











1. Composition of the Committee:

1	Senator Muhammad Javed Abbasi	Chairman	
2	Senator Aitzaz Ahsan, Leader of the Opposition, Senate	Member	
3	Senator Saleem Zia	Member	
4	Senator Zahida Khan	Member	
5	Senator Muhammad Ali Khan Saif	Member	
6	Senator Syed Muzafar Hussain Shah	Member	
7	Senator Nehal Hashmi	Member	
8	Senator Ayesha Raza Farooq	Member	
9	Senator Nawabzada Saifullah Magsi	Member	
10	Senator Saeed Ghani *	Member	
11	Senator Murtaza Wahab*	Member	
12	Senator Zaheer-ud-Din Babar Awan **	Member	
13	Senator Syed Asif Saeed Kirmani**		
14	Senator Farooq Hamid Naek	Member	
13	Ms. Rabeea Anwar, J.S., Senate Secretariat	Secretary Committee	

* Senator Murtaza Wahab was elected as member Senate on seat vacated by Senator Saeed Ghani and was nominated as member of Committee on--.

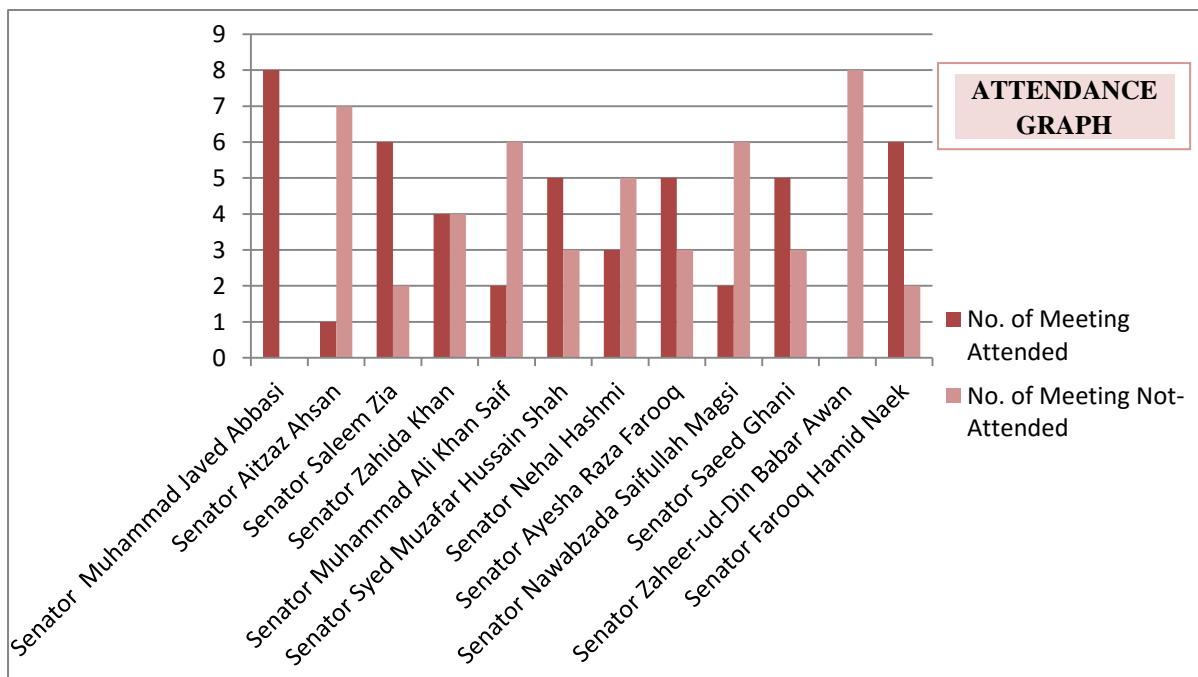
**Senator Syed Asif Saeed Kirmani was elected as member Senate on seat vacated by Senator Zaheed-ud-din Babar Awan and was nominated as member of Committee on--.

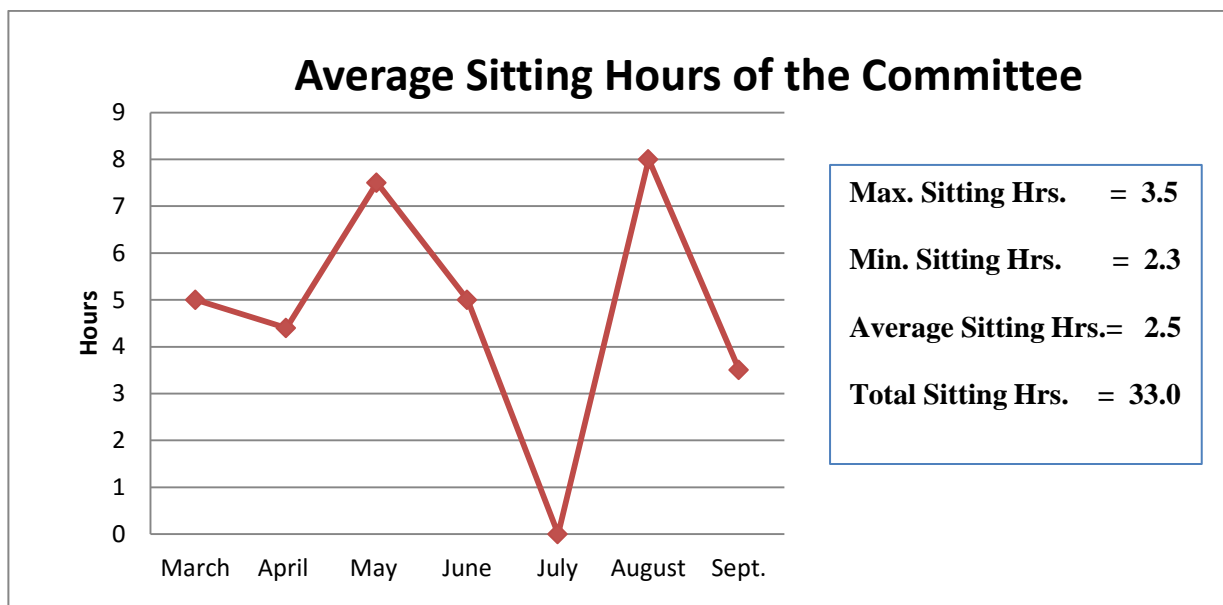
2. Sittings of the Committee:

<u>February 2017</u> (No Sitting)	<u>March 2017</u> (02 Sittings)	<u>April 2017</u> (03 Sittings)	<u>May 2017</u> (02 Sittings)	<u>June 2017</u> (No Sitting)	<u>July 2017</u> (01 Sitting)	<u>August 2017</u> (No Sitting)
Nil	1) 27-03-2017 2) 08-03-2017 (Joint Meeting)	1) 05-04-2017 2) 13-04-2017 3) 28-04-2017	1) 02-05-2017 2) 10-05-2017	Nil	1) 04-07-2017	Nil
Total number of meetings held during the period = 08						

3. Attendance of the Chairman/Members in (08) meetings held during the period:

Sl. No.	Name of the Member	Number of Meetings Attended	Number of Meetings Not-Attended	Number of Meetings in which Leave was sought
1.	Senator Muhammad Javed Abbasi (Chairman)	08	00	-
2.	Senator Aitzaz Ahsan	01	07	-
3.	Senator Saleem Zia	06	02	-
4.	Senator Zahida Khan	04	04	-
5.	Senator Muhammad Ali Khan Saif	02	06	-
6.	Senator Syed Muzafar Hussain Shah	05	03	03
7.	Senator Nehal Hashmi	03	05	-
8.	Senator Ayesha Raza Farooq	05	03	-
9.	Senator Nawabzada Saifullah Magsi	02	06	-
10.	Senator Saeed Ghani	05	03	01
11.	Senator Zaheer-ud-Din Babar Awan	00	08	-
12.	Senator Farooq Hamid Naek	06	02	-



4. Sitting hours of the Committee:5. Visits of the Committee during the Period:

Sl. No.	Place of Visit	Purpose of Visit [Public Hearing/ Study/ Progress]	Dates of Visit
	No visit was conducted by the Committee during the period.		

6. Matters referred by the House or the Chairman (including pending issues):

Sl. No.	Referred Matters	Referred Date
1.	The Constitution (Amendment) Bill, 2016, introduced by Senator Sassui Palijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz.	19-12-2016
2.	The Constituion (Amendment) Bill, 2016, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senators Taj Haider, Shahi Syed, Liaqat Khan Taraqai, Kamil Ali Agha, Saeed Ghani, Muhammad Azam Khan Swati, Sehar Kamran, Hari Ram, Syed Shibli Faraz, Haji Momin Khan Afridi, Rubuna Khalid, Muhammad Ali Khan Saif, Giachand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, Samina Abid, Mir Muhammad Yousaf Badini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Adcocate, Farhatullah Babar, Dr. Ashok Kumar, Hidayat Ullah, Taj Muhammad Afridi, Ahmed Hassan, Kalsoom Parveen, Muhammad Usman Khan Kakar and Col. ® Syed Tahir Hussain Mashhadi.	19-12-2016
5	“The Constitution (Amendment) Bill, 2017” introduced by Senator Mian Muhammad Ateeq sheikh.	13-02-2017

6	The Explosive Substance (Amendment) Bill, 2017, introduced by Mr. Zahid Hamid, Minister for Law and Justice.	14-02-2017
7	The Cost of Litigation Bill, 2017 introduced by Mr. Zahid Hamid, Minister for Law and Justice.	14-02-2017
8	The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice.	16-02-2017
9	The Constitution (Amendment) Bill, 2017 (Amendment of Article 130) introduced by senator Saeed Ghani.	20-02-2017
10	The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193) introduced by senator Zaheer-ur-Din Babar Awan)	20-02-2017
12	The Constitution (Amendment) Bill, 2017 (Amendment of article 70), introduced by Senator Saleem Mandviwala.	13-03-2017
13	The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)introduced by Senator Mohammad Azam Khan Swati.	20-03-2017
11	The Constitution (Amendment) Bill, 2017 (Amendment of article 101) introduced by Senator Muhammad Azam Khan Swati.	06-03-2017
12	The Constitution Amendment Bill, 2017 (Amendment of Article 37) introduced by Senator Maulana Hafiz Hamadullah in the senate.	06-03-2017
14	The Code of Civil Procedure (Amendment) Bill, 2017 (Amendment of Section 80 & 82) Introduced by Senator Muhammad Azam Khan Swati.	06-03-2017
15	The National Accountability (Amendment) Bill,2017 (Ordinance No.II of 2017) introduced by Mr. Zahid Hamid, Minister of law and Justice.	10-01-2017
16.	The defamation (Amendment) Bill, 2017 introduced by Senator, Mohammad Azam Khan Swati. The defamation (Amendment) Bill, 2017 introduced by Senator, Mohammad Azam Khan Swati.	10-04-2017
17	The constitution (Amendment) Bill, 2017 (Amendment of Article 63A)” introduced by Senator Nawabzada Saifullah Magsi.	21-08-2017
18	The constitution (Amendment) Bill, 2017 (Amendment of Article 228)” introduced by Senator Sehar Kamran.	21-08-2017
19	The constitution (Amendment) Bill, 2017 (Amendment of Article 63A)” introduced by Senator Farhatullah Babar.	21-08-2017
20	The miscarriage of Justice (Compensation) Bill, 2017” introduced by Senator Mohammad Azam Khan Swati.	21-08-2017
21	The Election Bill, 2017” introduced by Mr. Zahid Hamid, Minister for Law and Justice.	21-08-2017

7. Public Petitions Referred and Disposed:

Sl. No.	Number/ Subject of Public Petition	Date of Referral	Status of Petition	
			Disposed	Pending/ under Consideration
1.	Referral of Public Petition PP-1801.	31-03-2017	04-07-2017	Disposed off

8. Agenda Items of the Meetings:

1) Meeting held on 08-03-2017 (Joint-Meeting):

Further consideration of “The Premarital Blood Screening (Family Laws Amendment) Bill, 2016: introduced by Senator Chaudhary Tanvir Khan on 25th July, 2016.

2) Meeting held on 27-03-2017:

CONSIDERATION OF GOVERNMENT BILLS

- i. The Costs of Litigation Bill, 2017 introduced by Mr. Zahid Hamid, Minister for Law and Justice on 14th February, 2017.
- ii. The Explosive Substances (Amendment) Bill, 2017, introduced by Mr. Zahid Hamid, Minister for Law and Justice on 14th February, 2017.
- iii. The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017.
- iv. The National Accountability (Amendment) Bill, 2017 (Ordinance No. II of 2017)” introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 10th January, 2017.

(Note: the Bill was referred back to the Committee on 8th March, 2017, with the direction to report back within 30 days).

FURTHER CONSIDERATION OF PRIVATE MEMBERS’ BILLS

- v. The Constitution (Amendment) Bill, 2016, introduced by Senator SassuiPalijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz on 19th December, 2016.
- vi. The Constitution (Amendment) Bill, 2016, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senators TajHaider, Shahi Syed, Liaqat Khan Tarakai, Kamil Ali Agha, SaeedGhani, Mohammad Azam Khan Swati, Sehar Kamran, Hari Ram, Syed ShibliFaraz, Haji Momin Khan Afridi, Rubina Khalid, Muhammad Ali Khan Saif, Gianchand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, SaminaAbid, Mir Muhammad YousafBadini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Advocate, Farhatullah Babar, Dr. Ashok Kumar, HidayatUllah, Taj Muhammad Afridi, Ahmed Hassan, KalsoomPerveen, Muhammad Usman Khan Kakar, Col. (R) Syed TahirHussainMashhadi, on 19th December, 2016.

CONSIDERATION OF PRIVATE MEMBERS’ BILLS

- vii. The Constitution (Amendment) Bill, 2017, introduced by Senator Mian Muhammad AteeqShaikh, on 13th February, 2017.
- viii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193), introduced by Senator Zaheer-ud-Din Babar Awan on 20th February, 2017.
- ix. The Constitution (Amendment) Bill, 2017 (Amendment of Article 130), introduced by Senator SaeedGhani on 20th February, 2017.
- x. The Constitution (Amendment) Bill, 2017 (Amendment of Article 101), introduced by Senator Mohammad Azam Khan Swati on 6th March, 2017.

-
- xi. The Code of Civil Procedure (Amendment) Bill, 2017 (Amendment of Sections 80 & 82), introduced by Senator Mohammad Azam Khan Swati on 6th March, 2017.
 - xii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 37), introduced by Senator Maulana Hafiz Hamdullah on 6th March, 2017.
 - xiii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 70), introduced by Senator Saleem Mandviwala on 13th March, 2017.

3) Meeting held on 05-04-2017:

FURTHER CONSIDERATION OF GOVERNMENT BILLS

- i. The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017.

CONSIDERATION OF PRIVATE MEMBERS' BILLS

- ii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)" introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 20th March, 2017.

FURTHER CONSIDERATION OF PRIVATE MEMBERS' BILLS

- iii. The Constitution (Amendment) Bill, 2017, introduced by Senator Mian Muhammad AteeqShaikh, on 13th February, 2017.
- iv. The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193), introduced by Senator Zaheer-ud-Din Babar Awan on 20th February, 2017.
- v. The Constitution (Amendment) Bill, 2017 (Amendment of Article 37), introduced by Senator Maulana Hafiz Hamdullah on 6th March, 2017.
- vi. The Constitution (Amendment) Bill, 2017 (Amendment of Article 70), introduced by Senator Saleem Mandviwala on 13th March, 2017.

4) Meeting held on 13-04-2017:

FURTHER CONSIDERATION OF GOVERNMENT BILLS

- (i) The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017. (amended copy of Bill, after incorporating amendments made in the meetings of the Standing Committee, is also annexed)

CONSIDERATION OF PRIVATE MEMBERS' BILLS

- (ii) The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)” introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 20th March, 2017.

FURTHER CONSIDERATION OF PRIVATE MEMBERS’ BILLS

- (iii) The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193), introduced by Senator Zaheer-ud-Din Babar Awan on 20th February, 2017.
- (iv) The Constitution (Amendment) Bill, 2017 (Amendment of Article 37), introduced by Senator Maulana Hafiz Hamdullah on 6th March, 2017.
- (v) The Constitution (Amendment) Bill, 2017 (Amendment of Article 70), introduced by Senator Saleem Mandviwala on 13th March, 2017.

5) Meeting held on 28-04-2017:

FURTHER CONSIDERATION OF PRIVATE MEMBERS’ BILLS

- i. The Constitution (Amendment) Bill, 2016, introduced by Senator SassuiPalijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz on 19th December, 2016.
- ii. The Constitution (Amendment) Bill, 2016, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senators TajHaider, Shahi Syed, Liaqat Khan Tarakai, Kamil Ali Agha, SaeedGhani, Mohammad Azam Khan Swati, Sehar Kamran, Hari Ram, Syed ShibliFaraz, Haji Momin Khan Afridi, Rubina Khalid, Muhammad Ali Khan Saif, Gianchand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, SaminaAbid, Mir Muhammad YousafBadini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Advocate, Farhatullah Babar, Dr. Ashok Kumar, HidayatUllah, Taj Muhammad Afridi, Ahmed Hassan, KalsoomPerveen, Muhammad Usman Khan Kakar, Col. (R) Syed TahirHussainMashhadi, on 19th December, 2016.
- iii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193), introduced by Senator Zaheer-ud-Din Babar Awan on 20th February, 2017.
- iv. The Constitution (Amendment) Bill, 2017 (Amendment of Article 37), introduced by Senator Maulana Hafiz Hamdullah on 6th March, 2017.
- v. The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)” introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 20th March, 2017.

CONSIDERATION OF PRIVATE MEMBERS’ BILLS

- vi. The Defamation (Amendment) Bill, 2017 introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 10th April, 2017

FURTHER CONSIDERATION OF GOVERNMENT BILLS

- vii. The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017. (amended copy of Bill, after incorporating amendments made in the meetings of the Standing Committee, is also annexed)

PUBLIC PETITION

- viii. Public petition No. PP-1801 submitted by Rukhsana Qamber, pertaining to the Representation regarding taking over of the Area Study Centre for Africa, North & South America, Islamabad by Quaid-i-Azam University and the authority of the Vice Chancellor to appoint the Centre's Director in exercise of powers under an Ordinance that had expired and no longer holds the field.

6) Meeting held on 02-05-2017:

- i. Further consideration of "The Alternate Dispute Resolution Bill, 2017" moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017.

7) Meeting held on 10-05-2017:

FURTHER CONSIDERATION OF PRIVATE MEMBERS' BILLS

- i. The Constitution (Amendment) Bill, 2016, introduced by Senator Sassui Palijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz on 19th December, 2016.
- ii. The Constitution (Amendment) Bill, 2016, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senators Taj Haider, Shahi Syed, Liaqat Khan Tarakai, Kamil Ali Agha, Saeed Ghani, Mohammad Azam Khan Swati, Sehar Kamran, Hari Ram, Syed Shibli Faraz, Haji Momin Khan Afridi, Rubina Khalid, Muhammad Ali Khan Saif, Gianchand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, Samina Abid, Mir Muhammad Yousaf Badini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Advocate, Farhatullah Babar, Dr. Ashok Kumar, Hidayat Ullah, Taj Muhammad Afridi, Ahmed Hassan, Kalsoom Perveen, Muhammad Usman Khan Kakar, Col. (R) Syed Tahir Hussain Mashhadi, on 19th December, 2016.
- iii. The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)" introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 20th March, 2017.
- iv. The Defamation (Amendment) Bill, 2017 introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 10th April, 2017

PUBLIC PETITION

- v. Public petition No. PP-1801 submitted by Rukhsana Qamber, pertaining to the Representation regarding taking over of the Area Study Centre for Africa, North & South America, Islamabad by Quaid-i-Azam University and the authority of the Vice Chancellor to appoint the Centre's Director in exercise of powers under an Ordinance that had expired and no longer holds the field.

8) Meeting held on 04-07-2017:

- i. Composition and Adoption of draft Reports of the Committee on the following Bills:
 - a) “The constitution (Amendment) Bill, 2016”, introduced by Senator Sussi Palijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz on 19th Dec 2016.
 - b) “The constitution (Amendment) Bill, 2016”, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senator Taj Haider, Shahi Syed, Liaqat Khan Tarakai, Kamil Ali Agha, Saeed Ghani, Mohammad Azam Khan Sawati, Sehar Kamran, Hari Ram, Syed Shibli Faraz, Haji Momin Khan Afridi, Rubina Khalid, Mohammad Ali Khan Saif, Gianchand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, Samina Abid, Mir Mohammad Yousaf Badini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Advocate, Farhatullah Babar, Dr. Ashok Kumar, Hadiyat Ullah, Taj Muhammad Afridi, Ahmed Hassan, Kalsoom Perveen, Muhammad Usman Khan Kakar, Col. (R) Syed Tahir Hussain Mushhadi, on 19th Dec 2016.
- ii. Further consideration of “The Constitution (Amendment) Bill, 2017 (Amendment of Article 255)” introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 20th March, 2017.
- iii. Further Consideration of Public Petition No PP-8801 Submitted by Rukhsana Qambar, pertaining to the representation regarding taking over of the area Study Center of Africa, North & South America, Islamabad by Quaid-e-Azam University and authority of Vice Chancellor to appoint the Center's Director in exercise of power under an ordinance that had expired and no longer holds the field.

9. Important Recommendations of the Committee:

1) Meeting held on 08-03-2017

i.

2) Meeting held on 27-03-2017:

- i. **Item No.i. (The Costs of Litigation Bill, 2017 introduced by Mr. Zahid Hamid, Minister for Law and Justice on 14th February, 2017)-** The Committee held extensive

discussions. Senator Syed Muzafar Hussain Shah appreciated the rationale behind the proposed legislation, however, raised following queries:-

- i. The proposed clause 35 makes its mandatory for the parties to provide details of “fee paid to council, which is a privileged communication between the council and client.
- ii. Substitution of “twenty-five thousand” rupees of fine with “one hundred thousand” rupees fine will be too high.

ii. The Minister for Law and Justice replied to the said queries. He stated that the client may claim privilege and write nil. Regarding the enhancement of amount of fine, he stated that twenty five thousand was provided in the year 1985, therefore, the proposed enhancement is justified in view of the existing realities.

- i. Senator Nawabzada Saifullah Magsi also showed reservation on disclosure of fee paid to the Council. He also raised objections as to the exclusion of public servants, in the criminal proceedings, from the domain of proposed law. The Minister for Law and Justice responded that this is a point of initiation, once operationalized, the public servants would also be gradually brought into its domain.
- ii. All Members present voted in favour of the Bill.
- iii. In view of the above mentioned, the Committee recommended that “The Cost of Litigation (Amendment) Bill, 2017”, as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan.

Item No. ii. (The Explosive Substances (Amendment) Bill, 2017, introduced by Mr. Zahid Hamid, Minister for Law and Justice on 14th February, 2017).

- i. The Committee held extensive discussions and unanimously supported the proposed amendments envisaged in the instant Bill.
- ii. The Committee recommended that “The Explosive Substances (Amendment) Bill, 2017”, as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan.

Item No. iii. (The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017).

- i. Senator Muzafar Hussain Shah stated that the legislation shall be reasonably enacted in order to referring providing any parallel forum of justice. He also made reference to clause 4 of the Bill and observed that in view of the existing social fabric, it will be difficult to choose a neutral. He also showed apprehension at the number of cases included in the ‘Schedule

to the Bill'. The Hon'ble Senator proposed that a public hearing may be held in the next meeting to seek view point of all the relevant stakeholders.

- ii. Senator SaeedGhani stated that the Senate of Pakistan has also passed a Bill titled, "Arbitration and Conciliation Bill", which was drafted by the Senate's Committee of the Whole after consultation with all relevant stakeholders. Minister for Law and Justice apprised the Committee that the said Bill was also looked into while drafting the instant Bill.

Item No. iv. (The National Accountability (Amendment) Bill, 2017 (Ordinance No. II of 2017)" introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 10th January, 2017).

(Note: the Bill was referred back to the Committee on 8th March, 2017, with the direction to report back within 30 days).

- i. The Committee was initially of the view that life time ban on the convict regarding holding of public office is against the spirit of Article 63 (1) (g), Constitution, 1973, however, the Minister for Law and Justice briefed the Committee that courts have previously held disqualifications over a period of five years as valid and made reference to the AsfandyarWali case in this regard. Thereafter, the Committee showed satisfaction on the contents of the Bill and termed this legislation as a required step to fill the vacuum keeping in view that the Parliamentary Committee on NAB Law is yet to complete its task.
- ii. All Members present voted in favour of the Bill.
- iii. In view of the above mentioned, the Committee recommended that "The National Accountability (Amendment) Bill, 2017", as introduced in the Senate may be passed.

Item No. ix (The Constitution (Amendment) Bill, 2017 (Amendment of Article 130), introduced by Senator Saeed Ghani on 20th February, 2017).

- i. After extensive discussion, the Bill was put to the vote of Committee and all members present voted in the favour of the Bill.
- ii. Accordingly, the Committee recommended that "The Constitution (Amendment) Bill, 2017 (Amendment of Article 130)", as introduced in the Senate, may be passed.

Item No. x (The Constitution (Amendment) Bill, 2017 (Amendment of Article 101), introduced by Senator Mohammad Azam Khan Swati on 6th March, 2017.

- i. In view of the statement given by the Minister, Senator Mohammad Azam Khan Swati, mover of the Bill, stated that he does not intend to press the instant Bill further, therefore, he will withdraw the same in the House as per the rules.
- ii. Accordingly, the Committee recommended that the House may grant leave to Senator Mohammad Azam Khan Swati to withdraw “The Constitution (Amendment) Bill, 2017 (Amendment of Article 101)”, in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

Item No. xi. (The Code of Civil Procedure (Amendment) Bill, 2017 (Amendment of Sections 80 & 82), introduced by Senator Mohammad Azam Khan Swati on 6th March, 2017).

The Members unanimously supported the Bill, however, were of the view that the proposed period of “fifteen days” is short. Therefore, the Committee made following amendments in the said Bill:-

In Clause 2,-

- a. In sub-clause (i), for the words “fifteen days” the words “one month” shall be substituted;
- b. In sub-clause (ii), for the words “fifteen days” the words “one month” shall be substituted.

The proposed amendments were duly supported by the Minister for Law and Justice and the member-in-charge.

In view of the above mentioned, the Committee recommended that “The Code of Civil Procedure (Amendment) Bill, 2017(Amendment of Sections 80 & 82)”, as reported by the Committee may be passed by the Senate.

3) Meeting held on 05-04-2017

- i. **Item No. i.** In view of amendments tabled by the Minister for Law and Justice in the meeting dated 27th March, 2017, Ministry of Law and Justice submitted revised draft of the Bill.

- ii. Pakistan Bar Council, Supreme Court Bar Association, Islamabad Bar Council, Islamabad High Court Bar Association and Islamabad Bar Association were invited to give input on the instant Bill.
 - iii. Mr. Fiaz Ahmad Jandran, Chairman E.C, Islamabad Bar Council, principally supported the Bill, however, objected to Clause 4 and stated that alternative dispute resolution involves quasi judicial role of the neutrals, therefore, it is proposed that only retired judges and lawyers be added in the 'Panel of Neutrals'. Minister for Law and Justice responded that the scope of 'Panel of Neutrals' has been widened deliberately in order to provide all possible options depending on the nature of the case. Furthermore, the neutrals will be notified in consultation with the High Court. Mr. Naveed Malik, President, Islamabad Bar Association, also endorsed the contentions raised by Mr. Fiaz Ahmad Jandran. Mr. Arif Chaudhry, President, Islamabad High Court Bar Association, also objected on the 'Panel of Neutrals' and suggested the inclusion of retired judges and lawyers only.
 - iv. Senator Farooq H. Naek principally supported the Bill, however, raised certain contentions regarding the 'Panel of Neutrals' generally and "technocrats" and "experts" particularly, as it will be difficult to define the same in each and every case. He further stated that the "Schedule" needs to be amended and proposed that retired judges and senior lawyers with active practice at the Bar should be amongst the 'Neutrals'. Furthermore, procedure available to the 'Panel of Neutrals' is missing; the same should be clarified.
- ii. **Item No.iii** The Committee recommended that the House may grant leave to Senator Mian Muhammad Ateeq Shaikh to withdraw "The Constitution (Amendment) Bill, 2017", in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

4) Meeting held on 13-04-2017

- i. **Item No. i.** Representatives of Pakistan Bar Council, Supreme Court Bar Association, Islamabad Bar Council, Islamabad High Court Bar Association and Islamabad Bar Association were again invited for consultation.
- ii. Mr. Fiaz Ahmad Jandran, Chairman E.C, Islamabad Bar Council raised following issues:-
- iii. Clause 3 of the Bill makes it obligatory for the Court to refer every civil matter mentioned in the 'Schedule' for ADR, which is against the notion that this is a 'consent based' remedy;
- iv. Persons without the law background will not be able to deliver properly as neutrals.
- v. Family disputes should be omitted from the 'Schedule'.

-
- vi. Ministry of Law and Justice, in response, apprised that family disputes were added due to the concerns of the women organizations. Jury systems are prevalent internationally wherein, jurors are mostly without law background.
 - vii. Senator Muzafar Hussain Shah termed this Bill as historical move given the fact that comprehensive mechanism for ADR is need of the hour, however, he raised following issues:-
 - i. Who is a neutral person? Given our existing realities this system might not work in Pakistan.
 - ii. Persons with law background will help in more effective decisions as neutrals, therefore, lawyers and retired judges should be added.
 - iii. The word “shall” used in clause 3 may be substituted with the word “may”.
 - iv. In clause 24 the words “Chief Justices of High Courts” may be substituted with the words “Chief Justice of High Court”.

Senator Farooq H. Naek tabled following amendments in the said Bill:-

1. Amendment of the Preamble.—

In paragraph 2 after the words “disputes” the words “expeditiously” be inserted and thereafter a comma “,” be added.

2. Amendment of Section 1.—

a) In Section 1(3) after the words “force” the words “at once” be added.

b) In Section 1(3) from the words “on” till the words “provision” be omitted.

3. Amendment of Section 2.—

(a) In Section 2(a):

(i) after the words “resort to” the words “a method of” be omitted.

(ii) after the word “resolving” the word “the” be substituted with “a”

(iii) after the word “includes” a comma “,” be added and thereafter the phrase “but is not limited to,” be inserted.

(iv) after the comma “,” occurring after the word “conciliation” the words “religious determination” be inserted.

(v) the words “and dispute resolution” be deleted and in its place a semi colon “;” be inserted.

- (b) *In Section 2(c) after the word “Statutory” the words “or contractual” be inserted.*
- (c) *In Section 2(d) the words “an arbitration award” be substituted with the words “the final decision in arbitration”.*
- (d) *Section 2(e) be substituted with the following new subsection.*
 - “(e) “Court” means a Court or adjudicatory forum of competent jurisdiction in relation to the dispute between parties;*
- (e) *Section 2(h) be substituted with the following:*
 - “(h) ‘mediation’ means a process in which a mediator facilitates dispute resolution by encouraging communication and negotiation between the parties in order for them to arrive at a mutually satisfactory agreement.”*
- (f) (i) *a new Section 2(m) be inserted as follows:*
 - “(m) ‘religious’ authority means a Mufti, Pandit, Guru or Priest as the case may be.”*
- (ii) *Section 2(m), 2(n), 2(o) be renumbered as Section 2(n), 2(o), 2(p) respectively.*

4. Amendment of Section 3.—

- (a) *In Section 3(1) after the words “The Court” a comma ‘,’ shall be inserted and thereafter the phrase “on the first date after appearance of all parties,” be inserted.*
- (b) *Section 3(3) be renumbered as Section 3(4).*
 - (i) *A section 3(3) be added:-*

“The Court, on application of any party to the dispute before it, with the consent of all parties, shall refer every civil matter to ADR at any stage of the proceedings.”
 - (ii) *After the newly proposed Section 3(3) the following proviso be inserted:-*

“Provided that the matter falling under sub-section (3) of this Section has not been referred to ADR previously and if such a referral has occurred, the Court shall have absolute discretion in referring a matter to ADR.”

5. Amendment of Section 4.—

- (a) *after the word “lawyers” the words “with at least 10 years practicing experience” be inserted.*

-
- (b) *after the words retired Judges the words “of Superior & Subordinate Judiciary, retired Civil Servants, Social Workers, Ulama,” be deleted.*
- (c) *In Proviso to Section 4 after the words “Neutral” the words “having prescribed qualifications & experience” be inserted.*

6. Amendment of Section 5.—

- (a) *After the word “Neutral” the words “or any other person agreed upon by the parties” be deleted.*
- (b) *In the first proviso:-*
- (i) *for the word ‘neither’ the word “do not” be substituted.*
- (ii) *after the word ‘Neutral’ the words “or any other person” be deleted.*

7. Insertion of New Section 5-A:- after Section 5 a new Section 5-A be inserted :-

“5A- Determination by Religious Authority:- Where the parties to the dispute are religiously aligned sharing the same religious school of thought and the dispute amongst them pertains to items enumerated in Schedule-II of this Act, the Court may, with the agreement of all the parties appoint a religious authority to determine the dispute.”

8. Amendment of Section 6:- After the word “ADR Centre” a comma “,” shall be inserted and thereafter the word “religious authority or conciliation forum” be inserted.

9. Amendment in Section 7 (2):- After the word ‘neutral’ the words ‘all such other persons as may be agreed upon by the parties’ be deleted.

10. Amendment of Section 8:-

- a) *The following proviso shall be inserted after Section 8 (1)*

“Provided that if the parties to the dispute take part in ADR proceedings in person they shall instruct a legal professional to appear alongside them and explain their legal rights and entitlements.”

- b) *In section 8(2)(1):*

- (i) *After the word “an ADR centre” the words “or religious authority” be inserted.*
- (ii) *After the word “mediation” a comma “,” be inserted and the following word “or” be deleted.*
- (iii) *After the word “conciliation” the words ‘or determination’ be added.*

11. *Amendment of Section 9.—*

After the word ‘Neutral’ a comma ‘,’ be inserted and thereafter the words religious authority or conciliation forum be inserted.

12. *Amendment in Section 10.—*

After the word ‘Neutral’ wherever it occurs a comma “,” be inserted and thereafter the words “religious authority or conciliation forum” be inserted.

13. *Amendment of Section 13.—*

After the word ‘Neutral’ the words ‘or such other person as may be agreed upon’ by the parties’ be deleted.

14. *Amendment of Section 18.—*

After the word ‘Neutral’ wherever it occurs a comma “,” be inserted and thereafter the words “religious authority or conciliation forum” be inserted.

15. *Amendment of Section 21.—*

After the word ‘Act’ the words ‘and the same shall be deemed to be a neutral’ be inserted.

16. *Amendment of Section 23.—*

For the word ‘government’ the word ‘Parliament’ be substituted.

17. *Replacement of Schedule.—*

For the Schedule the following shall be substituted:

Schedule - I

[See section 3(1)]

1. *Disputes relating to professional negligence.*
2. *Companies and banking matters.*
3. *Insurance.*
4. *Negotiable instruments.*
5. *Patent, Trade mark and copyright.*
6. *Disputes under the Canal and Drainage Law.*
7. *Dispute for redemption of mortgaged property.*
8. *Dispute for rendition of accounts of joint property.*
9. *Dispute to restrain waste and remove nuisance.*
10. *Mesne profits of property.*
11. *Any other matter under the law not falling in the Schedule but agreed to by the parties for settlement under this Act.*

Schedule –II

[See Section 6]

1. *A dispute between a landlord and tenant.*

-
2. *Pre-emption cases.*
 3. *Land and property disputes.*
 4. *Civil matters under the Small Claims and Minor Offences Courts Ordinance, 2002.*
 5. *Commercial dispute including but not limited to any claim, right or interest arising out of trade and commerce.*
 6. *Contractual cases.*
 7. *Suits for specific performance.*
 8. *Personal injury.*
 9. *Compensation and damages suits.*
 10. *Dispute for recovery of movable property or value thereof.*
 11. *Dispute for separate possession of joint immovable property through partition or otherwise.*
 12. *Any other matter under the law not falling in the Schedule but agreed to by the parties for settlement under this Act.*

Ministry of Law and Justice sought time to examine the proposed amendments and assured that all amendments proposed to improve the Bill will be duly reviewed and incorporated.

Item No. v The members of the Committee principally supported the Bill, however, recommended that it will be more appropriate to amend the Senate Rules in this regard. In view of the recommendation of the Members and view point of the Ministry of Law and Justice, Senator Saleem Mandviwala, member in-charge of the Bill, stated that he does not intend to press the instant Bill further; accordingly he will withdraw the same in the House as per the rules and will move amendments in the Rules of Procedure and Conduct of Business in the Senate, 2012.

Accordingly, the Committee recommended that the House may grant leave to Senator Saleem Mandviwala to withdraw “The Constitution (Amendment) Bill, 2017” (Amendment of Article 70), in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

5) Meeting held on 28-04-2017:

- i. “The Constitution (Amendment) Bill, 2017” (Amendment of Articles 63, 177 and 193)** introduced by Senator Zaheer-ud-Din Babar Awan on 20th February, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report. The Member-in-Charge of the Bill did not attend any of the meetings, therefore, the Committee in terms of Standing Order No. 2.23 disposed off the Bill. In view of the above mentioned the Committee recommended that “The Constitution (Amendment) Bill, 2017” (Amendment of Articles 63, 177 and 193), may be dropped/ excluded from the pending business.
- ii. “The Constitution (Amendment) Bill, 2017” (Amendment of Article 37)** introduced by Senator Hafiz Hamdullah on 6th March, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report. The Member-in-Charge of the Bill did not attend any of the meetings, therefore, the Committee in terms of Standing Order No. 2.23 disposed off the Bill.

In view of the above mentioned the Committee recommended that “The Constitution (Amendment) Bill, 2017” (Amendment of Article 37), may be dropped/ excluded from the pending business.

iii. The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice on 16th February, 2017.

In the instant meeting the Ministry of Law and Justice submitted a revised draft of the Bill after incorporating maximum number of amendments proposed by Senator Farooq H. Naek, wherein, the Hon’ble Senator sought time to examine the revised draft.

6) Meeting held on 02-05-2017:

Senator Farooq H. Naek showed satisfaction on the revised draft of Bill, however, proposed as under:-

- i. Definition of Court, as provided in paragraph (e) of Clause (2) be simplified in the following terms:-

“‘Court’ means any court, tribunal or quasi-judicial forhaving original jurisdiction;”

- ii. In clauses 6 and 7, the words “or other conciliation forum” wherever occurring may be omitted
- iii. Power to amend the scheduled shall be given to the Parliament.

Ministry of Law and Justice endorsed the amendments, therefore, after incorporating the above amendments the Bill was put to vote, wherein, all Members present voted in favour of the Bill.

In view of the above mentioned, the Committee recommends that “The Alternate Dispute Resolution Bill, 2017”, as reported by the Committee, may be passed by the Senate.

7) Meeting held on 10-05-2017:

- i. **Item No. I & ii.** The Committee recommended that clause 2 of the Bill introduced by Senator SassuiPalijo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz shall be substituted with the following:-
- a. **“2. Substitution of Article 251 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, for Article 251, the following shall be substituted, namely,-
- b. “251. National Language.- (1) The National language of Pakistan is Urdu and the languages of federating units are namely; Balochi, Pashto, Punjabi and Sindhi.
- c. The official language of Pakistan shall be English until arrangements are made for Urdu to come at par with it.

-
- d. The Federal Government shall establish a fund for the development and promotion of national languages.
- e. Provincial Assembly may, by law, prescribe measures for the teaching and promotion of any language in addition to the national languages.”
- ii. The Committee members were of a unanimous view that Bill introduced by Senator Sassui Paliyo on her behalf and on behalf of Senator Mukhtiar Ahmed Dhamrah @ Aajiz , as reported by the Committee may be passed whereas the Bill introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of twenty nine other Senators may not be passed by the House.

Item No. iii. Members were of the view that this is a sensitive issue, therefore, same may be dealt with utmost care and caution, therefore, the Committee decided that in the next meeting non-Muslim Parliamentarians and religious leaders be invited to seek their views. The Committee further recommended that the Government should appoint the Chairman, Council of Islamic Ideology, at the earliest, in order to enable the Committee to seek input from the Council.

Item No. iv. Senator Farooq H. Naek raised certain objections with regard to the Civil and Criminal liability in the last meeting of the Committee. The Member-in-Charge acceded to the objections raised by Senator Farooq H. Naek and stated that he does not intend to press the instant Bill further, therefore, he will withdraw the same in the House as per the rules.

Accordingly, the Committee recommended that the House may grant leave to Senator Mohammad Azam Khan Swati to withdraw “The Defamation (Amendment) Bill, 2017”, in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012.

Item No. v Consideration of the instant agenda item was deferred till the next meeting with a direction to the Ministry of Law and Justice to examine that whether the amendment made vide the Centres Laws (Amendment) Ordinance, 2002, wherein the powers to transfer to Centres was given to the Federal Government, in line with the basic principle and aims and objects of the Act, 1975 .

8) Meeting Held on 04-07-2017:

Item No. i. Circulate minutes of last meeting along with the verbatim amongst the Members.

- i. Another meeting of the Committee be held on consider the Bill wherein the movers should also be invited.
- ii. No objection was raised on the draft report on “The Constitution (Amendment) Bill, 2016, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf and on behalf of other Hon’ble Senators, therefore, same was adopted by the Committee.

Item No. ii. The committee consensually decided to pend the instant Bill till the receipt of input from Council of Islamic Ideology, Which is only possible after the appointment of its Chairman

Item No. iii The Committee recommended that Article 9A of Act of 1975, as inserted vide Ordinance No. LVIII.Of 2002 is inconsistent with the objects and reasons of the Act 1975 as it Alters the basic purpose of the Act which was the creation of separate, independent and autonomous Area Study Centers, Therefore, Same said provision either be omitted or be suitably amended.

10. Sub-Committee Meetings:

Sl. No.	Details of Sub-Committee / Meetings held during the period	
1.	Date of Formation of the Sub-Committee with Composition:	-
2.	TORs /Agenda of the Sub-Committee:	-
3.	Dates of Meetings held:	-
4.	Attendance of the Members:	-
5.	Important Recommendations made by the Sub-Committee:	-
6.	Date of completion of tenure of the Sub-Committee:	-
7.	Date of Submission of report to the Standing Committee:	-
8.	Report of the Sub-Committee, if presented, in the House as Special Report of the main Committee (if so, the date of presentation.	-

11. Recommendations of the Committee requiring statement by the Minister in the House under rule 265(A) of the RPCBS, 2012:

Sl. No.	Name of the Report	Recommendations	Reported Date
		Nil	

12. Reports tabled in the House:

Sl. No.	Reported Matters	Reported Date
1.	The National Accountability (Amendment) Bill, 2017 (Ordinance No. II of 2017)” introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 10 th January, 2017.	11-04-2017
2.	The Code of Civil Procedure (Amendment) Bill, 2017 (Amendment of Sections 80 & 82)” introduced by Senator Mohammad Azam Khan Swati in the Senate sitting held on 6 th March, 2017	13-04-2017
3.	The Explosive Substances (Amendment) Bill, 2017, introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 14 th February, 2017	13-04-2017
4.	The Constitution (Amendment) Bill, 2017 (Amendment of Article 130)” introduced by Senator SaeedGhani in the Senate sitting held on 20 th February, 2017	13-04-2017
5.	The Constitution (Amendment) Bill, 2017 (Amendment of Article 101)” introduced by Senator Mohammad Azam Khan Swati in the Senate sitting held on 6 th March, 2017	13-04-2017
6.	The Costs of Litigation Bill, 2017 introduced by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 14 th February, 2017	13-04-2017
7.	“The Constitution (Amendment) Bill, 2017” introduced by Senator Mian Muhammad AteeqShaikh, on 13 th February, 2017.	20-04-2017
8.	The Constitution Amendment Bill, 2017 (Amendment of Article 70), introduced by Senator SaleemMandviwala on 13 th March 2017.	21-04-2017
9.	The Alternate Dispute Resolution Bill, 2017 moved by Mr. Zahid Hamid, Minister for Law and Justice in the Senate sitting held on 16 th February, 2017	11-05-2017
10.	The Constitution (Amendment) Bill, 2017 (Amendment of Article 63, 177 and 193)” introduced by Senator Zaheer-ud-Din Babar	12-05-2017

	Awan in the Senate sitting held on 20 th February, 2017	
11.	The Constitution (Amendment) Bill, 2017 (Amendment of Article 37)” introduced by Senator Maulana Hafiz Hamdullah in the Senate sitting held on 6 th March, 2017	12-05-2017
12.	The defamation (Amendment) Bill, 2017 introduced by Senator Mohammad Azam Khan Swati, in the Senate sitting held on 10 th April, 2017	08-06-2017
13.	The constitution (Amendment) Bill, 2016”, introduced by Senator Karim Ahmed Khawaja on his behalf and on behalf of Senator Taj Haider, Shahi Syed, Liaqat Khan Tarakai, Kamil Ali Agha, Saeed Ghani, Mohammad Azam Khan Sawati, Sehar Kamran, Hari Ram, Syed Shibli Faraz, Haji Momin Khan Afridi, Rubina Khalid, Mohammad Ali Khan Saif, Gianchand, Abdul Rehman Malik, Muhammad Zafarullah Khan Dhandla, Samina Abid, Mir Mohammad Yousaf Badini, Sardar Muhammad Azam Khan Musakhel, Muhammad Daud Khan Achakzai, Advocate, Farhatullah Babar, Dr. Ashok Kumar, Hadiyat Ullah, Taj Muhammad Afridi, Ahmed Hassan, Kalsoom Perveen, Muhammad Usman Khan Kakar, Col. (R) Syed Tahir Hussain Mushhadi,	22-08-2017

13. Reports adopted by the House

Sl. No.	Adopted Matters	Adopted Date
	No report was adopted by the House during the period.	