

113

REPORT NO. 5/2022-23

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE BILL TO PROVIDE FOR PREVENTION OF VAGRANCY AND
REHABILITATION OF VAGRANTS IN THE ISLAMABAD CAPITAL
TERRITORY [THE PREVENTION AND REHABILITATION OF
VAGRANTS BILL, 2022]
INTRODUCED BY SENATOR SEEMEE EZDI.**

PRESENTED BY

**SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR**

[Signature]

SENATE SECRETARIAT

SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE BILL TO PROVIDE FOR PREVENTION OF VAGRANCY AND REHABILITATION OF VAGRANTS IN THE ISLAMABAD CAPITAL TERRITORY [THE PREVENTION AND REHABILITATION OF VAGRANTS BILL, 2022]

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Bill to provide for Prevention of Vagrancy and Rehabilitation of Vagrants in the Islamabad Capital Territory [The Prevention and Rehabilitation of Vagrants Bill, 2022]. The Bill was introduced by Senator Seemee Ezdi in the Senate in the Senate sitting held on 7th February, 2022 whereupon, the Bill was referred to the SSC on Interior for consideration and report.

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

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Syed Faisal Ali Subzwari	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>



3. The Committee considered the Bill in its meeting held on 28th April, 2022. The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman/Mover
2. Senator Moula Bux Chandio	Member
3. Senator Saifullah Abro	Member
4. Senator Shahadat Awan	Member
5. Senator Fawzia Arshad	Member
6. Senator Azam Nazeer Tarar	Member
7. Senator Seemee Ezdi	Mover

4. The Mover explained the objects and reasons of the Bill. The Committee considered the Bill clause by clause. ICT Administration proposed following amendment in the following clauses of the Bill:-

Clause No.	As introduced by the Mover	As amended by the ICT Administration	Remarks
8(1)(b)	(b) provide health care, sports, education and skill development facilities to the vagrants.	(b) provide health care, sports, moral and technical education and all skill development facilities to the vagrants.	The Mover agreed the amendment and Committee recommended the same.
10(2)	(2) The Managing Director shall keep the male and female vagrants separately from each other.	(2) The Managing Director shall keep the male and female vagrants separately from each other and staff to look after them shall also comprise of males and females as far as possible.	The Mover agreed the amendment and Committee recommended the same.
11	11. Voluntary admission to Vagrants Rehabilitation Centre..- Any vagrant may present himself before the Special Magistrate for being admitted to Vagrants Rehabilitation Centre and if the	11. Voluntary admission to Vagrants Rehabilitation Centre..- Any vagrant may present himself before the Special Magistrate for being admitted to Vagrants Rehabilitation Centre and if the	The Mover agreed the amendment and Committee recommended the same.

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	Special Magistrate is satisfied that such vagrant has no source of livelihood, he may be detained in a Vagrants Rehabilitation Centre till such time as such vagrant becomes possessed of means of livelihood or applies for his release from custody.	Special Magistrate is satisfied that such vagrant has no source of livelihood, he may be detained in a Vagrants Rehabilitation Centre till such time as such vagrant becomes possessed of means of livelihood or applies for his release from custody with the grounds not inconsistent with the purposes of this Act.	
13	13. Trial.- When the person arrested under the last preceding section appears or is brought before the Special Magistrate, he shall be tried in accordance with the procedure prescribed for the trial of summons cases under Chapter XX of the Code of Criminal Procedure, 1898 (Act No. V of 1898).	13. Trial.- When the person arrested under the last preceding section appears or is brought before the Special Magistrate, he shall be tried in accordance with the procedure prescribed for the trial of summons cases under Chapter XXI (Summary Trials) of the Code of Criminal Procedure, 1898 (Act No. V of 1898).	The Mover agreed the amendment and Committee recommended the same.
15	15. Punishment for employing or causing persons to ask for alms.- Whoever employs or causes any person to solicit or receive alms or uses a person as an exhibit for the purpose of soliciting or receiving alms or handler or being the guardian of a minor connives at or encourages the employment or the causing of the minor to solicit or receive alms shall be punished with imprisonment of either description for a term which may	15. Punishment for employing or causing persons to ask for alms.- Whoever employs or causes any person to solicit or receive alms or uses a person as an exhibit for the purpose of soliciting or receiving alms or handler or being the guardian of a minor connives at or encourages the employment or the causing of the minor to solicit or receive alms shall be punished with imprisonment of either description for a term which may	The proposed amendment was partly agreed by the Mover. The enhancement of punishments proposed by the ICTA was not agreed upon, however, the addition of proviso was agreed.



	extend to one year or with fine upto rupees five hundred thousand and not less than rupees three hundred thousand or with both.	extend to three years or with fine up to rupees one million or both: Provided that on repetition of the offence, the imprisonment shall not be less than three years or fine which shall not be less than one million rupees or both.	
18(a)	18. Release on probation.- The Special Magistrate may subject to the following conditions release a vagrant on probation,- (a) after he has served imprisonment for a period not less than one year;	18. Release on probation.- The Special Magistrate may subject to the following conditions release a vagrant on probation,- (a) after he has served imprisonment for a period not less than one year except on extra ordinary grounds for earlier release;	The Mover agreed the proposed amendment and Committee recommended the same.
19	19. Power to discharge vagrants from Vagrants Rehabilitation Center.-The Special Magistrate may, discharge a vagrant from Vagrants Rehabilitation Center,-	19. Power to discharge vagrants from Vagrants Rehabilitation Center.-The Special Magistrate may, at any time , discharge a vagrant from Vagrants Rehabilitation Center,-	
20	20. Cognizable and bail.- All offences under this Act shall be cognizable and bailable.	20. Cognizable and bail.- All offences under this Act shall be cognizable and bailable: Provided that bail shall be granted on satisfaction of the court that the accused so granted the bail , shall not abscond from the process of law.	Amendment was not agreed by the Mover. The Committee not recommended the amendment proposed by ICTA.
21	21. Jurisdiction.-No offence under this Act shall be triable by	21. Jurisdiction.- Offences under this Act shall be triable	The Mover agreed the proposed amendment



	any Magistrate other than a Magistrate of the First Class.	by the Special Magistrate.	and Committee recommended the same.
22(1)	22. Appeal.- (1) Any person aggrieved by an order of a Special Magistrate under this Act may within thirty days of such order appeal to the Session Judge and if such order is made by the Session Judge, to the High Court.	22. Appeal.- (1) Any person aggrieved by an order of a Special Magistrate under this Act may within thirty days of such order appeal to the Sessions Judge and if such order is made by the Sessions Judge, to the High Court.	The Mover agreed the proposed amendment and Committee recommended the same.

5. After clause by clause consideration of the Bill by the Committee, the draftsman of the Ministry of Law and Justice submitted his verbal point of view that the Bill is a duplication of already existing laws. He blatantly opposed the Bill which was seriously objected upon by the Committee. The Chairman expressed his displeasure that when the Committee was considering the Bill clause by clause in presence of the draftsman what kept him mum. The Committee also expressed displeasure over the non-receipt of any written response of the Ministry of Law and Justice and was of the view that such all of sudden verbal opposition of any agenda item is inappropriate which needs to be discouraged. The Additional Secretary, Ministry of Interior was directed to look into the matter and assure that in future the response of all the stakeholders should have been conveyed to the Committee within time.

6. After detailed deliberation, the Committee unanimously recommended that the Bill as reported by the Committee may be passed. The Bill introduced in the Senate is at Annexure-A. The Bill reported by the Committee is at Annexure-B. The Committee also gave approval of presentation of report of the Committee to the House.

7. Hence, this report is presented to the House.


(MUHAMMAD AZAM)
Secretary Committee


(SENATOR MOHSIN AZIZ)
Chairman Committee

[TO BE INTRODUCED IN THE SENATE]

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BILL

to provide for prevention of vagrancy and rehabilitation of vagrants in the Islamabad Capital Territory and for matters connected therewith or incidental thereto

WHEREAS It is expedient to prevent the vagrancy and provide for rehabilitation of vagrants to prevent beggary and exploitation with respect thereof in its application to the Islamabad Capital Territory and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Prevention and Rehabilitation of Vagrants Act, 2022.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force on such date as the Federal Government may, by notification in the official Gazette, direct.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) **"Steering Committee"** means the Steering Committee constituted under section 3 of this Act;
- (b) **"Chairperson"** means the Chairperson of the Steering Committee;
- (c) **"Government"** means the Division concerned to which business of the institution stands allocated;
- (d) **"Managing Director"** means the Managing Director appointed under section 9 of this Act;
- (e) **"Prescribed"** means prescribed by rules;
- (f) **"Public place"** includes any road, public park, garden, railway station, bus stands, adda, ground or public transport;
- (g) **"Special Magistrate"** means a Magistrate especially empowered by the Division concerned to which business of the institution stand allocated to act under the provisions of this Act;

- (h) **"vagrant"** means any person who indulges in begging at public places or go from door to door to solicit alms; and
- (i) **"Vagrants Rehabilitation Center"** means an Institution established under section 7 of this Act.

3. Constitution of the Steering Committee.- As soon as after the commencement of this Act, the Federal Government shall constitute a Steering Committee to be known as the Vagrancy Restrain Steering Committee, which shall consist of the following:

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|--------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| i. Secretary Division concerned to which business of the Institution stands allocated | Chairperson; |
| ii. Joint Secretary Human Rights Division | Vice Chairperson; |
| iii. A nominee not below the rank of BPS-19 of National Vocational and Technical Education Commission (NAVTEC) | Member; |
| iv. A nominee not below the rank of BPS-19 of National Commission for Human Development (NCHD) | Member; |
| v. Deputy Commissioner or his representative not below the BPS-19, | Member; |
| vi. A representative of Federal Police not below the rank of BPS-19, | Member; |
| vii. A representative of Benazir Income Support Programme not below the rank of BPS-19, | Member; |
| viii. A representative not below the rank of BPS-19 of the Division concerned to which business relating to Labours stands allocated | Member; |
| ix. Deputy Director Child Protection Unit, | Member; |
| x. A representative of Pakistan Bait-ul-Mal not below the rank of BPS-19, | Member; |
| xi. A representative of Ministry of Interior for distribution of Zakat and Ushr in Islamabad, not below the rank of BPS-19. | Member. |

4. Powers and Functions of the Steering Committee.- (1) Subject to the provisions of this Act, the Steering Committee shall exercise such powers and perform such functions, as may be necessary, to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing sub-section, the Steering Committee shall-

- (a) lay down the policy, guidelines and issue directions for efficient and effective performance of the Vagrants Rehabilitation Center and achievement of its objectives;
- (b) maintain general supervision over the affairs of the Vagrants Rehabilitation Center;
- (c) examine and approve the procedure for care, detention, training and maintenance of vagrants;
- (d) mobilize and motivate the general public for all kinds of contributions for the welfare of the vagrants;
- (e) generate resources for the welfare of vagrants;
- (f) encourage Non-Profit Organizations to provide facilitation to vagrants at Vagrants Rehabilitation Center;
- (g) introduce innovative programs related to skill oriented disciplines for the vagrants;
- (h) advise Government on all matters relating to control of vagrancy in the Islamabad Capital Territory;
- (i) appoint Chief Inspector, Deputy Chief Inspector and Assistant Chief Inspector to inspect at any time any Vagrants Rehabilitation Center; and
- (j) perform such other functions as may be assigned by the Federal Government.

(3) The Steering Committee may delegate any of its powers to any of its members or officer appointed for the purpose.

5. Powers of Chief Inspector, Deputy Chief Inspector and Assistant Chief Inspector.- Subject to the provisions of this Act, the Chief Inspector, Deputy Chief Inspector and Assistant Chief Inspector shall have the powers to :-

- (i) enter on his own or directs Deputy Chief Inspector or Assistant Chief Inspector, as the case may be, any Vagrants Rehabilitation Center as directed by Steering Committee from time to time;
- (ii) make such examination of the premises and vagrants brought there and of any prescribed registers for record, and take on the spot or otherwise such evidence of persons as may deem necessary for carrying out the purposes of this Act; and
- (iii) exercise such other powers as may be necessary for carrying out the purposes of this Act.

6. Meetings of the Steering Committee.-(1) Meeting of the Steering Committee shall be convened by the Chairperson on its own on such date and at such place, as he may deem appropriate or on the request of the half of the members.

(2) The Steering Committee shall meet at least once in three months.

(3) Meeting of the Steering Committee shall be presided over by the Chairperson, or in his absence, by the Vice Chairperson.

(4) Quorum for the meeting shall be one-third of the total membership of the Steering Committee.

(5) All decisions at a meeting shall be made by majority of votes. In the event of equality of votes, the person presiding meeting shall have a second or casting vote.

7. Establishment of Vagrants Rehabilitation Center.-(1) The Federal Government shall establish and maintain one or more Vagrants Rehabilitation Center at such place or places as it may think fit for the care, detention, training and maintenance of vagrants and their dependents other than those who are lepers, lunatic or suffering from contagious diseases.

(2) The welfare homes already established under of sub-section (1) of section 3 of the West Pakistan Vagrancy Ordinance, 1958 (Ord. No. XX of 1958), repealed under this Act shall deemed to be established as Vagrants Rehabilitation Center under this Act.

8. Functions of the Vagrants Rehabilitation Center.-(1) The Vagrants Rehabilitation Center shall-

- (a) provide shelter to the vagrants; and
- (b) provide health care, sports, education and skill development facilities to the vagrants.

(2) Perform any other function as assigned to it by the Federal Government.

9. Managing Director.- Every Vagrants Rehabilitation Center shall be under the immediate charge of a Managing Director appointed by the Federal Government on such terms and conditions as may be prescribed.

10. Functions of the Managing Director.- (1) The Managing Director shall refer a vagrant to the Medical Superintendent of the local Hospital for medical examination. He shall prepare a report in light of the medical examination in the manner as may be prescribed.

(2) The Managing Director shall keep the male and female vagrants separately from each other.

(3) The Managing Director shall arrange such instructions of the vagrants, as may rehabilitate them in useful trades and make them self-supporting.

(4) The Managing Director shall submit a certificate regarding the vagrants in term of clause (c) of section 19 of this Act.

(5) The Managing Director shall release a vagrant on bail, in case of any emergency as the case may be, for not more than three days.

11. Voluntary admission to Vagrants Rehabilitation Center.- Any vagrant may present himself before the Special Magistrate for being admitted to Vagrants Rehabilitation Center and if the Special Magistrate is satisfied that such vagrant has no source of livelihood, he may be detained in a Vagrants Rehabilitation Center till such time as such vagrant becomes possessed of means of livelihood or applies for his release from custody.

12. Powers of police officers to arrest and search vagrants and to seize things liable to confiscation.- (1) Any police officer may without a warrant of arrest or search, as the case may be, arrest any person and search any person who appears to him to be a vagrant and may seize anything found with such person which he has reason to believe to be used for soliciting alms, liable to confiscation under this Act.

(2) A person arrested under the last preceding sub-section shall be presented before the Special Magistrate within twenty four hours of such arrest, such person may be released, if he furnishes bond to the satisfaction of the Special Magistrate.

13. Trial.- When the person arrested under the last preceding section appears or is brought before the Special Magistrate, he shall be tried in accordance with the procedure prescribed for the trial of summons cases under Chapter XX of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

14. Sentence for vagrancy.- (1) If the Special Magistrate finds that a person is a vagrant, such person shall be sent to Vagrants Rehabilitation Center for detention for a period not exceeding three years:

Provided that in any case in which a person who is a habitual vagrant and has been previously convicted of an offence under this Act, shall be punished for imprisonment, which may extend up to three years.

(2) The vagrant so convicted under the forgoing sub-section may be released on furnishing of surety bond with two sureties for satisfaction of the Court.

15. Punishment for employing or causing persons to ask for alms.- Whoever employs or causes any person to solicit or receive alms or uses a person as an exhibit for the purpose of soliciting or receiving alms or handler or being the guardian of a minor connives at or encourages the employment or the causing of the minor to solicit or receive alms shall be punished with imprisonment of either description for a term which may extend to one year or with fine upto rupees five hundred thousand and not less than rupees three hundred thousand or with both.

16. Presumption for vagrancy.- If a person is presented before a Special Magistrate, and he has no ostensible source of subsistence and wanders about or remains in a public place in such condition and in such manner as arises a reasonable suspicion that he is there to solicit or receive alms, it shall be presumed, unless the contrary is proved that such person is a vagrant, and shall be sent to Vagrants Rehabilitation Center.

17. Transfer of vagrants from Vagrants Rehabilitation Center.- The Steering Committee or any other officer specially empowered by the committee in this behalf may by an order in writing direct the transfer of a vagrant from one Vagrants Rehabilitation Center to another or to any other place notified by Steering committee in this behalf.

18. Release on probation.- The Special Magistrate may subject to the following conditions release a vagrant on probation,-

- (a) after he has served imprisonment for a period not less than one year;
- (b) who detained in a Vagrants Rehabilitation Center and if special Magistrate considers that there is probability of such vagrant abstaining from vagrancy.

19. Power to discharge vagrants from Vagrants Rehabilitation Center.- The Special Magistrate may, discharge a vagrant from Vagrants Rehabilitation Center,-

- (a) If he is satisfied that a vagrant has become possessed of an income sufficient to enable him to support himself without resorting to vagrancy;
- (b) If a relative of such vagrant, or a person interested in the welfare of the vagrant, enter into a bond with or without sureties to look after and maintain such vagrant and to prevent him from resorting to vagrancy;
- (c) on the certificate of the Manager of the Vagrants Rehabilitation Center that satisfactory employment has been obtained for such vagrant; and
- (d) for any other good and sufficient reason to be recorded in writing.

20. Cognizable and bail.- All offences under this Act shall be cognizable and bailable.

21. Jurisdiction.- No offence under this Act shall be triable by any Magistrate other than a Magistrate of the First Class.

22. Appeal.- (1) Any person aggrieved by an order of a Special Magistrate under this Act may within thirty days of such order appeal to the Session Judge and if such order is made by the Session Judge, to the High Court.

(2) The provisions of the Code of Criminal Procedure, 1898 (Act No.V of 1898) shall mutates mutandis applicable to appeals filed under this section.

23. Persons to be deemed to be public servants.- All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

24. Repeal.- The West Pakistan Vagrancy Ordinance, 1958 (Ordinance No. XX of 1958), is hereby repealed in its application to the Islamabad Capital Territory.

25. Indemnity.- No suit, prosecutions or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

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

STATEMENT OF OBJECTS AND REASONS

In recent decades, vagrancy has turned into a lucrative business for some opportunists, turning it into, organized crimes. According to contemporary estimates, there are between two and twenty-five million vagrants in Pakistan. Asian Human Rights Commission (AHRC) has revealed that, in Pakistan, there are 1.2 million children on the streets of major cities and the urban center of

Pakistan. This is just the number of children who beg, apart from children there are a number of vagrants who are mostly disabled or claim to be disabled. In view of the current situation of vagrancy in Islamabad, this Bill provides for prevention and rehabilitation of vagrants to prevent exploitation and crimes. The bill further provides model legislation that would offer a rehabilitation framework to enable main-streaming of beggars, destitute and homeless persons, by providing care, protection, shelter and welfare thereof.

SENATOR SEEMEE EZDI
MEMBER IN CHARGE