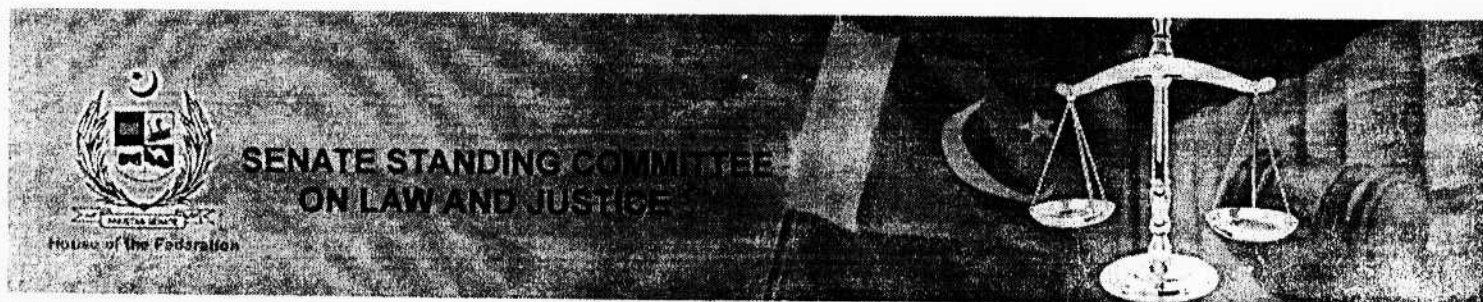


SENATE OF PAKISTAN



REPORT NO. 36

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2020”

(Amendment of Article 213)

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,"

I, 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", introduced by Senator Sirajul Haq, in the Senate sitting held on 26th October, 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 Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Sana Jamali	Member
11. Senator Walid Iqbal	Member
12. Senator Muhammad Ali Khan Saif	Member
13. Senator Musadik Masood Malik	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 28th December 2020, with the following in attendance:

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Sana Jamali	Member
3. Senator Zeeshan Khanzada	Member
4. Senator Walid Iqbal	Member
5. Senator Sirajul Haq	Member/Member-in-Charge



4. The Committee took exhaustive reading of the Bill. Senator Sirajul Haq elaborated the amendment proposed in Article 213 of the Constitution, and explained that it is suggested therein that if the parliamentary committee for appointment of members of Election Commission of Pakistan does not reach a consensus, the matter shall be referred to a committee comprising of the Chairman Senate and Speaker of National Assembly, to confirm from amongst the names provided in the list to them within 14 days of notice. He further added that the Chairman Senate and Speaker of National Assembly in this case ought to be unbiased to resolve the issues within the parliament. The Chairman Committee opined that the Committee had already agreed upon the Bill with amendments as proposed now by the Honorable member in the meeting.

5. After deliberations, the Committee observed that significance of Election Commission for publishing electoral rolls, conducting by-elections, local bodies elections and establishment of Election Tribunals needs continuity, therefore, the Bill is in national interest. Thereafter, the Bill was put to vote and passed unanimously. The Committee recommended that "The Constitution (Amendment) Bill, 2020" (Amendment of Article 213) as presented in the House 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)
DS / Secretary Committee



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

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 213 of the Constitution. - In the Constitution of the Islamic Republic of Pakistan, in Article 213, after clause (2B), the following new clauses shall be inserted, namely: -

“(2C) When there is no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within seven days shall become forwarded to the Committee duly constituted under clause (2D).

(2D) The Committee shall consist of the Chairman Senate and the Speaker National Assembly, who shall confirm the names for appointment from the list so forwarded within fourteen days with consensus.”

STATEMENT OF OBJECTS AND REASONS

The seats in Election Commission of Pakistan had been lying vacant since January 26; 2019, the Government was bound to fill the seats in forty five days.

The Prime Minister and Opposition Leader did not reach consensus and names were referred to the Parliamentary Committee duly constituted under Article 213 (2B).

There was no consensus in Parliamentary Committee too for appointments.

The Government had announced the appointment of two new member of the Election Commission and appointment was about seven month after the retirement of the members of Election Commission of Pakistan from Sindh and Balochistan.

The Chief Election Commissioner refused to Administrator oath to the new members stating that their appointment has not been carried out as per the Constitution of Pakistan.

In above situation, there is no provision in the Constitution to deal with the mater.

Through above amendment it is proposed that in case there is also no censuses among the members of Parliamentary Committee for the appointment of members, all the names, proposed form both sides in the Committee within seven days shall become forwarded to the Committee duly constituted under the newly inserted clause (2D) and it is proposed that the Committee shall consist of the Chairman Senate and the Speaker National Assembly, who shall confirm the names for appointment from the list so forwarded within fourteen days with consensus.

Amendment is proposed to achieve the above objects.

**SENATOR SIRAJUL HAQ
MEMBER-IN-CHARGE**