

(11)

REPORT 17 OF 2021



House of the Federation

SENATE SECRETARIAT

**REPORT OF THE
SENATE STANDING COMMITTEE ON INTERIOR**

**“THE ISLAMABAD CAPITAL TERRITORY TRUST
(AMENDMENT) BILL, 2020” MOVED BY SENATOR MUSHTAQ
AHMED IN THE SENATE SITTING HELD ON 26TH OCTOBER, 2020**

PRESENTED BY

**SENATOR MOHSIN AZIZ
Chairman
Standing Committee on Interior**

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SENATE SECRETARIAT

Report of Senate Standing Committee on "The Islamabad Capital Territory Trust (Amendment) Bill, 2020" moved by Senator Mushtaq Ahmed in the Senate sitting held on 26th October, 2020.

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on "The Islamabad Capital Territory Trust (Amendment) Bill, 2020" moved by Senator Mushtaq Ahmed in the Senate sitting held on 26th October, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House under Rule-98 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

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

1.	Senator Mohsin Aziz	Chairman
2.	Senator Syed Yousaf Raza Gillani (Leader of the Opposition)	Member
3.	Senator Samina Mumtaz Zehri	Member
4.	Senator Azam Nazeer Tarar	Member
5.	Senator Moula Bux Chandio	Member
6.	Senator Saifullah Abro	Member
7.	Senator Rana Maqbool Ahmad	Member
8.	Senator Faisal Saleem Rahman	Member
9.	Senator Shahadat Awan	Member
10.	Senator Muhammad Talha Mahmood	Member
11.	Senator Fawzia Arshad	Member
12.	Senator Syed Faisal Ali Subzwari	Member
13.	Senator Sarfraz Ahmed Bugti	Member
14.	Senator Dilawar Khan	Member
15.	Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meetings held on 30th September, 2021, 18th October, 2021 and 19th November, 2021. The last meeting was attended by the following Members: -

1.	Senator Mohsin Aziz	Chairman
2.	Senator Sajfullah Abro	Member
3.	Senator Samina Mumtaz Zehri	Member
4.	Senator Shahadat Awan	Member
5.	Senator Muhammad Talha Mehmood	Member
6.	Senator Fawzia Arshad	Member
7.	Senator Faisal Saleem Rehman	Member
8.	Senator Dilawar Khan	Member
9.	Senator Mushtaq Ahmed	Mover

5. Senator Mushtaq Ahmed, Mover, briefed the Committee that the Islamabad Capital Territory Trust Act, 2020, is a recent legislation providing for the registration of Trusts in Islamabad and for documentation of economy, however some provisions needed further clarification so that the possibility of misuse of authority may be avoided. Moreover, the imposition of penalty by the Director, after the conviction by the Court, may amount to double jeopardy and thus is an unconstitutional step, so it is proposed that the penalty may be imposed by the court at the time of conviction of the accused.



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6. Chairman Committee stated that the Bill has already been discussed in two previous meetings and pointed out that the Committee had recommended to discuss all aspects of the Bill in presence of the Secretary, Ministry of Law & Justice and officials of the FATF. He asked the officials of the Ministry of Interior, who were dealing with FATF, to brief the Committee on the Bill.
7. The officials dealing with FATF informed the Committee that it took about three years to finalize the draft of "The Islamabad Capital Territory Trust (Amendment) Bill, 2020" and the same had already been presented in the FATF. They were of the view that it would create serious implications if it is amended at this stage however he was of the point of view that although there is a slight chance of double jeopardy yet it is unlikely to happen as if convicted with a penalty by the Court would in most of the cases be maintained as same by the Director.
8. Chairman Committee also brought to the notice of the members that Amendment is being made in paragraph (a) of sub-section (2) of Section 16 of the Bill that Director ICT may refuse registration of trust but after recording reasons in writing that the purpose of trust is either unlawful or trust proceeds are suspected on the basis of evidence. However, this amendment seems to be redundant as the provision of sub-section (2) of section 16 read with section 14 of the Trust Act also provides the same. Moreover, Section 14 of the Act says that "the Director shall verify the contents and particulars of the application before registration through investigating or prosecuting agencies who shall submit the verified report to the director within 14 days of receiving the request from him".
9. Chairman Committee further informed that the Mover, in view of clarification from Chairman Committee and all other stakeholders in the previous meeting dated 18th October, 2021, has already expressed his consent to withdraw the amendment proposed in paragraph (a) of sub-section (2) of Section 16 of the Bill.
10. The Committee considered the Bill clause by clause.
11. The Committee recommends that the Senate may not pass "The Islamabad Capital Territory Trust (Amendments) Bill, 2020" in its present form. (Copy of the Bill is enclosed).



(TANVIR AHMED)
D.G. / Secretary Committee



(SENATOR MOHSIN AZIZ)
Chairman
Senate Standing Committee on Interior

Islamabad, the
19th November, 2021

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BILL

to amend the Islamabad Capital Territory Trust Act, 2020

WHEREAS it is expedient to amend the Islamabad Capital Territory Trust Act, 2020 (XXV of 2020), to make it more practicable and transparent as per needs of our own society;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Islamabad Capital Territory Trust (Amendment) Act, 2020.
(2) It shall come into force at once.
2. **Amendment of section 16, Act XXV of 2020.**- In the Islamabad Capital Territory Trust Act, 2020 (XXV of 2020), hereinafter referred to as the said Act, in section 16, in sub-section (2), in paragraph (a), after the word "suspected" the phrase "on the basis of evidence and for the reasons to be recorded in writing" shall be inserted.
3. **Amendment of section 17, Act XXV of 2020.**- In the said Act, in section 17,-
 - (i) In sub-section (4), for the word "director" the word "court" shall be substituted and the phrase "by the competent court of law" shall be omitted; and
 - (ii) In sub-section (6), for the word "director" the word "court" shall be substituted and the phrase "by the competent court of law" shall be omitted.
4. **Amendment of section 24, Act XXV of 2020.**- In the said Act, in section 24, in the marginal note, for the word "inform" the word "acquaint" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Capital Territory Trust Act, 2020, is a recent legislation providing for the registration of Trusts in Islamabad and for documentation of economy, however some provisions need further clarification so that the possibility of misuse of authority may be avoided. Moreover, the imposition of penalty by Director after the conviction by the Court may amount to double jeopardy and thus an unconstitutional step, so it is proposed that the penalty may be imposed by the court at the time of conviction of the accused.

**SENATOR MUSHTAQ AHMED
MEMBER-IN-CHARGE**