

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2017” (AMENDMENT OF ARTICLE 70)

Report No. 44

PRESENTED BY

SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE CONSTITUTION (AMENDMENT) BILL, 2017” (AMENDMENT OF ARTICLE 70)

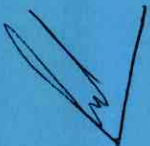
I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Constitution (Amendment) Bill, 2017” (Amendment of Article 70) introduced by Senator Saleem Mandviwala on 13th March, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

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

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 13th April, 2017, under the Chairmanship of Senator Muhammad Javed Abbasi, which was attended by the following members:-

- i. **Senator Muhammad Javed Abbasi**
- ii. Senator Syed Muzafar Hussain Shah
- iii. Senator Nehal Hashmi
- iv. Senator Farooq Hamid Naek



4. Senator Saleem Mandviwala, member in-charge, briefed the Committee that difficulties are being experienced after the introduction of any Private Members' Bill in either House as the Government is in repeated habit of bringing its own Bill on the same subject and desirous of withdrawal of the Private Members' Bill at every time. Thus the objective of this Bill is to stop the said practice of the Government.

5. Ministry of Law and Justice opposed the Bill on the following grounds:-

The Constitution (Amendment) Bill for amending Article 70 has been moved by Senator Saleem Mandviwala, for the purpose of avoiding the introduction of same Bills in both Houses of Parliament. Both the Senate and National Assembly contain provisions in their respective Rules for avoiding repetition of Bills but these provisions operate within a particular House and do not cater for the other House. The relevant rule of Senate Rules 2012 is reproduced below:-

“28. Ballot in respect of identical Bills. – If notices of two or more identical Bills are received, the Bill securing first place in the ballot shall be proceeded with and, in case a motion for leave to introduce the Bill securing first place in the ballot is moved, the remaining Bills shall not be proceeded with”.

The relevant rule of Assembly Rules is reproduced below:-

“54. Procedure in respect of identical Bills.- If notices of two or more identical Bills are received, the Bill securing first place in the ballot shall be proceeded with and, in case a motion for leave to introduction the Bill securing first place in the ballot is moved, the remaining Bills shall not be proceeded with”.

The purpose of the Private Member's Bill is noble but can be well taken care of by amending both the Assembly and Senate Rules by broadening the scope of above reproduced provisions to other House as well. Strong liaison is required between both Houses to avoid duplicacy in introduction of Bills instead of amending the Constitution.

6. 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.

7. Accordingly, the Committee recommends 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. (Copy of Bill is annexed).



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman

[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, 2017.

(2) It shall come into force at once.

2. Amendment of Article 70 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 70, in clause (1), for the full stop occurring at the end a colon ":" shall be substituted and thereafter the following new proviso shall be inserted, namely:-

"Provided that more than one Bill shall not be originated in either House on the same subject."

STATEMENT OF OBJECTS AND REASONS

Difficulties are being experienced after the introduction of any Private Members' Bill in either House as the Government is in repeated habit of bringing its own Bill on the same subject and desirous of withdrawal of the Private Members' Bill at every time.

Thus the objective of this Bill is to stop the said practice of the Government.

SENATOR SALEEM MANDVIWALA
Member-in-Charge