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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 11th May, 2018

No. F. 22(3)/2018 Legis.—Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 11th May, 2018 are published for information:—

REPORT OF THE STANDING COMMITTEE ON DEFENCE ON THE JOINT MARITIME INFORMATION ORGANIZATION BILL, 2018

I, the Chairman of Standing Committee on Defence, have the honor to present this report on the Bill to provide for constitution and regulation of the Joint Maritime Information Organization [The Joint Maritime Information Organization Bill, 2018], referred to the Committee on 14th March, 2018.

2. The Committee consists the following:—

1817(1—84)

Price : Rs. 150.00

(1)	Shaikh Rohale Asghar	<i>Chairman</i>
(2)	Mr. Tahir Bashir Cheema	<i>Member</i>
(3)	Mr. Isphanyar M. Bhandara	<i>Member</i>
(4)	Sheikh Muhammad Akram	<i>Member</i>
(5)	Ms. Surriya Asghar	<i>Member</i>
(6)	Sardar Muhammad Shafqat Hayat Khan	<i>Member</i>
(7)	Syed Mustafa Mehmud	<i>Member</i>
(8)	Mr. Nawab Ali Wassan	<i>Member</i>
(9)	Dr. Fehmida Mirza	<i>Member</i>
(10)	Dr. Shireen Mehrunnisa Mazari	<i>Member</i>
(11)	Mr. Sanjay Perwani	<i>Member</i>
(12)	Ms. Kishwer Zehra	<i>Member</i>
(13)	Mr. Mahmood Khan Achakzai	<i>Member</i>
(14)	Ch. Pervez Elahi	<i>Member</i>
(15)	Mr. Muhammad Ijaz-ul-Haq	<i>Member</i>
(16)	Shaikh Fayyaz-ud-Din	<i>Member</i>
(17)	Lt. Col. (Retd) Ghulam Rasul Sahi	<i>Member</i>
(18)	Saeed Ahmed Khan Manais	<i>Member</i>
(19)	Malik Muhammad Amir Dogar	<i>Member</i>
(20)	Mr. Shafqat Mahmood	<i>Member</i>
(21)	Engineer Khurram Dastgir Khan, Minister for Defence	<i>Ex-officio Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at Annexure-A in its meeting held on 4th April, 2018; and proposed the following amendments:—

Clause 5

In clause 5, in sub-clause (1), the word “etc”, appearing after the word “fishing”, shall be deleted.

4. The Committee recommends that the Bill placed at Annexure-B may be passed by the Assembly. However the Note of dissent of Dr. Shireen Mehrunnisa Mazari, MNA is placed at Annexure-C.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 12th April, 2018.

Sd/-

(SHAIKH ROHALE ASGHAR)

Chairman

Standing Committee on Defence.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*to provide for constitution and regulation of the
Joint Maritime Information Organization*

WHEREAS it is expedient to constitute a Joint Maritime Information Organization to synergize efforts of all organizations and agencies, information sharing for Maritime Security and to provide for matters connected therewith or ancillary therefore;

It is hereby enacted as follows:—

1. Short title, extent, application and commencement.—(1) This Act may be called the Joint Maritime Information Organization Act, 2018.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all Ministries, Divisions, Departments and Agencies related to maritime sector including the law enforcement agencies at sea specified in Schedule-I to this Act.

(4) It shall come into force at once.

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

(a) “JMIO” means the Joint Maritime Information Organization established under section 3;

(b) “JMICC” means the Joint Maritime Information and Coordination Centre, established under clause (a) of sub-section (2) of section 5;

(c) “Maritime Interests of Pakistan” includes rights, control, jurisdiction and sovereignty over Maritime Zones and the sovereign rights of Pakistan to explore, exploit, conserve, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the un-authorized exploitation of resources of Pakistan seas, sub-soil and prevention thereto from damage through pollution or any other means;

- (d) "Maritime Zones" means the Territorial Sea, the Contiguous Zone, Continental Shelf and Exclusive Economic Zone of Pakistan as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976), or any other zone or area declared as such by the Federal Government and includes the internal waters;
- (e) "Maritime Domain Awareness" means the effective understanding of anything associated with the maritime domain that could impact the security, safety, economy or environment of the country;
- (f) "Concerned Agencies" means those agencies, departments, Ministries which are specified in Schedule-I;
- (g) "Director" means the officer in command of JMICC appointed under sub-section (2) of section 3;
- (h) "prescribed" means prescribed by the rules made under this Act; and
- (i) "rules" means rules made under this Act.

(2) All words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings as assigned by Pakistan Navy Ordinance, 1961 (XXXV of 1961).

3. Constitution of Organization.—(1) The Federal Government may by notification in the official gazette, constitute a Joint Maritime Information Organization (JMIO).

(2) The JMIO shall consist of a Director to be appointed by the Naval Headquarters from amongst the officers of Pakistan Navy and such other officers and members of the staff for smooth functioning of the organization as may be prescribed.

(3) The head of Concerned Agency shall be authorized to appoint, depute or attach officers including civilian officers and other members of the staff to JMICC. Duties to be performed by these officers or staff may be determined by the Director.

(4) The JMIO shall be manned by officers and staff of Pakistan Navy and representatives of Concerned Agencies on deputation or attachment from the respective Concerned Agency.

4. Control, superintendence, command and administration of JMIO.— Subject to overall control and superintendence of the Federal Government,

the command and administration of JMIO shall vest in JMICC, and shall be exercised by the Director as its chief executive in accordance with the provisions of this Act and the rules made thereunder.

5. Powers and functions of JMIO.—(1) All Concerned Agencies as specified in Schedule—I to this Act shall be responsible to share information with JMICC on terrorism, subversive and criminal activities which include human trafficking, illegal arms transportation, smuggling of contraband goods, drug trafficking and illegal fishing etc. JMICC shall be responsible to coordinate and disseminate actionable information with the Concerned Agency to generate immediate and effective response.

(2) Without prejudice to the generality of the provisions of sub-section (1), the functions of JMIO shall be to—

- (a) establish JMICC at Pakistan Navy Ship QASIM at Karachi under the auspices of Pakistan Navy;
- (b) manage and maintain the expeditious flow of information relating to incidents of maritime terrorism, piracy, distress at sea, environmental protection, illegal fishing and any other illegal activity within Pakistan's maritime jurisdiction;
- (c) collect, collate and analyze the information received from any of the Concerned Agencies or organization including other relevant information, if any, relating to individuals and transnational organized criminal groups intend committing illegal activities along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbours;
- (d) prepare statistics and reports on the basis of the information gathered and analyzed under clause (c), and to disseminate them to the Concerned Agencies or organizations, as far as possible;
- (e) provide an appropriate alert, whenever possible, to the Concerned Agencies if there is a reasonable ground to believe that a threat of incidents of illegal act along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbour is imminent;
- (f) coordinate and share available information on shipping and on criminal groups and individuals with regional and international Maritime Information Sharing Organizations and Centers for Maritime Domain Awareness;

- (g) prepare non-classified statistics and reports based on information gathered and analyzed under clause (c) and to disseminate them to the shipping community and the International Maritime Organizations;
- (h) perform such other functions as may be agreed upon by the Concerned Agencies with a view to preventing illegal acts within Pakistan's maritime jurisdiction; and
- (i) perform such other functions as may be assigned to it by the Federal Government, from time to time, to protect maritime interests of Pakistan.

(3) In performance of its functions, the JMIO shall respect the confidentiality of information provided by any Concerned Agency and shall not release or disseminate such information unless the consent of that Agency is taken in advance.

6. Application of certain laws.—(1) Subject to the provision of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961).

(2) Notwithstanding anything contained in sub-section (1), a civil servant transferred to the JMIO on deputation or a person subject to the Pakistan Army Act, 1952 (XXXIX of 1952), or the Pakistan Air Force Act, 1953 (XXXV of 1953), on secondment of the JMIO, not otherwise subject to this Act, shall be so subject to this Act and the Pakistan Navy Ordinance, 1961 (XXXV of 1961), to the extent and under such conditions as the Federal Government may direct, provided that such civil servant and that other person shall be subject to the said Ordinance when he—

- (a) seduces or attempts to seduce any person subject to this Act from his duty or allegiance to the Government;
- (b) commits any offence in relation to any work of defence, arsenal, naval, military, air force or JMIO's establishment or station;
- (c) commits any offence under the Official Secrets Act, 1923 (XIX of 1923) in relation to the affairs of the JMIO; or
- (d) commit any offence punishable under any law for the time being in force on the establishment, station or property of the JMIO or in relation thereof.

7. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

8. **Power to make rules.**—The Director may, with the approval of Federal Government, make rules consistent with this Act for carrying out the purpose of this Act.

9. **Oath of allegiance.**—Every member of JMIO shall, as soon as possible after appointment or enrolment to the JMIO, make and subscribe before his Director or any other officer appointed by the Director on his behalf, an oath in the form set out in Schedule-II to this Act.

10. **Power to amend Schedule.**—The Ministry of Defence may, by notification in the Official Gazette, amend Schedule-I to this Act.

SCHEDULE-I

[See sub-section (3) of section 1 and sub-section (1) of section 5]

S. No.	Concerned Agencies	
(1)	(2)	(3)
1.	Federal Investigation Authority (Immigration)	Ministry of Interior
2.	Pakistan Coast Guard (PCG)	
3.	Pakistan Rangers (Sindh)	
4.	Directorate of Ports and Shipping at Karachi	Ministry of Maritime Affairs
5.	Mercantile Marine Department (MMD)	
6.	Karachi Port Trust (KPT)	
7.	Port Qasim Authority (PQA)	
8.	Gwadar Port Authority (GPA)	
9.	Fishery Department Sindh	
10.	Pakistan National Shipping Corporation (PNSC)	
11.	Marine Fishery Department (MFD)	
12.	Korangi Fish Harbour (KoFH)	
13.	Pakistan Marine Academy	
14.	Fishery Development Board (FDB)	Ministry of National Food Security and Research
15.	National Institute of Oceanography (NIO)	Ministry of Science and Technology
16.	Space and Upper Atmosphere Research Commission (SUPARCO)	

(1)	(2)	(3)
17.	Anti-Narcotics Force (Sindh and Balochistan)	Narcotics Control Division
18.	Customs Department (Sindh and Balochistan)	Revenue Division/FBR
19.	Pakistan Army (Southern Command/HQ 5 Corps)	Ministry of Defence
20.	Pakistan Maritime Security Agency (PMSA)	
21.	Inter-Services Intelligence (ISI)	
22.	Institute of Maritime Affairs (IMA)/ PN	
23.	Commissioner Office (Karachi)	
24.	Karachi Fish Harbour Authority (KFHA)	Government of Sindh
25.	Sindh Police	
26.	Fisherman Cooperative Society (FCS)	
27.	Rescue Dept. Hawks Bay	
28.	Provincial Disaster Management Authority, Sindh	
29.	Gadani Ship Breaking Association (GSBA)	Government of Balochistan
30.	Fishery Department Balochistan	
31.	Balochistan Police	
32.	Provincial Disaster Management Authority, Balochistan	
33.	Pakistan Shipping Agents Association (PSAA)	Miscellaneous/ Private
34.	Pakistan Sea Friends Welfare Organization	
35.	Native Island Fisherman Association (NIFA)	
36.	Fisherman Awareness Forum (FAF)	
37.	Pakistan Fisher Folk Forum (PFFF)	
38.	Sind Trawler Owners & Fishermen Association (STOFA)	
39.	Cargo Dhow Operator (CDO)	
40.	Bringing You Clear Option (BYCO)	
41.	Passenger Boat Association (PBA)	
42.	Ferry Operator Churna	

SCHEDULE-II

[See section 9]

I, _____ do solemnly swear that I shall bear true faith and allegiance to Pakistan;

That as an officer or member of the staff of Joint Maritime Information Organization, I shall discharge my duties and perform my functions faithfully and honestly, to the best of my ability and in accordance with the Constitution and the laws of the Islamic Republic of Pakistan, without fear, favour, affection or ill-will.

That I shall not allow my personal interest to influence my official conduct or my official decisions.

May Allah Almighty help and guide me (Ameen).

Date: _____

STATEMENT OF OBJECTS AND REASONS

Pakistan Navy conceived Joint Maritime Information Organization (JMIO) concept in 2012 to establish a formal mechanism for effective exchange of Maritime related information between all stakeholders. Consequently, a Joint Maritime Information Coordination Centre (JMICC) was established under the auspices of Pakistan Navy at PNS Qasim, Karachi on 07 February, 2013.

2. Maritime security has assumed significant importance in contemporary global environment. Major threats emanating at sea include piracy, transnational criminal activities, illegal fishing, smuggling, human and drug trafficking, gun running, etc. These threats can assume asymmetric proportions for the state. Early detection and timely warning to various agencies responsible for maritime security will enable coordinated, immediate, and effective response to emerging situations. Majority of the maritime states have already restructured their maritime security organizations under a similar concept.

3. JMIO will act as a nerve centre for collecting, fusing, and disseminating information related to maritime domain to all stakeholders. Since the concept involves a number of stakeholders/agencies, which had peculiar command structure and organizations, therefore, a Bill passed by Parliament is considered imperative to achieve seamless integration of all the organizations.

ENGINEER KHURRAM DASTGIR KHAN,

Minister for Defence.

Annex-B

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to provide for constitution and regulation of the
Joint Maritime information Organization*

WHEREAS it is expedient to constitute a Joint Maritime Information Organization to synergize efforts of all organizations and agencies, information sharing for Maritime Security and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Joint Maritime Information Organization Act, 2018.

(2) It extends to the whole of Pakistan,

(3) It shall apply to all Ministries, Divisions, Departments and Agencies related to maritime sector including the law enforcement agencies at sea specified in Schedule-I to this Act.

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(a) “JMIO” means the Joint Maritime Information Organization established under section 3;

(b) “JMICC” means the Joint Maritime Information and Coordination Centre, established under clause (a) of sub-section (2) of section 5;

(c) “Maritime Interests of Pakistan” includes rights, control, jurisdiction and sovereignty over Maritime Zones and the sovereign rights of Pakistan to explore, exploit, conserve, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the unauthorized exploitation of resources of Pakistan seas, sub-soil and prevention thereto from damage through pollution or any other means;

- (d) "Maritime Zones" means the Territorial Sea, the Contiguous Zone, Continental Shelf and Exclusive Economic Zone of Pakistan as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976), or any other zone or area declared as such by the Federal Government and includes the internal waters;
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- (f) "Concerned Agencies" means those agencies, departments, Ministries which are specified in Schedule-I;
- (g) "Director" means the officer in command of JIMICC appointed under sub-section (2) of section 3;
- (h) "prescribed" means prescribed by the rules made under this Act; and
- (i) "rules" means rules made under this Act.

(2) All words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings as assigned by Pakistan Navy Ordinance, 1961 (XXXV of 1961).

3. **Constitution of Organization.**—(1) The Federal Government, may by notification in the official gazette, constitute a Joint Maritime Information Organization (JMIO).

(2) The JMIO shall consist of a Director to be appointed by the Naval Headquarters from amongst the officers of Pakistan Navy and such other officers and members of the staff for smooth functioning of the organization as may be prescribed.

(3) The head of Concerned Agency shall be authorized to appoint, depute or attach officers including civilian officers and other members of the staff to JIMICC. Duties to be performed by these officers or staff may be determined by the Director.

(4) The JMIO shall be manned by officers and staff of Pakistan Navy and representatives of Concerned Agencies on deputation or attachment from the respective Concerned Agency.

4. **Control, superintendence, command and administration of JMIO.**—Subject to overall control and superintendence of the Federal Government,

the command and administration of JMIO shall vest in JMICC, and shall be exercised by the Director as its chief executive in accordance with the provisions of this Act and the rules made thereunder.

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(2) Without prejudice to the generality of the provisions of sub-section (1), the functions of JMIO shall be to—

- (a) establish JMICC at Pakistan Navy Ship QASIM at Karachi under the auspices of Pakistan Navy;
- (b) manage and maintain the expeditious flow of information relating to incidents of maritime terrorism, piracy, distress at sea, environmental protection, illegal fishing and any other illegal activity within Pakistan's maritime jurisdiction;
- (c) collect, collate and analyze the information received from any of the Concerned Agencies or organization including other relevant information, if any, relating to individuals and transnational organized criminal groups intend committing illegal activities along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbours;
- (d) prepare statistics and reports on the basis of the information gathered and analyzed under clause (c), and to disseminate them to the Concerned Agencies or organizations, as far as possible;
- (e) provide an appropriate alert, whenever possible, to the Concerned Agencies if there is a reasonable ground to believe that a threat of incidents of illegal act along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbour is imminent;
- (f) coordinate and share available information on shipping and on criminal groups and individuals with regional and international Maritime Information Sharing Organizations and Centers for Maritime Domain Awareness;

- (g) prepare non-classified statistics and reports based on information gathered and analyzed under clause (c) and to disseminate them to the shipping community and International Maritime Organizations;
- (h) perform such other functions as may be agreed upon by the Concerned Agencies with a view to preventing illegal acts within Pakistan's maritime jurisdiction; and
- (i) perform such other functions as may be assigned to it by the Federal Government, from time to time, to protect maritime interests of Pakistan.

(3) In performance of its functions, the JMIO shall respect the confidentiality of information provided by any Concerned Agency and shall not release or disseminate such information unless the consent of that Agency is taken in advance.

6. Application of certain laws.—(1) Subject to the provision of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961).

(2) Notwithstanding anything contained in sub-section (1), a civil servant transferred to the JMIO on deputation or a person subject to the Pakistan Army Act, 1952 (XXXIX of 1952), or the Pakistan Air Force Act, 1953 (XXXV of 1953), on secondment of the JMIO, not otherwise subject to this Act, shall be so subject to this Act and the Pakistan Navy Ordinance, 1961 (XXXV of 1961), to the extent and under such conditions as the Federal Government may direct, provided that such civil servant and that other person shall be subject to the said Ordinance when he—

- (a) seduces or attempts to seduce any person subject to this Act from his duty or allegiance to the Government;
- (b) commits any offence in relation to any work of defence, arsenal, naval, military, air force or JMIO's establishment or station;
- (c) commits any offence under the Official Secrets Act, 1923 (XIX of 1923) in relation to the affairs of the JMIO; or
- (d) commit any offence punishable under any law for the time being in force on the establishment, station or property of the JMIO or in relation thereof.

7. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

8. **Power to make rules.**—The Director may, with the approval of Federal Government, make rules consistent with this Act for carrying out the purpose of this Act.

9. **Oath of allegiance.**—Every member of JMIO shall, as soon as possible after appointment or enrolment to the JMIO, make and subscribe before his Director or any other officer appointed by the Director on his behalf, an oath in the form set out in Schedule-II to this Act.

10. **Power to amend Schedule.**—The Ministry of Defence may, by notification in the Official Gazette, amend Schedule-I to this Act.

SCHEDULE-I

[See sub-section (3) of section 1 and sub-section (1) of section 5]

S. No.	Concerned Agencies	
(1)	(2)	(3)
1.	Federal Investigation Authority (Immigration)	Ministry of Interior
2.	Pakistan Coast Guard (PCG)	
3.	Pakistan Rangers (Sindh)	
4.	Directorate of Ports and Shipping at Karachi	Ministry of Maritime Affairs
5.	Mercantile Marine Department (MMD)	
6.	Karachi Port Trust (KPT)	
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9.	Fishery Department Sindh	
10.	Pakistan National Shipping Corporation (PNSC)	
11.	Marine Fishery Department (MFD)	
12.	Korangi Fish Harbour (KoFH)	
13.	Pakistan Marine Academy	
14.	Fishery Development Board (FDB)	Ministry of National Food Security and Research
15.	National Institute of Oceanography (NIO)	Ministry of Science and Technology
16.	Space and Upper Atmosphere Research Commission (SUPARCO)	

(1)	(2)	(3)
17.	Anti-Narcotics Force (Sindh and Balochistan)	Narcotics Control Division
18.	Customs Department (Sindh and Balochistan)	Revenue Division/FBR
19.	Pakistan Army (Southern Command/HQ 5 Corps)	Ministry of Defence
20.	Pakistan Maritime Security Agency (PMSA)	
21.	Inter-Services Intelligence (ISI)	
22.	Institute of Maritime Affairs (IMA)/ PN	
23.	Commissioner Office (Karachi)	Government of Sindh
24.	Karachi Fish Harbour Authority (KFHA)	
25.	Sindh Police	
26.	Fisherman Cooperative Society (FCS)	
27.	Rescue Dept Hawks Bay	
28.	Provincial Disaster Management Authority, Sindh	
29.	Gadani Ship Breaking Association (GSBA)	Government of Balochistan
30.	Fishery Department Balochistan	
31.	Balochistan Police	
32.	Provincial Disaster Management Authority, Balochistan	
33.	Pakistan Shipping Agents Association (PSAA)	Miscellaneous/Private
34.	Pakistan Sea Friends Welfare Organization	
35.	Native Island Fisherman Association (NIFA)	
36.	Fisherman Awareness Forum (FAF)	
37.	Pakistan Fisher Folk Forum (PFFF)	
38.	Sindh Trawler Owners & Fishermen Association (STOFA)	
39.	Cargo Dhow Operator (CDO)	
40.	Bringing You Clear Option (BYCO)	
41.	Passenger Boat Association (PBA)	
42.	Ferry Operator Churna	

SCHEDULE-II

[See section 9]

I, _____ do solemnly swear that I shall bear true faith and allegiance to Pakistan;

That as an officer or member of the staff of Joint Maritime Information Organization, I shall discharge my duties and perform my functions faithfully and honestly, to the best of my ability and in accordance with the Constitution and the laws of the Islamic Republic of Pakistan, without fear, favour, affection or ill-will.

That I shall not allow my personal interest to influence my official conduct or my official decisions.

May Allah Almighty help and guide me (Ameen).

Date: _____

STATEMENT OF OBJECTS AND REASONS

Pakistan Navy conceived Joint Maritime Information Organization (JMIO) concept in 2012 to establish a formal mechanism for effective exchange of Maritime related information between all stakeholders. Consequently, a Joint Maritime Information Coordination Centre (JMICC) was established under the auspices of Pakistan Navy at PNS Qasim, Karachi on 07 February, 2013.

2. Maritime security has assumed significant importance in contemporary global environment. Major threats emanating at sea include piracy, transnational criminal activities, illegal fishing, smuggling, human and drug trafficking, gun running, etc. These threats can assume asymmetric proportions for the state. Early detection and timely warning to various agencies responsible for maritime security will enable coordinated, immediate, and effective response to emerging situations. Majority of the maritime states have already restructured their maritime security organizations under a similar concept.

3. JMIO will act as a nerve centre for collecting, fusing, and disseminating information related to maritime domain to all stakeholders. Since the concept involves a number of stakeholders/agencies, which had peculiar command structure and organizations, therefore, a Bill passed by Parliament is considered imperative to achieve seamless integration of all the organizations.

ENGINEER KHURRAM DASTGIR KHAN,
Minister for Defence.

Annex-C**NOTE OF DISSENT**

Dated 4th April, 2018

Amendments to Bill for constitution & regulation of the JMIO

The Bill is confused as it is unclear of the body being created is for information sharing, or security or intelligence gathering.

Article 7: It should be removed. There should be no general indemnity as it is subject to abuse.

Article 9: Not required except for private sector individuals so it should be amended and be private sector specific.

Schedule I: Needs to be amended to include the Legal Division of the MFA as MFA most important Ministry in this area especially regarding EEZs, international treaties and law of the sea etc. and yet this Ministry has been totally overlooked.

Also, ISI should be excluded because it is as Intel agency that works covertly and should not be identified in a Bill of this sort.

Additionally, entities like BYCO, PBA and Ferry Operator Churna should be removed and instead the Maritime Authority can coopt any body it may want to at a particular time that would also give it more flexibility and adaptability to evolving changes.

Sd/-

DR. SHIREEN MEHRUNNISA MAZARI,

MNA (NA-305)

PTI.

**REPORT OF THE STANDING COMMITTEE ON FINANCE,
REVENUE AND ECONOMIC AFFAIRS ON THE BANKS
(NATIONALIZATION) (AMENDMENT) BILL, 2018**

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs have the honour to present this report on the Bill further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974) [The Banks (Nationalization) (Amendment) Bill, 2018] [Government Bill] referred to the Committee on 12th February, 2018.

2. The Committee consists of the following:—

(1)	Mr. Qaiser Ahmed Shaikh	<i>Chairman</i>
(2)	Mr. Saeed Ahmed Khan Manais	<i>Member</i>
(3)	Rana Shamim Ahmed Khan	<i>Member</i>
(4)	Mr. Isphanyar M. Bhandara	<i>Member</i>
(5)	Sardar Muhammad Jaffar Khan Leghari	<i>Member</i>
(6)	Ms. Arifa Khalid Parvez	<i>Member</i>
(7)	Ms. Khalida Mansoor	<i>Member</i>
(8)	Dr. Shezra Mansab Ali Khan Kharral	<i>Member</i>
(9)	Sheikh Fayyaz-ud-Din	<i>Member</i>
(10)	Mian Abdul Mannan	<i>Member</i>
(11)	Ms. Shaza Fatima Khawaja	<i>Member</i>
(12)	Ms. Leila Khan	<i>Member</i>
(13)	Syed Naveed Qamar	<i>Member</i>
(14)	Dr. Nafisa Shah	<i>Member</i>
(15)	Syed Mustafa Mehmud	<i>Member</i>
(16)	Mr. Asad Umar	<i>Member</i>
(17)	Mr. Abdul Rashid Godil	<i>Member</i>
(18)	Mr. Muhammad Ali Rashid	<i>Member</i>
(19)	Mr. Aftab Ahmad Khan Sherpao	<i>Member</i>
(20)	Rana Muhammad Afzal Khan, Minister of State for Finance, Revenue and Economic Affairs	<i>Ex-officio Member</i>

3. The Committee considered the Bill as introduced in the Assembly placed at Annexure-A, in its meeting held on 28th February, 2018 and made the following amendments therein:-

CLAUSE 2

- (i) In clause-2, paragraph (a), after the word “its”, occurring in the second line the words “quarterly, half-yearly” shall be inserted.
- (ii) In clause-2, paragraph (a), after the word “or”, occurring in the second line the word “annual” shall be inserted.

4. The Committee recommended that the Bill placed at **Annexure-B**, may be passed by the Assembly.

Sd/-

TAHIR HUSSAIN,

Secretary

Islamabad, the 12th April, 2018:

Sd/-

QAISER AHMED SHEIKH,

*Chairman*Standing Committee on Finance, Revenue and
Economic Affairs.

Annex-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Banks ((Nationalization)Act, 1974

WHEREAS it is expedient further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Banks ((Nationalization) (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Substitution of section 17, Act XIX of 1974.**—In the Banks (Nationalization) Act, 1974 (XIX of 1974), for section 17, the following Shall be substituted, namely:—

“17. **Disposal of profits.**—Subject to the law by or under which a bank has been established and the State Bank Act, 1956 (XXXIII of 1956), the Banking Companies Ordinance, 1962 ((LVII of 1962), and complying with all regulatory requirements, a bank may declare dividend after.

- (a) it has drawn up its quarterly, half yearly or annual balance sheet and profit and loss account and has its accounts reviewed or audited, as the case may be, by an auditor qualified to act as such under the Banking Companies (Ordinance, 1962 LVII of 1962);
- (b) it has made adequate provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other contingencies for which provision is necessary under any law or regulations or which are usually provided for the bankers; and
- (c) a copy of the balance sheet and profit and loss account along-with the review or audit report, as the case may be, has been supplied to the State Bank and the Federal Government and the latter has approved the declaration of such dividend:

Provided that, before according such approval, the Federal Government may, of its own motion or on the recommendation of the State Bank, order a second review or audit of the accounts of the bank and appoint such auditor for this purpose as it deems fit.”

STATEMENT OF OBJECTS AND REASONS

It is normal practice of companies including banking companies to declare interim dividend to shareholders thereby portraying a good image of the organization as well as sending positive sentiments to prospective investors through stock exchanges. The existing provisions of section 17 of the Banks (Nationalization) Act, 1974 however restrict nationalized banks from declaring interim dividend to their shareholders. Therefore, necessary amendment in the laws is being proposed thereby allowing nationalized banks to declare interim dividend to meet their shareholders'/investors expectations. The proposed amendment will also align the Banks (Nationalization) Act provision with section 183 of the Companies Act, 2017, explanation of which covers interim dividend as well.

2. This Bill is designed to achieve the aforesaid purpose.

RANA MUHAMMAD AFZAL KHAN,
*Minister of State for Finance and
Economic Affairs.*

ANNEX-B

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Banks (Nationalization) Act, 1974

WHEREAS it is expedient further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Banks (Nationalization) (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Substitution of section 17, Act XIX of 1974.**—In the Banks (Nationalization) Act, 1974 (XIX of 1974), for section 17, the following shall be substituted, namely:—

“17. **Disposal of profits.**—Subject to the law by or under which a bank has been established, the State Bank Act, 1956 (XXXIII of 1956) and the Banking Companies Ordinance, 1962 (LVII of 1962) and complying with all regulatory requirements, a bank may declare dividend after—

- (a) it has drawn up its quarterly, half-yearly or annual balance sheet and profit and loss account and has its quarterly, half-yearly accounts reviewed or annual audited, as the case may be, by an auditor qualified to act as such under the Banking Companies Ordinance, 1962 (LVII of 1962);
- (b) it has made adequate provision for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other contingencies for which provision is necessary under any law or regulations or which are usually provided for the bankers; and
- (c) a copy of the balance sheet and profit and loss account along-with the review or audit report, as the case may be, has been supplied to the State Bank and the Federal Government and the latter has approved the declaration of such dividend:

Provided that, before according such approval, the Federal Government may, of its own motion or on recommendation of the State Bank, order a second review or audit of the accounts of the bank and appoint such auditor for such purpose as it deems fit.”.

STATEMENT OF OBJECTS AND REASONS

It is normal practice of companies including banking companies to declare interim dividend to shareholders thereby portraying a good image of the organization as well as sending positive sentiments to prospective investors through stock exchanges. The existing provisions of section 17 of the Banks (Nationalization) Act, 1974 however restrict nationalized banks from declaring interim dividend to their shareholders. Therefore, necessary amendment in the law is being proposed thereby allowing nationalized banks to declare interim dividend to meet their shareholders/investors expectations. The proposed amendment will also align the Banks (Nationalization) Act provision with section 183 of the Companies Act, 2017, explanation of which covers interim dividend as well.

2. This Bill is designed to achieve the aforesaid purpose.

RANA MUHAMMAD AFZAL KHAN,
*Minister of State for Finance and
Economic Affairs.*

**REPORT OF THE STANDING COMMITTEE ON FINANCE,
REVENUE AND ECONOMIC AFFAIRS ON THE LOANS FOR
AGRICULTURAL, COMMERCIAL AND INDUSTRIAL PURPOSES
(AMENDMENT) BILL, 2018**

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs have the honour to present this Report on the Bill further to amend the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 (XLII of 1973) in its application to such areas in the Federation as are not included in any Province [The Loans for Agricultural, Commercial and Industrial Purposes (Amendment) Bill, 2018] [Government Bill] referred to the Committee on 2nd November, 2017.

2. The Committee consists of the following:—

(1)	Mr. Qaiser Ahmed Sheikh	<i>Chairman</i>
(2)	Mr. Saeed Ahmed Khan Manais	<i>Member</i>
(3)	Rana Shamim Ahmed Khan	<i>Member</i>
(4)	Mr. Isphanyar M. Bhandara	<i>Member</i>
(5)	Sardar Muhammad Jaffar Khan Leghari	<i>Member</i>
(6)	Ms. Arifa Khalid Parvez	<i>Member</i>
(7)	Ms. Khalida Mansoor	<i>Member</i>
(8)	Dr. Shezra Mansab Ali Khan Kharral	<i>Member</i>
(9)	Sheikh Fayyaz-ud-Din	<i>Member</i>
(10)	Mian Abdul Mannan	<i>Member</i>
(11)	Ms. Shaza Fatima Khawaja	<i>Member</i>
(12)	Ms. Leila Khan	<i>Member</i>
(13)	Syed Naveed Qamar	<i>Member</i>
(14)	Dr. Nafisa Shah	<i>Member</i>
(15)	Syed Mustafa Mehmud	<i>Member</i>
(16)	Mr. Asad Umar	<i>Member</i>
(17)	Mr. Abdul Rashid Godil	<i>Member</i>

- | | | |
|------|---|--------------------------|
| (18) | Mr. Muhammad Ali Rashid | <i>Member</i> |
| (19) | Mr. Aftab Ahmad Khan Sherpao | <i>Member</i> |
| (20) | Rana Muhammad Afzal Khan,
Minister of State for Finance, Revenue and
Economic Affairs | <i>Ex-officio Member</i> |

3. The Committee considered the Bill placed at **Annexure-A** in its meetings held on 23rd November, 2017 and 19th December, 2017. The Committee recommends that the Bill may be passed by the Assembly.

Sd/-
TAHIR HUSSAIN,
Secretary
Islamabad, the 11th April, 2018.

Sd/-
QAISER AHMED SHEIKH,
Chairman
Standing Committee on Finance, Revenue and
Economic Affairs.

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 in its application to such areas in the Federation as are not included in any Province

WHEREAS, it is expedient further to amend the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 (XLII of 1973), in its application to such areas in the Federation as are not included in any Province, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Loans for Agricultural, Commercial and Industrial Purposes (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XLII of 1973.**—In the Loans for Agricultural, Commercial and Industrial Purposes Act, 1973 (XLII of 1973), hereinafter called as the said Act, in section 3,—

(a) after clause (a), the following new clause shall be inserted, namely:—

“(aa) “designated agency” means and includes a department or authority as the Minister-in-charge of the Federal Government may, by notification in the official Gazette, designate to prepare, issue and authenticate e-passbook and cause to give effect to entries in revenue record;”; and

(b) after clause (d), the following new clause shall be inserted, namely:—

“(da) “passbook” means a title document prepared in the prescribed manner setting out particulars of land owned by land owner and shall include e-passbook to be prepared or issued by designated agency of the Federal Government;”.

3. **Amendment of section 4, Act XLII of 1973.**—In the said Act, in section 4, in sub-section (1), the words “setting out particulars of the land owned by him” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

- (1) Agricultural Pass Book System was introduced by the Federal Government through promulgation of Loans for Agricultural, Commercial & Industrial Purposes (LACIP) Act, 1973 for simplifying the agricultural loans procedure, which was subsequently amended in 1987 to provide, for assessment of value of land on market price in addition to PIU (Produce Index Unit).
- (2) The Pass book can be obtained from any Post Office on nominal price. The Pass Book contains record of entire land owned by the land owner falling within territorial jurisdiction of Tehsil/Sub-Tehsil/Issuing Authority possessed by him/her along-with his/her legal share with any encumbrance or charge thereon at the time of its issuance duly authenticated by the concerned Kanungo/Revenue Officer.
- (3) LACIP Act, 1973 and Rules made there under provide complete mechanism right from issuance of Agricultural Pass Book, land valuation, legal share, charge creation upto the redemption of charge on land after repayment of loan.
- (4) Presently 99% ZTBL loans are provided on Agricultural Pass Book system which is prepared by the Revenue Authorities in accordance with provisions of “Loans for Agricultural, Commercial & Industrial Purposes Act, 1973 (LACIP Act) and Rules made there under”.

- (5) After introduction of Mark-up Free Agricultural E-Credit Scheme, Government of the Punjab has been financing, under digitalized/E-Pass Book System. Since digitalized/E-Pass Book is not recognized by LACIP Act, 1973 & Rules made there under or any other Law, therefore, loans provided on the basis of this digitalized/E-Pass Book are likely to jeopardize the interest/funds of the Banks.
- (6) In order to avoid any legal implications as well as to safeguard the loans/funds of the Bank, the amendments in the "Loans for Agricultural, Commercial & Industrial Purposes Act, 1973" are imperative & essential across the Pakistan to safeguard the financing of the Banks/DFIs under digitalized/E-Pass Book system.

RANA MUHAMMAD AFZAL KHAN,
*Minister of State for Finance, Revenue and
Economic Affairs.*

REPORT OF THE STANDING COMMITTEE ON FINANCE, REVENUE AND ECONOMIC AFFAIRS ON THE INVESTMENT CORPORATION OF PAKISTAN (REPEAL) BILL, 2018

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs have the honour to present this Report on the Bill to repeal the Investment Corporation of Pakistan Ordinance, 1966 (IV of 1966) [The Investment Corporation of Pakistan (Repeal) Bill, 2018], referred to the Committee on 15th May, 2017.

2. The Committee consists of the following:—

(1)	Mr. Qaiser Ahmed Sheikh	Chairman
(2)	Mr. Saeed Ahmed Khan Manais	Member
(3)	Rana Shamim Ahmed Khan	Member
(4)	Mr. Isphanyar M. Bhandara	Member
(5)	Sardar Muhammad Jaffar Khan Leghari	Member
(6)	Ms. Arifa Khalid Parvez	Member
(7)	Ms. Khalida Mansoor	Member
(8)	Dr. Shezra Mansab Ali Khan Kharral	Member
(9)	Sheikh Fayyaz-ud-Din	Member
(10)	Mian Abdul Mannan	Member
(11)	Ms. Shaza Fatima Khawaja	Member

(12)	Ms. Leila Khan	<i>Member</i>
(13)	Syed Naveed Qamar	<i>Member</i>
(14)	Dr. Nafisa Shah	<i>Member</i>
(15)	Syed Mustafa Mehmud	<i>Member</i>
(16)	Mr. Asad Umar	<i>Member</i>
(17)	Mr. Abdul Rashid Godil	<i>Member</i>
(18)	Mr. Muhammad Ali Rashid	<i>Member</i>
(19)	Mr. Aftab Ahmad Khan Sherpao	<i>Member</i>
(20)	Rana Muhammad Afzal Khan, Minister of State for Finance, Revenue and Economic Affairs	<i>Ex-officio Member</i>

3. The Committee considered the Bill placed at Annexure-‘A’ in its meeting held on 14th July, 2017 and recommends that it may be passed by the Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 12th April, 2018.

Sd/-

(KAISER AHMED SHEIKH)

Chairman

*Standing Committee on Finance, Revenue and
Economic Affairs.*

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to repeal the Investment Corporation of Pakistan Ordinance, 1966

WHEREAS it is expedient to repeal the Investment Corporation of Pakistan Ordinance, 1966 (IV of 1966);

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Investment Corporation of Pakistan (Repeal) Act, 2018.

(2) It shall come into force at once.

2. **Repeal.**—The Investment Corporation of Pakistan Ordinance, 1966 (IV of 1966) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Cabinet in its meeting held on June 13, 2001, accorded approval of winding up of Investment Corporation of Pakistan (ICP). The winding up process has been completed after observance of prescribed procedure. Summary for repealing of Investment Corporation of Pakistan Ordinance, 1966 was moved and ICP (Repeal) Bill, 2017 was approved by the Cabinet Committee in its meeting held on January 13, 2017, duly ratified by the Cabinet in its meeting held on February 07, 2017.

RANA MUHAMMAD AFZAL KHAN,
*Minister of State for Finance, Revenue and
Economic Affairs.*

REPORT OF THE STANDING COMMITTEE ON FINANCE, REVENUE AND ECONOMIC AFFAIRS ON THE STATE BANK OF PAKISTAN BANKING SERVICES CORPORATION (AMENDMENT) BILL, 2018

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs have the honour to present this Report on the Bill further to amend the SBP Banking Services Ordinance, 2001 (LXVII of 2001) [The State Bank of Pakistan Banking Services Corporation (Amendment) Bill, 2018] [Government Bill] referred to the Committee on 07-08-2017.

2. The Committee consists of the following:—

(1)	Mr. Qaiser Ahmed Sheikh	Chairman
(2)	Mr. Saeed Ahmed Khan Manais	Member
(3)	Rana Shamim Ahmed Khan	Member
(4)	Mr. Isphanyar M. Bhandara	Member
(5)	Sardar Muhammad Jaffar Khan Leghari	Member
(6)	Ms. Arifa Khalid Parvez	Member
(7)	Ms. Khalida Mansoor	Member
(8)	Dr. Shezra Mansab Ali Khan Kharral	Member
(9)	Sheikh Fayyaz-ud-Din	Member
(10)	Mian Abdul Mannan	Member
(11)	Ms. Shaza Fatima Khawaja	Member

(12)	Ms. Leila Khan	Member
(13)	Syed Naveed Qamar	Member
(14)	Dr. Nafisa Shah	Member
(15)	Syed Mustafa Mehmud	Member
(16)	Mr. Asad Umar	Member
(17)	Mr. Abdul Rashid Godil	Member
(18)	Mr. Muhammad Ali Rashid	Member
(19)	Mr. Aftab Ahmad Khan Sherpao	Member
(20)	Rana Muhammad Afzal Khan,	Ex-officio Member
	Minister of State for Finance, Revenue and Economic Affairs	

3. The Committee considered the Bill placed at Annexure-A, in its meeting held on 19th December, 2017, and made the following amendments, therein:-

(i) **CLAUSE 3**

In clause 3, sub-clause 6, for the word "fifteen" the word "sixty" shall be substituted.

(ii) **CLAUSE 6**

In clause 6, in proposed section 24A, for the words "merely of" the words "only on" shall be substituted.

3. The Committee recommends that the Bill as reported by the Committee placed at **Annexure-B** may be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 12th April, 2018.

Sd/-

(QAISER AHMED SHEIKH)

Chairman

Standing Committee on Finance, Revenue and
Economic Affairs.

ANNEX-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the SBP Banking Services Corporation Ordinance, 2001

WHEREAS it is expedient further to amend the SBP Banking Services Ordinance, 2001 (LXVII of 2001), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called the SBP Banking Services Corporation (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 5, Ordinance LXVII of 2001.**—In the SBP Banking Services Corporation Ordinance, 2001 (LXVII of 2001), hereinafter referred to as the said Ordinance, in section 5,—

(1) in sub-section (1),—

(a) in clause (d), the word “and” at the end shall be omitted;

(b) in clause (e), for the full stop at the end, a semicolon and word “; and” shall be substituted and thereafter the following new clause shall be added, namely:—

“(f) to carry out its functions effectively, the Bank, if deemed necessary, may establish one or more subsidiaries for the purpose of conducting its business, with the prior approval of the Board and State Bank.”; and

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

“(2) The State Bank shall not transfer or delegate any of the functions specified in section 9A of the State Bank of Pakistan Act, 1956 (XXXIII of 1956), including,—

(i) formulation and monitoring of monetary and credit policies;

(ii) regulation and supervision of the financial sector;

(iii) foreign exchange regime and exchange rate policy; and

(iv) payment and settlement system.”.

3. **Amendment of section 9, Ordinance LXVII of 2001.**—In the said Ordinance, in section 9, after sub-section (5), the following new sub-section shall be added, namely:—

- “(6) At any time when the office of the Managing Director is vacant, the Governor may appoint any officer of the State Bank or from the Bank as Acting Managing Director within a period of fifteen days from the date of vacancy:

Provided that the Managing Director shall be appointed under sub-section (1) within a period of three months of the occurrence of vacancy.”.

4. **Amendment of section 13, Ordinance LXVII of 2001.**—In the said Ordinance, in section 13, in sub-section (3), for the words “State Bank”, the word “Board” shall be substituted.

5. **Substitution of section 24, Ordinance LXVII of 2001.**—In the said Ordinance, for section 24, the following shall be substituted, namely:—

- “24. **Pension, gratuity and provident fund of Bank employees to be exempt from attachments, etc.**—Notwithstanding anything contained in any law for the time being in force, pensions; gratuity and provident fund of the executives and other employee or pensioners shall not be liable to seizure, attachment or sequestration by process of any court order at the instance of a creditor, decree holder etc., for any demand against the executives, employees or pensioner or in satisfaction of a decree or order of any court.”.

6. **Insertion of new section 24A, Ordinance LXVII of 2001.**—In the said Ordinance, after section 24, the following new section shall be inserted, namely:—

- “24A. **Act or proceeding of the Board not to be questioned.**—No act or proceeding of the Board or the Committees of the Board shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee thereof.”.

7. **Substitution of section 28, Ordinance LXVII of 2001.**—In the said Ordinance, for sector 28, the following shall be substituted, namely:—

- “28. **Protection of action taken in good faith.**—No suit or other legal proceedings shall lie against the State Bank and the Bank or any director or officer of the State Bank and the Bank for anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules, regulations or orders made thereunder.”.

ANNEX-B
STATEMENT OF OBJECTS & REASONS

The purpose of amendments in the SBP Banking Services Corporation Ordinance 2001 (Ordinance) is to enable the SBP Banking Services Corporation (Bank) to optimize its operational efficiency thereby bringing it in conformity with the emerging operational needs.

The amendments in the Ordinance are being proposed for the following reasons:

1. A new sub-section has been introduced in section 9, in line with good governance for the appointment of an Acting Managing Director within a period of fifteen (15) days, from the date of vacancy, provided that, the Managing Director shall be appointed within a period of three (3) months from the date of the occurrence of vacancy.
2. The power of the Board of Directors to appoint external auditors has been proposed in line with good governance.
3. An enabling clause on creation of subsidiaries by the Bank with the approval of Board and State Bank under the Ordinance has been introduced for operational efficiency.
4. Amendments have been proposed to exempt the gratuity and provident fund of employees of the Bank from attachment as already provided for, in case of pensioners to make the Ordinance consistent with the existing compensation benefits.
5. In order to provide adequate protection to the Bank and the officers of the Bank for actions taken in good faith, amendments have been proposed in section 28 of the Ordinance.
6. A new section 24A has been proposed to legally protect the proceedings of the Board and the committees of the Board from any questions arising merely on the grounds of any vacancy or any defect in the constitution of the Board.

This Bill is designed to achieve the aforesaid purpose.

SENATOR MOHAMMAD ISHAQ DAR,
*Minister for Finance, Revenue, Economic
Affairs, Statistics and Privatization.*

ANNEX-B

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the SBP Banking Services Corporation Ordinance, 2001

WHEREAS it is expedient further to amend the SBP Banking Services Ordinance, 2001 (LXVII of 2001), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the SBP Banking Services Corporation (Amendment) Bill, 2018.

(2) It shall come into force at once.

2. **Amendment of section 5, Ordinance LXVII of 2001.**—In the SBP Banking Services Corporation Ordinance, 2001 (LXVII of 2001), hereinafter referred to as the said Ordinance, in section 5,—

(1) in sub-section (1),—

(a) in clause (d), the word “and” at the end shall be omitted;

(b) in clause (e), for the full stop at the end, a semicolon and the word “; and “ shall be substituted and thereafter the following new clause shall be added, namely:—

“(f) to carry out its functions effectively, the Bank, if deemed necessary, may establish one or more subsidiaries for the purpose of conducting its business, with the prior approval, of the Board and State Bank.”; and

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

“(2) The State Bank shall not transfer or delegate any of the functions specified in section 9A of the State Bank of Pakistan Act, 1956 (XXXIII of 1956), including,—

- (i) formulation and monitoring of monetary and credit policies;
- (ii) regulation and supervision of financial sector;
- (iii) foreign exchange regime and exchange rate policy; and
- (iv) payment and settlement system.”.

3. **Amendment of section 9, Ordinance LXVII of 2001.**—In the said Ordinance, in section 9, after sub-section (5), the following new sub-section shall be added, namely:—

- “(6) At any time when the office of the Managing Director is vacant, the Governor may, appoint any officer of the State Bank or from the Bank as Acting Managing Director within a period of sixty days from the date of vacancy:

Provided that the Managing Director shall be appointed under sub-section (1) within a period of three months of occurrence of the vacancy.”.

4. **Amendment of section 13, Ordinance LXVII of 2001.**—In the said Ordinance, in section 13, in sub-section (3), for the words “State Bank”, the word “Board” shall be substituted.

5. **Substitution of section 24, Ordinance LXVII of 2001.**—In the said Ordinance, for section 24, the following shall be substituted, namely:—

- “24. **Pension, gratuity and provident fund of Bank employees to be exempt from attachments, etc.**—Notwithstanding anything contained in any law for the time being in force, pensions, gratuity and provident fund of the executives and other employee or pensioners shall not be liable to seizure, attachment or sequestration by process of any court order at the instance of a creditor, decree holder etc., for any demand against the executives, employees or pensioners or in satisfaction of a decree or order of any court.”.

6. **Insertion of new section 24A, Ordinance LXVII of 2001.**—In the said Ordinance, after section 24, the following new section shall be inserted, namely:—

- “24A. **Act or proceeding of the Board not to be questioned.**—No act or proceeding of the Board or the committees of the Board shall be questioned on the ground only on the existence of any vacancy in or any defect in the constitution of such Board or committee thereof.”.

7. **Substitution of section 28, Ordinance LXVII of 2001.**—In the said Ordinance, for section 28, the following shall be substituted, namely:—

- “28. **Protection of action taken in good faith.**—No suit or other legal proceedings shall lie against the State Bank and the Bank or any director or officer of the State Bank and the Bank for anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules, regulations or orders made thereunder.”.

STATEMENT OF OBJECTS & REASONS

The purpose of amendments in the SBP Banking Services Corporation Ordinance, 2001 (Ordinance) is to enable the SBP Banking Services Corporation (Bank) to optimize its operational efficiency thereby bringing it in conformity with the emerging operational needs.

The amendments in the Ordinance are being proposed for the following reasons:

1. A new sub-section has been introduced in section 9, in line with good governance for the appointment of an Acting Managing Director within a period of fifteen (15) days, from the date of vacancy, provided that, the Managing Director shall be appointed within a period of three (3) months from the date of the occurrence of vacancy.
2. The power of the Board of Directors to appoint external auditors has been proposed in line with good governance.
3. An enabling clause on creation of subsidiaries by the Bank with the approval of Board and State Bank under the Ordinance has been introduced for operational efficiency.
4. Amendment have been proposed to exempt the gratuity and provident fund employees of the Bank from attachment as already provided for, in case of pensioners to make the Ordinance consistent with the existing compensation benefits.
5. In order to provide adequate protection to the Bank and the officers of the Bank for actions taken in good faith, amendments have been proposed in section 28 of the Ordinance.
6. A new section 24A has been proposed to legally protect the proceedings of the Board and the committees of the Board from any questions

arising merely on the grounds of any vacancy or any defect in the constitution of the Board.

This Bill is designed to achieve the aforesaid purpose.

RANA MUHAMMAD AFZAL KHAN,
*Minister of State for Finance, Revenue and
Economic Affairs.*

**REPORT OF THE STANDING COMMITTEE ON STATES AND
FRONTIER REGIONS (SAFRON) ON THE TRIBAL AREAS REWAJ
BILL, 2017**

I, the Chairman of Standing Committee on States and Frontier Regions, have the honor to present this report on the Bill to provide for a system of administration of justice, maintenance of peace and good governance in the Federally Administered Tribal Areas and Protected or Administered Areas [The Tribal Areas Rewaj Bill, 2017], referred to the Committee on 15th May, 2017:—

2. The Committee consists of the following:—

(1)	Mr. Muhammad Jamal ud Din	Chairman
(2)	Mr. Muhammad Nazir Khan	Member
(3)	Mr. Ghalib Khan	Member
(4)	Begum Tahira Bukhari	Member
(5)	Ms. Iffat Liaquat	Member
(6)	Dr. Asma Mamdot	Member
(7)	Sheikh Fayyaz-ud-Din	Member
(8)	Mian Shahid Hussain Khan Bhatti	Member
(9)	Mr. Ghulam Muhammad Lali	Member
(10)	Mr. Aftab Shahban Mirani	Member
(11)	Mrs. Surraiya Jatoi	Member
(12)	Mr. Shahjahan Baloch	Member
(13)	Mr. Qaiser Jamal	Member
(14)	Ms. Ayesha Gulalai	Member
(15)	Mr. Nasir Khan	Member
(16)	Mr. Muhammad Kamal Malik	Member
(17)	Sahibzada Tariq Ullah	Member

(18)	Mr. Amir Haider Khan	<i>Member</i>
(19)	Mr. Bilal Rehman	<i>Member</i>
(20)	Mr. Bismillah Khan	<i>Member</i>
(21)	Lt. Gen. (R) Abdul Qadir Baloch, Minister for States and Frontier Regions	<i>Ex-Officio Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 16-05-2017, 23-06-2017, 11-09-2017, 02-01-2018 and 29-03-2018 and recommends that the Bill may not be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 12th April, 2018.

Sd/-
(MUHAMMAD JAMAL UDDIN)
Chairman
*Standing Committee on States and
Frontier Regions (SAFRON).*

ANNEX-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*to provide for a system of administration of justice, maintenance of peace
and good governance in the Federally Administered Tribal Areas and
Protected or Administered Areas*

WHEREAS it is expedient to provide for a system of administration of justice, maintenance of peace and good governance in the Federally Administered Tribal Areas and Protected or Administered Areas for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Tribal Areas Rewaj Act, 2017.

(2) It shall come into force in such Federally Administered Tribal Area or Areas mentioned in the First Schedule as Protected or Administered Areas or any

part thereof as the Federal Government may, by notification in the official Gazette, determine.

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

- (a) “Council of Elders” means a *jirga* of four or more respectable elders appointed under sections 8 or 10, as the case may be, and presided over by the Judge;
- (b) “Court” means the Court comprising,—
 - (i) the Judge; and
 - (ii) the Council of Elders;
- (b) “CPC” means the Code of Civil Procedure, 1908 (Act V of 1908) as applicable in the Province of Khyber Pakhtunkhwa;
- (c) “Cr.P.C” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (d) “FATA” means the Federally Administered Tribal Areas and such other areas as specified in the First Schedule;
- (e) “Judge” means a judicial officer appointed by the Federal Government to exercise powers under this Act, Cr.P.C and CPC;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “Protected Area or Administered Area” means the Areas specified in the First Schedule;
- (h) “*Qaumi Jirga*” means a *jirga* consisting of respectable elders and representatives of the tribes;
- (i) “*Rewaj*” means customs, traditions and usages of the tribes in vogue in FATA; and
- (j) “Schedule” means a Schedule to this Act.

3. **Relation to other laws.**—(1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(2) In case there is any conflict between the provisions of this Act and any other law, including the CPC, Cr.P.C and the *Qanun-e-Shahadat*, 1984 (P.O. No. 10 of 1984), for the time being in force, the provisions of this Act shall prevail to the extent of the inconsistency.

(3) The laws and offences as specified in the Second Schedule shall apply to FATA.

4. **Application of CPC.**—(1) Application of the CPC to FATA shall be subject to the following modifications, namely:—

- (a) reference therein to the Civil Judge, Civil Judge of the First Class, Civil Judge of the Second Class, Civil Judge of the Third Class or Senior Civil Judge shall be construed to be a reference to the Judge;
- (b) reference therein to the Provincial Government or Government shall be construed to be a reference to the Federal Government; and
- (c) reference therein to the Civil Court shall be construed to be a reference to the Judge.

(2) Notwithstanding anything contained in the CPC, the Judge shall adopt such procedure which facilitates compliance with the provisions of this Act and secures the ends of justice in accordance with *Rewaj*.

5. **Application of the Cr.P.C.**—(1) Application of the Cr.P.C to FATA shall be subject to the following modifications, namely:—

- (a) reference therein to the Magistrate, Magistrate of the First Class, Magistrate of the Second Class, Magistrate of the Third Class or Magistrate having power under section 30 shall be construed to be a reference to the Judge;
- (b) reference therein to the Provincial Government or Government shall be construed to be a reference to the Federal Government;
- (c) reference therein to the District Magistrate shall be construed to be a reference to the Political Agent; and
- (d) reference therein to the officer-in-charge of the Police Station shall be construed to be a reference to the officer-in-charge of the concerned Levies or Khasadars Post, as the case may be, in the areas of their respective jurisdiction.

(2) Notwithstanding anything contained in the Cr.RC, the Judge shall adopt such procedure which facilitates compliance with the provisions of this Act and secures the ends of justice in accordance with *Rewaj*.

6. **Judge.**—(1) The Federal Government shall appoint such number of Judges in such manner and on such terms and conditions as may be prescribed.

(2) Every Judge shall exercise his powers in such cases or class of cases and within such local limits as the Federal Government may, from time-to-time and by order in writing, direct.

7. **Civil reference to the Court.**—(1) Any party to a civil dispute may make an application to the Court for decision in accordance with *Rewaj*.

(2) Within seven days of the receipt of an application under sub-section (1), the Judge shall nominate a Council of Elders and communicate their names to the parties.

(3) Objection by any party to any member of the Council of Elders shall be filed within three days of the receipt of communication under sub-section (2).

(4) The Judge shall dispose of the objections filed under sub-section (3) within four days after giving the parties an opportunity of being heard and recording reasons for his decision and shall appoint the members of the Council accordingly.

(5) The Judge shall call the party complained against to file a written reply within seven days of the receipt of the application under sub-section (1) and on receipt of the reply shall forthwith frame the legal and factual issues on which finding of the Court is required.

(6) The Judge shall refer the matter to the Council of Elders within two days of the order under sub-section (4), which shall determine the factual issues in accordance with the *Rewaj* and submit its findings to the Judge within thirty days.

(7) On receipt of findings, the Judge shall decide the legal issues, if any, within seven days and—

(a) pass a decree in accordance with the findings of the Council of Elders; or

(b) except where the findings are unanimous, require the Council of Elders to review their determination within thirty days or re-constitute the Council of Elders as provided in this section and require the aforesaid Council to determine the matter again within thirty days:

Provided that re-constitution of the Council of Elders shall be made once only.

8. **Effect of decree.**— A decree passed under clause (a) of sub-section (4) of section 9 shall—

- (a) be a final settlement of the case so far as the decree relates to the matter stated in the reference; and
- (b) have, to that extent and subject to the provisions of this Act with respect to the filing of appeal, the same effect as a decree of a Civil Court and shall be executed by the Court through the Political Agent or the Deputy Commissioner, as the case may be, as a decree of such Court.

9. **Criminal references to Court.**—(1) When a criminal case is sent to the Court for trial, the judge shall appoint the members of the Council of Elders in the same manner and within the same period as specified in sub-sections (2), (3) and (4) of section 8.

(2) The Judge shall refer the case to the Council of Elders immediately on its appointment for determination of factual aspects of the case as specified by him.

(3) The Council shall determine the factual aspects in accordance with *Rewaj* and submit its findings to the Judge within thirty days.

(4) On receipt of the findings, the Judge shall decide the legal issues, if any, within seven days and—

- (a) pass an order in accordance with the findings of the Council of Elders and applicable law; or
- (b) except where the findings are unanimous, require the Council of Elders to review their determination within thirty days or re-constitute the Council of Elders as provided in this section and require the aforesaid Council to determine the matter again within thirty days:

Provided that re-constitution of the Council of Elders shall be made once only.

10. **Bail.**—Where any person accused of non-bailable offence is arrested or detained or appears or is brought before the Judge he may be released on bail in accordance with the provisions of section 497 of Cr.P.C, except that for the purposes of this Act surety includes personal surety or such other surety as is permissible in accordance with the *Rewaj*.

11. **Reference by *Qaumi Jirga* in exceptional cases.**—The Political Agent or Deputy Commissioner, as the case may be, may in exceptional circumstances, if so recommended by a *Qaumi Jirga* of the Tribe in the interest of justice and public peace, refer any offence or civil dispute to the Court for decision thereon.

12. **Power to direct removal of structures and encroachments.**—(1) Where it is considered necessary in the interests of national security, the Federal Government may, by order in writing, direct the removal of any structures and encroachments situated in close proximity to the frontiers of the Islamic Republic of Pakistan to any other suitable site and award to the inhabitants such compensation for any loss which may have been occasioned to them by the removal of their structures and encroachments as, in the opinion of the Federal Government, is just and adequate.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to fifty thousand Rupees:

Provided that any such penalty shall be awarded by the Court in accordance with the provisions of section 10.

13. **Power of Federal Government to transfer the case.**—The Federal Government may, on the application of any of the parties, after notice to the other party and giving them an opportunity of being heard, transfer any civil or criminal matter to any Judge, within seven days from the appointment of the Council of Elders.

14. **Extension of Jurisdiction of the Supreme Court and the Peshawar High Court.**—(1) The Supreme Court of Pakistan shall have, in relation to the Federally Administered Tribal Areas, the same jurisdiction as it has in relation to other areas of the Province of Khyber Pakhtunkhwa.

(2) The Peshawar High Court shall have, in relation to the Federally Administered Tribal Areas, the same jurisdiction as it has in relation to other areas of the Province of Khyber Pakhtunkhwa.

15. **Appeal and review.**—(1) An aggrieved person may file an appeal before such court as provided for in the CPC or Cr.P.C., as the case may be, within thirty days from the date of any decree or sentence passed or final order made by the Court or Political Agent or Deputy Commissioner, as the case may be, under this Act.

(2) An aggrieved party may file a review petition before the Court within seven days of the impugned decree or final order.

(3) No revision petition shall lie against any interlocutory order of the Court.

(4) The appeal or review petition shall be decided within thirty days of its filing.

16. **Power to amend Schedule.**—The Federal Government may, by notification in the official Gazette, amend the Schedule.

17. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes and objects of this Act.

18. **Indemnity.**—No suit or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act.

19. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Federal Government may, within a period not exceeding two years from the commencement of this Act and by order in the official Gazette, make such provisions not inconsistent with the provisions of this Act as it may consider necessary for the removal of such difficulty.

20. **Repeal.**—The Frontier Crimes Regulation, 1901 is hereby repealed.

THE FIRST SCHEDULE

[see section 1(2)]

Federally Administrated Tribal Areas include—

- (a) Tribal Areas adjoining Peshawar district;
- (b) Tribal Areas adjoining Kohat district;
- (c) Tribal Areas adjoining Bannu district;
- (d) Tribal Areas adjoining Lakki Marwat district;
- (e) Tribal Areas adjoining Dera Ismail Khan district;
- (f) Tribal Areas adjoining Tank district;

- (g) Bajaur Agency;
- (h) Orakzai Agency;
- (i) Mohmand Agency;
- (j) Khyber Agency;
- (k) Kurram Agency;
- (l) North Waziristan Agency; and
- (m) South Waziristan Agency.

PART II

Protected/Administered Areas

- (a) Tribal Areas adjoining Kohat district,—
 - (i) Northern end of Kohat tunnel, including access road up to Abbas Chowk; and
 - (ii) Akhurwal area extending from Levies post, Spina Thana up to FATA University on the northern side of the Indus Highway;
- (b) Tribal Areas adjoining Tank district,—
 - Jandola town and Camp and Khargai;
- (c) Bajaur Agency, except Utmankhel and Barang Tehsils;
- (d) Orakzai Agency, town and camp areas of Kalaya and Ghaljo.
- (e) Mohmand Agency,—
 - (i) Ekka Ghund town and camp area;
 - (ii) Ghalanai town and camp area;
 - (iii) Yousuf Khel camp area ; and
 - (iv) Mohmad Gat area;

- (f) Khyber Agency,—
 - (i) Towns and camps of Bara, Jamrud, Landi Kotal ; and
 - (ii) Torkham area of Landi Kotal Tehsil;
- (g) Kurram Agency,—
entire Upper and Lower Kurram sub-divisions;
- (h) North Waziristan Agency,—
 - (i) town and camp of Miransha including the villages of Miranshah, Danday, Darpakhel and Tabitolkhel;
 - (ii) Town and camp of Mir Ali; and
 - (iii) Razmak town and cantonment; and
- (i) South Waziristan Agency;
 - (i) Wana bazaar and camp;
 - (ii) Sarwakai camp;
 - (iii) Ladda town and camp;
 - (iv) Toikhulla camp; and
 - (v) Azam Warsak and border crossing point at Angoor Adda.

SECOND SCHEDULE

[see section 3 (3)]

PART I

Procedural laws

1. The Code of Criminal Procedure, 1898 (Act V of 1898) as applicable in the Islamabad Capital Territory and as modified for the purpose of this Act;

2. The Code of Civil Procedure, 1908 (Act V of 1908); and
3. The *Qamun-e-Shahadat*, 1984 (P.O.No. 10 of 1984).

PART-II

Other laws

1. The Pakistan Penal Code (Act XLV of 1860) with the modification that in all cases punishable with death the punishment shall be imprisonment for life;
2. the National Accountability Ordinance, 1999 (XVIII of 1999);
3. the Anti-money Laundering Act, 2010 (VII of 2001);
4. the Anti-Narcotics Force Act, 1997 (III of 1997);
5. the Cigarettes (Printing of Warning) Ordinance, 1979 (LXXIII of 1979);
6. the Contempt of Court Ordinance, 2003 (IV of 2003);
7. the Control of Narcotic Substances Act, 1997 (XXV of 1997);
8. the Cutting of Trees (Prohibition) Act, 1992 (XVIII of 1992);
9. the Drug Regulatory Authority of Pakistan Act, 2012 (XXI of 2012);
10. the Drugs Act, 1976 (XXXI of 1976) and the rules made thereunder;
11. the Electricity Act, 1910 (IX of 1910);
12. the Electronic Transactions Ordinance, 2002 (LI of 2002);
13. the Emigration Ordinance, 1979 (XVIII of 1979);
14. the Employment of Children Act, 1991 (V of 1991);
15. the Epidemic Diseases Act, 1958 (III of 1958);
16. the Exit from Pakistan (Control) Ordinance, 1981 (XLVI of 1981) and the rules made thereunder;

17. the Explosive Substances Act, 1908 (VI of 1908);
18. the Explosives Act, 1884 (IV of 1884);
19. the Extradition Act, 1972 (XXI of 1972);
20. the Federal Investigation Agency Act, 1974 (VIII of 1975);
21. the West Pakistan Foodstuffs (Control) Act, 1958 (WP Act No. XX of 1958);
22. the Foreign Exchange Regulation Act, 1947 (VII of 1947) and the rules made thereunder;
23. the Foreigners Act, 1946 (XXXI of 1946);
24. the West Pakistan Good Conduct Prisoners' Probationer Release Act, 1926 (WP Act No. X of 1926) and the rules made thereunder;
25. the Identification of Prisoners Act, 1920 (XXXIII of 1920);
26. the Illegal Dispossession Act, 2005 (XI of 2005);
27. the Indecent Advertisements Prohibition Act, 1963 (XII of 1963);
28. the Industrial Relations Act, 2012 (X of 2012);
29. the Investigation for Fair Trial Act, 2013 (I of 2013);
30. the Juvenile Justice System Ordinance, 2000 (XX of 2000) and the rules made thereunder;
31. the Khyber Pakhtunkhwa Appointment of Law Officers Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVII of 2014);
32. the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014);
33. the Khyber Pakhtunkhwa Explosive Act, 2013 (Khyber Pakhtunkhwa Act No. XXIV of 2013);
34. the Khyber Pakhtunkhwa Explosive Substances Act, 2013 (Khyber Pakhtunkhwa Act No. XXV of 2013);

35. the Khyber Pakhtunkhwa Prevention of Gambling Ordinance, 1978 (Khyber Pakhtunkhwa Ordinance No. V of 1978);
36. the Khyber Pakhtunkhwa Protection of Breast-Feeding and Child Nutrition Act, 2015 (Khyber Pakhtunkhwa Act No. VII of 2015);
37. the Limitation Act, 1908 (IX of 1908);
38. the National Commission for Human Rights Act, 2012 (XVI of 2012),
39. the Offence of *Qazf* (Enforcement of *Hadd*) Ordinance, 1979 (VIII of 1979);
40. the Offence Against Property (Enforcement of *Hadd*) Ordinance, 1979 (VI of 1979);
41. the Offences in Respect of Banks (Special Courts) Ordinance, 1984 (IX of 1984);
42. the Offences of Zina (Enforcement of *Hadd*) Ordinance, 1979 (VII of 1979);
43. the Pakistan Citizenship Act, 1951 (II of 1951);
44. the Pakistan Environmental Protection Act, 1997 (XXXIII of 1997);
45. the Pakistan Hotels and Restaurants Act, 1976 (LXXXI of 1976);
46. the Parks and Horticulture Authority Act, 2012 (Punjab Act No. XLVII of 2012);
47. the Passports Act, 1974 (XX of 1974) and the rules made thereunder;
48. the Payment Systems and Electronic Fund Transfers Act, 2007 (IV of 2007);
49. the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002 (XCVIII of 2002) and the rules made thereunder;
50. the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002) and the rules made thereunder;
51. the Prevention of Anti-National Activities Act, 1974 (VII of 1974);

52. the Prevention of Corruption Act, 1947 (II of 1947);
53. the Prevention of Cruelty to Animals Act, 1890 (XI of 1890);
54. the Prevention of Electronic Crimes Act, 2016 (XL of 2016);
55. the Prevention of Gambling Act, 1977 (XXVIII of 1977);
56. the Prevention of Seditious Meetings Act, 1911 (X of 1911);
57. the Prisoners Act, 1900 (III of 1900);
58. the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV of 2002);
59. the Protection Against Harassment of Woman at the Workplace Act, 2010 (IV of 2010);
60. the Security of Pakistan Act, 1952 (XXXV of 1952);
61. the Telegraph Act, 1885 (XIII of 1885);
62. the Terrorist Affected Areas (Special Courts) Act, 1992 (X of 1992);
63. the Traffic Offences (Special Courts) Ordinance, 1981 (XXXIX of 1981);
64. the Transfer of Offenders Ordinance, 2002 (XXXVII of 2002);
65. the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010);
66. the Vaccination Act, 1880 (XIII of 1880);
67. the West Pakistan Water and Power Development Authority Act, 1958 (WP Act No. XXXI of 1958);
68. the Weights and Measures (International System) Act, 1967 (V of 1967) and the rules made thereunder;
69. the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (WP Ordinance No. XX of 1961);

70. the West Pakistan Epidemic Disease Act, 1958 (WP Act No. XXVI of 1958);
71. the West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 1965 (WP Ordinance No. II of 1965);
72. the West Pakistan Tribunal of Inquiry Ordinance, 1969 (WP Ordinance No. II of 1969);
73. the Wild Birds and Animals Protection Act, 1912 (VIII of 1912);
74. the Wireless Telegraphy Act, 1933 (XVII of 1933);
75. the Abandoned Properties (Taking Over and Management) Act, 1975 (XX of 1975);
76. the Agricultural Pesticides Ordinance, 1971 (II of 1971);
77. the Aircrafts (Removal of Danger to Safety) Ordinance, 1965 (XII of 1965);
78. the Airports Security Force Act, 1975 (LXXVII of 1975) and the rules made thereunder;
79. the Allopathic System (Prevention of Misuse) Ordinance, 1962 (LXV of 1962);
80. the Anti-dumping Duties Act, 2015 (XIV of 2015);
81. the Antiquities Act, 1975 (VII of 1976);
82. the Armed Forces Civil General Transport Companies and Requisition of Civil Transport Ordinance, 2002 (XXII of 2002);
83. the Associated Press of Pakistan Corporation Ordinance, 2002 (LXXX of 2002);
84. the Carriage by Air Act, 2012 (IV of 2012);
85. the Child Marriage Restraint Act, 1929 ((XIX of 1929);
86. the Civil Aviation Ordinance, 1960 ((XXXII of 1960);

87. the Civil Defence Act, 1952 (XXXI of 1952);
88. the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960 (XXXIX of 1960);
89. the Control of Employment Ordinance, 1965 (XXXII of 1965);
90. the Copyright Ordinance, 1962 (XXXIV of 1962) and the rules made thereunder;
91. the Decorations Act, 1975 (XLIII of 1975);
92. the Destruction of Records Act, 1917 (V of 1917);
93. the Destructive Insects and Pests Act, 1914;
94. the Enemy Property (Continuance of Emergency Provisions) Ordinance, 1977 (XXXIV of 1977);
95. the Factories Act, 1934 (XXV of 1934);
96. the Fatal Accidents Act, 1855 (XIII of 1855);
97. the Federal Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969);
98. the Freedom of Information Ordinance, 2002 (XCVI of 2002) and the rules made thereunder;
99. the Government Savings Banks Act, 1873 (V of 1873);
100. the Hindu Disposition of Property Act, 1916 (XV of 1916);
101. the Hindu Widows Re-Marriage Act, 1856 (XV of 1856);
102. the House Building Finance Corporation Act, 1952 (XVIII of 1952);
103. the Injured Persons (Medical Aid), Act 2004 (XII of 2004);
104. the Intellectual Property Organization of Pakistan Act, 2012 (XXII of 2012);
105. the Khyber Pakhtunkhwa Sugar Factories Control Act, 1950;

106. the Khyber Pakhtunkhwa Tenancy Act, 1950;
107. the Law Reports Act, 1875 (XVIII of 1875);
108. the Legal Practitioners and Bar Councils Acts, 1973 (XXXV of 1973) and rules made thereunder;
109. the Mines Act, 1923 (IV of 1923);
110. the Mines Maternity Benefit Act, 1941 (XIX of 1941);
111. the Motor Vehicles (Divers) Ordinance, 1942 (V of 1942);
112. the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) and the rules made thereunder;
113. the National Highway Authority Act, 1991 (XI of 1991);
114. the Notaries Ordinance, 1961 (XIX of 1961);
115. the Oath Act, 1873 (X of 1873);
116. the Official Secrets Act, 1923 (XIX of 1923);
117. the Pakistan Air Force Act, 1953 (VI of 1953);
118. the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002);
119. the Pakistan Madrash Education (Establishment and Affiliation of Model Dini Madaris Board) Ordinance, 2001 (XL of 2001);
120. the Pakistan Telecommunication (Re-Organization) Act, 1996 (XVII of 1996);
121. the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 (XIV of 2012);
122. the Patents Ordinance, 2000 (LXI of 2000);
123. the Pensions Act, 1871 (XXXIII of 1871);
124. the Power of Attorney Act, 1882 (VII of 1882);

125. the Press Council of Pakistan Ordinance, 2002 (XCVII of 2002);
126. the Provincial Employee Social Security Ordinance, 1965 (WP X of 1965);
127. the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965);
128. the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002);
129. the Registration of Foreigners Act, 1939 (XVII of 1939) and the rules made thereunder;
130. the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997);
131. the Sacked Employees (Re-Instatement) Act, 2010 (XXII of 2010);
132. the Sarais Act, 1867 (XXI of 1867);
133. the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997);
134. the Small and Medium Enterprises Development Authority Ordinance, 2002 (XXXIX of 2002);
135. the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002);
136. the Societies Registration Act, 1860 (XXI of 1860);
137. the Trade Marks Ordinance, 2001 (XIX of 2001);
138. the Travel Agencies Act, 1976 (XXX of 1976) and the rules made thereunder;
139. the Trust Act, 1882 (II of 1882);
140. the Unani, Ayurvedic and Homeopathic Practitioners Act, 1965 (II of 1965) and the rules made thereunder; and
141. the *Zakat* and *Ushr* Ordinance, 1980 (XVIII of 1980).

STATEMENT OF OBJECTS AND REASONS

The Rewaj Act for Tribal Areas, 2017 (RRTA) focuses on the introduction of a legal system which will provide for retaining the Rewaj in accordance with the aspirations of the tribal people while safeguarding their fundamental rights. It envisages that certain amendments may be incorporated in CrPC and CPC for customization and shaping it to incorporate the traditional Jirga System for adjudication in the Federally Administered Tribal Areas (FATA), thereby, determining the roles and fixing responsibilities between the executive and judicial officers. The Act is designed to be promulgated in the protected areas of RATA in a gradual manner, for which the availability and the provision of a necessary judicial and prosecution infrastructure coupled with a well-trained levies force is of paramount importance. The Rewaj Act in its essence, thus provides for the extension of the jurisdiction of the Supreme Court of Pakistan and Peshawar High Court which in collaboration with an alternate system of dispute resolution in the form of a Jirga system for provision of a speedy justice system to the people of the area to which this Act shall apply.

LT. GEN.(RETD) ABDUL QADIR BALOCH,

Minister for States and Frontier Regions,

Minister-in-Charge.

**REPORT OF THE STANDING COMMITTEE ON CABINET
SECRETARIAT ON THE SERVICE TRIBUNALS (AMENDMENT)
BILL, 2017**

I, Chairman of the Standing Committee on Cabinet Secretariat, have the honour to present the report on the Bill further to amend the Service Tribunals Act, 1973 (LLX of 1973)[the Service Tribunals (Amendment) Bill, 2017](Government Bill), referred to the Standing Committee on 13th September, 2017.

2. The Committee consist of the following members:

- | | |
|---|-----------------|
| 1. Rana Muhammad Hayat Khan, MNA | Chairman |
| 2. Malik Ibrar Ahmed | Member |
| 3. Mr. Rasheed Ahmed Khan | Member |
| 4. Sardar Muhammad Irfan Dogar | Member |
| 5. Sardar Mansab Ali Dogar | Member |
| 6. Ms. Parveen Masood Bhatti | Member |

7.	Ms. Nighat Parveen Mir	Member
8.	Ms. Shahnaz Saleem	Member
9.	Ms. Seema Mohiuddin Jameeli	Member
10.	Ms. Farhana Qamar	Member
11.	Rana Muhammad Qasim Noon	Member
12.	Ch. Khalid Javaid Warraich	Member
13.	Dr. Mahreen Razaque Bhutto	Member
14.	Mr. Abdul Hakeem Baloch	Member
15.	Mr. Roshan Din Junejo	Member
16.	Mr. Asad Umar	Member
17.	Ms. Nafesa Inayatullah Khan Khattak	Member
18.	Moulvi Agha Muhammad	Member
19.	Syed Ali Raza Abidi	Member
20.	Dr. Khalid Maqbool Siddiqui	Member
21.	Minister Incharge of the Cabinet Secretariat	Ex-Officio Member

3. The Committee considered the Bill as introduced in National Assembly placed at Annex-A in its meeting held on 26-03-2018 and recommended that the Bill may be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 11th April, 2018.

Sd/-

(RANA MUHAMMAD HAYAT KHAN)

Chairman

Standing Committee on Cabinet Secretariat.

Annexure-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Service Tribunal Act, 1973

WHEREAS it is expedient further to amend the Service Tribunal Act, 1973 (LXX of 1973), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Service Tribunals (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Amendment of section 3, Act LXX of 1973.**—In the Service Tribunal Act, 1973 (LXX of 1973), in section 3, in sub-section (4), after the word “President”, occurring for the first time, the expression “, **in consultation with the Chief Justice of Pakistan,**” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

1. The Surpeme Court of Pakistan *vide* its judgment dated 25-03-2013 in constitution Petition No.53/2007 declared certain provisions of Service Tribunals Act 1973 as *ultra vires* and directed the Government to make suitable amendments in the Service Tribunals Act in the light of observations made in the judgment. The parliament accordingly passed Service Tribunals (Amendment) Act, 2014.
2. One of the observations made by the honorable Supreme Court in its judgment dated 25-03-2013 was that Chairman/Member of the Federal Service Tribunal should be appointed in consultation with the Chief Justice of Pakistan. However, appropriate provision to that effect could not be inserted in Service Tribunals (Amendment) Act, 2014. The honorable Court while considering Crl Org Petition No.22/2014 has directed the Government to take necessary action pursuant to the Court direction.
3. Federal Service Tribunal is a part of Federal Judicature and entrusted with judicial functions. It is therefore expedient that before making appointments of Chairman and Members of FST, Chief Justice of Pakistan is consulted as observed by the Supreme Court of Pakistan.
4. The Bill seeks to achieve above objectives.

SHEIKH AFTAB AHMED,

*Federal Minister for Parliamentary Affairs
Minister-Incharge.*

REPORT OF THE STANDING COMMITTEE ON STATES AND FRONTIER REGIONS (SAFRON) ON THE TRIBAL AREAS REWAJ BILL, 2017

I, the Chairman of Standing Committee on States and Frontier Regions, have the honor present this report on the Bill to provide for a system of administration of justice, maintenance of peace and good governance in the Federally Administered Tribal Areas and Protected or Administered Areas [The Tribal Areas Rewaj Bill, 2017], referred to the Committee on 15th May, 2017.

2. The Committee consists of the following:—

(1)	Mr. Muhammad Jamal ud Din	Chairman
(2)	Mr. Muhammad Nazir Khan	Member
(3)	Mr. Ghalib Khan	Member
(4)	Begum Tahira Bukhari	Member
(5)	Ms. Iffat Liaqat	Member
(6)	Dr. Asma Mamdot	Member
(7)	Sheikh Fayyaz-ud-Din	Member
(8)	Mian Shahid Hussain Khan Bhatti	Member
(9)	Mr. Ghulam Muhammad Lali	Member
(10)	Mr. Aftab Shahban Mirani	Member
(11)	Mrs. Surraiya Jatoi	Member
(12)	Mr. Shahjahan Baloch	Member
(13)	Mr. Qaiser Jamal	Member
(14)	Ms. Ayesha Gulalai	Member
(15)	Mr. Nasir Khan	Member
(16)	Mr. Muhammad Kamal Malik	Member
(17)	Sahibzada Tariq Ullah	Member
(18)	Mr. Amir Haider Khan	Member
(19)	Mr. Bilal Rehman	Member
(20)	Mr. Bismillah Khan	Member
(21)	Lt. Gen. (R) Abdul Qadir Baloch, Minister for States and Frontier Regions	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 16-05-2017, 23-06-2017,

11-09-2017, 02-01-2018 and 29-03-2018 and recommends that the Bill may not be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)

Secretary

Islamabad, the 12th April, 2018.

Sd/-
(MUHAMMAD JAMAL UDDIN)

Chairman

Standing Committee on Finance, Revenue and
Economic Affairs.

Annex-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*to provide for a system of administration of justice,, maintenance of peace
and good governance in the Federally Administered Tribal Areas and
Protected or Administered Areas*

WHEREAS it is expedient to provide for a system of administration of justice, maintenance of peace and good governance in the Federally Administered Tribal Areas and Protected or Administered Areas for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. **Short title and commencements.**—(1) This Act may be called the Tribal Areas Rewaj Act, 2017.

(2) It shall come into force in such Federally Administered Tribal Area or Areas mentioned in the First Schedule as Protected or Administered Areas or any part thereof as the Federal Government may, by notification in the official Gazette, determine.

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

(a) “Council of Elders” means a Jirga of four more respectable elders appointed under sections 8 or 10, as the case may be, and presided over by the Judge;

- (b) "Court" means the Court comprising,—
- (i) the Judge; and
 - (ii) the Council of Elders;
- (b) "CPC" means the Code of Civil Procedure, 1908 (Act V of 1908) as applicable in the Province of Khyber Pakhtunkhwa;
- (d) "Cr.P.C" means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (e) "FATA" means the Federally Administered Tribal Areas and such other areas as specified in the First Schedule;
- (f) "Judge" means a judicial officer appointed by the Federal Government to exercise powers under this Act, Cr.P.C and CPC;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Protected Area or Administered Area" means the Areas specified in the First Schedule;
- (i) "*Qaumi Jirga*" means a *Jirga* consisting of respectable, elders and representatives of the tribes;
- (j) "*Rewaj*" means customs, traditions and usages of the tribes in vogue in FATA; and
- (k) "Schedule" means a Schedule to this Act.

3. **Relation to other laws.**—(1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(2) In case there is any conflict between the provisions of this Act and any other law, including the CPC, Cr.P.C and the *Qanun-e-Shahadat*, 1984 (P.O. No. 10 of 1984), for the time being in force, the provisions of this Act shall prevail to the extent of the inconsistency.

(3) The laws and offences as specified in the Second Schedule shall apply to FATA.

4. **Application of CPC.**—(1) Application of the CPC to FATA shall be subject to the following modifications, namely:—

(a) reference therein to the Civil Judge, Civil Judge of the First Class, Civil Judge of the Second Class, Civil Judge of the Third Class or Senior Civil Judge shall be construed to be a reference to the Judge;

(b) reference therein to the Provincial Government or Government shall be construed to be a reference to the Federal Government; and

(c) reference therein to the Civil Court shall be construed to be a reference to the Judge.

(2) Notwithstanding anything contained in the CPC, the Judge shall adopt such procedure which facilitates compliance with the provisions of this Act and secures the ends of justice in accordance with *Rewaj*.

5. Application of the Cr.P.C.—(1) Application of the Cr.P.C to FATA shall be subject to the following modifications, namely:—

(a) reference therein to the Magistrate, Magistrate of the First Class, Magistrate of the Second Class, Magistrate of the Third Class or Magistrate having power under section 30 shall be construed to be a reference to the Judge;

(b) reference therein to the Provincial Government or Government shall be construed to be a reference to the Federal Government;

(c) reference therein to the District Magistrate shall be construed to be a reference to the Political Agent; and

(d) reference therein to the officer-in-charge of the Police Station shall be construed to be a reference to the officer-in-charge of the concerned Levies or *Khasadars* Post, as the case may be, in the areas of their respective jurisdiction.

(2) Notwithstanding anything contained in the Cr.RC, the Judge shall adopt such procedure which facilitates compliance with the provisions of this Act and secures the ends of justice in accordance with *Rewaj*.

6. Judge.—(1) The Federal Government shall appoint such number of Judges in such manner and on such terms and conditions as may be prescribed.

(2) Every Judge shall exercise his powers in such cases or class of cases and within such local limits as the Federal Government may, from time-to-time and by order in writing, direct.

7. **Civil reference to the Court.**—(1) Any party to a civil dispute may make an application to the Court for decision in accordance with *Rewaj*.

(2) Within seven days of the receipt of an application under sub-section (1), the Judge shall nominate a Council of Elders and communicate their names to the parties.

(3) Objection by any party to any member of the Council of Elders shall be filed within three days of the receipt of communication under sub-section (2).

(4) The Judge shall dispose of the objections filed under sub-section (3) within four days after giving the parties an opportunity of being heard and recording reasons for his decision and shall appoint the members of the Council accordingly.

(5) The Judge shall call the party complained against to file a written reply within seven days of the receipt of the application under sub-section (1) and on receipt of the reply shall forthwith frame the legal and factual issues on which finding of the Court is required.

(6) The Judge shall refer the matter to the Council of Elders within two days of the order under sub-section (4), which shall determine the factual issues in accordance with the *Rewaj* and submit its findings to the Judge within thirty days.

(7) On receipt of findings, the Judge shall decide the legal issues, if any, within seven days and—

(a) pass a decree in accordance with the findings of the Council of Elders; or

(b) except where the findings are unanimous, require the Council of Elders to review their determination within thirty days or re-constitute the Council of Elders as provided in this section and require the aforesaid Council to determine the matter again within thirty days:

Provided that re-constitution of the Council of Elders shall be made once only.

8. **Effect of decree.**— A decree passed under clause (a) of sub-section (4) of section 9 shall—

(a) be a final settlement of the case so far as the decree relates to the matter stated in the reference; and

- (b) have, to that extent and subject to the provisions of this Act with respect to the filing of appeal the same effect as a decree of a Civil Court and shall be executed by the Court through the Political Agent or the Deputy Commissioner, as the case may be, as a decree of such Court.

9. **Criminal references to Court.**—(1) When a criminal case is sent, to the Court for trial, the Judge shall appoint the members of the Council of Elders in the same manner and within the same period as specified in sub-sections (2), (3) and (4) of section 8.

(2) The Judge shall refer the case to the Council of Elders immediately on its appointment for determination of factual aspects of the case as specified by him.

(3) The Council shall determine the factual aspects in accordance with *Rewaj* and submit its findings to the Judge within thirty days.

(4) On receipt of the findings, the Judge shall decide the legal issues, if any, within seven days and—

- (a) pass an order in accordance with the findings of the Council of Elders and applicable law; or
- (b) except where the findings are unanimous, require the Council of Elders to review their determination within thirty days or re-constitute the Council of Elders as provided in this section and require the aforesaid Council to determine the matter again within thirty days:

Provided that re-constitution of the Council of Elders shall be made once only.

10. **Bail.**—Where any person accused of non-bailable offence is arrested or detained or appears or is brought before the Judge he may be released on bail in accordance with the provisions of section 497 of Cr.P.C, except that for the purposes of this Act surety includes personal surety or such other surety as is permissible in accordance with the *Rewaj*.

11. **Reference by *Qaumi Jirga* in exceptional cases.**—The Political Agent or Deputy Commissioner, as the case may be, may in exceptional circumstances, if so recommended by a *Qaumi Jirga* of the Tribe in the interest of justice and public peace, refer any offence or civil dispute to the Court for decision thereon.

12. **Power to direct removal of structures and encroachments.**—(1) Where it is considered necessary in the interests of national security, the Federal

Government may, by order in writing, direct the removal of any structures and encroachments situated in close proximity to the frontiers of the Islamic Republic of Pakistan to any other suitable site and award to the inhabitants such compensation for any loss which may have been occasioned to them by the removal of their structures and encroachments as, in the opinion of the Federal Government, is just and adequate.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to fifty thousand Rupees:

Provided that any such penalty shall be awarded by the Court in accordance with the provisions of section 10.

13. Power of Federal Government to transfer the case.—The Federal Government may, on the application of any of the parties, after notice to the other party and giving them an opportunity of being heard, transfer any civil or criminal matter to any Judge, within seven days from the appointment of the Council of Elders.

14. Extension of Jurisdiction of the Supreme Court and the Peshawar High Court.—(1) The Supreme Court of Pakistan shall have, in relation to the Federally Administered Tribal Areas, the same jurisdiction as it has in relation to other areas of the Province of Khyber Pakhtunkhwa.

(2) The Peshawar High Court shall have in relation to the Federally Administered Tribal Areas, the same jurisdiction as it has in relation to other areas of the Province of Khyber Pakhtunkhwa.

15. Appeal and review.—(1) An aggrieved person may file an appeal before such court as provided for in the CPC or Cr.P.C, as the case may be, within thirty days from the date of any decree or sentence passed or final order made by the Court or Political Agent or Deputy Commissioner, as the case may be, under this Act.

(2) An aggrieved party may file a review petition before the Court within seven days of the impugned decree or final order.

(3) No revision petition shall lie against any interlocutory order of the Court.

(4) The appeal or review petition shall be decided within thirty days of its filing.

16. **Power to amend Schedule.**—The Federal Government may, by notification in the official Gazette, amend the Schedule.

17. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes and objects of this Act.

18. **Indemnity.**—No suit or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act.

19. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Federal Government may, within a period not exceeding two years from the commencement of this Act and by order in the official Gazette, make such provisions not inconsistent with the provisions of this Act as it may consider necessary for the removal of such difficulty.

20. **Repeal.**—The Frontier Crimes Regulation, 1901 is hereby repealed.

THE FIRST SCHEDULE

[see section 1(2)]

Federally Administrated Tribal Areas include—

- (a) Tribal Areas adjoining Peshawar district;
- (b) Tribal Areas adjoining Kohat district;
- (c) Tribal Areas adjoining Bannu district;
- (d) Tribal Areas adjoining Lakki Marwat district;
- (e) Tribal Areas adjoining Dera Ismail Khan district;
- (f) Tribal Areas adjoining Tank district;
- (g) Bajaur Agency;
- (h) Orakzai Agency;
- (i) Mohmand Agency;
- (j) Khyber Agency;

- (k) Kurram Agency;
- (l) North Waziristan Agency; and
- (m) South Waziristan Agency.

PART II

Protected/Administered Areas

- (a) Tribal Areas adjoining Kohat district,—
 - (i) Northern end of Kohat tunnel, including access road up to Abbas Chowk; and
 - (ii) Akhurwal area extending from Levies post, Spina Thana up to FATA University on the northern side of the Indus Highway;
- (b) Tribal Areas adjoining Tank district,—
Jandala town and Camp and Khargai;
- (c) Bajaur Agency, except Utmankhel and Barang Tehsils;
- (d) Orakzai Agency, town and camp areas of Kalaya and Ghaljo.
- (e) Mohmand Agency,—
 - (i) Ekka Ghund town and camp area;
 - (ii) Ghalanai town and camp area;
 - (iii) Yousuf Khel camp area ; and
 - (iv) Mohmad Gat area;
- (f) Khyber Agency,—
 - (i) Towns and camps of Bara, Jamrud, Landi Kotal ; and
 - (ii) Torkham area of Landi Kotal Tehsil;
- (g) Kurram Agency,—
entire Upper and Lower Kurram sub-divisions;

- (h) North Waziristan Agency,
 - (i) town and camp of Miransha including the villages of Miranshah, Danday, Darpakhel and Tabitolkhel;
 - (ii) Town and camp of Mir Ali; and
 - (iii) Razmak town and cantonment; and
- (i) South Waziristan Agency;
 - (i) Wana bazaar and camp;
 - (ii) Sarwakai camp;
 - (iii) Ladda town and camp;
 - (iv) Toikhulla camp; and
 - (v) Azam Warsak and border crossing point at Angoor Adda.

SECOND SCHEDULE

[see section 3 (3)]

PART I

Procedural laws

1. The Code of Criminal Procedure, 1898 (Act V of 1898) as applicable in the Islamabad Capital Territory and as modified for the purpose of this Act;
2. The Code of Civil Procedure, 1908 (Act V of 1908); and
3. The *Qanun-e-Shahadat*, 1984 (P.O.No. 10 of 1984).

PART-II

Other laws

1. The Pakistan Penal Code (Act XLV of 1860) with the modification that in all cases punishable with death the punishment shall be imprisonment for life;

2. the National Accountability Ordinance, 1999 (XVIII of 1999);
3. the Anti-money Laundering Act, 2010 (VII of 2001);
4. the Anti-Narcotics Force Act, 1997 (III of 1997);
5. the Cigarettes (Printing of Warning) Ordinance, 1979 (LXXIII of 1979);
6. the Contempt of Court Ordinance, 2003 (IV of 2003);
7. the Control at Narcotic Substances Act, 1997 (XXV of 1997);
8. the Cutting of Trees (Prohibition) Act, 1992 (XVIII of 1992);
9. the Drug Regulatory Authority of Pakistan Act, 2012 (XXI of 2012);
10. the Drugs Act, 1976 (XXXI of 1976) and the rules made thereunder;
11. the Electricity Act, 1910 (IX of 1910);
12. the Electronic Transactions Ordinance, 2002 (LI of 2002);
13. the Emigration Ordinance, 1979 (XVIII of 1979);
14. the Employment of Children Act, 1991 (V of 1991);
15. the Epidemic Diseases Act, 1958 (III of 1958);
16. the Exit from Pakistan (Control) Ordinance, 1981 (XLVI of 1981) and the rules made thereunder;
17. the Explosive Substances Act, 1908 (VI of 1908);
18. the Explosives Act, 1884 (IV of 1884);
19. the Extradition Act, 1972 (XXI of 1972);
20. the Federal Investigation Agency Act, 1974 (VIII of 1975);
21. the West Pakistan Foodstuffs (Control) Act, 1958 (WP Act No. XX of 1958);
22. the Foreign Exchange Regulation Act, 1947 (VII of 1947) and the rules made thereunder;

23. the Foreigners Act, 1946 (XXXI of 1946);
24. the West Pakistan Good Conduct Prisoners' Probationer Release Act, 1926 (WP Act No. X of 1926) and the rules made thereunder;
25. the Identification of Prisoners Act, 1920 (XXXIII of 1920);
26. the Illegal Dispossession Act, 2005 (XI of 2005);
27. the Indecent Advertisements Prohibition Act, 1963 (XII of 1963);
28. the Industrial Relations Act, 2012 (X of 2012);
29. the Investigation for Fair Trial Act, 2013 (I of 2013);
30. the Juvenile Justice System Ordinance, 2000 (XX of 2000) and the rules made thereunder;
31. the Khyber Pakhtunkhwa Appointment of Law Officers Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVII of 2014);
32. the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014);
33. the Khyber Pakhtunkhwa Explosive Act, 2013 (Khyber Pakhtunkhwa Act No. XXIV of 2013);
34. the Khyber Pakhtunkhwa Explosive Substances Act, 2013 (Khyber Pakhtunkhwa Act No. XXV of 2013);
35. the Khyber Pakhtunkhwa Prevention of Gambling Ordinance, 1978 (Khyber Pakhtunkhwa Ordinance No. V of 1978);
36. the Khyber Pakhtunkhwa Protection of Breast-Feeding and Child Nutrition Act, 2015 (Khyber Pakhtunkhwa Act No. VII of 2015);
37. the Limitation Act, 1908 (IX of 1908);
38. the National Commission for Human Rights Act, 2012 (XVI of 2012);
39. the Offence of *Qazf* (Enforcement of *Hadd*) Ordinance, 1979 (VIII of 1979);

40. the Offence Against Property (Enforcement of Hadd) Ordinance, 1979 (VI of 1979);
41. the Offences in Respect of Banks (Special Courts) Ordinance, 1984 (IX of 1984);
42. the Offences of Zina (Enforcement of Hadd) Ordinance, 1979 (VII of 1979);
43. the Pakistan Citizenship Act, 1951 (II of 1951);
44. the Pakistan Environmental Protection Act, 1997 (XXXIII of 1997);
45. the Pakistan Hotels and Restaurants Act, 1976 (LXXXI of 1976);
46. the Parks and Horticulture Authority Act, 2012 (Punjab Act No. XLVII of 2012);
47. the Passports Act, 1974 (XX of 1974) and the rules made thereunder;
48. the Payment Systems and Electronic Fund Transfers Act, 2007 (IV of 2007);
49. the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002 (XCVIII of 2002) and the rules made thereunder;
50. the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002) and the rules made thereunder;
51. the Prevention of Anti-National Activities Act, 1974 (VII of 1974);
52. the Prevention of Corruption Act, 1947 (II of 1947);
53. the Prevention of Cruelty to Animals Act, 1890 (XI of 1890);
54. the Prevention of Electronic Crimes Act, 2016 (XL of 2016);
55. the Prevention of Gambling Act, 1977 (XXVIII of 1977);
56. the Prevention of Seditious Meetings Act, 1911 (X of 1911);
57. the Prisoners Act, 1900 (III of 1900);

58. the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (LXXIV of 2002);
59. the Protection Against Harassment of Woman at the Workplace Act, 2010 (IV of 2010);
60. the Security of Pakistan Act, 195 (XXXV of 1952);
61. the Telegraph Act, 1885 (XIII of 1885);
62. the Terrorist Affected Areas (Special Courts) Act, 1992 (X of 1992);
63. the Traffic Offences (Special Courts) Ordinance, 1981 (XXXIX of 1981);
64. the Transfer of Offenders Ordinance, 2002 (XXXVII of 2002);
65. the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010);
66. the Vaccination Act, 1880 (XIII of 1880);
67. the West Pakistan Water and Power Development Authority Act, 1958 (WP Act No. XXXI of 1958);
68. the Weights and Measures (International System) Act, 1967 (V of 1967) and the rules made thereunder;
69. the West Pakistan Anti-Corruption Establishment Ordinance, 1961 (WP Ordinance No. XX of 1961);
70. the West Pakistan Epidemic Disease Act, 1958 (WP Act No. XXVI of 1958);
71. the West Pakistan Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance, 1965 (WP Ordinance No. II of 1965);
72. the West Pakistan Tribunal of Inquiry Ordinance, 1969 (WP Ordinance No. II of 1969);
73. the Wild Birds and Animals Protection Act, 1912 (VIII of 1912);
74. the Wireless Telegraphy Act, 1933 (XVII of 1933);

75. the Abandoned Properties (Taking Over and Management) Act, 1975 (XX of 1975);
76. the Agricultural Pesticides Ordinance, 1971 (II of 1971);
77. the Aircrafts (Removal of Danger to Safety) Ordinance, 1965 (XII of 1965);
78. the Airports Security Force Act, 1975 (LXXVII of 1975) and the rules made thereunder;
79. the Allopathic System (Prevention of Misuse) Ordinance, 1962 (LXV of 1962);
80. the Anti-dumping Duties Act, 2015 (XIV of 2015);
81. the Antiquities Act, 1975 (VII of 1976);
82. the Armed Forces Civil General Transport Companies and Requisition of Civil Transport Ordinance, 2002 (XXII of 2002);
83. the Associated Press of Pakistan Corporation Ordinance, 2002 (LXXX of 2002);
84. the Carriage by Air Act, 2012 (IV of 2012);
85. the Child Marriage Restraint Act, 1929 ((XIX of 1929);
86. the Civil Aviation Ordinance, 1960 ((XXXII of 1960);
87. the Civil Defence Act, 1952 (XXXI of 1952);
88. the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960 (XXXIX of 1960);
89. the Control of Employment Ordinance, 1965 (XXXII of 1965);
90. the Copyright Ordinance, 1962 (XXXIV of 1962) and the rules made thereunder;
91. the Decorations Act, 1975 (XLIII of 1975);
92. the Destruction of Records Act, 1917 (V of 1917);

93. the Destructive Insects and Pests Act, 1914;
94. the Enemy Property (Continuance of Emergency Provisions) Ordinance, 1977 (XXXIV of 1977);
95. the Factories Act, 1934 (XXV of 1934);
96. the Fatal Accidents Act, 1855 (XIII of 1855);
97. the Federal Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969);
98. the Freedom of Information Ordinance, 2002 (XCVI of 2002) and the rules made thereunder;
99. the Government Savings Banks Act, 1873 (V of 1873);
100. the Hindu Disposition of Property Act, 1916 (XV of 1916);
101. the Hindu Widows Re-Marriage Act, 1856 (XV of 1856);
102. the House Building Finance Corporation Act, 1952 (XVIII of 1952);
103. the Injured Persons (Medical Aid), Act 2004 (XII of 2004);
104. the Intellectual Property Organization of Pakistan Act, 2012 (XXII of 2012);
105. the Khyber Pakhtunkhwa Sugar Factories Control Act, 1950;
106. the Khyber Pakhtunkhwa Tenancy Act, 1950;
107. the Law Reports Act, 1875 (XVIII of 1875);
108. the Legal Practitioners and Bar Councils Acts, 1973 (XXXV 1973) and rules made thereunder;
109. the Mines Act, 1923 (IV of 1923);
110. the Mines Maternity Benefit Act, 1941 (XIX of 1941);
111. the Motor Vehicles (Divers) Ordinance, 1942 (V of 1942);

112. the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) and the rules made thereunder;
113. the National Highway Authority Act, 1991 (XI of 1991);
114. the Notaries Ordinance, 1961 (XIX of 1961);
115. the Oath Act, 1873 (X of 1873);
116. the Official Secrets Act, 1923 (XIX of 1923);
117. the Pakistan Air Force Act, 1953 (VI of 1953);
118. the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002);
119. the Pakistan Madrassah Education (Establishment and Affiliation of Model Dini Madaris Board) Ordinance, 2001 (XL of 2001);
120. the Pakistan Telecommunication (Re-Organization) Act, 1996 (XVII of 1996);
121. the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 (XIV of 2012);
122. the Patents Ordinance, 2000 (LXI of 2000);
123. the Pensions Act, 1871 (XXXIII of 1871);
124. the Power of Attorney Act, 1882 (VII of 1882);
125. the Press Council of Pakistan Ordinance, 2002 (XCVII of 2002);
126. the Provincial Employee Social Security Ordinance, 1965 (WPX of 1965);
127. the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965);
128. the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002);
129. the Registration of Foreigners Act, 1939 (XVII of 1939) and the rules made thereunder;

130. the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997);
131. the Sacked Employees (Re-Instatement) Act, 2010 (XXII of 2010);
132. the Sarais Act, 1867 (XXI of 1867);
133. the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997);
134. the Small and Medium Enterprises Development Authority Ordinance, 2002 (XXXIX of 2002);
135. the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002);
136. the Societies Registration Act, 1860 (XXI of 1860);
137. the Trade Marks Ordinance, 2001 (XIX of 2001);
138. the Travel Agencies Act, 1976 (XXX of 1976) and the rules made thereunder;
139. the Trust Act, 1882 (II of 1882);
140. the Unani, Ayurvedic and Homeopathic Practitioners Act, 1965 (II of 1965) and the rules made thereunder; and
141. the Zakat and Ushr Ordinance, 1980 (XVIII of 1980).

STATEMENT OF OBJECTS AND REASONS

The Rewaj Act for Tribal Areas, 2017 (RRTA) focuses on the introduction of a legal system which will provide for retaining the Rewaj in accordance with the aspirations of the tribal people while safeguarding their fundamental rights. It envisages that certain amendments may be incorporated in CrPC and CPC for customization and shaping it to incorporate the traditional Jirga system for adjudication in the Federally Administered Tribal Areas (FATA), determining the roles and fixing responsibilities between the executive and judicial officers. The Act is designed to be promulgated in the protected areas of FATA in a gradual manner, for which the availability and the provision of a necessary judicial and prosecution infrastructure coupled with a well-trained levies force is of paramount importance. The Rewaj Act

in its essence, thus provides for the extension of the jurisdiction of the Supreme Court of Pakistan and Peshawar High Court which in collaboration with an alternate system of dispute resolution in the form of a Jirga system for provision of a speedy justice system to the people of the area to which this Act shall apply.

LT. GEN.(RETD) ABDUL QADIR BALOCH,
Minister for States and Frontier Regions,
Minister-in-Charge,

**REPORT OF THE STANDING COMMITTEE ON STATISTICS ON
THE GENERAL STATISTICS (REORGANIZATION) (AMENDMENT)
BILL, 2017**

I, the Chairman of Standing Committee on Statistics, have the honor to present this report on the Bill further to amend the General Statistics (Re-organization) Act, 2011 [The General Statistics (Reorganization) (Amendment) Bill, 2017] (Government Bill) referred to the Committee on 2nd October, 2017.

2. The Committee consists of the following:—

(1)	Dr. Ramesh Kumar Vankwani	Chairman
(2)	Dr. Shezra Mansab Ali Khan Kharral	Member
(3)	Ms. Romina Khurshid Alam	Member
(4)	Ch. Asad-ur-Rehman	Member
(5)	Nawabzada Mazher Ali	Member
(6)	Mr. Sarzameen Khan	Member
(7)	Mr. Muhammad Raza Hayat Hiraj	Member
(8)	Syed Muhammad Asghar	Member
(9)	Chaudhry Muhammad Ashraf	Member
(10)	Ms. Sabiha Nazir	Member
(11)	Syed Mustafa Mehmud	Member
(12)	Makhdoom Saeed-uz-Zaman	Member
(13)	Dr. Nafisa Shah	Member
(14)	Lal Chand Malhi	Member
(15)	Mr. Aqib Ullah Khan	Member
(16)	Mr. Iqbal Muhammad Ali Khan	Member
(17)	Engineer Muhammad Usman Badini	Member

- | | | |
|------|--------------------------|-------------------|
| (18) | Sahibzada Muhammad Yaqub | Member |
| (19) | Mr. Jamshaid Ahmed Dasti | Member |
| (20) | Mr. Kamran Michael | Ex-officio Member |
| | Minister for Statistics | |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex 'A' in its meetings held on 06-02-2018, 27-02-2018 and 20-03-2018 and the Committee recommends that the Bill may not be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, 12th April 2018.

Sd/

(DR. RAMESH KUMAR VANKWANI)

Chairman

Standing Committee on Statistics.

ANNEX 'A'

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to amend the General Statistics (Re-organization) Act, 2011

WHEREAS Article 51(5) of the Constitution of the Islamic Republic of Pakistan mandates the allocation of National Assembly seats to the Provinces, Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census, officially published;

AND WHEREAS it is necessary to amend the General Statistics (Re-organization) Act, 2011 (XIV of 2011) in order to provide for publication of results of population and housing census in the official Gazette;

It is hereby enacted as follows:

1. **Short title and commencement.**— This Act may be called the General Statistics (Re-organization) (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 31 of Act XIV of 2011.**—In the General Statistics (Re-organization) Act, 2011 (XIV of 2011), the existing section 31 shall be numbered as sub-section (1) and the following new sub-section (2) shall be added:

- “(2) The Bureau shall provide the results of the census to the Federal Government which shall direct the same to be published by notification in the official Gazette:

Provided that the Federal Government may also direct publication of the provisional results of a census for the purposes of clause (5) of Article 51 of the Constitution.”.

STATEMENT OF OBJECTS AND REASONS

Article 51(5) of the constitution provides that seats in the National Assembly shall be allocated to each province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published. Even otherwise, it is important for people to know the result of a census for planning and other purposes. However, there is no provision in the General Statistics (Re-organization) Act, 2011 for official publication of provisional or final population census. It is necessary to amend the General Statistics (Re-organization) Act, 2011 in order to provide for publication of results of censuses in the official Gazette.

MR. KAMRAN MICHAEL,
Minister for Statistics
Minister-in-Charge.

SUBJECT:—REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE EVENING COURTS BILL, 2017

I, the Chairman of Standing Committee on Law and Justice, have the honor to present this report on the Bill further to provide for Evening Courts [the Evening Courts Act, 2017] (Government Bill) referred to the Committee on 2nd October, 2017.

2. The Committee consists of the following:—

(1)	Chaudhary Muhammad Ashraf	<i>Chairman</i>
(2)	Justice (Retd.) Iftikhar Ahmad Cheema	<i>Member</i>
(3)	Rana Muhammad Afzal Khan	<i>Member</i>
(4)	Mr. Muhammad Moeen Wattoo	<i>Member</i>
(5)	Mr. Muhammad Raza Hayat Harraj	<i>Member</i>

(6)	Sardar Muhammad Amjad Farooq Khan Khosa	Member
(7)	Ms. Kiran Haider	Member
(8)	Syed Imran Ahmed Shah	Member
(9)	Ms. Asiya Naz Tanoli	Member
(10)	Mr. Rajab Ali Khan Baloch	Member
(11)	Syed Naveed Qamar	Member
(12)	Mr. Muhammad Ayaz Soomro	Member
(13)	Ms. Shagufta Jumani	Member
(14)	Mr. Shahab-ud-Din Khan	Member
(15)	Eng. Ali Muhammad Khan Advocate	Member
(16)	Dr. Arif Alvi	Member
(17)	Mr. S.A Iqbal Quadri	Member
(18)	Moulana Muhammad Khan Sherani	Member
(19)	Ms. Aisha Syed	Member
(20)	Chaudhry Mahmood Bashir Virk, Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced by the National Assembly placed at Annex-A, in its meetings held on 25-10-2017 and 22-03-2018 and made the following amendment therein: -

In schedule, in part I, after Paragraph (5), the following new paragraph (6) shall be added namely:—

“(6). Cases mentioned in Order XXXVII and Order L, of the Code of Civil Procedure 1908, (V of 1908).”

4. The Committee recommends that the Bill reported by the Standing Committee placed at Annex-B, may be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, 26th April, 2018.

Sd/-

(CHAUDHRY MUHAMMAD ASHRAF)

Chairman, Standing Committee on

Law and Justice.

"ANNEX-A"

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for Evening Courts

WHEREAS it is expedient to take appropriate steps for speedy disposal of cases pending in the courts;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Evening Courts Act, 2017.

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

(3) It shall come into force at once.

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

(a) "Court" means the Evening Court notified under section 3;

(b) "Government" in respect of Islamabad Capital Territory means the Federal Government;

(c) "High Court" means the High Court concerned of a Province and includes Islamabad High Court;

(d) "Judge" means any person designated under section 5, to work as Judge of the Court;

(e) "member of staff" means any person or an employee working in a court under the supervision and control of a High Court;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "Schedule" means Schedule to this Act.

3. **Evening Courts.**—The Government, may, in consultatic with the High Court, notify any court to be an Evening Court under this Act.

4. **Jurisdiction of the Court.**—(1) Subject to sub-section (3), the Court shall have jurisdiction in respect of civil matters specified in Part-I of the Schedule and criminal matters specified in Part-II of the Schedule.

(2) The jurisdiction of the Court shall be concurrent with other courts of equivalent jurisdiction under the supervision and control of the High Court.

(3) A case relating to any matter falling in the Schedule shall be referred to the Evening Court only with the mutual consent of the parties, failing such consent it shall proceed in the same court in which it is pending.

5. **Appointment of Judges.**—(1) The Government, in consultation with the High Court, may designate any serving Judicial Officer to work as Judge, and he shall be entitled to such special allowance as the Government may by order specify.

(2) The Government may appoint any retired Judicial Officer or an advocate having at least ten years standing at the Bar as Judge on the terms and conditions as may be notified in consultation with the Chief Justice of the High Court concerned.

6. **Appointment of members of staff of the Evening Court.**—(1) The Government may designate any serving member of the staff in a court under the supervision and control of a High Court to work as a member of the staff of the Court:

Provided that no such serving member shall be appointed as a member of the staff of the Court without his consent.

(2) The Government may appoint any retired member of the staff as member of staff of the Court on such terms and conditions as may be determined in this behalf.

7. **Working Hours.**—The working hours of the Court shall be such as may be notified by the Government, on both weekdays and on specified holidays.

8. **Supervision and control.**—Subject to overall control of the High Court, the District and Sessions Judge in a district shall supervise and monitor the functioning of the Courts under this Act.

9. **Savings.**—Save as otherwise provided in this Act, the law and rules in force as applicable to courts under the supervision and control of a High Court shall also be applicable to the Courts under this Act.

10. **Power to amend the Schedule.**—The Government may, by notification in the official Gazette, amend the Schedule by adding or altering any entry therein or omitting any entry therefrom.

11. **Power to remove difficulty.**—If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as may be necessary to remove the difficulty.

12. **Power to make rules.**—The Government may, in consultation with all the High Courts, make rules to carry out the purposes of this Act.

Schedule

[see section 4]

Part-I

Civil matters

1. A dispute between a landlord and tenant.
2. Pre-emption cases.
3. Matters under the Family Courts Act, 1964 (W.P. XXXV of 1964).
4. Rent matters.
5. Cases transferred by the District Judge or the High Court.

Part-II

Criminal matters

1. Cases pertaining to offences triable summarily under Chapter XXII of the Code of Criminal Procedure, 1898.
2. Criminal matters under the Small Claims and Minor Offences Courts Ordinance, 2002, not covered under serial No.1.
3. The cases transferred by the Sessions Judge or the High Court.

STATEMENT OF OBJECTS AND REASONS

Right to speedy justice is an essential system of any effective civil and criminal justice system. There is a well known saying that 'Justice delayed is Justice denied'. Unfortunately huge pendency of cases combined with large number of new institutions has placed increasingly heavy burden on the sub-ordinate judiciary. It is, therefore, proposed to notify some courts as Evening Courts to decide certain specified categories of civil and criminal cases, which will help clear the backlog and expedite disposal of such cases.

The Bill is designed to achieve the aforesaid objects.

MR. ZAHID HAMID,

Minister, for Law and Justice

Minister-in-Charge.

ANNEX-B

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to provide for Evening Courts

WHEREAS it is expedient to take appropriate steps for speedy disposal of cases pending in the courts;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Evening Courts Act, 2018.

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

(3) It shall come into force at once.

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

(a) "Court" means the Evening Court notified under section 3;

- (f) "Government" in respect of Islamabad Capital Territory means the Federal Government;
- (c) "High Court" means the High Court concerned of a Province and includes Islamabad High Court;
- (d) "Judge" means any person designated under section 5, to work as Judge of the Court;
- (e) "member of staff" means any person or an employee working in a court under the supervision and control of a High Court;
- (f) "prescribed" means prescribed by rules made under this Act; and
- (g) "Schedule" means Schedule to this Act.

3. **Evening Courts.**—The Government, may, in consultation with the High Court, notify any court to be an Evening Court under this Act.

4. **Jurisdiction of the Court.**—(1) Subject to sub-section (3), the Court shall have jurisdiction in respect of civil matters specified in Part-I of the Schedule and criminal matters specified in Part-II of the Schedule.

(2) The jurisdiction of the Court shall be concurrent with other courts of equivalent jurisdiction under the supervision and control of the High Court.

(3) A case relating to any matter falling in the Schedule shall be referred to the Evening Court only with the mutual consent of the parties, failing such consent it shall proceed in the same court in which it is pending.

5. **Appointment of Judges.**—(1) The Government, in consultation with the High Court, may designate any serving Judicial Officer to work as Judge, and he shall be entitled to such special allowance as the Government may by order specify.

(2) The Government may appoint any retired Judicial Officer or an advocate having at least ten years standing at the Bar as Judge on the terms and conditions as may be notified in consultation with the Chief Justice of the High Court concerned.

6. **Appointment of members of staff of the Evening Court.**—(1) The Government may designate any serving member of the staff in a court under the supervision and control of a High Court to work as a member of the staff of the Court:

Provided that no such serving member shall be appointed as a member of the staff of the Court without his consent.

(2) The Government may appoint any retired member of the staff as member of staff of the Court on such terms and conditions as may be determined in this behalf.

7. **Working Hours.**—The working hours of the Court shall be such as may be notified by the Government, on both weekdays and on specified holidays.

8. **Supervision and control.**—Subject to overall control of the High Court, the District and Sessions Judge in a district shall supervise and monitor the functioning of the Courts under this Act.

9. **Savings.**—Save as otherwise provided in this Act, the law and rules in force as applicable to courts under the supervision and control of a High Court shall also be applicable to the Courts under this Act.

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[see section 4]

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4. Rent matters
5. Cases transferred by the District Judge or the High Court.
6. Cases mentioned in Order XXXVII and Order L, of the Code of civil Procedure 1908, (V of 1908)

Part-II

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The Bill is designed to achieve the aforesaid objects.

MR. ZAHID HAMID,
Minister, for Law and Justice
Minister-in-Charge.

TAHIR HUSSAIN,
Secretary.