



SENATE SECRETARIAT

Report No. 04

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL 2018 (AMENDMENT OF ARTICLE 130)”

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL 2018 (AMENDMENT OF ARTICLE 130)"

1. Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill 2018 (Amendment of Article 130)" introduced by Senator Quratulain Marri in the Senate sitting held on 12th November, 2018. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Dr. Muhammad Farogh Naseem	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Dr. Shahzad Waseem	Member
14.	Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill in its meeting held on 21st December, 2018, under the Chairmanship of Senator Muhammad Javed Abbasi, which was attended by the following hon'ble Members:-


- i. Senator Muhammad Javed Abbasi
- ii. Senator Mian Raza Rabbani
- iii. Senator Mir Hasil Khan Bizenjo
- iv. Senator Musadik Masood Malik
- v. Senator Mustafa Nawaz Khokar
- vi. Senator Dr. Shahzad Waseem

4. Senator Quratulain Marri, Member-in-Charge briefed the Committee that "in literal terms an "adviser" is a person who gives advice in a particular field. In practical terms an adviser is normally a person with cross functional and multidisciplinary expertise. Initially, there was no such provision in the Constitution of the Islamic Republic of Pakistan, 1973, dealing with the advisers; this provision has emerged gradually in the wake of evolving role of the executive requiring expert advice. Advisers appointed under Article 93 of the Constitution of the Islamic Republic of Pakistan have right to speak in the Parliament and perform a much effective role in the governance. Whereas an Adviser appointed under clause (11) of the Article 130 of the constitution of the Islamic Republic of Pakistan, 1973, has a limited role, which leads to an anomaly. Furthermore, pursuant to the passage of the Constitutional (Eighteenth Amendment) Act, 2010, implementation of scheme of devolution has added to functions of the provincial governments, therefore, require expert advice and assistance in the governance structure. The proposed amendment in Article 130 will address the anomaly and attribute a much effective role to Advisers appointed under Article 130 of the Constitution of the Islamic Republic of Pakistan.

5. Ministry of Law and Justice supported the Bill.

6. All Members present supported the Bill and endorsed the legislative proposal that the advisers appointed under Article 130 of the Constitution, should have same powers as provided to the advisers appointed under Article 93 of the Constitution. Accordingly, all Members present voted in favour of the Bill.

7. Accordingly, the Committee recommends that "The Constitution (Amendment) Bill, 2017 (amendment of Article 130)" as introduced in the Senate, may be passed by the House. (Copy of Bill is annexed).



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law & Justice

As
~~[TO BE INTRODUCED IN THE SENATE]~~

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BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of Article 130 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 130,-

(i) for clause (11), the following shall be substituted, namely:-

“(11) The Chief Minister may appoint not more than five Advisers, on such terms and conditions as he may determine.”

(ii) after clause (11), as aforesaid, the following new clause (12) shall be added, namely,-

“(12) The provisions of Article 111 shall also apply to an Adviser appointed under clause (11).”

STATEMENT OF OBJECTS AND REASONS

In literal terms an “adviser” is a person who gives advice in a particular field. In practical terms an adviser is normally a person with more and deeper knowledge in a specific area and usually also includes persons with cross functional and multidisciplinary expertise. Initially, there was no such provision in the Constitution of the Islamic Republic of Pakistan, 1973, dealing with the advisers; this provision has emerged gradually in the wake of evolving role of the executive requiring expert advice. Advisers appointed under Article 93 of the Constitution of the Islamic Republic of Pakistan have right to speak in the Parliament and perform a much effective role in the governance. Whereas an Adviser appointed under clause (11) of Article 130 of the Constitution of the Islamic Republic of Pakistan, 1973, has a limited role, which leads to an anomaly. Furthermore, pursuant to the passage of the Constitutional (Eighteenth Amendment) Act, 2010, implementation of scheme of devolution has added to functions of the provincial governments, therefore, require expert advice and assistance in the governance structure. The proposed amendment in Article 130 will address the anomaly and attribute a much effective role to Advisers appointed under Article 130 of the Constitution of the Islamic Republic of Pakistan.

2. This Bill has been designed to achieve the aforesaid objectives.

SENATOR QURATULAIN MARRI
Member-in-Charge