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PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 12th November, 2013

No. F. 23 (38)/2013-Legis.—The following Bills have been introduced in the National Assembly on 12th November, 2013.

N.A. BILL NO. 45 OF 2013

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BILL

*to provide for an international treaty to be duly considered by the
Parliament before the final ratification thereof
(international treaty is ratified.)*

WHEREAS it is expedient to keep in line with other major legislative systems in the world for ensuring that international treaties are made in accordance with the constitutional laws of this country and a thorough examination of the economic, environmental, social and cultural effects of any proposed international treaty is conducted before its ratification;

It is hereby enacted as follows:

(3749)

Price : Rs. 5.00

[1465 (2013)/Ex. Gaz.]

CHAPTER ONE

GENERAL

1. **Short title, extent and commencement.**—(1) This Act may be called the Ratification of International Treaties Act, 2013.

(2) It shall come into force at once.

(3) It extends to the whole of Pakistan.

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

(a) “Minister for Foreign Affairs” means the Minister for the time being responsible for matters relating to foreign affairs;

(b) “Ratification” means the international act by which the State signifies its consent to be bound by a treaty;

(c) “Treaty” means an international agreement concluded between State in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation and includes a convention;

(d) “Reservation” means a caveat to state’s acceptance of a treaty as defined in International law by the Vienna Convention on Law of Treaties 1969;

(e) “Majlis-e-Shoora (Parliament)” means the National Assembly and the Senate;

(f) “Cabinet” means and consists of the Prime Minister and the Federal Ministers;

(g) “Federal Secretary” means a person so appointed by the Federal Government of Pakistan and is responsible for the matters relating to foreign affairs;

(3) All words and expressions used in this Act but not defined, have the same meaning as in the Constitution of the Islamic Republic of Pakistan.

3. **Application.**—This Act shall apply to all Treaties which are concluded by Pakistan after the commencement of this Act.

CHAPTER TWO

SCRUTINY FOR RATIFICATION

4. **Scrutiny and approval for ratification.**—(1) The Ministry of Foreign Affairs shall in consultation with the Law, Justice and Human Rights Division, prepare and present the Ratification of International Treaties Bill, 2013 to the Cabinet a memorandum outlining the objects of the particular treaty in respect of which approval for ratification is sought and further submit detailed analysis of any constitutional issues and/or any issue concerning national interest that may arise from any international commitment proposed on part of Pakistan in the proposed treaty.

(2) Upon approval of the memorandum by the Cabinet submitted under sub-section (1), the Federal Minister for Foreign Affairs, shall in consultation with the Law, Justice and Human Rights Division within three (03) months after the date of approval, submit a Bill for consideration by the Parliament.

(3) A Bill submitted under sub-section (2) shall contain a schedule setting out in full the provisions of the Treaty proposed to be ratified and a detailed description of:

- (a) How joining the treaty advances or threatens the interests of Pakistan in the short term and the long term, and;
- (b) any implications including but not limited to:
 - (i) affirmation that ratification by Pakistan of the Treaty would be keeping with or otherwise advances constitutional values and objectives, and
 - (ii) whether the Treaty sought to be ratified permits reservations, and
 - (iii) whether the ratification of the Treaty would have any significant regulatory or environmental impact, and
 - (iv) whether the ratification of the Treaty would have other economic, social and cultural effect, and
 - (v) a complete analysis of the implementation of the Treaty and the need of any domestic legislation to fully implement the purposes of the treaty.

5. **Approval for ratification.**—(1) A Bill submitted under section 4, shall depending on its subject matter, be considered by both the Houses of Parliament paying due regard to Part 2 of the Constitution of Pakistan.

(2) Parliament may pass a Bill seeking to ratify a Treaty with or without reservations to specific provisions of the treaty as contained in the Schedule to the Bill.

(3) Parliament shall not approve the ratification of a Treaty or parts of it if its provisions are contrary to the fundamental rights guaranteed in the Constitution, nor shall the House approve a reservation to a Treaty or part of it if that reservation negates any of the provisions of the Constitution even if the reservation is permitted under the relevant Treaty.

6. **Approval or rejection by the Parliament.**—(1) Where a Bill referred to in section 4 is approved by a majority in both the Houses of Parliament and consequently passed by the Parliament, without any reservations to the Treaty, the Cabinet Secretary shall within 30 days from the date of assent to the Bill, prepare the instrument of ratification of the Treaty.

(2) Where a Bill referred to in section 4 is passed with reservations to some provisions of the treaty, the treaty shall be ratified with those reservations to the corresponding articles in the treaty.

(3) Where Parliament rejects the Bill referred to in section 4, the Government shall not ratify such treaty.

CHAPTER THREE

OTHER PROVISIONS

7. **Public awareness.**—(1) The Ministry of Foreign Affairs shall cause to be laid before the National Assembly at least once every financial year, a report containing records of all Treaties which Pakistan has ratified and which may in any way bind Pakistan to specific actions it must complete.

(2) The Ministry of Foreign Affairs, shall through publication in at least two newspapers of wide circulation, notify the public of every treaty, which may in any bind, or which Pakistan is a party.

STATEMENT OF OBJECTS AND REASONS

The Federal Government signs different treaties without seeking guidelines and approval from the Parliament. Since these international pacts have most often than not, huge consequences and need to be evaluated from economic, environmental, social and cultural angles before giving green signal to the Government to sign any such international treaty. The Bill also envisages to give greater say to the Parliament in shaping Foreign policy.

2. The Bill seeks to achieve the aforesaid objectives.

Sd/-

DR. SHIREEN MEHRUNNISA MAZARI,
Member, National Assembly.

N.A. BILL NO. 46 OF 2013

A

BILL

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

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

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Law (Amendment) Act, 2013.

(2) It shall come into force at once.

2. **Insertion of new section 177A, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), after section 177, the following new section 177-A, shall be inserted, namely;

“177-A. To avoid, refuse, neglect or cause delay in registration of FIR.

Whenever a duty officer or Station House Officer of a Police Station or any official assigned to register First Information Report avoids, refuses, neglects or causes delay in registration of an FIR or in

recording statement of a complainant relating to cognizable offence shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.”

3. **Amendment of Schedule II, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898) in Schedule II, after section 177, new section 177-A, in column I and the entries relating thereto in columns 2 to 8, the following new section and the entries relating thereto shall be inserted, namely:—

1	2	3	4	5	6	7	8
177-A	Refuses, avoids or causes undue delay in registration of FIR or recording statement of the complainant	May arrest without warrant	Warrant	Non bailable	Ditto	Imprisonment of either description for 7 years and fine	Court of Sessions

STATEMENT OF OBJECTS AND REASONS

As per the Code of Criminal Procedure (Act V of 1898) it is duty of the duty officer at Police Station to register an FIR of the complainant if cognizable offence has been made of but nowadays it has become common practice to avoid registration of FIR and ultimately the complainant has to approach Sessions Court to file application under section 22-A and 22-B of the Criminal Procedure Code. This causes undue delay in the registration of the FIR and also tax the complainant. Furthermore, due to delay in registration of FIR, the evidence relating to commission of offence is also lost and complainant or victim suffers irreparable loss, embarrassment and harassment.

2. The Bill seeks to achieve the aforesaid objectives.

Sd/-

SALMAN KHAN BALOCH,
Member, National Assembly
Member in-Charge.

N.A. BILL NO. 47 OF 2013

A

BILL

further to amend the Pakistan Bait-ul-Mal Act, 1992;

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

It is hereby enacted as follows:

1. **Short title and Commencement.**—(1) This Act may be called the Pakistan Bait-ul-Mal (Amendment) Act, 2013.

(2) It shall come into force at once.

2. **Amendment of section 2, Act I of 1992.**—(i) In Pakistan Bait-ul-Mal Act, 1992, hereinafter referred to as the said Act, in Section 2, in clause (d) the word “and” occurring at the end shall be omitted, and after clause (d), the following new clause (e) shall be inserted, and the existing clause (e) shall be re-numbered as (f).—

(e) “Fatal disease” means Cancer, Hepatitis-C, Heart disease, Renal Failure, Cirrhosis, systemic Lupus Erythromatosis (SLE) and Naegleria Fowleri; and

3. **Insertion of new section 4-A, Act I of 1992.**—In the said Act, after section 4, the following new section 4-A, shall be inserted, namely:

“4-A. **The Board to conduct meetings.**—(1) The Board shall annually conduct survey in the country to find out indigent sick persons suffering from fatal diseases.

(2) The Board shall in a special meeting select at least four patients every year to provide urgent financial assistance or the Board shall bear all the expenses to be incurred on medical treatment of such patients treated in the country.

(3) In case medical treatment is not available in the country and it is certified by a Medical Board, as constituted by the Board, keeping in view the nature of disease, that the patient is required to be sent abroad for his medical treatment, the Board shall bear all medical,

travelling, lodging and expenses of one person accompanying as attendant of the patient from the account of Bait-ul-Mal”.

STATEMENT OF OBJECTS AND REASONS

As per the Constitution it is incumbent upon the State to provide for basic necessities of life including health to all citizens and to protect their lives, such amendment is very much material and pertinent to save lives of the needy and poor people and other persons who are suffering from fatal disease and unable to arrange heavy cost for their medical treatment in the country or abroad.

2. The Bill seeks to achieve the aforesaid objectives.

Sd/-

S.A. IQBAL QUADRI,
Member, National Assembly
Member in-Charge.