908 (V of 1908).”

3. Insertion of new section 7A and 7B, Act XII of 2020.—In the said Act, after section 7, the following new sections shall be inserted, namely:-

“7A. Procedure for suit already pending.—Notwithstanding anything contained in any other law for the time being in force, where the suit for possession through partition of inherited property of a
woman is already pending in any court of law the same shall be decided within sixty days from the publication of this Act in the official Gazette.

7B. Notification of Judges to try Suits.—The District Judge shall designate the civil judges to exclusively try the cases of possession, partition and ownership mentioned under this Act.”

4. Substitution of section 8, Act XII of 2020.—In the said Act, for section 8, the following shall be substituted, namely:-

“8. Loss of rent.—(1) On initiation of proceedings under section 4 or culmination of proceedings under section 5 or where the reference is made to the court under section 6 or where the court is already seized with the matter under Section 7, the Ombudsman or the court, as the case may be, may also direct that the complainant be paid rent by the person depriving the said complainant of the use of the property or her share in the property the amount equivalent to the rent that the property would fetch at the prevalent market rate for the duration for which Ombudsman or the court decides the complainant was entitled to receive rent.

(2) Where the person depriving the possession fails to deposit the rent as directed by Court the court shall pass an order to seal the property till the rent is deposited or possession is delivered to the complainant and in case of Ombudsman he shall recommend the revenue authorities to seal the property till the rent is paid or possession is delivered.”

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan guarantees equal rights for the women. However, in practice women are deprived from their right of inheritance and right to own and possess their property. This amendment seeks to supplement the Enforcement of Women’s Property Rights Act, 2020.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-Charge.
further to amend the Zainab Alert, Response and Recovery Act, 2020

WHEREAS it is expedient further to amend the Zainab Alert, Response and Recovery Act, 2020, (XV of 2020), for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the Zainab Alert, Response and Recovery (Amendment) Act, 2020.

   (2) It shall come into force at once.

2. **Substitution of section 9, Act XV of 2020.**—In the Zainab Alert, Response and Recovery Act, 2020 (XV of 2020), hereinafter referred to as the said Act, for section 9, the following shall be substituted, namely:-

   “9. **Punishment under this Act.**—An any police officer who does not comply with the provisions of section 8 of this Act in case of missing or abducted child or any other public officer who willfully or negligently delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished according to the nature of crime with imprisonment of either description but not less than one year and a fine but not less than fifty thousand rupees.”

3. **Substitution of section 15, Act XV of 2020.**—In the said Act, for section 15, the following shall be substituted, namely:-

   “15. **Completion of trial.**—Notwithstanding anything contained in any other law for the time being in force, the trial of offences against children under the age of eighteen, including but not limited to, sections 201, 292A, 292B, 302, 328A, 361, 362, 364, 364A, 365, 366A, 369, 369A, 372, 373, 375, 376, 377 and 377A of the Pakistan Penal Code and abetting thereof, shall be tried by the judges concerned and all such trials shall be concluded within a period of three months:

   Provided that in case of death of the victim in result of rape or other cruelty, punishment not less than death penalty shall be given to the accused:
Provided further that nothing herein affect the trial of any offence being conducted, or to be conducted by the Anti-Terrorism Court established in 1987.”

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STATEMENT OF OBJECTS AND REASONS

Zainab Alert Response and Recovery Bill was passed by Parliament. This Act is different in nature that it was brought in Parliament with the high aims to curb and control the child abuse incidents and as it is named as a Zainab Alert for recovery of missing, abducted, abused or kidnapped children in Pakistan. No one was and is against the mind and intention behind the bringing this Act. It was mentioned in statement of objects and reasons that: there is an urgent and pressing need to: (I) enact special laws to provide a speedy system of alerts, responses, recoveries, investigations, trials and rehabilitation to prevent and curb criminal activities against the children and (ii) to ensure harmonization and cohesion in the workings of the new agencies and institutions established for the protection of children and already existing mechanisms within this field.

SENATOR SIRAJ-UL-HAQ,  
Member-in-Charge.

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[SENATE BILL NO. L OF 2020]  

A BILL

further to amend the Federal Public Service Commission Ordinance, 1977

WHEREAS it is expedient further to amend the Federal Public Service Commission Ordinance, 1977 (Ordinance No. XLV 1977) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Federal Public Service Commission (Amendment) Act, 2020.

   (2) It shall come into force at once.
2. **Amendment in section 7, Ordinance No. XLV 1977.**—In the Federal Public Service Commission Ordinance, 1977, (Ordinance No. XLV 1977), in section 7, in sub-section (1) after paragraph (a), the following new paragraph (aa), shall be inserted, namely:-

“(aa) The Commission shall make necessary arrangements and Standard of Operating Procedure (SOPs) for conducting Digital Evaluation of competitive exams and shall specify a date for commencement of the operation of digitalization;

**Explanation:**—For the purpose of this section digital evaluation means an evaluation system for uploading answer scripts centralized data base, accessing them and displaying marks and marked answer sheets while checking the responses across the website.”

________

**STATEMENT OF OBJECTS AND REASONS**

In country like Pakistan where the large population is of educated unemployed youth, the young aspirants try there level best to get a Government job for which they have to undergo through an assessment procedure. The assessment is done through the paper-based system, which not only require 6-7 months for declaring results but also there is possibility of error and compromised meritocracy. The main reason is high volume of answer scripts that needed to be evaluated. The undue waiting period further led to a delay in other affairs, such as conducting interviews and designating the shortlisted officers. Other major glitches include lack of high-quality evaluators available and incapacity of executing parallel evaluation on paper-based sheets.

Benefits of digital evaluation include reduced time for evaluation, leading to a swifter and smoother assessment process, Minimized possibility of errors that were present in the manual setup and greater transparency of the assessment procedure since students can access their answer scripts online. Digital evaluation can be considered as a great asset in fixing the blind-spots and the limitations in the assessment process.

Thus need is felt to comprehensively deliberate and legislate to incorporate digital advancement in a country like ours. The situation clamors to introduce the said bill.

The bill has been designed to achieve the above said purpose.

SENATOR FAISAL JAVED,
Member-in-Charge.
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 213 of the Constitution.—In the Constitution of the Islamic Republic of Pakistan, in Article 213, after clause (2B), the following new clauses shall be inserted, namely:

“(2C) When there is no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within seven days shall become forwarded to the Committee duly constituted under clause (2D).

(2D) The Committee shall consist of the Chairman Senate and the Speaker National Assembly, who shall confirm the names for appointment from the list so forwarded within fourteen days with consensus.”

STATEMENT OF OBJECTS AND REASONS

The seats in Election Commission of Pakistan had been lying vacant since January 26, 2019, the Government was bound to fill the seats in forty five days.

The Prime Minister and Opposition Leader did not reach consensus and names were referred to the Parliamentary Committee duly constituted under Article 213 (2B).
There was no consensus in Parliamentary Committee too for appointments.

The Government had announced the appointment of two new members of the Election Commission and appointment was about seven months after the retirement of the members of Election Commission of Pakistan from Sindh and Balochistan.

The Chief Election Commissioner refused to Administrator oath to the new members stating that their appointment has not been carried out as per the Constitution of Pakistan.

In above situation, there is no provision in the Constitution to deal with the matter.

Through above amendment it is proposed that in case there is also no censuses among the members of Parliamentary Committee for the appointment of members, all the names, proposed form both sides in the Committee within seven days shall become forwarded to the Committee duly constituted under the newly inserted clause (2D) and it is proposed that the Committee shall consist of the Chairman Senate and the Speaker National Assembly, who shall confirm the names for appointment from the list so forwarded within fourteen days with consensus.

Amendment is proposed to achieve the above objects.

SENATOR SIRAJUL HAQ,
Member-in-Charge.

[SENATE BILL NO. LII 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 213 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 213, in clause 2(A), in the existing proviso, for the full stop “.” at the end a colon “:” shall be substituted and thereafter the following second proviso shall be added, namely:—

“Provided further that in case the Parliamentary Committee is unable to confirm any one name, the matter shall stand referred to the Committee consisted of Chairman Senate and Speaker National Assembly for final decision within seven days.”

3. **Amendment of Article 215 of the Constitution.**—In the Constitution, in Article 215, in clause 4, for the full stop “.” at the end a colon “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the process to fill an anticipated vacancy to be caused by the retirement of the Commissioner or a Member shall be initiated six months prior to the occurrence of such vacancy and shall be completed before the due date of retirement of the Commissioner or Member as the case may be.”

STATEMENT OF OBJECTS AND REASONS

The Election Commission of Pakistan (ECP) is a key Institution constitutionally charged with the responsibility of holding elections honestly, justly, fairly, and in accordance with law. The procedure for appointment of Chief Election Commissioner and members of the Commission is provided in Articles 213 and 215 of the Constitution. Article 213 says the Prime Minister shall, in consultation with the Opposition Leader, forward three names for appointment of the Commissioner or a member of the Commission to a Parliamentary Committee for confirmation of any one. This is the first step. The second step arises when there is no consensus between the Premier and Opposition Leader and then each forwards separate lists to the Parliamentary Committee for consideration which may confirm any one name in both cases, the names are to go to the Parliamentary Committee for confirmation. The constitutional provision doesn’t say what will happen if the Committee is unable
to confirm any names. Therefore, the matter shall stand referred to the Committee comprising the Chairman Senate and the Speaker, National Assembly for final decision. It has also been felt that this process of appointments in the Commission is time taking and has potential to make the Commission practically a dysfunctional body. To deal with such an undesirable situation, there is need to provide for completion of process for appointments prior to occurrence of actual vacancy so as to ensure continuity in the Commission.

2. The Bill has been designed to achieve the aforesaid objectives.

SENATOR LT. GENERAL ABDUL QAYYUM HI (M) RETD.
Member-in-Charge.

[SENATE BILL NO. LIII OF 2020]

A BILL

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) in its application to the 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 Code of Criminal Procedure (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 59A, Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Code, after section 59, the following new section shall be inserted, namely:—

“59A. Right to have someone informed when arrested.—(1) Where a person is arrested and held in custody in a police station or other premises, he shall be entitled to have a family member, friend or relative or other person who is known to him or who is likely to
take an interest in his welfare, told by officer in-charge of police station about his arrest.

(2) A police officer not below the rank of Superintendent of Police may only authorize delay where he has reasonable grounds of believing that telling to the named person of the arrest shall—

(a) lead to interference with or harm to the evidence connected with a cognizable offence or interference with or physical injury to other person; or

(b) lead to alerting of other person suspected of having committed such an offence but not yet arrested for it; or

(c) hinder the recovery of any property obtained as a result of such offence.”

3. Amendment of section 154, Act V of 1898.—In the Code, the existing section 154, shall be re-numbered as sub-section (1) and thereafter the following new sub-section shall be added, namely:-

“(2) Any information relating to the commission of cognizable offence not entered in the book by an officer in-charge of a police station, may be given to the magistrate having ordinary jurisdiction in cases coming up from such police station which shall be received in the manner given in sub-section (1).”

4. Amendment of section 431, Act V of 1898.—In the Code, in section 431, for the full stop “.” occurring at the end, a semicolon “;” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that an appeal against conviction shall not abate if anyone of legal heirs of the deceased appellant within thirty days of the death of appellant request the court for its judgment in such appeal.”

5. Insertion of new section 431A, Act V of 1898.—In the Code, after section 431, the following new section shall be inserted, namely:-

“431A. Right of appeal not to extinguish.—Where a convict dies before filing an appeal against his conviction, anyone of his legal heirs may prefer an appeal against such conviction in the same manner as prescribed in the court for appeal by such deceased convict.”
STATEMENT OF OBJECTS AND REASONS

Insertion of new Section 59A in the Code of Criminal Procedure seeks to stop the abuse of process by the police officials who, in many cases, keep the accused in custody without formally arresting him. This amendment gives the right to the accused that persons having interest in his welfare be informed of his arrest.

2. Amendment of Section 154 in the said Code seeks to lay off burden from the Sessions Court where such courts are overburdened under their powers as ex-officio justice of peace when police fails to register the First Information Report the aggrieved has to move to the court/ex-officio Justice of peace for seeking direction for registration of FIR. Through this amendment it is proposed that magistrate having jurisdiction over the concerned police station may also receive and register the First Information Report.

3. Amendment in Section 431 and insertion of 431A aims to provide the right to legal heirs of the deceased appellant to get the stigma removed from the personality where they want to contest the case on behalf of the deceased convict.

4. The bill seeks to achieve the above said purpose.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-Charge.

[SENATE BILL NO. LIV OF 2020]

A BILL

further to amend the Fatal Accidents Act, 1855

WHEREAS it is expedient further to amend the Fatal Accidents Act, 1855, (XIII of 1855) in its application to the 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 Fatal Accidents (Amendment) Act, 2020.
(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Amendment of section 1, Act XIII of 1855.**—In the Fatal Accidents Act, 1855 (XIII of 1855), hereinafter referred to as the said Act, in section 1, for the second paragraph the following shall be substituted, namely:

“Every such action or suit shall be for benefit of the legal heirs of the person whose death may have been so caused, and shall be taken and brought in the name of the legal heirs of the deceased.”

3. **Amendment of section 2, Act XIII of 1855.**—In section 2, for the word “complaint,” the word “suit” shall be substituted.

4. **Insertion of new sections 3A, 3B, 3C and 3D Act XIII of 1855.**—In the said Act, after section 3, the following new sections shall be inserted, namely:

   “3A. **Interim Order for Compensation.**—(1) During pendency of a suit, the plaintiff may file an application for interim compensation. On such application, the Court may—

   (a) if, *prima facie*, appeared to it that death of a person was caused by wrongful act, negligence or default of accused/defendant; and

   (b) any of the legal heirs of the deceased is facing financial hardships in meeting his basic needs, pass an order for interim compensation per month as it deems appropriate.

   (2) The interim compensation granted under sub-section (1) shall be adjusted in the amount of actual compensation granted by the decree of the court.

   (3) If the accused/defendant fails to pay interim compensation in compliance with the orders of the court, the court shall strike off the accused/defendant and decree the suit.

   (4) No appeal shall lie from the order in respect of payment of interim compensation.

3B. **Disposal of cases within specified period.**—Where a trial court refuses an application under section 3A, it shall decide the case within six months.
3C. **Appeal.**—An appeal against the decree passed by the trial court shall lie in the manner provided under section 96 of the Code of Civil Procedure, 1908.

3D. **Execution of the Decree.**—Upon pronouncement of judgment by the trial court, the suit shall automatically stand converted into execution application and no fresh notice shall be issued to the judgment debtor.”

5. **Omission of section 4, Act XIII of 1855.**—In the said Act, section 4 shall be omitted.

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**STATEMENT OF OBJECTS AND REASONS**

These amendments seek to ensure speedy justice and enable legal heirs of the victims to compensation in case of death in fatal accidents in the Islamabad Capital Territory.

SENATOR MUHAMMAD JAVED ABBASI,  
*Member-in-Charge.*

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[SENATE BILL NO. LV OF 2020]  

A  

BILL  

to amend the International Islamic University Ordinance, 1985

WHEREAS it is expedient to amend the International Islamic University Ordinance, 1985 (Ordinance XXX of 1985), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

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

(2) It shall come into force at once.
2. **Amendment of section 17, Ordinance XXX of 1985.**—In the International Islamic University Ordinance, 1985 (Ordinance XXX of 1985), hereinafter referred to as the said Ordinance, in section 17, in sub-section (1), after paragraph (xvii), the following new paragraph shall be inserted, namely:

“(xviia) Such number of university teachers having at least three years service in the university as is equal to ten percent of the total number of teachers, subject to a maximum number of fifteen, to be elected by all the university teachers;”

3. **Amendment of section 19, Ordinance XXX of 1985.**—In the said Ordinance, in section 19, in sub-section (1), the existing entry (ix) shall be re-numbered as (xi) and after the existing entry (viii), the following new entries shall be inserted:

“(ix) Two Professors or Associate Professors to be Members elected by the Professors and Associate Professors of the University;

(x) Two Assistant Professors or Lecturers to be elected Members by the Assistant Professors and Lecturers of the University;”

4. **Amendment of section 22, Ordinance XXX of 1985.**—In the said Ordinance, in section 22, in sub-section (1),—

(i) For paragraph (vi), the following shall be substituted:

“(vi) Four Associate Professors, not being the Chairman of teaching departments, to be elected by the Associate Professors of the University;” and

(ii) After paragraph (vi) substituted as aforesaid, the following new paragraph (via) shall be inserted:

“(via) Four Assistant Professors and Lecturers to be elected by the Assistant Professors and Lecturers of the University.”

———

**STATEMENT OF OBJECTS AND REASONS**

The hallmark of a democratic society is the people’s representation in the decision making bodies. This principle is followed in almost all parts of the world including Islamic Republic of Pakistan. We can observe that institutions are built upon the people’s wishes and they are given the basic right of
representation in the decision making bodies of their institutions. Public sector universities, in this regard, do not stand an exception. In addition to this the role of academicians in the decision making bodies of the universities is pivotal. Without their adequate representation, these bodies cannot work efficiently. The laws governing various public sector universities make it essential to have representation of teachers in their decision making bodies including universities syndicates / executive councils / board of governors. However, the International Islamic University, Islamabad, unlike other universities lacks this basic requirement. This Amendment Bill strives to give effective representation to the elected teachers of the International Islamic University, Islamabad in decision making bodies of the University.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-charge.

[SENATE BILL NO. LVI OF 2020]

A

BILL

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (XLV of 1860) and the Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

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

   (2) It shall come into force at once.

2. Substitution of section 376, Act XLV of 1860.—(1) In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Penal Code, for section 376, the following shall be substituted, namely:-

   “376. Punishment for rape.—(1) Whoever commits rape shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.
The Gazete of Pakistan, Extra., Nov. 4, 2020 [Part III]

(2) When rape is committed by two or more persons in furtherance of common intention, each of such persons shall be punished with death or imprisonment for life without parole till death.”

3. Substitution of section 377, Act XLV of 1860.—(1) In the Penal Code, for section 377, the following shall be substituted, namely:—

“377. Un-natural offence.—(1) Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years or more than ten years, and shall also be liable to fine.

(2) In addition to punishment provided in sub-section (1) whoever voluntarily has carnal intercourse against the order of nature with any boy under 18 years of age shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.”

4. Substitution of section 265-M, Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Code, for section 265-M, the following shall be substituted, namely:-

“265-M. Time of holding sittings.—(1) For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

(2) For the exercise of its original criminal jurisdiction under offences 376 and 377 Pakistan Penal Code, every High Court shall hold sittings on daily basis without any intervals and trial shall be completed in four weeks.”

5. Substitution of section 381, Act V of 1898.—In the Code, for section 381, the following shall be substituted, namely:—

“381. Execution of order passed under section 376.—(1) When a sentence of death passed by a Court of Sessions is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court
thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

(2) The sentence of death passed under section 376 and 377 of Pakistan Penal Code by the High Court shall be carried into effect at public place by issuing a warrant or taking such other steps as may be necessary:

Provided that the sentence of death, except in cases of rape, shall not be executed if the heirs of the deceased pardon the convict or enter into a compromise with him even at the last moment before execution of the sentence.”

6. **Amendment in section 411-A, Act V of 1898.**—In the Code, after section 411-A, the following shall be added, namely:

“Notwithstanding anything contained herein, an appeal shall lie to the Supreme Court from any order under section 376 and 377 of Pakistan Penal Code by a Divisional Court of the High Court and shall be decided within two weeks.”

7. **Amendment of Schedule-II, Act V of 1898.**—(1) In the Code, in Schedule-II,—

(i) against section 376, for the entries in columns 7 and 8, the following shall be substituted, namely:-

<table>
<thead>
<tr>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>“death or imprisonment of either description for a term which shall be imprisonment for life without parole till death and shall also be liable to fine.”</td>
<td>Division bench of High Court”</td>
</tr>
</tbody>
</table>

(ii) against section 377, for the entries in columns 7 and 8, the following shall be substituted, namely:-

<table>
<thead>
<tr>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>“death or imprisonment for life without parole till death shall also be liable to fine.” or “imprisonment of either description for ten years, and fine.”</td>
<td>Division bench of High Court”</td>
</tr>
</tbody>
</table>

STATEMENT OF OBJECTS AND REASONS

Rape is a heinous crime an act of violence that ruins the lives of victims. In Pakistan, rape cases are reported and registered, however, the conviction rates of the accused are abysmally low. Recent events relating to sexual abuse and rape
throughout the country, particularly against the children, have necessitated that tough punishments should be doled out to the perpetrators. Current penalties are less compared to the magnitude of the crime. The Bill aims to increase the punishment of rape as one of the deterrent to this heinous crime.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-Charge.

[SENATE BILL NO. LVII 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. **Amendment of section 11N, Act XXVII of 1997.**—In the Anti-Terrorism Act, 1997 (XXVII of 1997), in section 11N, in sub-section (3), in the proviso, for the full stop “.” occurring at the end, a colon “:” shall be substituted and thereafter the following second proviso shall be inserted, namely:-

   “Provided further that before imposing the penalty a show cause notice shall be issued in the manner as may be prescribed.”

STATEMENT OF OBJECTS AND REASONS

By a recent amendment in the Anti-Terrorism Act, 1997, section 11N was amended whereby the directors, officers and employees of “legal person”, involved of the terrorism offences, have been subjected to the punishment of imposition of huge penalty. However, in the said amended provision the principle
of natural justice relating to the provision of opportunity of hearing is missing and there is likelihood that this provision may be misused, therefore this amendment proposes that show cause notice must be issued to the relevant persons before imposition of penalty.

SENATOR MUSHTAQ AHMED,

Member-in-Charge.

[SENATE BILL NO. LVIII OF 2020]

A

BILL

_to amend the Islamabad Capital Territory Trust Act, 2020_

WHEREAS it is expedient to amend the Islamabad Capital Territory Trust Act, 2020 (XXV of 2020), to make it more practicable and transparent as per needs of our own society;

It is hereby enacted as follows:-

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

   (2) It shall come into force at once.

2. **Amendment of section 16, Act XXV of 2020.**—In the Islamabad Capital Territory Trust Act, 2020 (XXV of 2020), hereinafter referred to as the said Act, in section 16, in sub-section (2), in paragraph (a), after the word “suspected” the phrase “on the basis of evidence and for the reasons to be recorded in writing” shall be inserted.

3. **Amendment of section 17, Act XXV of 2020.**—In the said Act, in section 17,—

   (i) in sub-section (4), for the word “director” the word “court” shall be substituted and the phrase “by the competent court of law” shall be omitted; and
(ii) in sub-section (6), for the word “director” the word “court” shall be substituted and the phrase “by the competent court of law” shall be omitted.

4. Amendment of section 24, Act XXV of 2020.—In the said Act, in section 24, in the marginal note, for the word “inform” the word “acquaint” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Capital Territory Trust Act, 2020, is a recent legislation providing for the registration of Trusts in Islamabad and for documentation of economy, however some provisions need further clarification so that the possibility of misuse of authority may be avoided. Moreover, the imposition of penalty by Director after the conviction by the Court may amount to double jeopardy and thus an unconstitutional step, so it is proposed that the penalty may be imposed by the court at the time of conviction of the accused.

SENATOR MUSHTAQ AHMED,
Member-in-Charge.

[SENATE BILL NO. LIX OF 2020]

A BILL

further to amend the Enforcement of Women’s Property Rights Act, 2020

WHEREAS it is expedient to amend the Enforcement of Women’s Property Rights Act, 2020, (XII of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Enforcement of Women’s Property Rights (Amendment) Act, 2020.

(2) It shall come into force at once.
2. **Amendment of section 2, Act XII of 2020.**—In the Enforcement of Women’s Property Rights Act, 2020 (XII of 2020), hereinafter referred to as the said Act, in section 2, for paragraph (c), the following shall be substituted, namely:

“(c) “Ombudsman” means the Ombudsman appointed under section 3 of the Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983;”

3. **Amendment of section 3, Act XII of 2020.**—In the said Act, in section 3, for the expression “the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010)” the expression “the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983” shall be substituted.

4. **Omission of section 7, Act XII of 2020.**—In the said Act, section 7, shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Enforcement of Women’s Property Rights Act, 2020 deals with the matters where any woman is deprived of her property rights so that it is necessary that powers and function must be derived from the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

In the Act, the appointment of Mohtasib was proposed to be made under the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010) now through this amendment it is proposed to be changed with the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

In above amendment mohtasib is powered only in the situation where case is not pending in the court.

SENATOR SIRAJUL HAQ,  
Member-in-Charge.
further to amend the Muslim Family Laws Ordinance, 1961

WHEREAS it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), in its application to the 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 Muslim Family Laws (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 9, Ordinance No. VIII of 1961.—In the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), after section 9, the following new section shall be inserted, namely:

   “9A. Maintenance of Parents.—Parents, who is unable to maintain himself from his own resources shall be entitled to claim maintenance from his children other than minors.”

STATEMENT OF OBJECTS AND REASONS

Insertion of new section 9A in the Muslim Family Laws Ordinance, 1961 will enable the elderly and infirm parents to claim maintenance from their children. The similar legislation is available with the name of Maintenance of Parents Act (35 of 1965) in Singapore.

SENATOR MUHAMMAD JAVED ABBASI,
Member-in-Charge.
[SENATE BILL NO. LXI OF 2020]

A

BILL

further to amend the Anti-Money Laundering Act, 2010

WHEREAS it is expedient to amend the Anti-Money Laundering Act, 2010 (VII of 2010) for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the Anti-Money Laundering (Amendment) Act, 2020.

   (2) It shall come into force at once.

2. **Amendment of section 5, Act VII of 2010.**—In the Anti-Money Laundering Act, 2010 (VII of 2010), hereinafter referred to as the said Act in section 5,—

   (i) in sub-section (1), for the phrase “the members as mentioned in Schedule-II of this Act” the following shall be substituted, namely:-

   “the following members:—

   (a) Minister for Finance or Adviser to the Prime Minister on Finance  
       *Chairman*

   (b) Minister for Foreign Affairs  
       *Member*

   (c) Minister for Law and Justice  
       *Member*

   (d) Minister for Interior  
       *Member*

   (e) Minister for Economic Affairs Division  
       *Member*

   (f) Governor SBP  
       *Member*

   (g) Chairman SECP  
       *Member*

   (h) Director General FATF Cell  
       *Member*

   (i) Any other member to be nominated by the Federal Government  
       *Member*

   (j) Director General, FMU  
       *Member/Secretary*;
(ii) in sub-section (2), in clause (c) the phrase “as called for by the Financial Action Task Force (FATF)” shall be omitted; and

(iii) in sub-section (5), for the phrase “the members as mentioned in Schedule-III of this Act” the following shall be substituted, namely:

“the following members:

(a) Secretary Finance
   (b) Secretary Interior
   (c) Secretary Foreign Affairs
   (d) Secretary Law and Justice
   (e) Chairman Federal Board of Revenue
   (f) Director General, Federal Investigation Agency
   (g) Director General, Anti-Narcotics Force
   (h) Deputy Governor SBP
   (i) Commissioner SECP
   (j) Director General FATF Cell
   (k) Any other member to be nominated by the Federal Government
   (l) Director General, FMU

Chairman
Member
Member
Member
Member
Member
Member
Member
Member
Member
Member/Secretary”.

3. Amendment of section 12, Act VII of 2010.—In the said Act, in section 12,—

(i) in the marginal note, for the words “civil or criminal” the word “disciplinary” shall be substituted; and

(ii) a comma and the words “civil, criminal or” shall be omitted.

4. Omission of schedules II and III, of Act VII of 2010.—In the said Act Schedule-II and Schedule-III shall be omitted and Schedule-IV shall be re-numbered as Schedule-II.
STATEMENT OF OBJECTS AND REASONS

Through a recent legislation the Anti-Money Laundering Act, 2010, has been extensively amended to protect the country from the menace of money laundering. The documentation of the economy is a healthy step but it must be in line with the national requirements and not on the basis of dictation. Moreover, the constitution of the Committees for overseeing the implementation of legislation is always a part of the Act and not a matter to be mentioned in the Schedule of the Act. The proposed legislation shall achieve the said object.

SENATOR MUSHTAQ AHMED

Member-in-Charge.

DR. SYED PERVAIZ ABBAS,

Secretary.