

SENATE OF PAKISTAN HOUSE OF FEDERATION



Report No. 11 of the Committee

REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH,
SERVICES, REGULATIONS AND COORDINATION ON "THE PROHIBITION OF
SMOKING AND PROTECTION OF NON-SMOKERS HEALTH (AMENDMENT) BILL,
2017"

PRESENTED BY
SENATOR SAJJAD HUSSAIN TURI
CHAIRMAN COMMITTEE

SENATE SECRETARIAT

Subject:- REPORT ON THE "THE PROHIBITION OF SMOKING AND PROTECTION OF NON-SMOKERS HEALTH (AMENDMENT) BILL, 2017"

I, Senator Sajjad Hussain Turi, Chairman Senate Standing Committee on National Health, Services, Regulations and Coordination have honoured to present, on behalf of the Committee, the report on "The Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Bill, 2017" referred by the House to the Senate Standing Committee on National Health, Services, Regulations and Coordination on 21st Aug. 2017 for consideration and report.

2. The agenda before the Committee was as under

- i. Further consideration of "The Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Bill, 2017" introduced by Senator Chaudhary Tanvir Khan in the Senate in its sitting held on 21st August, 2017, referred by the House to the Committee for consideration and report.

3. The composition of the Committee is as under:-

i.	Senator Sajjad Hussain Turi	Chairman
ii.	Senator Hamza	Member
iii.	Senator Naseema Ehsan	Member
iv.	Senator Dr. Ashok Kumar	Member
v.	Senator Ayesha Raza Farooq	Member
vi.	Senator Kalsoom Parveen	Member
vii.	Senator Nauman Wazir Khattak	Member
viii.	Senator Mian Muhammad Ateeq Sahikh	Member
ix.	Senator Dr. Ghous Muhammad Khan Niazi	Member
x.	Senator Khalida Parveen	Member
xi.	Senator Hilal Ur Rehman	Member
xii.	Senator Kamran Michael	Member
xiii.	Minister of State for National Health Services, Regulations and Coordination	Ex-officio Member

4. Accordingly, the issue was discussed in the meetings of the Standing Committee on National Health, Services, Regulations and Coordination held on 5th Oct, 2017 and 31st Oct, 2017. The following Members attended the meetings:-

i.	Senator Sajjad Hussain Turi	Chairperson
ii.	Senator Mian Muhammad Ateeq Shaikh	Member
iii.	Senator Nauman Wazir Khattak	Member

iv.	Senator Naseema Ehsan	Member
v.	Senator Khalida Parveen	Member
vi.	Senator Kalsoom Parveen	Member
vii.	Senator Dr. Ghous Muhammad Khan Niazi	Member
viii.	Senator Hamza	Member
ix.	Senator Dr. Ashok Kumar	Member
x.	Senator Chaudhary Tanvir Khan	Mover
xi.	Ms. Saira Afzal Tarar	Federal Minister for National Health Services, Regulations and Coordination

5. The Committee thoroughly discussed the objectives as well as the draft of the Bill. The Committee was briefed that in accordance with section 5 of Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002, smoking or use of tobacco in any form by any person in any place of work or use is banned/illegal. According to S.R.O 653(1)/2003, hospitals, dispensaries and other health care establishments, educational institutions, offices, conference rooms, all domestic flights, restaurants, buses, wagons, trains, indoor stadiums, gymnasiums, clubs, lounges of airports, waiting rooms at railway stations, waiting rooms at bus stations and addas have been declared as place of public work or use and to be no smoking and no tobacco use places. It was also apprised that S.R.O 654(1)/2003 and S.R.O 277(1)/2011, Federal Government has notified authorized persons to take action against the violators. It was apprised that as far as legislation is concerned there are enough rules available to punish smoking in the public place and offices, but, implementation of the rules needs to be ensured in true letter and spirit. It was also updated that the jurisdiction of above said law and SROs is whole of country, while the subject Bill, is only for ICT. Therefore, it was suggested that there is no need of the proposed amendment.

6. The Mover of the Bill, Senator Chaudhary Tanvir Khan, expressed his concern that though the law is there but use of tobacco in workplace is unbridled. He further added that nobody knows how to register the complaint against the use of tobacco. The Committee was briefed that a helpline is working 24/7 and complaint can be registered online. The Committee directed Ministry of Human Rights to write down letters to all the Provincial Secretaries for the implementation of the existing law and strict compliance.

7. Keeping in view, the above mentioned factual position, the Committee recommended that Senator Chaudhary Tanvir Khan should withdraw the Bill, as there is already sufficient

provisions in the law. Senator Chaudhary Tanvir Khan graciously acceded to the recommendation of the Committee to withdraw the proposed amendment. (The Bill as introduced in the Senate is Annexed)

8. The Committee, therefore, recommended that the House may not pass "The Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Bill, 2017".



(Malik Arshad Iqbal)
Secretary Committee



(Senator Sajjad Hussain Turi)
Chairman Committee

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BILL

*further to amend the Prohibition of Smoking and Protection of Non-smokers
Health Ordinance, 2002*

WHEREAS it is expedient further to amend the Prohibition of Smoking and Protection of Non-smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002) in its application to the Islamabad Capital Territory for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Prohibition of Smoking and Protection of Non-smokers Health (Amendment) Act, 2017.

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

(3) It shall come into force at once.

2. Insertion of new section 12A in the Ordinance No. LXXIV of 2002.- In the Prohibition of Smoking and Protection of Non-smokers Health Ordinance, 2002, after section 12 the following new section shall be inserted, namely:-

"12A. Prohibition of smoking by Government officials on duty.- Any Government official on duty shall not smoke or use tobacco in any other form while exposed to public view. The officer in-charge of affairs shall take disciplinary action on violation of this section."

STATEMENT OF OBJECTS AND REASONS

Government official are often seen smoking while performing their duties, which not only negatively affects their performance but it is also against the standard professional norm. Besides this, general public especially the youth also get inspiration of smoking. Such practice is increasing the use of smoking. Therefore, this bill strives to prohibit Government officials to smoke on duty while exposed to public view in Islamabad Capital Territory.

This Bill intends to achieve aforesaid objectives.

SENATOR CHAUDHARY TANVIR KHAN
Member-in-charge