SENATE BILL NO. VIII OF 2019

A

BILL

further to amend the Pakistan Institute for Parliamentary Services Act, 2008

WHEREAS it is expedient to amend the Pakistan Institute for Parliamentary Services Act, 2008 (III of 2008) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.—(1) This Act may be called the Pakistan Institute for Parliamentary Services (Amendment) Act, 2019.

(1)

Price: Rs. 40.00

[708 (2019)/Ex. Gaz.]
(2) It shall come into force at once.

2. Amendment of section 4, Act III of 2008.—In the Pakistan Institute for Parliamentary Services Act, 2008 (III of 2008), in section 4, after paragraph (d), following new paragraph (da) shall be inserted, namely:-

“(da) to provide for in-service trainings related to Parliamentary Affairs, to the Federal Government’s officials including the Civil Servants and such officials of the Provincial Governments, nominated by respective Governments and selected by the Establishment Division.”

STATEMENT OF OBJECTS AND REASONS

The establishment of Pakistan Institute for Parliamentary Services aimed at provision of an appropriate forum to equip Parliamentarians with cutting-edge strategies and tools to perform their representative, legislative and oversight functions effectively and efficiently. With the passage of time since its inception in 2008, PIPS has provided high-quality, accurate and result-oriented services to elected members and staff of the Legislatures in Pakistan to promote Parliamentary excellence. This amendment in the Pakistan Institute for Parliamentary Services Act, 2008, aims at extending the services of the institute by including the provisions of in-service trainings for the Federal and Provincial Government’s official to equip them with the knowledge of Parliamentary and Legislative Affairs of the country.

SENATOR SASSUI PALIJO, Member-In-Charge.

SENATE BILL NO. IX OF 2019

A BILL

to provide for the welfare and integration of communities

WHEREAS protection and security of the inhabitants and to fulfill the basic needs of citizens is a responsibility of the State and the contribution by an individual is moral and ethical responsibility to stand by the fellow citizens for basic needs and problems.
AND WHEREAS it is provided in the Holy Quran (2:177)

Translation:

Righteousness is not that you turn your faces toward the east or the west, but [true] righteousness is [in] one who believes in Allah, the Last Day, the angels, the Book, and the prophets and gives wealth, in spite of love for it, to relatives, orphans, the needy, the traveller, those who ask [for help], and for freeing slaves; [and who] establishes prayer and gives zakah; [those who] fulfill their promise when they promise; and [those who] are patient in poverty and hardship and during battle. Those are the ones who have been true, and it is those who are the righteous.

At another place it is also provided (4: 36)

Translation:

Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful.

Hadith:

And the Holy Prophet (SAWS) said: “Take out twelve of your prefect/leaders/chiefs/elders from among yourselves. They shall be responsible on behalf of their people. Then they brought out twelve of them, nine of the Khazraj, and three of the Aos. The Holy Prophet (SAWS) said to the prefects/leaders: “You are guarantors of your people, like the guarantors of the
disciples of Eisa son of Maryam and I am guarantor of my tribe. (Musnad Ahmad Ibn Hanbal vol. 3, p 426)

The Prophet (SAWS), in his description of the community of believers, draws an apt analogy. The saying, which is reported on An-Nu’mane bin Basheer, reads:

**Hadith:**

“In their mutual affection, compassion, and sympathy, the believers are like a living organism: no sooner is an organ afflicted by a disease than the rest of the organs is gripped by fever and insomnia”.

Our Islamic community does indeed live up to the ideal community envisioned by the Prophet (SAWS) in an agreed-upon Hadith-saying reported by Aby-Musa that:

**Hadith:**

“a believer is to another believer what the bricks of a solid (cemented) building structure are to each other infirmly connected together”.

AND WHEREAS the Constitution of the Islamic Republic of Pakistan, enjoins on the State to alleviate the sufferings of all the citizens, irrespective of sex, caste, creed or race;

THEREFORE it is compulsory to enact a law to fulfil the above said obligations of the State.

It is hereby enacted as follows:

CHAPTER-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Islamabad Community Integration Act, 2019.

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

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context, —
(a) “Act” means the Islamabad Community Integration Act, 2019;

(b) “Committee” means the Rifahi Committee and its sub-committees established under section 3;

(c) “Chairperson” means the Chairperson of the Committee;

(d) “Government” means the Federal Government;

(e) “Managing Body” means the Managing Body of the Rifahi Committee;

(f) “Member” means a member of the Rifahi or Rifahi sub-committee;

(g) “Patwar Circle” means village or a group of villages form a Patwar Circle and is headed by a Patwari;

(h) “Secretary” means the Secretary of the Rifahi Committee;

(i) “Sub-sector” means one sub-sector in Islamabad Capital Area, as designated by the Capital Development Authority;

(j) “Treasurer” means the Treasury officer of the Rifahi Committee; and

(k) “Vice Chairperson” means the Vice Chairperson of the Committee.

CHAPTER-II

ESTABLISHMENT OF COMMITTEES

3. Establishment of the Rifahi Committees.—(1) Within one year of the commencement of this Act, the Government shall establish Committees to be known as the “Rifahi Committees” and Rifahi sub-committees.

(2) There shall be a Rifahi sub-committee of every one hundred houses in urban areas or a village in the rural area comprising of 10 members each.

(3) A Member of the “Rifahi sub-committee” shall be elected for every ten houses of a Sub-sector in the urban areas and similarly for ten houses in a village in rural areas, as may be prescribed.

(4) There shall be a “Rifahi Committee” for every two thousand houses as may be prescribed, comprising of twenty Members each.
(5) The Chairperson of the Rifahi sub-committees shall be the Member of the Rifahi Committee of that area.

(6) The Members of the Rifahi Committee shall be chosen by election for a term of four years.

(7) The election will be held on non-party basis.

(8) Either Chairperson or the Vice Chairperson shall be a woman.

(9) If a member of the Rifahi Committee is unable to perform as member of the Committee, the Committee may remove such member.

(10) Any casual vacancy of a member shall be filled in by election on non-party basis.

(11) The Rifahi Committee shall have powers to co-opt members from amongst persons who are experts in their respective fields, for advice on particular matters under its consideration.

(12) The Rifahi Committee shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, both movable and immovable and shall sue and be sued by the said name.

4. **Office bearers of the Rifahi Committees.**—(1) The Rifahi Committees shall consist of,—

   (a) Chairperson
   (b) Vice Chairperson
   (c) Treasurer
   (d) Secretary

   (2) The office bearers of the Rifahi sub-committee shall be as follows:

   (a) Chairperson Member
   (b) Secretary Member

   (3) The office bearers shall be elected by the Members from amongst themselves.
5. **Qualification of Members.**—A person shall be eligible to be a member of the Rifahi Committee, if he,-

(a) is a citizen of Pakistan;

(b) is sane and of sound mind;

(c) has not been convicted of an offence involving moral turpitude;

(d) has not at any time been adjudicated insolvent;

(e) has not at any time been disqualified for employment in or dismissed from Government service;

(f) is not acting in contravention of the provisions of this Act;

(g) has no financial interest in any aspect of the Committee, or has no conflict of interest, directly or indirectly, with the Committee; and

(h) is a voter member of the concerned Union Council.

7. **Meetings of the Rifahi Committee.**—(1) The meetings of the Rifahi Committee shall be held monthly, and shall be presided over by the Chairperson or, in his absence, by a Vice Chairperson. One third of the total members shall constitute the quorum.

(2) All decisions of the Committee shall be taken by simple majority of the members of the Committee present in the meeting. The Chairperson shall have a casting vote in case of a tie.

(3) Decision of the Committee shall be recorded by the Secretary of the Committee, who shall circulate such decisions for confirmation to Chairperson and the members within fifteen days of each meeting.

CHAPTER-III

**POWERS AND FUNCTIONS**

8. **Powers and Functions of the Rifahi Committee.**—(1) Subject to the provisions of this Act and rules, the Committee shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub-section, the Committee shall,—
(a) facilitate the formation of co-operatives for improving economic well-being, reduction of poverty and consumer protection;

(b) report cases of handicapped, destitute and of extreme poverty to the Union Council; after extending immediate help for survival;

(c) advise the Local Council about the interests of its residents and help formulation of suitable policy measures, which will enhance the quality of life of the residents;

(d) keep a watch for the safety and security of the residents and save their property from encroachment through neighbourhood watch mechanism;

(e) discharge any functions that may be entrusted by the Local Councils;

(f) improve the spread of education especially the admission of street children in the Primary and Middle Schools and to co-operate in the programs to readmit the dropouts back to schools;

(g) campaign to stop the activities against law such as child-labor, use of liquor and drugs, gambling and domestic violence;

(h) prevent and abate nuisance and harassment of all forms in public ways, streets and public places;

(i) mobilize voluntary resources, including physical labor, property and cash contributions;

(j) develop sites for slaughtering, drinking and bathing of cattle;

(k) manage burial places and cremation grounds;

(l) prevent domestic violence of all forms including violence on domestic workers and in case an incident is reported to the Committee or to any member, take prompt action;

(m) prevent child abuse by applying different techniques including awareness among parents and children;

(n) provide opportunities to people with disabilities equal to their non-disabled counterparts;

(o) discourage discrimination based on race, sex, religion, sect, etc;
(p) discourage violent and extremist tendencies;

(q) promote religious and sectarian harmony and arrange community gatherings to socialize and discuss issues of collective benefit;

(r) work for welfare of youth, Children, women and senior citizens;

(s) prevent honorkilling;

(t) settle disputes between community members on the basis of their respective beliefs;

(u) work for destitute, transgender, or any other neglected segment of the community;

(v) discourage corporeal punishments in schools, madrassas, and any other educational institutions;

(w) arrange regular learning sessions for all the participants of the community especially focusing community development;

(x) create awareness on cooperation in day to day matters and especially in the cases of natural disasters and calamities;

(y) provide and improve basic health facilities, and ensure the proper working of the existing health units in union councils by regular inspections, and allocating due funds;

(z) discourage un-Islamic and illegal customs and practices;

(za) prevent all forms of cruelty in the community including against animals;

(zb) raise awareness on cleanliness, hygienic health habits, protection of environment and benefits of plantation; and

(zc) educate residents of a community on security and safety and achieving safe, and secure neighbourhoods.

CHAPTER-IV

FINANCES

9. **Fund.**—There shall be established a Fund to be known as the Community Integration Fund which shall consist of:
(a) Funds received from the Federal Government, Provincial Government or Municipality, or from general public donations;

(b) Contribution received from the residents; and

(c) Sharing of funds between the Local Councils and the Rifahi Committees, as per mutually agreed terms, based on tasks performed for and on behalf of Local Councils.

10. **Receipt of sums and withdrawals.**—(1) Each Rifahi Committee shall have a Bank Account which shall be opened in such Bank as may be approved by the Local Council.

(2) All sums received to the Rifahi Committee shall immediately be deposited in the Bank.

(3) After the approval of the Rifahi Committee, funds may be drawn with the joint signatures of any two office bearers from amongst, Treasurer, Chairperson, Vice chairperson or Secretary as may be decided by resolution of the Rifahi Committee.

(4) The financial matters of the Rifahi sub-Committee as prepared by its members shall be dealt by the Rifahi Committee only and the members of the Rifahi sub-Committee shall provide assistance in preparation of those matters.

**CHAPTER-V**

**MISCELLANEOUS**

11. **Head office of the Committee.**—Head office of the Committee shall be based at Union Council level.

12. **Public servants.**—All employees of the Committee shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. **Office and Employees.**—To carry out the purposes of this Act, the Committee may, with the approval of Government, appoint advisors, consultants and experts, having specialization and expertise in the related field and other officers and employees on such terms and conditions as may be prescribed.

14. **Report.**—The Committee shall submit annual report to the Mayor or Chairman of Islamabad Capital Territory.

15. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
STATEMENT OF OBJECT AND REASONS

It is a strategy for social change by introducing “Rifahi Community System”. Establishing small community units i.e. one sub-sector in a locality in urban area and one village in the rural area with cooperation based mechanism. The cooperation is giving social responsibility to one person to take care of hunger, non-availability of medicine, acute frustration owing to social estrangement and isolation especially among the economically vulnerable widows and orphans. To start with, this program can be introduced within the ranks of party workers.

The Greatest Law Giver on the face of this earth outlined the role of human relationship that “after pronouncing faith in God the second duty is to love and serve the human beings”.

To fulfil basic needs of the citizens is the responsibility of the State. Simultaneously, the contribution by an individual is moral and ethical responsibility to stand by the fellow citizens for basic needs and problems.

Saying of Hazrat Umer-e-Farooq (R.A)

‘If a dog dies of starvation by the bank of Tigris I will be held responsible’

The present endeavour is how to translate human spirit to help each other and how to invoke sense of sympathy for the fellow human beings in distress. Few steps are envisaged;

Travel down to the grass root level and start from the smallest possible collective Unit where the framework is provided for cooperation based on voluntary contribution, systematic maintenance of accounts and mechanism of helping the most needy from within this group so that none dies of hunger, non-availability of medicine and acute frustration owing to social estrangement and isolation.

This was not only envisioned but also this framework was put on ground by as a great man as Holy Prophet (Peace be upon Him); when He (P.B.U.H) established the welfare State of Medina.

In our present perspective, such a tiny unit can be given any name like Rifahi Committee”. The concept can be enlarged furthermore to a sizeable extent. The security, the protection and well-being of the community is the purpose of this Act.

SENATOR RANA MAQBOOL AHMAD, Member-in-Charge.
SENATE BILL NO. X OF 2019

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973, 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, 2019.

(2) It shall come into force at once.


(i) for clauses (3) and (4) the following shall be substituted, namely:—

“(3) The High Court of Khyber Pakhtunkhwa shall have a Bench each at Abbottabad, Mingora, Mohmand Agency, North Waziristan and Dera Ismail Khan; the High Court of Punjab shall have a Bench each at Rawalpindi, Sargodha, Gujranwala, Faisalabad, Multan, Dera Ghazi Khan and Bahawalpur; the High Court of Sindh shall have a Bench each at Hyderabad, Larkana and Sukkur and High Court of Balochistan shall have a Bench each at Khuzdar, Loralai, Sibi and Turbat.

(4) Each of the High Courts may have Benches at such other places as the Governor, in consultation with the Chief Justice of the High Court, may order after the Resolution determining establishment of such Benches passed by the Provincial Assembly with two-third majority of the sitting members.”

(ii) after clause (4), substituted as aforesaid, the following new clause 4A shall be inserted, namely:—

“(4A) One or more seats of the High Court may be abolished after five years by the Governor in consultation with the Chief Justice of the High Court upon a Resolution passed by the Provincial Assembly with two-third majority of the sitting members.”
STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. Despite demands of the lawyers community for establishment of additional benches of the High Courts, the existing Constitutional provision could not address this issue.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of the litigation through sufficient benches of the high Courts in the provinces.

SENATOR MUHAMMAD JAVED ABBASI,  
Member-In-Charge.

SENATE BILL NO. XI OF 2019

BILL

further to amend the Capital Development Authority Ordinance, 1960

WHEREAS it is expedient further to amend the Capital Development Authority Ordinance, 1960 (XXIII of 1960) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Capital Development Authority (Amendment) Act, 2019.

   (2) It shall come into force at once.

2. **Amendment of Section 6, Ordinance No. XXIII of 1960.**—In the Capital Development Authority Ordinance, 1960 (Ordinance No. XXIII of 1960), in section 6, for sub-section (1), the following shall be substituted, namely:—
“(1) The Board shall consist of not less than three Members, who shall be the serving Government Officers in BPS-20 or above, to be appointed by the Federal Government.”

STATEMENT OF OBJECTS AND REASONS

The Capital Development Authority Ordinance, 1960, does not specify the qualification for the Members of the Board of Directors (BoD) from whom one of the Members, shall be considered for appointment as Chairman, CDA. The existing procedure does not bar appointment of a private person as Chairman CDA. This practice is creating anomaly in the administration of the Authority as a number of senior Government servants are working under him. The Capital Development Authority is one of the Department working under the administrative control of the Ministry of Interior. The appointment of a private person as Chairman, CDA is also contrary to the practice being followed in the similar provincial development Authorities as well. The Bill shall ensure appointment of a serving Government officer in BPS-20 or above as Chairman CDA, to avoid anomaly in the overall administrative matters.

This Bill seeks to achieve the above objectives.

SENATOR ABDUL REHMAN MALIK,
Member-In-Charge.

SENATE BILL NO. XII OF 2019

A

BILL

to provide for the maintenance and welfare of old parents and well-being, comfort and dignity of the senior citizens in Pakistan

PREAMBLE

WHEREAS It is provided in the Holy Quran

وَأَفْضِلْ لَهُمَا جِنَاحَ الْدِّیْلِ مِنَ الْرُّضاَةِ وَ غَلْطُ رَبِّكُمَا فَاطِرْهَا (132)

وَأَفْضِلْ لَهُمَا جِنَاحَ الْدِّیْلِ مِنَ الْرُّضاَةِ وَ غَلْطُ رَبِّكُمَا فَاطِرْهَا (132)
“Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say. “My Lord, have mercy on them, since they cared for me when I was small” (17: 23-24).

AND WHEREAS the Constitution establishes a society based on democratic values, social justice and fundamental rights and seeks to improve the quality of life of all citizens;

AND WHEREAS the State must create an enabling environment in which the fundamental rights of every citizen must be respected, protected and fulfilled; and the senior citizens must be empowered to continue to live meaningfully and constructively in a society that recognizes them as important sources of knowledge, wisdom and expertise;

AND WHEREAS it is expedient to provide for the establishment of a Commission for the wellbeing, comfort and dignity of the senior citizens and old parents in the Islamabad Capital Territory;

It is hereby enacted as follows:

PART-I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019.

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

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019;

(b) “Commission” means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission established under section 3;

(c) “Concerned Division” means the Division dealing with the subject of Social Welfare;
(d) “Chairperson” means the Chairperson of the Commission;

(e) “Children” means the biological children, legal heirs and includes all those who are residing within any premises along with the old parents and senior citizen;

(f) “Fund” means the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund established under section 9;

(g) “Government” means the Federal Government of Pakistan;

(h) “Indigent” means any senior citizen who has not having sufficient means of income as may be determined by the Commission from time to time;

(i) “Prescribed” means prescribed by the rules framed under Section 26;

(j) “Regulation” means regulation made by the Commission under paragraph (o) of sub-section (2) Section (6);

(k) “Rehabilitation” means a process by which an older person is enabled to reach and maintain his optimal physical, sensory, intellectual, psychiatric or social functional levels, and includes measures to restore functions;

(l) “Relative” means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death;

(m) “Senior citizen” means an elderly person of age 60 years and above living in Pakistan;

(n) “shelter” means any building or premises maintained or used for the reception, protection and temporary care of any senior citizen in need of care and protection;

(o) “Welfare” includes all such services relating to social, economic, lodging and legal protection of senior citizens; and

(p) “Welfare packages or grants” mean welfare and social security packages or grants announced for welfare of the senior citizens by the Government.
(2) The expressions, not defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used.

PART-II
OLD PARENTS AND SENIOR CITIZENS WELFARE COMMISSION

3. Establishment of the Commission.—(1) Within six months of the commencement of this Act, the Government shall establish a Commission to be known as the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Commission.

(2) The principal office and establishments of the Commission shall be at Islamabad and it may set up its offices at such place or places as it may deem appropriate.

(3) The Commission shall be a body corporate having perpetual succession and common seal and may sue and be sued in its own name and for the purpose of this Act, may enter into a contract and may acquire, purchase, take, hold and enjoy moveable and immoveable property of every description and may convey, assign, surrender, yield-up, charge, mortgage, demise, reassign, transfer or otherwise dispose of or deal with any moveable and immoveable property or any interest vested in it.

(4) The Commission shall be an autonomous body under the administrative control of the Government.

(5) The common seal of the Commission shall be kept in the custody of the Chairperson or such other person as may be prescribed by regulations and documents required or permitted under the common seal shall be specified and authenticated in such manner as may be prescribed by regulations.

4. Composition of the Commission.—(1) The Commission shall consist of,—

(a) The Minister of the concerned Division; Chairperson

(b) Three Members of the Senate preferably having age of 60 years or above to be nominated by the Chairman Senate; Members

(c) Three members of the National Assembly preferably having age of 60 years or above to be nominated by the Speaker National Assembly; Members

(d) Chairman CDA; Member
(e) Secretary of the concerned Division;  

Ex-officio Member/Secretary

(2) The Commission shall have powers to co-opt members from amongst persons who are experts in their respective fields, for advice on particular matters under its consideration.

(3) The members of the Commission, other than ex-officio members, shall be nominated for a term of three years.

(4) If a member of the Commission, other than ex-officio member, is unable to perform as member of the Commission, he shall inform the Commission and the Commission after receiving such information, may cancel his membership.

Any casual vacancy of a member, other than an ex-officio member, shall be filled in by a person nominated by the respective authority and the person so nominated shall hold office for the unexpired period of the term of his predecessor.

5. Qualification of Members.—A person shall be eligible to be a Member of the Commission if,—

(a) he is a citizen of Pakistan;
(b) he is sane and of sound mind;
(c) he has not been convicted of an offence involving moral turpitude;
(d) he has not at any time been adjudicated insolvent;
(e) he has not at any time been disqualified for employment in or dismissed from Government service;
(f) he is not acting in contravention of the provisions of this Act; and
(g) he has no financial interest in any aspect of the Commission, or has a conflict of interest, directly or indirectly, with the Commission.

6. Powers and functions of the Commission.—(1) Subject to the provisions of this Act and rules, the Commission shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub-section, the Commission shall,—
(a) formulate policy proposals on aging in the light of national commitments on the welfare of senior citizens and submit it to the Government for approval from time to time;

(b) conduct research and compile data on various aspects of aging for the well-being of senior citizens for policy or plan formulation;

(c) create different forums for the senior citizens to participate in activities that enhance their income-generating capacity;

(d) take steps towards introduction of geriatrics as part of the syllabus of medical universities or colleges;

(e) propose arrangements in hospitals for better medical attention, to senior citizens;

(f) provide facilities including clubs, community centers for their free access to opportunities that promote their optimal level of social, physical, mental and emotional well-being;

(g) make them participate in inter-generational programmes for better social inter-action among all community members including senior citizens;

(h) arrange workshops to educate senior citizens about life changing requirements for a healthy old age and an environment catering for the changing capacities;

(i) formulate proposals to accommodate the requirements of senior citizens and parents in urban and rural planning and development;

(j) promote participation of senior citizens in decision-making processes at all levels;

(k) undertake social, economic and other welfare activities in collaboration with public and private sectors for the welfare of senior citizens and parents;

(l) mobilize financial resources for welfare of the senior citizens and parents;

(m) constitute committees to assess and carry out welfare activities for senior citizens;
(n) co-ordinate with Government, non-governmental social and welfare organizations at national and international level to take steps for the welfare of senior citizens and parents;

(o) make regulations for proper functioning of the Commission including regulations for appointment of different categories of employees under the administrative control of the Commission;

(p) publish reports and other material for guidance and welfare of senior citizens;

(q) grant of senior citizens awards in the fields of their expertise;

(r) ensure access to information by education and training of senior citizens and create awareness in the public through organizing seminars, workshops, conferences and use of mass media;

(s) establish senior citizens homes to accommodate homeless, deserted and indigent senior citizens and parents; and

(t) encourage to setup organization of senior citizen corps for utilization of their potential for service activities and national development.

7. Meetings of the Commission.—(1) The meetings of the Commission shall be held quarterly, and shall be presided over by the Chairperson or, in his absence, by a member nominated by the Chairperson for the purpose. One third of the total members shall constitute the quorum.

(2) All decisions of the Commission shall be taken by simple majority of the members of the Commission present in the meeting. The Chairperson shall have a casting vote in case of a tie.

(3) Decision of the Commission shall be recorded by the Secretary of the Commission, who shall circulate such decisions for confirmation to Chairperson and the members within fifteen days of each meeting.

PART-III

PRIVILEGES TO SENIOR CITIZENS

8. Privileges to senior citizens.—(1) A senior citizen may, on completion of his sixty (60) years of age, apply for the senior citizen card.

(2) The procedure and criteria for obtaining the senior citizen card shall be such, as may be prescribed by rules.
(3) The senior citizens shall be allowed the following privileges on the basis of senior citizen card:-

(a) free of charge entry to public museums, libraries, parks and recreation facilities;

(b) financial supports to deserving senior citizens;

(c) separate counters for senior citizens in hospitals, malls, banks and all other public places wherever applicable;

(d) prioritized receiving of basic services at all services areas;

(e) concession in medical facilities and medicine charges;

(f) separate medical wards and rehabilitation care units and the provisioning of proper care to the deserving senior citizen; and

(g) fares concession in public transport.

9. **Fund.**—(1) The Government shall establish a Fund to be known as the Pakistan Maintenance and Welfare of Old Parents and Senior Citizens Fund, which shall consist of,—

(a) all grants and allocations made by the Government;

(b) donations, endowments and contributions made by the private individuals and organizations within country and abroad; and

(c) all sums received by the Commission from any other source including Pakistan Bait-ul-Mal, Profits on Investment from funds, funds generated by different motivated campaigns and received from lawful sources. Funds shall be invested only in scheduled banks and National Saving Schemes. No investment will be made in stock market shares or used for speculation in any manner.

(2) The Fund shall be administered by the Commission, which shall make such allocations for specific activities, enumerated in sections 8 and 9 of this Act and may deem appropriate in line with the performance of functions of the Commission.

(3) The Government shall make annual budgetary allocations for the establishment and other charges of the Commission.

(4) The Fund shall be utilized for,—
(a) the establishment charges; and

(b) welfare of the senior citizens.

(5) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Commission.

(6) The Fund shall be regularly monitored by the Commission and audited in the same manner as in the case of the funds of other Government Departments.

(7) The Fund shall be maintained in accordance with the rules and shall be auditable annually through Auditor General of Pakistan and annual audit report of the Fund shall be submitted to the Government.

10. Public servants.—All employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

11. Appointment of officers, employees, etc.—To carry out the purposes of this Act, the Commission may, appoint advisors, consultants and experts, having specialization and expertise in the related field and other officers and employees on such terms and conditions as may be prescribed.

PART-IV
MAINTENANCE OF PARENTS AND SENIOR CITIZENS

12. Maintenance.—(1) A senior citizen including parent who is unable to maintain himself from his own earning or out of property owned by him, shall be entitled to make an application under section 13 in case of,

(a) Parent or grand-parent, against one or more of his children not being a minor;

(b) A childless senior citizen, against such of his relative referred to in paragraph (I) of section 2.

(2) The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.

(3) The obligation of the child to maintain his parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.
(4) Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relatives in the proportion in which they would inherit his property.

13. Application for maintenance.—(1) An application for maintenance under section 13, may be made,—

(a) by a senior citizen or a parent, as the case may be; or

(b) if he is incapable, by any other person or organization authorized by him; or

(c) the Tribunal may take cognizance suo-motu.

Explanation.—For the purposes of this section, organization means any voluntary association or NGO registered under the Registration Act.

(2) The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizens including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.

(3) The Tribunal may on receipt of an application for maintenance under sub section (1) and after giving notice of the application to the children or relative and providing the opportunity of being heard, hold an inquiry for determining the amount of maintenance.

(4) An application filed under sub section (2) for the monthly allowance for the maintenance and expenses shall be disposed of within ninety days from the date of the service of the notice of the application to such person:

Provided that the Tribunal may extend such period, once for a maximum period of thirty days in exceptional circumstances for reason to be recorded in writing.

(5) An application for maintenance under sub section (1) may be filed against one or more persons:
Provided that such children or relative may implead the other persons liable to maintain the parent in the application of maintenance.

(6) Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.

(7) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or expenses of proceeding, as the case may be.

(8) If, children or relative so ordered fail, without sufficient cause to comply with the order of the Tribunal may, for every breach of the order, may issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month’s allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

14. Jurisdiction and Procedure.—(1) The proceedings under this section may be taken against any children or relative of senior citizen in the Islamabad Capital Territory,—

(a) where he reside: or last resided; or

(b) where children or relative resides.

(2) On receipt of the application under sub-section (1), the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.

(3) For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1898.

(4) All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:
Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case ex-parte.

(5) Where the children or relative is residing out of Pakistan, the summons shall be served by the Tribunal through such authority, as the Government may by notification in the official Gazette, specify in this behalf.

(6) The Tribunal before hearing an application under this section may, refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation.—For the purposes of this sub-section “Conciliation Officer” means any person or representative of an organization referred to in Explanation to sub-section (1) of section 13 or the Maintenance Officers designated by the Government under sub-section (1) of section 22 or any other person nominated by the Tribunal for this purpose.

15. Constitution of Tribunal.—(1) The Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for Islamabad Capital Territory one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 14.

(2) The Tribunal shall be presided over by an officer of the Government not below the rank of BS 18 or a judicial officer of BS 18 as may be nominated by the Islamabad High Court.

(3) Where two or more Tribunals are constituted for Islamabad Capital Territory, the Government may, by general or special order, regulate the distribution of business among them.

16. Summary Procedure in case of Inquiry.—(1) In holding any inquiry under section 14, the Tribunal may, subject to any rules that may be prescribed by the Government in this behalf, follow such summary procedure as it deems fit.

(2) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Criminal Court for all the purposes and of the Code of Criminal Procedure, 1898.
(3) Subject to any rule that may be made in this behalf, the Tribunal may, for the purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

17. **Order for Maintenance.**—(1) If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.

(2) The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the Government which shall not exceed ten thousand rupees per month.

18. **Alteration in Allowance.**—(1) On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under this section, the tribunal may make such alteration, as it thinks fit, in the allowance for the maintenance.

(2) Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 18 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.

19. **Enforcement of order of Maintenance.**—(1) A copy of the order of maintenance including the order regarding expenses of proceedings, shall be given without payment of any fee to the senior citizen or to parent, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, resides.

(2) A maintenance order made under this Act shall have the same force and effect as an order passed under the Code of Civil Procedure, and shall be executed in the manner prescribed for the execution of such decree by that Code.

20. **Constitution of Appellate Tribunal.**—(1) The Government may, by notification in the Official Gazette, constitute Appellate Tribunal for Islamabad Capital Territory to hear the appeal against the order of the Tribunal.

(2) The Appellate Tribunal shall be presided over by an officer of the Government not below the rank of BS 20 or a judicial officer in BS 20 to be nominated by the Islamabad High Court.
21. **Appeal.**—(1) Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the manner directed by the Tribunal:

Provided further that the Appellate Tribunal may, entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.

(3) The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.

(4) The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.

(5) The Appellate Tribunal shall, adjudicate and decide upon the appeal filed against the order of the Tribunal and the order of the Appellate Tribunal shall be final:

Provided that no appeal shall be rejected unless an opportunity has been given to both the parties of being heard in person or through a duly authorized representative.

(6) The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.

(7) A copy of every order made under sub-section (5) shall be sent to both the parties free of cost.

22. **Maintenance Officer.**—(1) The Government shall designate an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.

(2) The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.
PART V

ESTABLISHMENT OF OLDAGE HOMES

23. Establishment of old age homes.—(1) The Government may establish and maintain such number of old age homes at accessible places, as it may deem necessary, in a phased manner, beginning with at least one in Islamabad Capital Territory to accommodate senior citizens who are indigent.

(2) The Government may, prescribe a scheme for management of old age homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

24. Exposure and abandonment of senior citizens and parents.— Whoever, having the care or protection of senior citizen or parent leaves, such senior citizen or parent in any place with the intention of wholly abandoning such senior citizen or parent, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to twenty five thousand rupees or with both.

25. Cognizance of offences.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall be cognizable and bail able.

(2) An offence under this Act shall be tried summarily by a Magistrate.

26. Power to make rules.—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

When the winds of change blow all around and new situations and conditions emerge, this necessitates newer responses conducive to achieve the broad national goal. There has been a steady rise in the population of older persons in Pakistan, because of an appreciable increase in the life expectancy. But with the increase in population the traditional norms and status of the senior citizens have deteriorated. The result of withering of the joint family system, industrialization, globalization etc. is that a large number of parents are not being maintained by their children, as was the normal social practice. Consequently, the elders are now exposed to emotional neglect and to lack of physical and financial support. They are facing a lot of problems in the absence of adequate social security. Allah Almighty has ordained in the Holy Quran to be” docile, humble and obedient and do not utter even ‘uff’ if they scold you.” Keeping in view these
facts, to ensure that the children perform their moral obligation towards their parents and to eliminate the agony and sufferings of this vulnerable section of society, legislation for the welfare of the Parents and Senior Citizens is proposed and titled as “The Maintenance and Welfare of Old Parents and Senior Citizens Act, 2019”.

The Bill seeks to achieve the above objectives.

SENATOR RANA MAQBOOL AHMAD,
Member-in-Charge.

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AMJED PERVEZ,
Secretary.