

SENATE OF PAKISTAN
House of the Federation



REPORT NO. 01 OF 2021-23

REPORT OF THE SENATE STANDING COMMITTEE ON COMMUNICATIONS

ON

**PRIVATE MEMBER BILL TITLED "THE NATIONAL HIGHWAYS
SAFETY ORDINANCE, 2000 [THE NATIONAL HIGHWAYS SAFETY
(AMENDMENT) BILL, 2021]" INTRODUCED BY SENATOR MOHSIN
AZIZ IN THE SENATE SITTING HELD ON 08-11-2021.**

Presented by:

SENATOR PRINCE OMER AHMEDZAI
CHAIRMAN

SENATE STANDING COMMITTEE ON COMMUNICATIONS

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON COMMUNICATIONS ON PRIVATE MEMBER BILL FURTHER TO AMEND "THE NATIONAL HIGHWAYS SAFETY ORDINANCE, 2000 [THE NATIONAL HIGHWAYS SAFETY (AMENDMENT) BILL, 2021]

I, Senator Prince Omer Ahmedzai, Chairman Senate Standing Committee on Communications, have the honor to submit, on behalf of the Committee, this report on the Private Member Bill further to amend "The National Highways Safety Ordinance, 2000 [The National Highways Safety (Amendment) Bill, 2021], introduced by Senator Mohsin Aziz in the Senate sitting held on 08th November, 2021. The House referred the Bill to the Senate Standing Committee on Communications for consideration and report.

2. The Composition of the Standing Committee is as under:-

1. Senator Prince Omar Ahmedzai	Chairman
2. Senator Syed Yousuf Raza Gillani	<i>Leader of the Opposition</i>
3. Senator Faisal Saleem Rehman	Member
4. Senator Saifullah Abro	Member
5. Senator Kamil Ali Agha	Member
6. Senator Danesh Kumar	Member
7. Senator Manzoor Ahmed Kakar	Member
8. Senator Abida Muhammad Azeem	Member
9. Senator Shammim Afridi	Member
10. Senator Muhammad Akram	Member
11. Senator Hafiz Abdul Karim	Member
12. Senator Umer Farooq	Member
13. Senator Molana Abdul Ghafoor Haideri	Member
14. Senator Ahmed Khan	Member

3. The Committee considered the Bill in its meeting held on 30th November, 2021. The following members attended the meeting of the Committee:-

1. Senator Prince Omer Ahmedzai	Chairman
2. Senator Kamil Ali Agha	Member
3. Senator Danesh Kumar	Member
4. Senator Manzoor Ahmed Kakar	Member
5. Senator Abida Muhammad Azeem	Member
6. Senator Muhammad Akram	Member
7. Senator Mohsin Aziz	Mover

The Bill as introduced in the Senate was discussed and deliberated in the Committee. The Mover briefed the Committee about the objects and reasons of the proposed amendment. The Ministry principally supported the proposed amendment in the Act with some modifications. The Ministry was of the view that as the jurisdiction of National Highways and Motorway Police (NHMP) is linear and covers more than 4000 kilometers and most of the places are far from urban/rural medical facilities therefore, on the spot testing will be required to determine if a person is driving under the influence of alcoholic drugs. **Accordingly, Ministry proposed addition of breathalyzer test conducted by a police officer to determine driving while under the influence of alcohol as an alternate to medical test and not to the exclusion of the latter.**

5. The Committee unanimously approved the amendment proposed by the Ministry in sub-section (2) of Section 68 of the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000) **and recommended that the Bill as reported by the Standing Committee may be passed by the Senate.**

6. The Bill as introduced in the Senate is at **Annex-A** and the Bill as reported by the Standing Committee is at **Annex-B.**


(MUDASSAR SHER ALI GONDAL)
Secretary Committee


(SENATOR PRINCE OMER AHMEDZAI)
Chairman Committee

INTRODUCED ON 08-11-2021

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the National Highways Safety Ordinance, 2000

WHEREAS it is expedient further to amend the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000) for the purposes hereinafter appearing, and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

1. Short title and commencement.-(1) This Act may be called the National Highways Safety (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Substitution of section 68, Ordinance XL of 2000.-In the National Highways Safety Ordinance, 2000 (Ordinance XL of 2000), for section 68, the following shall be substituted, namely:-

“68. Driving while under the influence of alcohol or drugs.-(1) Any person, when driving or attempting to drive, or when in charge of, a motor vehicle on a national highway is under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be punishable with fine which may extend to twenty-five thousand rupees, or with imprisonment of one month which may extend to six months, or with both, and in the case of a second or subsequent conviction either with fine which may extend to fifty thousand rupees or with imprisonment of six months which may extend to two years, or with both.

(2) No person shall be convicted of an offence punishable under sub-section (1) unless the extent of the influence is determined by a medical practitioner authorized by the Government.”

STATEMENT OF OBJECTS AND REASONS

It has been observed in the recent past that the persons driving motor cars especially public transport are found under the influence of alcohol or drugs which seriously affects motor skills such as eye, hand and foot coordination. Without crucial coordination skills, a person may be unable to avoid an impending harmful situation. Therefore, it is proposed to increase the penalty and also make the conviction transparent by determining the offence subject to an examination of a medical practitioner.

2. The bill seeks to achieve the above said purposes.

SENATOR MOHSIN AZIZ
Member-in-charge

[AS REPORTED BY THE COMMITTEE]

A

BILL

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(2) No person shall be convicted of an offence punishable under sub-section (1) unless the extent of the influence is determined by a medical practitioner authorized by the Government **or with a breathalyzer test conducted by police officer.”**

SENATOR MOHSIN AZIZ
Member-in-charge