

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) BILL, 2022  
INTRODUCED BY SENATOR SEEMEE EZDI

PRESENTED BY

SENATOR MOHSIN AZIZ  
CHAIRMAN SSC ON INTERIOR

## SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) BILL, 2022.**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Bill further to amend the Provincial Motor Vehicles Ordinance, 1965 [The Provincial Motor Vehicles (Amendment) Bill, 2022], introduced by Senator Seemee Ezdi in the Senate on 10<sup>th</sup> October, 2022 whereupon, the Bill was referred to the Senate Standing Committee 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 Nazcer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Mouda Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Fawzia Arshad	Member
Senator Syed Faisal Ali Subzwari	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meetings held on 7<sup>th</sup> November, 2022, 28<sup>th</sup> November, 2022, 8<sup>th</sup> December, 2022 and finally on 10<sup>th</sup> February, 2023. The summary of the discussion held on the Bill in each of the said dates is as under:-

7<sup>th</sup> November, 2022

The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman
2. Senator Faisal Saleem Rehman	Member

- |                           |        |
|---------------------------|--------|
| 3. Senator Saifullah Abro | Member |
| 4. Senator Kamil Ali Agha | Member |
| 5. Senator Seemee Ezdi    | Mover  |

However, the Bill was deferred by the Committee without its consideration.

28<sup>th</sup> November, 2022

The meeting was attended by the following:-

- |                                     |          |
|-------------------------------------|----------|
| 1. Senator Mohsin Aziz              | Chairman |
| 2. Senator Azam Nazeer Tarar        | Member   |
| 3. Senator Syed Yousuf Raza Gillani | Member   |
| 4. Senator Moula Bux Chandio        | Member   |
| 5. Senator Saifullah Abro           | Member   |
| 6. Senator Rana Maqbool Ahmed       | Member   |
| 7. Senator Faisal Saleem Rehman     | Member   |
| 8. Senator Shahadat Awan            | Member   |
| 9. Senator Syed Faisal Ali Subzwari | Member   |
| 10. Senator Kamil Ali Agha          | Member   |
| 11. Senator Sarfraz Ahmed Bugti     | Member   |
| 12. Senator Dilawar Khan            | Member   |
| 13. Senator Seemee Ezdi             | Mover    |

4. The Mover briefed the Committee about the objects and reasons of the Bill. Special Secretary, Ministry of Interior was of the view that there are certain ramifications of the Bill in its present form. He stated that the spirit behind the Bill is very good but the ground realities and the behavior of our people especially the commercial transport users needs to be kept in mind. The Chief Commissioner, Islamabad stated that through the instant Bill, five Private Automotive Testing Companies are being created which will result into monopoly of such private companies and they might misuse their authorization status and extra financial burden will also be imposed on the vehicle owners. He was of the view that ICT should try and test Punjab model of Vehicle Inspection and Certification System (VICS) whereby a private company was hired to develop the inspection facility network for inspection of PSVs and private vehicles. The role of Government Agency in this regard should be the vehicle inspection enforcement; provision of land on lease basis for all sites; to process transition of existing vehicle inspection system and transfer rights of inspection to Concessionaire for vehicle

inspection and to make necessary changes in Motor Vehicle Laws. The Inspector General of Police was of the view that if private companies are involved in the system then the same will require strict regulation which will not be very easy so primarily it should remain within the domain of the State for its proper regulation. Special Secretary, MOI was of the view that if the Bill is passed then it will apply to every vehicle entering in ICT irrespective of its origin of registration.

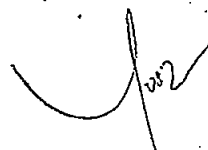
5. Senator Rana Maqbool Ahmed was of the view that the actual problem lies in the implementation phase of any law. He stated that already mechanism is there of vehicle testing but the need of the day is the implementation. Senator Shahadat Awan was of the view that the Bill is good in its spirit. However, he proposed certain amendments in the Bill in its present form. He suggested that the proviso in proposed para (b) in sub-section (2) of section 70B needs to be omitted so that the sale/purchase of used vehicles may not be restricted. He further suggested that the words "makes sale, purchase or transfer" occurring in proposed section 70C may also be omitted. The Chair observed that if any such law is passed then it will apply only to the vehicles having been registered in the ICT. Senator Dilawar Khan was of the view that the Bill has been drafted in international perspective but we have to keep in mind our ground realities and the patterns of our society. He suggested that the Bill will create further complications in its implementation. Senator Azam Nazeer Tarar objected upon the restriction of creation of five companies. He was of the view that the Acts of Parliament should not be restricted rather they need to be flexible so that future needs can be catered for. Senator Kamil Ali Agha was of the view that Bill is very good but its implementation is questionable.

6. After detailed discussion, the Chair observed that the Bill is good but it needs further deliberation to look into its implementation phase and to see its regulation. He suggested that the Bill may be deferred and the Special Secretary MOI along with ICT Administration may have a meeting with the Mover in her office to further deliberate upon the Bill to arrive at a logical conclusion.

8<sup>th</sup> December, 2022

The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman
2. Senator Moula Bux Chandio	Member
3. Senator Rana Maqbool Ahmed	Member
4. Senator Faisal Saleem Rehman	Member
5. Senator Kamil Ali Agha	Member



6. Senator Dilawar Khan

Member

7. Senator Secmcc Ezdi

Mover

7. The Special Secretary, MOI informed the Committee that he along with other departments had an extensive meeting with the Mover. The Mover stated that the departments were insisting upon establishment of an authority but she was of the view that establishment of Authority will not serve any purpose as we had seen in case of Islamabad Food Authority which was established with very high hopes but the purpose could not be served. She was of the view that there is huge emission of black smoke from the vehicles as we observe on daily basis. She referred the trucks which go towards the Hilly areas which emit huge smoke which causes accidents in those areas so such a Bill is required urgently to control the smoke emission from the vehicles. She stated that she had made some further amendments in the Bill concerning the emission fee as per the capacity of the vehicle and also provided that fitness certificate should be pasted on screen of the vehicle and fines should be imposed according to measurement of CO2 emission from the vehicle through gadgets/gas detectors which will be provided by the companies created under this Bill.

8. The Chair asked whether any maximum or minimum limit of emission has been given in the Bill in the form of percentage. The Mover said that she had studied EU and UK Laws but very minimum limit has been given in those laws which may not be practical to include in our environment. Chair further enquired about the provision of led free emission. The Mover said that the fuel we are using in Pakistan is supposed to be led free. Senator Dilawar Khan stated that we should adopt the MOT model of foreign countries but we have also to see the ground realities and maintenance level of vehicles in our country.

9. Special Secretary MOI stated that number of companies should not be limited in the Act to be created by the Government as creation of the same will have financial implications. Moreover, he stated that the details can be provided in the Rules as the minor details cannot be given in the Acts of Parliament. He further stated that there are already rules which cater the concerns of the Mover. He said that if we make the instant law then it will apply to any vehicle entering into ICT. He was of the view that most of the time smoke is emitted by trucks and heavy loading vehicles which are not registered in Islamabad.

10. Senator Faisal Saleem Rehman stated that only 2 to 3 percent smoke emitting vehicles are registered in Islamabad. He appreciated the Deputy Commissioner Islamabad who is already working to track and trace such vehicles. Senator Faisal Saleem was of the view that

vehicles entering Islamabad must be taxed for environmental impact. Senator Kamil Ali Agha was of the view that prima facie this law does not look feasible as it will be applicable to every vehicle passing through Islamabad which is not practical.

11. Special Secretary MOI was of the view that such things need to be incorporated in Rules. The Chief Commissioner ICT stated that Committee instead of passing the law should issue instructions to the ICT Administration to provide mechanism to deal with this issue. He was of the view that ultimately responsibility will lie on Government not on any private company so the State machinery should be asked to make the mechanism through rules. The Chief Commissioner ICT was of the view that most of the goods carrier vehicles come to Islamabad markets from outside and if we impose such fines then it will have impact on supply chain in local markets of Islamabad which may result into retaliation from civil society and Traders so we may not be in position to implement it in its letter and spirit.

12. Senator Rana Maqbool was of the view that we must pass the Bill and send it to the Council of Common Interests so that provinces may also replicate the same as it is a national issue otherwise it will not be implemented and it will have difficulties.

13. Chair said that the point raised by Chief Commissioner ICT is very valid as it would be difficult to implement the law on the vehicles registered in other provinces. Chair said it is very important Bill so we have to defer it for further deliberation so that all the aspects of the implementation may be discussed by the Mover with the ICT Administration. He was of the view that emission standards need to be incorporated in the Bill.

14. The Chief Commissioner stated that since federating units takes the agenda to CCI but we as ICT Administration does not agree the Bill so we cannot advise its referral to CCI. He was of the view that it is State's regulatory function which needs to be performed through the State and not through the private companies as it will raise certain questions that which company has been given contract and which company has been ignored. Senator Dilawar also stated that it will create monopoly of private companies.

15. Chair said we may ask the Government to amend the existing law to deal with the situation and the Mover may also revisit her Bill to see it in light of the discussion held in the Committee. Chair directed that the Chief Commissioner ICT may propose some amendments in the existing rules to deal with the situation pointed out in the Bill.

16. The Chief Commissioner stated that the issues pointed out by the Mover can be addressed through making changes in the existing rules.

17. The Mover stated that she may have one more meeting with the ICT Administration and then will see whether she has to withdraw the Bill or otherwise. The Bill was deferred with the direction that the ICT Administration may have meeting with the Mover to see whether the existing rules can be amended to address the concerns of the Mover and if the purpose is served the instant Bill may be withdrawn by the Mover otherwise we will see how to proceed further.


10<sup>th</sup> February, 2023

The meeting was attended by the following:-

- |                           |          |
|---------------------------|----------|
| 1. Senator Mohsin Aziz    | Chairman |
| 2. Senator Saifullah Abro | Member   |
| 3. Senator Fawzia Arshad  | Member   |
| 4. Senator Dilawar Khan   | Member   |
| 5. Senator Seemee Fzdi    | Mover    |

18. The Mover informed the Committee that in consultation with the representatives of Ministry of Interior and the ICT Administration, she has agreed on making certain amendments in the Bill which have also been acceded to by the Ministry of Interior. The Amendments were considered by the Committee which were unanimously agreed by the Committee as well. The Bill as amended was put to the Committee which was unanimously recommended by the Committee with the recommendation that the Bill as reported by the Committee may be passed by the House. The Bill as introduced in the Senate is at Flag-A whereas the Bill as reported by the Committee is at Flag-B.

  
(MUHAMMAD AZAM)  
Secretary Committee

  
(SENATOR MOHSIN AZIZ)  
Chairman Committee

FLAG-A

INTRODUCED ON 10.10.2022.

**[AS INTRODUCED IN THE SENATE]**

**A  
BILL**

*further to amend the Provincial Motor Vehicles Ordinance, 1965*

**WHEREAS** it is expedient and substantial to bring meaningful and significant amendments in the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965) in its application to the Islamabad Capital Territory for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Provincial Motor Vehicles (Amendment) Act, 2022.

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance No. XIX of 1965.-** In the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965), hereinafter referred as the said Ordinance, in section 2,-

(i) after paragraph (1) the following new paragraph (1a) shall be inserted, namely:-

"(1a) **"Automotive Testing Company"** means a Company designated under section 70A of this Act."  
;and

(ii) after paragraph (43) the following new paragraph (43a) shall be inserted, namely:-

"(43a) **"Vehicle Examination Certificate"** means the Vehicle examination Certificate issued under section 70B of this Act."

**3. Insertion of new sections 70A, 70B and 70C in Ordinance No. XIX of 1965.-** In the said Ordinance, after section 70, the following new sections shall be inserted, namely:-

**"70A. Automotive Testing Company.-** The Federal Government by rules made under this Act shall designate not less than five Automotive Testing Companies having at least twenty five years of fervent experience in Automotive testing, validation and certification for the purpose of carrying out the functions conferred by this Act. The Automotive Testing Company shall ascertain whether the prescribed statutory requirements relating to the construction and condition of Motor Vehicles and their accessories or equipment are fulfilled. The Automotive Testing Company shall act under the general directions of the Federal Government.



**70B. Test of Satisfactory Condition of Vehicles.-** (1) The Motor Vehicles including Motor cab, motor car, public and private passenger vehicles, local buses, wagons and private taxicabs and Motor Cycle, shall after every five years be submitted for a vehicle test conducted by the Automotive Testing Company for the purpose of ascertaining whether the following requirements are complied with namely:-

- (a) The required statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment;
- (b) The requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person; and
- (c) The motor Vehicle should not emit any smoke, visible vapour, grit, sparks, ashes, cinders, or oily substance the emission of which might cause damage or annoyance to other persons or property or endanger the safety of any other user on the road.

(2) The Automotive Testing Company may by regulation make provision-

- (a) for examination of vehicles submitted for examination under sub-section (1); and
- (b) for the issue, where it is found on such examination that the requirements mentioned in sub-section (1) are complied with, a test certificate that at the date of the examination the requirements were complied in relation to the vehicle:

Provided that no sale, purchase or transfer of motor vehicle shall take place without a valid test certificate issued by the Automotive Testing Company.

(3) Where a test certificate is refused, the Automotive Testing Company carrying out examination must issue a notification of refusal stating the grounds of the refusal, and a person aggrieved by the refusal or the grounds of the refusal may appeal to the Automotive Testing Company for Review or revision as the case may be.

**70C. Using vehicle in unsafe condition.-** Whoever makes sale, purchase or transfer or drives or causes or allows to be driven on any road a motor vehicle or a trailer without a valid test certificate issued by the Automotive Testing Company or in a condition which is liable to render the vehicle unsafe, and a source of danger to himself and other users, shall be punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than ten thousand rupees and may extend to fifty thousand rupees, or with both."

**STATEMENT OF OBJECTS AND REASONS**

The Vienna Convention on Road Traffic 1968 provides rules on all aspects of international road traffic and safety, and serves as a reference for national legislation. The rapidly growing numbers of vehicles and road users and increased trade, globalization and urbanization, coupled with staggering global road traffic injury rates underline the critical need to actively promote road safety everywhere. The increase in fuel consumption of Islamabad has led to the undesirably high level of lead concentration in the air, threatening the population specially the children with the fear that it will furthermore exacerbate the physical and mental health development. Several studies have shown that the lead concentration in Islamabad air must have been caused by the excessive use of petrol-powered vehicles.

2. The Bill primarily seeks to regulate the public and private motor vehicles in Islamabad Capital Territory on the basis of modern sustainable patterns of Global best practices; to ensure road safety and traffic management efficiency improvements; to enforce the implementation of traffic management rules and regulations among drivers and as well as general public; and to preserve the environment from pollutants emitted from vehicular transport.
3. The Bill seeks to achieve the aforementioned objects.

**SENATOR SEEMEE EZDI  
MEMBER-IN-CHARGE**

## [AS REPORTED BY THE COMMITTEE]

A

## BILL

*further to amend the Provincial Motor Vehicles ordinance, 1965*

**WHEREAS** it is expedient and substantial to bring meaningful and significant amendments in the Provincial Motor Vehicles Ordinance, 1965 (W. P XIX OF 1965) in its application to Islamabad Capital Territory for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** – (1) This Act may be called the Provincial Motor Vehicles Ordinance (Amendment) Act, 2022.

(2) It shall come into force at once.

**2. Amendment in Section 2, of the Provincial Motor Vehicles Ordinance (XIX of 1965).**- In the Provincial Motor Vehicle Ordinance 1965, hereinafter referred as the said ordinance, in section 2,

(i) after paragraph (1) the following new paragraph (1a) shall be inserted namely,-

“(1a) “Automotive Testing Company” means a Company designated under section 70A of this Act.”

(ii) After paragraph (43) the following new paragraph (43a) shall be inserted namely,-

“(43a) “Vehicle Examination Certificate” means the Vehicle examination Certificate issued under section 70B of this Act.”

3. **Insertion of new sections 70A, 70B and 70C in Ordinance XIX of 1965.**- In the said Ordinance after section 70, the following new sections 70A, 70B and 70C shall be inserted namely.-

**70A. Automotive Testing Company.**- The Federal Government by rules made under this act shall designate not less than five Automotive Testing Companies having at least twenty five years of fervent experience in Automotive testing, validation and certification for the purpose of carrying out the functions conferred by this Act. The Automotive Testing Company shall ascertain whether the prescribed statutory requirements relating to the construction and condition of Motor Vehicles and their accessories or equipment are fulfilled. The Automotive Testing Company shall act under the general directions of the Federal Government.

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- (a) The required statutory requirements relating to the construction and condition of motor vehicles or their accessories or equipment;
- (b) The requirement that the condition of motor vehicles should not be such that their use on a road would involve a danger of injury to any person;
- (c) The motor Vehicle should not emit any smoke, visible vapour, grit, sparks, ashes; cinders, or oily substance the emission of which might cause damage or annoyance to other persons or property or endanger the safety of any other user on the road;
- (d) The Vehicle examination fees shall be charged according to the capacity of the Vehicle (as in case when the Vehicles is registered);**

(e) Every Vehicle over three years old shall be required to pass the Vehicle test and obtain sticker to be placed at the corner of the wind screen; and

(f) Fine shall be imposed according to the gas emission after measuring exhaust fumes by the Exhaust Gas Detector.

(2) The Automotive Testing Company may by regulation make provision-

(a) for examination of vehicles submitted for examination under sub-section (1); and

(b) for the issue, where it is found on such examination that the requirements mentioned in sub-section (1) are complied with, a test certificate that at the date of the examination the requirements were complied in relation to the vehicle.

Provided that no sale, purchase or transfer of motor vehicle shall take place without a valid test certificate issued by the Automotive Testing Company.

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## **STATEMENT OF OBJECTS AND REASONS**

The Vienna Convention on Road Traffic 1968 provides rules on all aspects of international road traffic and safety, and serves as a reference for national legislation. The rapidly growing numbers of vehicles and road users and increased trade, globalization and urbanization, coupled with staggering global road traffic injury rates underline the critical need to actively promote road safety everywhere. The increase in fuel consumption of Islamabad has led to the undesirably high level of lead concentration in the air, threatening the population specially the children with the fear that it will furthermore exacerbate the physical and mental health development. Several studies have shown that the lead concentration in Islamabad air must have been caused by the excessive use of petrol-powered vehicles.

2. The bill primarily seeks to regulate the public and private motor vehicles in Islamabad Capital Territory on the basis of modern sustainable patterns of Global best practices; to ensure road safety and traffic management efficiency improvements; to enforce the implementation of traffic management rules and regulations among drivers and as well as general public; and to preserve the environment from pollutants emitted from vehicular transport.

3. The bill seeks to achieve the aforementioned objects.

SENATOR SEEMEE EZDI  
MEMBER-IN-CHARGE