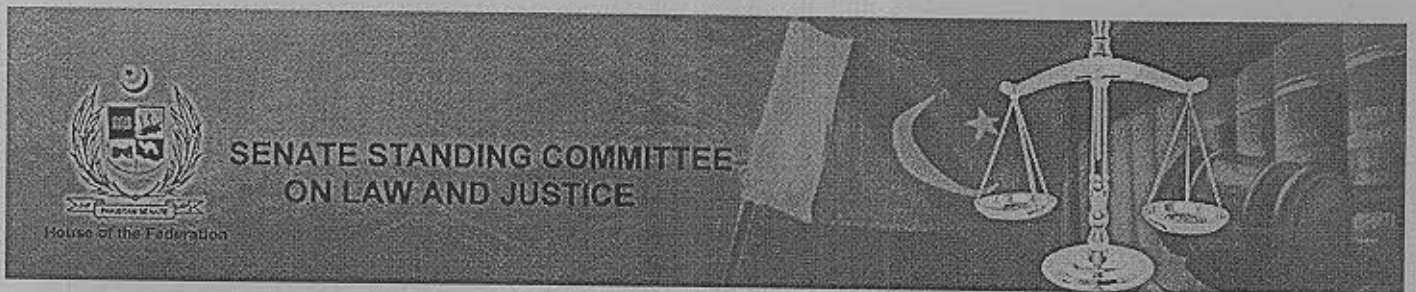




SENATE SECRETARIAT

Report No. 14

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE CONSTITUTION (AMENDMENT) BILL 2018”
(FOURTH SCHEDULE)”**

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” (FOURTH SCHEDULE)”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Constitution (Amendment) Bill 2018” (Fourth Schedule) introduced by Senator Syed Muhammad Sabir Shah in the Senate sitting held on 18th December, 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 Muhammad Ali Khan Saif	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Mustafa Nawaz Khokar	Member
11.	Senator Sana Jamali	Member
12.	Senator Walid Iqbal	Member
13.	Senator Sitara Ayaz	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 14th January, 2019, 12th February, 2019, 5th March, 2019, 4th April, 2019 and 18th April, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 18th April, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Mian Raza Rabbani
- iii. Senator Farooq Hamid Naek
- iv. Senator Siraj ul Haq
- v. Senator Ayesha Raza Farooq
- vi. Senator Musadik Masood Malik
- vii. Senator Mustafa Nawaz Khokar
- viii. Senator Sitara Ayaz



4. Senator Syed Muhammad Sabir Shah, Member-in-Charge briefed the Committee that this Constitutional Amendment Bill seeks to amend the Fourth Schedule of the Constitution that is to say the Federal Legislative list, Part I for the purpose of making and amending the laws related to the Printing and Publication of the Holy Quran, as a Federal subject. Holy Quran being the divine revelation is the Primary guiding source of Islamic law and is mandatory to be respected to the utmost level. Under Article 31 (2) (a) of the Constitution of the Islamic Republic of Pakistan it is the duty of the State to secure correct and exact printing and publishing of the Holy Quran, but after devolution this subject appears to have been devolved and the provinces legislate upon the subject to the extent of their own province. But keeping in view the importance of the subject it is more expedient that the Federal Parliament may take the responsibility to make proper arrangements for the publication of free of error, authenticated, correct and exact printing of the Holy Quran with best durable binding using the best quality paper.

5. The Ministry of Law and Justice informed the Committee that on the same subject the Holy Quran (Printing & Recording) Act has been passed by the Provincial Assembly of Punjab. The Punjab Government in the Statement of Objects and Reasons has stated that the Holy Quran (Elimination of Printing and Recording Errors) Act, 1973 (LIV of 1973) has devolved upon the Provinces after the Eighteenth Amendment. Hence the said Act (LIV of 1973) is being repealed to the extent of Province of Punjab. The Cabinet Division opined that Article 31 of the Principles of Policy of the Constitution enjoins upon the State to take steps for securing exact printing and publishing of the Holy Quran. Hence according to Cabinet Division it fell in the domain of Parliament. Our view is that the legislative competence is determined through the Legislative List and not by the Principles of policy enshrined in the Constitution. At present, no entry of the Federal Legislative List (FLL) gives cover to act LIV of 1973 thus bringing the law in the purview of Provinces and Parliament can legislate only to the extent of such areas of Federation which do not form part of any Province. Even the erstwhile Concurrent Legislative List did not have any entry which gave cover to Act LIV of 1973. Act LIV 1973 extended to the whole of Pakistan only due to the fact that it got enacted and came into force on 28th July, 1973 whereas, the present Constitution of Pakistan came into force on the 14th August, 1973, and after coming into force of the present Constitution, the Provinces did not exercise their right of legislation on the subject. Hence it is not reversion of omitted Entry of Concurrent Legislative List but an entirely new entry in the Federal Legislative List (FLL).

6. The Ministry of Religious Affairs and Interfaith Harmony informed that to ensure Error free printing of the Holy Quran, an Act namely "The Publication of the Holy Quran (Elimination of Printing and Recording Errors) Act, 1973 was passed by the Parliament and rules there under were also framed by the Federal Government. After the implementation of 18th amendment in the Constitution of Pakistan, Provinces


are now empowered to legislate in their areas respectively. Federal Government can now legislate only for Islamabad Capital Territory (ICT). In this regard Federal Minister for Religious Affairs and Interfaith Harmony held various meetings with Provincial Ministers/Secretaries to discuss enforcement of Quran Act at the Federal and Provincial levels. In compliance with the decisions of the meetings, Government of the Punjab, Khyber Pakhtunkhwa, Balochistan and Sindh have already enacted Quran Acts in their Provinces respectively. Ministry of Religious Affairs and Interfaith Harmony has also prepared an official bill "The Publication of the Holy Quran (Elimination of Printing and Recording Errors) (Amendment) Act, 2018" for Islamabad Capital Territory (ICT). Moreover, in order to ensure error free printing and proper disposal of the damaged papers of Holy Quran, Quran Boards/ Committees have been constituted for their supervision and formulating, recommendations, so as to streamline the functioning of the system smoothly. The Federal Government, Ministry of Religious Affairs and Interfaith Harmony has declared the edition of the Holy Quran published by Anjuman Himayat-e-Islam Lahore, in April 2016 as standard copy after consultation with the Governments of all the provinces, Azad Jammu & Kashmir and Gilgit Baltistan. Since, the Quran Acts have been enacted at Federal and Provincial level respectively to monitor publication of the Holy Quran and Quran Boards/ Committees have also been constituted under the Federal and Provincial Acts for this purpose, hence, the proposal for assignment of the task of publication of Holy Quran to the Federal Government at this stage is not feasible.

7. The Committee also invited provincial departments dealing with the subject. The representative of Punjab informed that relevant law already in place and provisions have been provided for the publication of free of error, authenticated, correct and accurate printing of the Holy Quran with best durable binding using the standardized quality paper. The Secretary, Auqaf, Hajj, Religious & Minority Affairs Department, Government of representative of Khyber Pakhtunkhwa informed that after the devolution of Powers in consequence of the 18th Constitutional Amendments, Provinces were empowered to make legislation for all the subjects which are not covered under the Federal Legislative List (Fourth Schedule). Resultantly the legislation for errors free recording and printing of Holy Quran comes under the domains of Provincial Government. In this regard, The Khyber Pakhtunkhwa Publication of Holy Quran (Elimination of Printing and Recording of Errors) Act, 2012 was enacted by the this Province. For the purpose of this Act, The Khyber Pakhtunkhwa Publication of Holy Quran (Elimination of Printing and Recording of Errors) Rules, 2013 was also framed. As per provision of Section-IV of Act ibid read with Section-VII of Rules ibid, the Quran Board, comprising of 20 Members was constituted. The Minister for Auqaf, Hajj, Religious & Minority Affairs, Khyber Pakhtunkhwa is nominated as Chairman of the Board. Moreover, 12 members are selected from Ulamas, Hufaz and Qari and 06 officials. Members are selected from Home Department, Police, Administer Auqaf, Printing Press and Auqaf Department. Upto the date, two Publication companies are registered viz. Al-Ilm Publication,


Peshawar and Pakistan Tashihul-Quran Trust, Abbottabad were registered under the Act *ibid*. Moreover, Registration of Taj Company Limited is under process.

8. All Members were of the view that the Member-in-Charge has introduced the Bill for furtherance of a noble cause, however, it is appreciable that the purposes of the amendment Bill are already being achieved by the respective Provincial Governments as well as the Federal Government. Therefore, the Committee was of the view that the Member-in-Charge may withdraw the Bill. The Member-in-Charge endorsed the view point of the Committee and accordingly acceded to withdraw the instant Bill.

9. Accordingly, the Committee recommends that the House may grant leave to Senator Syed Muhammad Sabir Shah to withdraw "The Constitution (Amendment) Bill 2018" (Fourth Schedule), in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012. (Copy of Bill is annexed).



(RABEEA ANWAR)
J.S / Secretary Committee



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

[AS INTRODUCED IN THE SENATE]

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further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient to further 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 Fourth Schedule.- In the Constitution of the Islamic Republic of Pakistan, in Fourth Schedule, in Part I, after entry 16, the following new entry shall be inserted, namely:-

“16A. Printing and publication of Holy Quran.”

STATEMENT OF OBJECTS AND REASONS

This Constitutional Amendment Bill seeks to amend the Fourth Schedule of the Constitution that is to say the Federal Legislative list, Part I for the purpose of making and amending the laws related to the Printing and Publication of the Holy Quran, as a Federal subject.

Holy Quran being the divine revelation is the Primary guiding source of Islamic law and is mandatory to be respected to the utmost level.

Under Article 31(2)(a) of the Constitution of the Islamic Republic of Pakistan it is the duty of the State to secure correct and exact printing and publishing of the Holy Quran, but after devolution this subject appears to have been devolved and the provinces legislate upon the subject to the extent of their own province. But keeping in view the importance of the subject it is more expedient that the Federal Parliament may take the responsibility to make proper arrangements for the publication of free of error, authenticated, correct and exact printing of the Holy Quran with best durable binding using the best quality paper.

Therefore, the Bill seeks to achieve the above said purposes.

SENATOR SYED MUHAMMAD SABIR SHAH
Member-in-Charge