

A

BILL

to promulgate through its rules for the implementation and enforcement of all the measures pertaining to prevention and control of all health hazards, which has public health risk to and from Pakistan..

WHEREAS it is expedient to promulgate through its rules for the implementation and enforcement of all the measures pertaining to prevention and control of all health hazards, which has public health risk to and from Pakistan.

It is hereby enacted as follows:-

1. Short title, extent, application and commencement.—

- (1) This Act shall be called the Pakistan Points of Entry (Public Health) Act-2023.
- (2) It extends to the whole of Pakistan
- (3) It shall be applicable to all the points of entry and health establishments of Border Health Services in Pakistan.
- (4) It shall come into force at once.

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

- (i) "airport" means any airport declared as such by the Government and where international flight arrives or departs;
- (ii) "aircraft" means an aircraft making an international voyage;
- (iii) "aircraft operator" and "pilot-in-command" means the person who operate or fly an aircraft on an international flight;
- (iv) "affected" means persons, baggage, cargo, containers, aircraft, ships or conveyances, facilities, goods and postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, which constitute a public health risk;

- (v) "affected area" means a geographical location specifically for which health measures have been recommended under International Health Regulations (IHR)- 2005;
- (vi) "arrival" means arrival of persons or conveyances, cargo, aircraft, ships or goods in the defined area of an airport, seaport and ground crossing;
- (vii) "baggage" means the personal effects of a traveler or of a member of the crew;
- (viii) "Border Health Services (BHS)" means and includes headquarters of BHS office, all airport health offices, port health offices, ground crossing offices, health office, civil surgeon offices, and all other subordinate offices working under the administrative control of Border Health Services.
- (ix) "cargo" means goods carried on an aircraft, ship or conveyance;
- (x) "container" means an article of transport equipment,—
 - (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
 - (b) specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;
 - (c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and
 - (d) specially designed as to be easy to fill and empty;
- (xi) "container loading area" means a place or facility reserve for containers used in international traffic;
- (xii) "contamination" means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including aircraft, ship, vessels and conveyance, which may constitute a public health risk;
- (xiii) "conveyance" means an aircraft, ship, train, road vehicle or other means of transport on an international voyage;
- (xiv) "conveyance operator" means a natural or legal person in charge of a conveyance or their agent.
- (xv) "crew" means the personnel of an aircraft, ship or conveyance who are employed for duties on board;

- (xvi) "decontamination" means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including aircraft, ship, vessels or conveyance, which may constitute a public health risk;
- (xvii) "departure" means the act of leaving the country which used for persons, baggage, conveyances, cargo, aircraft, ship, vessels, postal parcels or goods;
- (xviii) "designated points of entry" means a passage for international entry or exit of traveller, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit;
- (xix) "designated airports" means the airports designated as such by the Government as per the International Health Regulations, 2005;
- (xx) "designated seaports" means a seaport or a port on an inland body of water designated as such by Government where ships on an international voyage arrive or depart;
- (xxi) "ground crossing" means a crossing designated as such by the Government as per the International Health Regulations, 2005, a point of ground crossing in Pakistan , including one utilized by pedestrians, road vehicles, tankers and trains;
- (xxii) "disease" means an illness or medical condition, irrespective of origin or source, which may cause significant harm to humans;
- (xxiii) "disinfection" means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, aircraft, ship or conveyances, facilities, premises, goods and postal parcels by direct exposure to chemical or physical agents;
- (xxiv) "disinsection" means the procedure whereby health measures are taken to control or kill the insect vectors present in baggage, cargo, containers, aircraft, ship or conveyances, facilities, premises, goods and postal parcels;
- (xxv) "Director" means Director Border Health Services appointed under this act.
- (xxvi) "Driver" means person who operate a train or a road vehicle on international voyage;"

- (xxvii) "event" means a manifestation of disease or an occurrence that creates a potential for disease or health hazard;
- (xxviii) "free pratique" means permission for a ship to enter a port, embark or disembark, discharge, load or offload cargo or stores; permission for an aircraft, after landing, to embark or disembark, discharge, load or offload cargo or stores; and permission for a ground transport vehicle, upon arrival, to embark or disembark, discharge, load or offload cargo or stores;
- (xxix) "goods" mean tangible products, transported on an international voyage, including for utilization on board of an aircraft, ships, vessels or conveyance;
- (xxx) "Government" means the Federal Government;
- (xxxi) "ground transport vehicle" means a conveyance used for overland transport on an international voyage, including trains, coaches, lorries, automobiles and carts etc.;
- (xxxii) "Health declaration" means maritime declaration of health, personal declaration of health, aircraft general declaration and ground crossing health declaration.
- (xxxiii) "Health Officer" means, in respect of a port, airport and ground crossing, any person appointed in Border Health Services by the Government as the Health Officer of the Port, Airport and Ground Crossing, and includes an Incharge, Deputy Health Officer and Assistant Health Officer, to perform the functions as assigned under this act;
- (xxxiv) "health measure" means procedures applied to prevent the spread of disease or contamination and shall not include security measures;
- (xxxv) "helper" means the staff assigned to help, assist and support the driver;
- (xxxvi) "infected area" means, in relation to,—
 - (a) yellow fever disease, any area declared as such by the World Health Organization; and
 - (b) public health emergency of international concern, any area declared as such by the World Health Organization or National IHR focal point for Points of Entry Border Health Services;
- (xxxvii) "infected person" means a person who is suffering from

yellow fever disease or public health emergency of international concern, or who is believed to be infected with such a disease;

- (xxxviii) "ill person" means an individual suffering from or affected with a physical ailment that may pose a public health risk;
- (xxxix) "Imported case" means introduction of a case of quarantaineable or of any other infectious disease in Pakistan from abroad.
- (xl) "infection" means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;
- (xli) "inspection" means examination by the Airport Health Officer, Port Health Officer, Border Health Officer or their designated health staff, of areas, baggage, containers, aircraft, ship or conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;
- (xlii) "IHR" means International Health Regulations 2005.
- (xliii) "international voyage " means a travel in the case of aircraft, ship, vessels or conveyance between points of entry for which the place of departure and the place of destination are situated within the territories of two or more countries;
- (xliv) "Invasive" means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity.

Explanation.— For the purposes of this act, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging; medical inspection; auscultation; external palpation; retinoscopy; external collection of urine, faeces or saliva samples; external measurement of blood pressure; and electrocardiography shall be considered to be non-invasive;

- (xlv) "isolation" means separation of ill or contaminated persons or affected baggage, containers, aircraft, ship, vessel or conveyance, facilities, premises, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;
- (xlvi) "master" includes any person having command or charge of ship but does not include a pilot or harbor master.

- (xlvii) "medical examination" means the preliminary assessment of a person by an authorized health worker or by a person under the supervision of the airport health officer, port health officer, border Health officer, to determine the person health status and potential public health risk to others and shall include the scrutiny of health documents, and a physical examination when justified by the circumstances of the individual case;
- (xlviii) "National IHR focal point" means a national Center as such designated by the Government for the implementation of this Act;
- (xlix) "Pilgrim" means a person making the pilgrimage to the Holy Places;
- (l) "Pilot-in-Command" means pilot engaged in respect of commercial operations and the pilot designated by the operator as being in command and charged with the safe conduct of a flight;
- (li) "period of incubation" means In respect of,—
- (a) yellow fever, it shall be six days; and
- (b) other diseases, such period as may be declared by the Director, BHS;
- (lii) "public health emergency of international concern" means an extraordinary event which is determined—
- (a) to constitute a public health risk to the country and other countries through the international spread of disease; and
- (b) to potentially require a coordinated international response;
- (liii) "public health risk" means the likelihood of an event that may adversely affect the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;
- (liv) "quarantine" means the restriction of activities and, or separation of suspect persons from others who are no till, for the purpose of ascertaining whether or not he is suffering from any quarantineable or infectious disease, or of suspect baggage, cargo, containers, aircraft or conveyances, facilities, goods and postal parcels in such

a manner as to prevent the possible spread of infection or contamination;

- (lv) "quarantineable disease" means a disease as such declared specifically as quarantineable by the competent authority and the World Health Organization and where Health measures have been recommended;
- (lvi) "ship" means a seagoing or inland navigation vessel on an international voyage;
- (lvii) "Ship's Surgeon", means a properly qualified and registered medical practitioner employed for medical service on a ship or if there are two or more such medical practitioners so employed, the senior of them.
- (lviii) "surveillance" means the systematic ongoing collection, collation and analysis of data and the timely dissemination of public health information for assessment and public health response as may be considered necessary for public health purposes;
- (lix) "suspect" means those persons, baggage, cargo, containers, aircraft, ships, vessels or conveyances, facilities, goods and postal parcels considered by the airport health officer, port health officers or border health officers as having been exposed, or possibly exposed, to a public health risk and that could be a possible source of spread of disease;
- (lx) "Special Magistrate" means a person hold the office of the health officer shall be appointed as Special Magistrate for the area under his jurisdiction to the extent of airport, seaport or ground crossing under notified by the Director, BHS;
- (lxi) "tanker" means a ship, road vehicle or aircraft designed for carrying liquids and gases in bulk.
- (lxii) "transferred case" means shifting of case of any quarantineable or other infectious disease from one area to any other area of Pakistan as per mechanism decided and notified by National Focal point for Points of Entry i.e. Director BHS from time to time.
- (lxiii) "traveler" means natural person undertaking an international voyage including crew;
- (lxiv) "valid certificate" in relation to vaccination, means, a certificate form completed in English language and—
 - (i) issued to each person separately and stamped by an officer notified by the Director BHS for this purpose;

and

- (ii) in the case of re-vaccination being recorded on new certificate, a traveler have to retain the old certificate till the new certificate becomes valid by itself;
- (lxv) "vector" means an insect or other animal which normally transports an infectious agent that constitutes a public health risk; and
- (lxvi) "yellow fever receptive area" means an area in which the virus of yellow fever does not exist but where condition would permit its development if introduced.

3. Director BHS.— The Government shall appoint any person as the Director BHS, who serving in Border Health Services department, under the Ministry of National Health Services, Regulation and Coordination.

(2) The Director BHS shall be the focal person for points of entry for international health regulations and he shall be authorized and responsible to;

- (i) Issue respective necessary health advisory and guidelines to the POEs as required from time to time.
- (ii) coordinate with POEs authorities, provincial, district and local governments to facilitate the respective health officers.
- (iii) ensure the logistic and human resource support from the respective POEs authorities provincial, district and local governments.
- (iv) purchase and procure any health related equipment demanded by the respected health officers through the special fund.
- (v) issue the medical fitness certificate to all cabin crew and food handlers of public and private airlines of Pakistan, seafarers holding Pakistani service book against medical fitness charges as per tariff decided by Director BHS from time to time or may authorize the respective health officer at point of entry to exercise the said powers.
- (vi) issuance of ship sanitation control or exemption certificate.
- (vii) issuance of health clearance certificate to ships.

- (viii) issuance of fumigation certificate to ships and aircraft.
- (ix) issuance of disinsection or disinfection to ships and aircraft.
- (x) issue license to operate the fumigation companies, food outlets, shops, bakers and sweets hotels, motels and restaurants at all POEs.
- (xi) issue challan and penalize international and national airlines operating in pakistan on the recommendations of respective health officers in case of violations of this Act.
- (xii) ensure security of subordinate health officers or health officials through law enforcement agencies operating at respective poes and local police in case of any law and order situation.
- (xiii) make any amendment hereafter in fixation of service charges, fees charges or penalty charges as and when required at points of entry.
- (xiv) to issue periodic licenses against fee to be fixed by the director, BHS for restaurants, hotels, motels, food outlets or any other food preparation area within and outside of airport premises engaged in preparation of food to be used by the travelers ,crew and general public at airports or in flight
- (xv) conduct and issue medical fitness certificate of food handlers and serving person within the airport premises and outside
- (xvi) issue licenses or NOC against fee to be fixed by the director, BHS from time to time, for the designated hotels, restaurants, catering services and any other such official and unofficial facility engaged in serving food, water, beverages services to the honorable VVIPs of Pakistan and other such personality notified by the government.
- (xvii) issuance medical certificate to all food handlers who involved in food preparation and serving the honorable VVIPs.
- (xviii) health fitness requirement, including essential recommended vaccination pertaining to outbound passengers proceeding via visa, work visa, immigration

or any case exiting Pakistan, will be issued by Director BHS.

- (xix) act as President Federal Medical Board for CSS, and all initial appointment and medical invalidation from BS-1 to BS-22.
- (xx) as Chairman President Federal Medical Board, shall scrutiny and sign all kind of medical reimbursement bills for federal employees from BS-1 to Bs-22.
- (xxi) conduct annual medical examination issue fitness certificate to all federal government employees bs-1 to bs- 22.
- (xxii) conduct the annual medical examination and issue fitness certificate to all the employees of government and private agencies or companies working at points of entry against medical fitness charges decided by director BHS from time to time or may authorize the respective health officer of point of entry to exercise the said powers.

4. Public health response. (1) The Government shall designate a National IHR focal point and focal point for points of entry for the implementation of health measures provided under this Act and notify occurrence of public health emergency of international concern and constitute a task force to deal with such occurrence of public health emergency of international concern or any other infection or disease.

(2) The National IHR focal point designated for points of entry under sub section (1) shall,—

- (a) coordinate the public health response with in the country;
- (b) report occurrence of public health emergency of international concern to the contact point designated by the World Health Organization; and
- (c) disseminate information to and consolidate input from the concerned government departments dealing with surveillance and reporting points of entry, public health services, clinics and hospitals.

5. Health Officer.—The Health Officer shall,—

- (i) be the health authority of the respective point of entry and shall be responsible for the implementation of this Act;
- (ii) be responsible for the inspection of ships and issuance of ship sanitation certificates according to IHR, 2005.

- (iii) be responsible for surveillance and application of public health measures at points of entry i.e airports, seaports and ground crossings including health screening and medical examination of the travellers, if necessary; and inspection of baggage, cargo, containers, aircraft, ship or conveyances, facilities, goods and postal parcels, human remains and relevant documents, whenever necessary;
- (iv) supervise and coordinate with the concerned agency to ensure that facilities used by travellers are maintained in a sanitary and hygienic condition including potable water supplies, public wash rooms, appropriate liquid and solid waste disposal facilities and are kept free of sources of infection, contamination or any other public health risk, including vectors by conducting periodic inspections;
- (v) supervise and provide technical guidance to the concerned agency for disinfection, disinsection, decontamination and derating of baggage, cargo, containers, aircraft, ship or conveyances, facilities, goods and postal parcels and human remains as appropriate;
- (vi) provide technical guidance to the concerned agency for removal and safe disposal of any contaminated water, food, human or animal remains or excreta, waste water and any other contaminated material from an aircraft, ship, vessel, conveyance and respective points of entry premises;
- (vii) provide in place effective contingency plan to deal with public health emergency of international concern and any other infectious disease and shall direct the aircraft, ship, vessel or conveyance operator for taking preventive measures;
- (viii) disseminate information to the concerned agencies at the respective POEs regarding the public health emergency of international concern and the measures to deal with it;
- (ix) communicate as quickly as possible, with the National IHR focal point for POEs on the relevant surveillance activities, potential public health risk, and public health measures;
- (x) take all practicable measures to monitor and control the potentially disease causing agents which might contaminate the POE premises;
- (xi) coordinate additional health measures at the respective POEs as decided by the Director BHS in the event of public health emergency of international concern;

- (xii) consider, if there are verifiable indications or evidence that the measures applied on departure from the affected area were unsuccessful, imposition of and additional health measures for travellers, aircraft, ship, vessel or cargo, containers, conveyances, goods, postal parcels and human remains arriving from an affected area on arrival;
- (xiii) shall also be responsible for conducting the medical examination and issue fitness certificate to the new seamen and the seamen holding Pakistani service book at the respective seaports. The shipping master or shipping office shall be responsible to ensure it that the medical fitness has been issued by the port health officer of the respective port; and
- (xiv) to supervise the fumigation process of used clothes, shoes and other articles and issue fumigation certificate.

6. Aircraft arrival / departure.— aircraft arrival or departure. the Government under this ACT shall be authorized to promulgate rules related to airport or aircraft pertaining to health measures including prevention, control and response for all the diseases and health hazards having Public Health risk.

7. Seaport and ship arriving or departing.— the Government under this Act shall be authorized to promulgate rules related to seaport or ships pertaining to health measures including prevention, control and response for all the diseases and health hazards having public health risk.

8. Vehicle arrival or departure.— the Government under this Act shall be authorized to promulgate rules related to ground crossing for vehicle arrival or departure that pertaining to health measures including prevention, control and response for all the diseases and health hazards having public health risk.

9. Measures concerning the international transport of goods and baggage.— the Government under this Act shall be authorized to promulgate rules for the applicable to all points of entry to take specific public health measures concerning the special transport of goods and baggage.

10. Quarantineable disease.— the Government under this Act shall be authorized to promulgate rules relating to quarantineable diseases including yellow fever or any other quarantinable disease notified by government, applicable to all points of entry to take specific public health measures.

11. Infectious diseases, other than quarantinable.—The Government under this Act shall be authorized to promulgate rules relating to Infectious disease other than quarantineable, applicable to all points of entry to take specific public health measures.

12. Pilgrim, passenger and cruise ship.— the Government under this act shall be authorized to promulgate rules relating to pilgrims, passenger and cruise ship, applicable to all seaports to take specific public health measures.

13. Carriage of the dead bodies and human remains.— the Government under this act shall be authorized to promulgate rules relating to death on board, carriage of the dead bodies and human remains through all the points of entry of Pakistan to take specific public health measures.

14. Transport Of Monkeys.— the Government under this Act shall be authorized to promulgate rules relating to transport of monkeys through all the points of entry of Pakistan to take specific public health measures.

15. Ship sanitation control certificates and ship sanitation control exemption certificates and extension.— the Government under this Act shall be authorized to promulgate rules relating to ship sanitation control certificate, ship sanitation control exemption certificate and extension at all the seaport of Pakistan to take specific public health measures.

16. Vector control.—the Government under this Act shall be authorized to promulgate rules relating to vector control at all the points of entry of Pakistan to take specific public health measures.

17. Food hygiene and safety management.— the Government under this Act shall be authorized to promulgate rules for the Food Hygiene and Safety Management at all the points of entry of Pakistan to take specific public health measures.

18. Rules for all other public health issues.— the Government under this Act Shall be authorized to promulgate Rules for all the other public health related issues and measures not specified in section 6 to 17 and shall be included in this section, henceforth applicable to all the points of entry of Pakistan.

- (i) Law enforcement agencies and concerned Local District Administrative officers (i.e IGPs, Deputy Commissioner, Assistant Commissioner, Magistrate, Rangers, Airport Security Force, Dock Security Force, Port Security Force, Frontier Constabulary, Levies and others) from Federal and Provincial Interior Ministries shall work in liaison with BHS, point of entry offices including Airport Health Office, Port Health Offices and land crossing for safe and smooth transport of the suspected, infected or sick passengers to designated quarantine or isolation facilities to avoid any unwanted incident. In this regard the security personnel of the concerned point of entry shall coordinate and cooperate with the Health Officer of BHS for safe transport of sick, suspected or infected travelers to the designated health facility for isolation, quarantine and

treatment. The concerned provincial head of police and other security agencies shall ensure and direct the concerned Station House Officer, Rangers, Levies and others to fully cooperate with the health officers of ports, airports and ground crossings. In case of the quarantine or isolation of any foreign passengers, travelers the Federal or Provincial security forces shall be responsible for their security and foreign office shall be onboard.

- (ii) In case of any Mass disasters, emergency or casualty e.g. air crash, ship emergency, fire, at any airport, seaport and ground crossing, all the government and private hospitals of the city shall be responsible for the emergency treatment of the travelers and affecties. No government and private Hospital shall refuse to take and treat the victims of such an accident or accident. In this regard the concerned government and private hospitals shall liaison with the BHS, Health Officers of all point of entries.
- (iii) The health officer of the concerned point of entry shall exercise the powers as Food Controlling Authority of the point of entry. The health officer or any person deputed by the health officer can visit aircraft catering, ship pantry, galley, provision stores and the food outlets within the premises of the Point of Entry or comes in its administrative domain at any time in day or night to ensure the safe and hygienic supply of food and other edible items to be served to the travelers.
- (iv) All the deportees must have a comprehensive medical fitness certificate from the origin of travel to Pakistan. The certificate must be issued after the laboratory investigation including HIV/Aids, Covid-19, Tuberculosis and other important communicable diseases. The concerned airlines, shipping lines or ground transport agencies are hereby directed to ensure this medical certificate before boarding a deportee passenger. This certificate must be presented to the health personnel of BHS at the point of entry offices at least two hours before the arrival of the aircraft, ship, ground vehicles.
- (v) The BHS and the health officers at the points of entry shall be responsible within their points of entry territory for the shifting, Isolation and quarantine of the suspected, sick or infected passenger and crew. While the Provincial Government and Provincial Health Department shall be responsible for the provision of all services including shifting the passengers or crew as well as the isolation and treatment at tertiary care hospital outside points of entry territory.

- (vi) Law enforcement agency or security personnel shall be held responsible to escort while shifting the suspected, sick infected passenger to quarantine or isolation facilities. Further the security at isolation and quarantine hospital shall be provided by the above agency. In case of escaping of a such passenger from points of entry or the isolation or quarantine facilities the provincial police shall be responsible to trace and arrest the passenger and bring back.

19. Service charges and fixation of tariff.— The Director BHS shall be fully authorized by Government under this Act to fix from time to time, the service charges and fixation of tariff applicable at all the points of entry of Pakistan. The detail of service charges and fixation of tariff shall be elaborated in the public health rules for points of entry of Pakistan.

20. Constitution of disbursement committee.— There shall be constitute a Disbursement Committee comprising of—

- (i) The Joint Secretary (concerned) M/o NHR&C
Chairman
- (ii) The Director, Border Health Services-
Member
- (iii) The Deputy Secretary (Budget) M/o, NHR&C.
Member

- (2) The Disbursement of collected fees shall be made by a Disbursement Committee.

21. Disbursement of fees and justification.— The said 25% of collected fees shall be deposited in to State Bank of Pakistan or Federal Treasury Office while the remaining 75% shall be utilized for the strengthening of Border Health Services, strengthening of point of entries and building of IHR core capacities as well as for the welfare of employees of Border Health Services. The detail of collection and disbursement of fees shall be defined and elaborated in the rules made hereafter under this Act.

22. Offences and penalties.— the Government under this Act shall authorize the Director, BHS to impose penalties on offences violating the Rules made under this Act at the points of entry.

- (2) All passengers, ship, aircraft, vehicle carriers and agencies at the port, airport, ground crossing shall comply with the directions given and all measures imposed by the health officer in pursuance of this Act and shall extend the co-operation to the health officer for discharge of responsibilities vested under this Act.

- (3) Any person who, —

- (a) obstructs or impedes, or assists in obstructing or impeding any authorized officer in execution of his duties;
 - (b) disobeys any lawful order issued by any authorized officer;
 - (c) refuses to furnish any information required under this Act; and
 - (d) furnishing false information commits an offence under this Act.
- (4) At all the points of entry the health officer or in-charge shall act as special magistrate notified by Director, BHS.
- (5) In case any special magistrate is only, or due to any reason i.e infirmity, sickness, disability or otherwise cannot perform his duties or due to his transfer or absence such post is lying vacant, the Director, BHS shall have the authority to appoint any deputy health officer or assistant health officer as he desired may issue notification for appointment of such person as special magistrate or authorizing him to perform all duties as described, for any period.
- (6) Whoever contravenes any provision of this Act or disobeys or fails to comply with any order given in pursuance of this Act shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to **2.5 Million** rupees or with both.

Provided that the penalty amount may exceed from time to time.

- (7) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898), or in any other law for the time being in force, the Health Officer of Border Health Services deputed at port, airport and ground crossing shall try in a summary way in accordance with the provisions in section 262 to 265 of the Code and offence of any breach of, or failure to comply with, any provision of this Act. Hence, the health officer is hereby authorized to exercise the powers of class one magistrate at the respective points of entry.

23. Appealing authority.— The Secretary (Health) Ministry of National Health Services, Regulation and Coordination under this Act shall be the appealing authority for any of the order or decisions made by the Director, Border Health Services.

24. Indemnity.— No suit, prosecution or other proceeding shall be filed before any court of law or any tribunal or authority, against any officer or servant of the Border Health Services-Pakistan deputed at ports, airports, ground crossings for execution or duties or the discharge of functions done or purporting to be done under this act, and no court or authority or any tribunal shall have jurisdiction or power to try any civil or criminal proceedings across Pakistan and abroad.

Statement of object and reason

IHR 2005 is the International legal instrument to cover measures for preventing the transnational spread of infectious diseases, Ensuring maximum public health security while minimizing interference with international transport and trade and legally binding on 196 countries, including the 194 WHO Member States

As per IHR 2005 (Article 2) To prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, avoid unnecessary interference with international traffic and trade"

With objective Pakistan stands in the Global community as a Country, safe and free from cross-border transmission of communicable diseases and health hazards

As per JEE report 2016 the grey areas and gaps identified included the outdated ruled requiring updating as per the evolving situation and peri pandemic situation as IHR 2005 edition had a paradigm shift from diseases to containment at source as prevent detect and respond.

The current JEE recommendations stresses on **all hazard approach planning** and documentation and a well-defined multi-sectorial overarching coordination mechanism requiring a legal framework.

The outdated rules are barrier and challenge in the smooth functioning and implementation of SOPs at POES (entry/exit) in routine and in case of emergency (PHEIC).

Furthermore the ground-crossing rules are non-existent, hence necessitating the need for formulation of overarching Public Health Act for smooth functioning and implementation of SOPs at POES.



Sd-

Mr. Qadir Khan Mandokhail,

MNA