

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE PREVENTION OF SMUGGLING OF MIGRANTS, BILL, 2018.

1. Chairman of the Standing Committee on Interior, have the honor to present this report on the Bill to Prevent the Smuggling of Migrants [The Prevention of Smuggling of Migrants Bill, 2018] referred to the Committee on 11th April, 2018.

2. The Committee consists of the following: -

1) Rana Shamim Ahmad Khan	Chairman
2) Malik Abdul Ghaffar Dogar	Member
3) Malik Sultana Mehmood Hanjra	Member
4) Dr. Ibadullah	Member
5) Sheikh Muhammad Akram	Member
6) Syed Iftikhar-ul-Hassan	Member
7) Makhdoomzada Basit Bokhari	Member
8) Mian Shahid Hussain Khan Bhatti	Member
9) Makhdoom Syed Ali Hassan Gillani	Member
10) Ms. Tahmina Daultana	Member
11) Mir Dostain Domki	Member
12) Mr. Nauman Islam Shaikh	Member
13) Mr. Ehsan-ur-Rehman Mazari	Member
14) Nawab Muhammad Yousuf Talpur	Member
15) Mr. Khial Zaman Orakzai	Member
16) Dr. Arif Alvi	Member
17) Kanwar Naveed Jameel	Member
18) Shaikh Salahuddin	Member
19) Ms. Naeema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Mr. Ahsan Iqbal, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A in its meeting held on 11-04-2018 and proposed the following amendments therein:

(1)

Preamble

In the preamble.-

(i) after the words "to provide", the word "for" shall be inserted: and

(ii) after the word "co-operation", the words "in this regard" shall be inserted.

(2)

Clause 2

In clause 2, after sub-clause (e), the following new sub-clause (f) shall be inserted and remaining sub-clauses shall be re-numbered:-

"(f) 'migrant' means a person who travels or intends to travel from one country to another;" .

(3) **Clause 3**

In clause 3, for the words “five hundred thousand” the words “one million” shall be substituted.

(4) **Clause 4**

In clause 4, in sub-clause (2), for the words “five hundred thousand” the words “one million” shall be substituted.

(5) **Clause 5**

In clause 5, for the words “five hundred thousand” the words “one million” shall be substituted.

(6) **Clause 6**

In clause 6, after the words “fourteen years”, the words “but which shall not be less than five years” shall be inserted.

(7) **Clause 8**

In clause 8, after the expression “section 3,4,5,6 or 7” the words “and may be a witness in the case”, shall be inserted.

(8) **Clause 10**

For the clause 10, the following shall be substituted:-

“**10. Cognizance of offences.**- Notwithstanding anything contained in the Code, a Magistrate of the First Class shall try an offence punishable under this Act and may impose any punishment provided under the Act.”

(9) **Clause 12**

In clause 12, in sub-clause (b), the expression “in such conferences, seminars and workshops arranged by any such organization on smuggling of migrants related matters”, shall be omitted.

(10) **Insertion of Clause 17**

After clause 16, the following new clause 17, shall be inserted:-

“**17. Repeal.**- The Prevention of Smuggling of Migrants Ordinance, 2018 (VII of 2018) is hereby repealed.”

4. The Committee recommended that the Bill as reported by the Committee placed at Annex-B may be passed by the National Assembly. Note of dissent of Dr. Arif Alvi, MNA is placed at Annex-C.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 11th April, 2018

Sd/-

(RANA SHAMIM AHMAD KHAN)

Chairman

Standing Committee on Interior

A

Bill

to prevent the smuggling of migrants

WHEREAS it is necessary to provide effective measures to prevent the smuggling of migrants by land, sea and air, to promote and facilitate national and international co-operation and to protect the smuggled migrants 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 of Smuggling of Migrants Act, 2018.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) This Act shall apply to any person who commits an offence under section 3, 4, 5, 6 or 7 where -

(a) the offence is committed within the territory of Pakistan;

(b) the offence is committed on board a vessel or aircraft that is registered under the laws of Pakistan at the time of commission of the offence; or

(c) the offence is committed outside the territory of Pakistan by a citizen of Pakistan.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,-

(a) **'benefit'** includes monetary profit, proceeds or payment in cash or in kind;

(b) **'Code'** means the Code of Criminal Procedure, 1898;

(c) **'Government'** means the Federal Government;

(d) **'illegal entry'** means crossing borders through any port or place other than the designated port or place or without complying with the legal requirements for entering into Pakistan or another country;