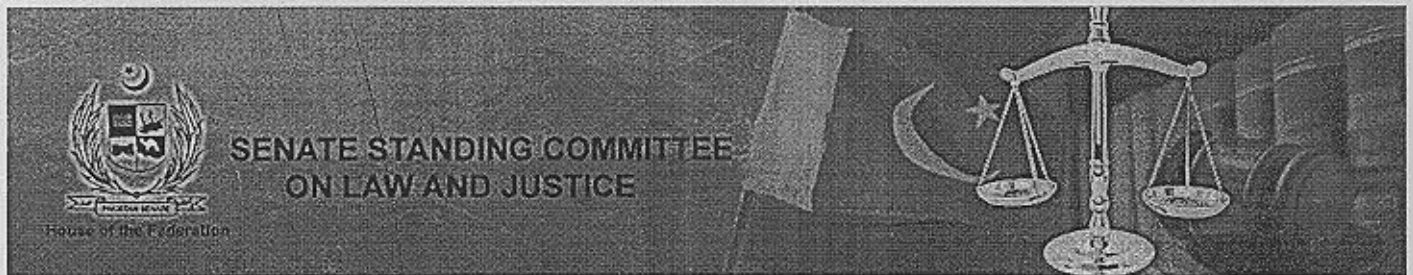




## **SENATE SECRETARIAT**

**Report No. 16**

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



### **“THE CONSTITUTION (AMENDMENT) BILL, 2018” (AMENDMENT OF ARTICLE 260)**

#### **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"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill, 2018" (Amendment of Article 260) introduced by Senator Naseebullah Bazai in the Senate sitting held on 21st January, 2019. 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 Ghous Muhammad Khan Niazi	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 12<sup>th</sup> February, 2019, 5<sup>th</sup> March, 2019, 4<sup>th</sup> April, 2019, 18<sup>th</sup> April, 2019 and 28<sup>th</sup> November, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 28<sup>th</sup> November, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Ghous Muhammad Khan Niazi
- iii. Senator Musadik Masood Malik
- iv. Senator Sana Jamali




4. Senator Naseebullah Bazai, Member-in-Charge briefed the Committee that “In the original definition of the “Service of Pakistan” as provided vide Article 260 of the constitution of Pakistan, 1973, the service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister or member of a House or a Provincial Assembly, were declared to be not included in the service of Pakistan. Therefore, through the Constitution (First Amendment) Act, 1974, the Constitution (Fifth Amendment) Act, 1976 and the Constitution (Sixth Amendment) Act, 1976 some further services were declared not to be included in the “service of Pakistan”. Therefore, through this Bill it is proposed to declare the service as “President” and the “Governor” not to be included in the “service of Pakistan”. This is essential given the fact that due to imposition of bar under Article 63 (1) (k) of the Constitution on a person holding office of the President or the Governor, as the case may be, from becoming a Member of National or Provincial Assembly for a period of two years of the relinquishing charge of the said office, active political workers having political acumen, experience and wisdom do not opt for these Offices. Hence, restricting choices/ options of the suitable candidates for the offices of the President and the Governor, respectively”

5. The Ministry of Law and Justice did not support the Bill on the ground that the office of the President and Governor are the highest offices of the Federation and Province respectively. Such offices need special treatment that is why these two offices were consciously treated in this way.

6. Senator Naseebullah Bazai, Member-in-Charge of the Bill, while agreeing with the contention of the Ministry stated that he does not intend to press the instant amendment further and requested that the Bill may be treated as withdrawn.

7. Accordingly, the Committee recommends that the House may grant leave to Senator Naseebullah Bazai to withdraw “The Constitution (Amendment) Bill, 2018 (Amendment of Article 260)”, 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]**

**A**

**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, 1973 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 260 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, 1973 in Article 260, in clause (1), in the definition "service of Pakistan",-

(i) after the words "but does not include service as" the word and comma "President," shall be inserted; and

(ii) after the words and comma "Minister of State," the word and comma "Governor," shall be inserted.

**STATEMENT OF OBJECTS AND REASONS**

In the original definition of the "service of Pakistan" as provided vide Article 260 of the Constitution of Pakistan, 1973, the service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister or member of a House or a Provincial Assembly, were declared to be not included in the service of Pakistan. Thereafter, through the Constitution (First Amendment) Act, 1974, the Constitution (Fifth Amendment) Act, 1976 and the Constitution (Sixth Amendment) Act, 1976 some further services were declared not to be included in the "service of Pakistan". Therefore, through this Bill it is proposed to declare the service as "President" and the "Governor" not to be included in the "service of Pakistan". This is essential given the fact that due to imposition of bar under Article 63 (1) (k) of the Constitution on a person holding office of the President or the Governor, as the case may be, from becoming a Member of National or Provincial Assembly for a period of two years of the relinquishing charge of the said office, active political workers having political acumen, experience and wisdom do not opt for these Offices. Hence, restricting choices / options of suitable candidates for the Offices of the President and the Governor, respectively.

Hence, this Bill seeks to achieve the aforesaid objective.

**SENATOR NASEEBULLAH BAZAI  
MEMBER-IN-CHARGE**