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~~[TO BE INTRODUCED IN THE SENATE]~~

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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 purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Article 9 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 9,-

- (i) In the marginal note, after the words "Security of person", the words "and right to bail and personal liberty", shall be inserted; and
- (ii) the existing clause after the marginal note as amended shall be numbered as "(1)", and thereafter the following new clauses shall be inserted, namely:-

"(2) Any person charged with an offence shall not be denied bail except in accordance with law.

(3) Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted."

STATEMENT OF OBJECTS AND REASONS

The vital importance of personal liberty cannot be denied in a civilized world. Deprivation of liberty of an individual must be founded on the most serious considerations relevant to welfare objectives of the society as envisaged in Article (s) 9, 14 and 25 of the Constitution of the Islamic Republic of Pakistan. The August Supreme Court of Pakistan has laid down that, "The object of bail is to ensure the attendance of accused at the trial. This object is neither punitive nor preventive. Hence, imprisonment of a person and deprivation of liberty cannot be described other than punishment, unless no less restrictive alternative is available to ensure that the accused will stand his trial when called upon to do so".

This amendment in the Constitution aims at provision of grant of bail as a matter of "Fundamental Right" to ensure that personal liberty is not curbed except in accordance with the procedures established by law in order to strike a balance between the right to individual liberty and the interest of society.

**SENATOR SADIA ABBASI
MEMBER-IN-CHARGE**