

AS

[TO BE INTRODUCED IN THE SENATE]

A

BILL

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 purposes 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. Amendment of Article 89 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 89, in clause (2), in paragraph (a),-

(i) in sub-paragraph (i),-

(a) in the existing first proviso, after the word "Provided", the word "further" shall be inserted;

(b) before the first proviso, amended as aforesaid, the following new proviso shall be inserted, namely:-

"Provided that the Ordinance shall be laid in the first sitting of the National Assembly after its promulgation and shall stand repealed if not laid in that session:"

(c) in the existing second proviso, for the word "further", occurring for the first time, the word "also" shall be substituted; and

- (ii) in sub-paragraph (ii),-
- (a) in the existing first proviso, after the word "Provided", the word "further" shall be inserted;
 - (b) before the first proviso, amended as aforesaid, the following new proviso shall be inserted, namely:-

"Provided that the Ordinance shall be laid in the first sitting of either House of Parliament after its promulgation and shall stand repealed if not laid in that session:"
 - (c) in the existing second proviso, for the word "further", occurring for the first time, the word "also" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

There is a long history of the misuse of the power of the President to promulgate an Ordinance, when the Parliament is not in session and such extreme circumstances exist where in legislation becomes imperative.

The Parliament has consciously been placing fetters on such power of the President, but unsuccessfully.

In the recent past, there has been inordinate delay in laying the Ordinances promulgated when the Parliament was not in session in contravention of Article 89 of the Constitution. This process has denied the Members as also both the Houses from exercising their constitutional right of moving a Resolution for disapproval under Article 89 of the Constitution, hence this amendment.

SENATOR MIAN RAZA RABBANI
Member-in-Charge