

SENATE OF PAKISTAN



REPORT NO. 32

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



**“THE CONSTITUTION (AMENDMENT) BILL, 2020”
(Insertion of new Article 25B)**

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, 2020."

1, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2020" (Insertion of new Article 25B) introduced by Senator Sirajul Haq, in the Senate sitting held on 8th June, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Walid Iqbal	Member
5. Senator Sirajul Haq	Member
6. Senator Musadik Masood Malik	Member
7. Senator Sana Jamali	Member
8. Senator Ayesha Raza Farooq	Member
9. Senator Dr. Ghous Muhammad Khan Niazi	Member
10. Senator Mustafa Nawaz Khokhar	Member
11. Senator Zeeshan Khanzada	Member
12. Senator Syed Muzafar Hussain Shah	Member
13. Senator Muhammad Ali Khan Saif	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 10th August 2020, with the following in attendance:


1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Ayesha Raza Farooq	Member
3. Senator Zeeshan Khanzada	Member
4. Senator Sirajul Haq	Member

5.	Senator Musadik Masood Malik	Member
6.	Senator Dr. Ghous Muhammad Khan Niazi	Member
7.	Senator Mustafa Nawaz Khokhar	Member
8.	Senator Sana Jamali	Member

4. The Committee took a thorough reading of the Bill. The members of Committee were of the view that assurance of health facility to the citizens of Pakistan ought to be included in the provisions related to Fundamental Rights enshrined in the Constitution rather than keeping it in Principles of Policy. Therefore, the members asserted that the State shall guarantee free health facility to all citizens. Ministry of Law and Justice, however, maintained the view that free health facilities to the citizens are dependent on the available financial and human resources in the country, and that views from Finance Division and Ministry of National Health Services, Regulation and Coordination were also required given the nature of the proposed amendment and health being a provincial subject. Senator Zeeshan Khanzada did not support the Bill and said that since Health is already included in Principles of Policy, there is no need of bringing such amendment in the Constitution.

5. Thereafter the Chairman Committee put the Bill to vote. All members present in the meeting voted in favor of the Bill, except Senator Zeeshan Khanzada, who abstained.

6. The Committee recommends that "The Constitution (Amendment) Bill, 2020" as introduced in the Senate may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



(Haris Rehman)
Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman
Standing Committee on Law and Justice

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further to amend the Constitution of the Islamic Republic of Pakistan

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

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Insertion of new Article in the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after Article 25A, the following new Article shall be inserted, namely:-

"25B. Right to health.- (1) The State shall provide free health facilities to all citizens of Pakistan without any discrimination.

(2) Every citizen shall have the right to highest possible standards of physical and mental health."

STATEMENT OF OBJECTS AND REASONS

Article 38(d) states that "the State shall provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment."

Although medical relief is mentioned in Article 38(d) which is under the unenforceable 'Principles of Policy' and another difficulty is that same to be provided only to those citizens who cannot earn their livelihood on account of infirmity, sickness or unemployment.

Important aspect of well-being for citizens is most neglected and health sector needs full attention of Federal Government.

It is the need of the time that health be given priority and health right be given to every citizen by inserting new Article 25B in Chapter 1.-Fundamental Rights in the Constitution of Islamic Republic of Pakistan.

Amendment is proposed to achieve the aforesaid objects.

SENATOR SIRAJUL HAQ
Member-in-Charge