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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 11th October, 2022

The following Bills were introduced in the Senate on 10th October, 2022:–

SENATE BILL NO. LXVII OF 2022

A

BILL

further to amend the Pakistan Bait-ul-Mal Act, 1991

WHEREAS it is expedient further to amend the Pakistan Bait-ul-Mal Act, 1991 (Act I of 1992), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.—** (1) This Act shall be called the Pakistan Bait- ul-Mal (Amendment) Act, 2022.

3331 (1—14)

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[9568(2022)/Ex. Gaz.]

(2) It shall come into force at once.

2. **Amendment of section 2, Act I of 1992.—** In the Pakistan Bait-ul-Mal Act, 1991 (Act I of 1992), hereinafter referred to as the said Act, in section 2, for clause (b), the following shall be substituted, namely:—

"(b) **"Board"** means the Pakistan Bait-ul-Mal Board constituted under section 5;"

3. **Amendment of section 4, Act I of 1992.—**In the said Act, in section 4, in paragraph (d), after the word "accommodation" the expression "by whatever name called for, such as Panahgah, etc." shall be inserted.

4. **Substitution of section 5, Act I of 1992.-** In the said Act, for section 5, the following shall be substituted, namely:

"5. **Constitution of the Bait-ul-Mal Board.—** (1) The Prime Minister shall, by notification in the official Gazette, constitute a Bait-ul-Mal Board for policy making and for carrying out purposes of this Act.

(2) The Bait-ul-Mal Board shall consist of

(a)	Secretary, of the Division to which business of his Act stands allocated	Chairperson
(b)	Managing Director Bait-ul-Mal	Member
(c)	Secretary, Benazir Income Support Program	Member
(d)	Secretary, Finance Division or his nominee not below an Additional Secretary	Member
(e)	Secretary of the Division to which business of Human Rights stands allocated or his nominee not below an Additional Secretary	Member
(f)	Deputy Managing Director Bait-ul-Mal	(Member)
(g)	Chief Executive Officer, Pakistan Poverty Alleviation Fund	(Member)
(h)	Seven non-official members to be appointed by the Federal Government, one from each province, Islamabad Capital Territory, Azad Jammu and Kashmir and Gilgit Baltistan:	

Provided that at least one of the non-official members shall be a woman.

(3) Notwithstanding anything contained in sub-section (1) and (2), the incumbent members of the Board, upon commencement of the Pakistan Bait-ul-Mal (Amendment) Act, 2022, shall continue to hold their offices till such time the members of newly constituted Board assume charge of their offices or till their offices become vacant upon their removal, resignation or death, as the case may be."

5. **Substitution of section 5A, Act I of 1992.—** In the said Act, for section 5A, the following shall be substituted, namely:-

"5A. **Powers and functions of the Board.–** The Board shall, exercise and perform the following powers and functions, namely:

(a) all administrative and financial powers, subject to the provisions of section 22;

(b) formulation of policy and strategy;

(c) approval of annual budget;

(d) approval of re-appropriation of funds from one head of account to other head of account within the existing budgetary allocation;

(e) formation of committees for the purpose of appointments;

(f) review of annual audit report;

(g) approval of work plan;

(h) appointment of officers to posts in BPS-17 and above;

(i) receive and review progress reports; and

(j) Conduct quarterly assessment of management's performance."

6. **Amendment of section 6, Act I of 1992.—** In the said Act, in section 6,-

(a) the existing provision shall be numbered as sub-section (1), thereafter, in sub-section (1), as numbered aforesaid, before the full stop at the end, the expression ", institutionalized in practice and their scholarship manifested in accordance with sub-section (2)", shall be inserted; and

(b) after sub-section (1), numbered and amended as aforesaid, the following new sub-section shall be inserted, namely:-

"(2) A person shall be appointed as non-official member of Board if he:

(a) is not less than forty years of age;

(b) possesses a master's degree recognized by the Higher Education Commission in social, development or management sciences; and

(c) has proven experience of at least ten years in his relevant field of his master degree."

7. **Substitution of section 7, Act I of 1991.—** In the said Act, for section 7, the following shall be substituted, namely:–

"(7) **Terms and conditions of service of Members.—** (1) The non-official members shall hold office for a term of three years and may be re-appointed under the provisions of this Act for a similar term:

Provided that the performance of non-official members shall be gauged under the Public Sector Companies (Corporate Governance) Rules, 2013 as amended and continuity of their term shall be subject to satisfactory performance.

(2) The members shall be entitled to such honorarium as may be notified by the administrative Division for attending every meeting of the Board:

Provided that the non-official members of the Board shall be entitled to claim actual expenses incurred on their boarding and lodging for attending the meetings but not exceeding the entitlement prescribed for BPS-21 officers.

(3) Subject to sub-section (4), a non-official member may, in writing under his hand addressed to the Prime Minister and routed through Chairperson, resign his office.

(4) The resignation tendered by a non-official member shall not take effect until accepted by the Prime Minister."

8. **Amendment of section 9, Act I of 1992.—** In the said Act, in section 9,-

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

"(2) The Managing Director shall exercise such administrative and financial powers of the Bait ul Mal under this Act as the

Board may, by notification in the official Gazette specify or delegate to him."

(b) after sub-section (2), as substituted above, the following new sub-section shall be inserted, namely:

"(3) There shall be one Deputy Managing Director to be appointed by the Prime Minister in such manner and on such terms and conditions as may be approved by him and who shall assist the Managing Director in performance of his functions in accordance with this Act, The Board shall, by notification in the official Gazette, delegate such financial and administrative powers to Deputy Managing Director as may be expedient for carrying out the purposes of this Act."

9. **Amendment of section 10, Act I of 1992.—** In the said Act, the provisions of section 10 shall be numbered as sub-section (1) and thereafter the following sub-section (2) shall be inserted, namely:-

"(2) The Industrial Relation Act, 2012 (X of 2012) shall not apply to or in relation to the Bait-ul-Mal or any person in its service."

10. **Substitution of section 15, Act I of 1992.—** In the said Act, for section 15, the following shall be substituted, namely:

"15. **Employment of Officers and Servants.-** The Board may appoint such officers, servants, experts, consultants and advisers, from time to time, as it may considers necessary for the efficient performance of its functions, in such manner and on such terms and conditions as may be prescribed by regulations."

11. **Omission of section 16, Act I of 1992.—** In the said Act, section 16, shall be omitted.

12. **Substitution of section 24, Act I of 1992.—** In the said Act, for section 24, the following shall be substituted, namely:-

"24. **Regulations.-** The Board may make regulations for its internal matters, including but not limited to service and financial regulations."

STATEMENT OF OBJECTS AND REASONS

The Bait-ul-Mal Act, 1991 confers wide discretionary powers on the Managing Director Bait-ul-Mal without prescribing checks and balances in its governance framework to make him responsible to the Board, controlling Ministry or Division and even the Federal Government, which is required to run a social protection organization transparently. Conventionally, political personalities are appointed as the Managing Director Bait-ul-Mal for an indefinite term without a competitive process. In the absence of any separation of powers or system of checks and balances all administrative and financial powers converge in the office of the Managing Director Bait-ul-Mal. Such a governance model has made the organization prone to elite capture, factionalism and polarization making the merit and transparency subservient to discretion. Determination of eligibility of the deserving poor thus gets linked to political patronage. This amendment in the Act, aims at institutionalizing checks and balances on powers and prerogatives of the Board vis-a-vis the management. In addition, the amendments are proposed to ensure that the organization is run in a rule based manner.

SENATOR SANIA NISHTAR,
Member-In-Charge.

SENATE BILL NO. LXVIII OF 2022

A

BILL

further to amend the National Disaster Management Act, 2010

WHEREAS it is expedient further to amend the National Disaster Management Act, 2010 (XXIV of 2010) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.—** (1) This Act may be called the National Disaster Management (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XXIV of 2010.—** In the National Disaster Management Act, 2010 (XXIV of 2010), hereinafter referred to as the said Act, in section 3, for sub-section (2), the following shall be substituted, namely:–

"(2) The National Commission shall consist of,—

(a) the Prime Minister of Pakistan who shall be the Chairperson, *ex-officio;*

(b) Leader of Opposition in the Senate;

(c) Leader of Opposition in the National Assembly;

(d) Secretary Ministry of Defence;

(e) Secretary Ministry of National Health Services, Regulation and Coordination;

(f) Secretary Ministry of Foreign Affairs;

(g) Secretary Ministry of Social Welfare and Special Education;

(h) Secretary Ministry of Communications;

(i) Secretary Ministry of Finance;

(j) Secretary Ministry of Interior;

(k) Chief Secretaries of all the Provinces, Azad Jammu and Kashmir and Gilgit-Baltistan; and

(l) four representatives from private sector appointed by the Prime Minister."

3. **Amendment of section 4, Act XXIV of 2010.—** In the said Act, in section 4, in sub-section (1), for the words "Commission shall meet as", the words "Commission shall meet at least once a year," shall be substituted.

STATEMENT OF OBJECTS AND REASONS

A strong and effective governance in an organization helps to cultivate the culture of integrity, leading to positive performance and a sustainable development of a country at large. The National Disaster Manager Authority (NDMA) of Pakistan is an Authority to initiate processes to alleviate strife and suffering arising out of disasters *inter alia'*, biological, chemical, physical or hydrological. However, the composition of the Commission prescribed in the "National Disaster Management Act, 2010", is redundant in nature due to the persistent non-availability of its Members to perform the functions. Hence, no such practical work has been performed by the Commission as empowered *vide* Act, 2010. This amendment in the Act, provides a suitable composition for the National Commission, reinstating the befitting rank in order to streamline the nation's fight against the disasters, and a binding provision for the Commission to meet at least once a year.

SENATOR SEEMEE EZDI,
Member-In-Charge.

SENATE BILL NO. LXIX OF 2022

A

BILL

further to amend the Factories Act, 1934

WHEREAS it is expedient further to amend the Factories Act, 1934 (XXV of 1934), 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 Factories (Amendment) Act, 2022.

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

(3) It shall come into force at once.

2. **Amendment of section 14, Act XXV of 1934.—**In the Factories Act, 1934, (XXV of 1934), in section 14, in sub-section (1), for the full stop occurring at the end, a colon shall be substituted and thereafter, the following proviso shall be added, namely: –

"Provided that no amount of any industrial effluent or waste or public wastewater shall be thrown into rivers or canals without treatment of the same in an appropriate manner."

STATEMENT OF OBJECTS AND REASONS

In our country rivers are being polluted in an alarming speed. Almost all factories in Pakistan mainly comprised of food and beverage, textile, crockery, paper printing, cement, publishing, chemical, rubber and leather products have been releasing a diverse range of untreated waste into their nearby natural drains. Wastewater treatment is necessary for allowing it to mix with other water bodies that are used for irrigation, drinking and other purposes. Only eight percent of the country's total municipal wastewater and one percent of the industrial wastewaters are treated before they are discharged into the rivers. Such pollutants have very long-lasting effects on the sustainability of local ecosystems and pose a serious threat to human health. Industrial wastewaters contain many hazardous organic compounds and inorganic compounds like heavy metals which can cause damage to delicate aquatic ecosystems.

Under the current scenario, the above amendment has been proposed in the Factories Law, so that individuals and factory owners may be stopped from throwing any amount of untreated wet waste directly into the rivers.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR SEEMEE EZDI,
Member In Charge.

SENATE BILL NO. LXX OF 2022

A

BILL

further to amend the Constitution of Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of 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, 2022.

(2) It shall come into force at once.

2. **Amendment of Article 51 of the Constitution.—** In the Constitution of Islamic the Republic of Pakistan, in Article 51,

(i) in clause (1), for the expression “three hundred and thirty-six”, the expression, “three hundred and thirty-seven” shall be substituted;

(ii) in clause (3), in the table,

(a) against the entry “Federal Capital” in the first column,

(i) in the third column, the figure “1” shall be inserted; and

(ii) in the fourth column, for the figure “3”, the figure “4” shall be substituted;

(b) against the entry “Total” in the first column,-

(i) in the third column, for the figure "60", the figure "61" shall be substituted; and

(ii) in the fourth column, for the figure "326", the figure "327" shall be substituted;

(iii) in clause (6),

(a) in paragraph (b), -

(i) after the expression "Province", the expression "and Federal Capital" shall be inserted; and

(ii) after the expression "Provinces", the expression "and Federal Capital" shall be inserted;

(b) in paragraph (d),

(a) after the expression "Province", the expression "and Federal Capital" shall be inserted; and

(b) after the expression "concerned", the expression "or Federal Capital" shall be inserted;

STATEMENT OF OBJECTS AND REASONS

The Article 1(2-b) of the Constitution of Islamic Republic of Pakistan declares Islamabad Capital Territory as a separate entity from the provinces, so as a separate territory, there must be women representation from this territory from both houses of Parliament of Pakistan. The Parliament comprises the Senate and the National Assembly. The Senate has allocated a seat, but at the same time, National Assembly, has not reserved any seat for women from the Federal Capital. Moreover, the Article 25(3) of the Constitution provides that State can make laws for development, prosperity and development of women, being vulnerable and weak segment of our society. In order to achieve this purpose, a constitutional amendment is required. Hence, this Bill.

2. This Bill is aimed to achieve the above-said objective.

SENATOR FAWZIA ARSHAD,
Member-In-Charge.

SENATE BILL NO. LXXI OF 2022

A

BILL

further to amend the Provincial Motor Vehicles Ordinance, 1965

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965) in its application to the Islamabad Capital Territory for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.—** (1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of section 2, Ordinance No. XIX of 1965.—**In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965), hereinafter referred as the said Ordinance, in section 2,-

(i) after paragraph (1) the following new paragraph (1a) shall be inserted, namely:—

"(la) "**Automotive Testing Company"** means a Company designated under section 70A of this Act." and

(ii) after paragraph (43) the following new paragraph (43a) shall be inserted, namely:-

"(43a) **"Vehicle Examination Certificate"** means the Vehicle examination Certificate issued under section 70B of this Act."

3. **Insertion of new sections 70A, 70B and 70C in Ordinance No. XIX of 1965.—** In the said Ordinance, after section 70, the following new sections shall be inserted, namely:–

"70A. **Automotive Testing Company.—**The Federal Government by rules made under this Act shall designate not less than five Automotive Testing Companies having at least twenty five years of fervent experience in Automotive testing, validation and certification for the purpose of carrying out the functions conferred by this Act. The Automotive Testing Company shall ascertain whether the prescribed statutory requirements relating to the construction and condition of Motor Vehicles and their accessories or equipment are fulfilled. The Automotive Testing Company shall act under the general directions of the Federal Government.

70B. **Test of Satisfactory Condition of Vehicles.—** (1) The Motor Vehicles including Motor cab, motor car, public and private passenger vehicles, local buses, wagons and private taxicabs and Motor Cycle, shall after every five years be submitted for a vehicle test conducted by the Automotive Testing Company for the purpose of ascertaining whether the following requirements are complied with namely.-

(a) The required statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment;

(b) The requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person; and

(c) The motor Vehicle should not emit any smoke, visible vapour, grit, sparks, ashes, cinders, or oily substance the emission of which might cause damage or annoyance to other persons or property or endanger the safety of any other user on the road.

(2) The Automotive Testing Company may by regulation make provision

(a) for examination of vehicles submitted for examination under sub-section (1); and

(b) for the issue, where it is found on such examination that the requirements mentioned in sub-section (1) are complied with, a test certificate that at the date of the examination the requirements were complied in relation to the vehicle:

Provided that no sale, purchase or transfer of motor vehicle shall take place without a valid test certificate issued by the Automotive Testing Company.

(3) Where a test certificate is refused, the Automotive Testing Company carrying out examination must issue a notification of refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Automotive Testing Company for Review or revision as the case may be.

70C. **Using vehicle in unsafe condition.—**Whoever makes sale, purchase or transfer or drives or causes or allows to be driven on any road a motor vehicle or a trailer without a valid test certificate issued by the Automotive Testing Company or in a condition which is liable to render the vehicle unsafe, and a source of danger to himself and other users, shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than ten thousand rupees and may extend to fifty thousand rupees, or with both."

STATEMENT OF OBJECTS AND REASONS

The Vienna Convention on Road Traffic 1968 provides rules on all aspects of international road traffic and safety, and serves as a reference for national legislation. The rapidly growing numbers of vehicles and road users and increased trade, globalization and urbanization, coupled with staggering global road traffic injury rates underline the critical need to actively promote road safety everywhere. The increase in fuel consumption of Islamabad has led to the undesirably high level of lead concentration in the air, threatening the population specially the children with the fear that it will furthermore exacerbate the physical and mental health development. Several studies have shown that the lead concentration in Islamabad air must have been caused by the excessive use of petrol-powered vehicles.

2. The Bill primarily seeks to regulate the public and private motor vehicles in Islamabad Capital Territory on the basis of modern sustainable patterns of Global best practices; to ensure road safety and traffic management efficiency improvements; to enforce the implementation of traffic management rules and regulations among drivers and as well as general public; and to preserve the environment from pollutants emitted from vehicular transport.

3. The Bill seeks to achieve the aforementioned objects.

SENATOR SEEMEE EZDI,
Member-In-Charge.

MAJOR. (R) SYED HASNAIN HAIDER,
Acting Secretary.

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