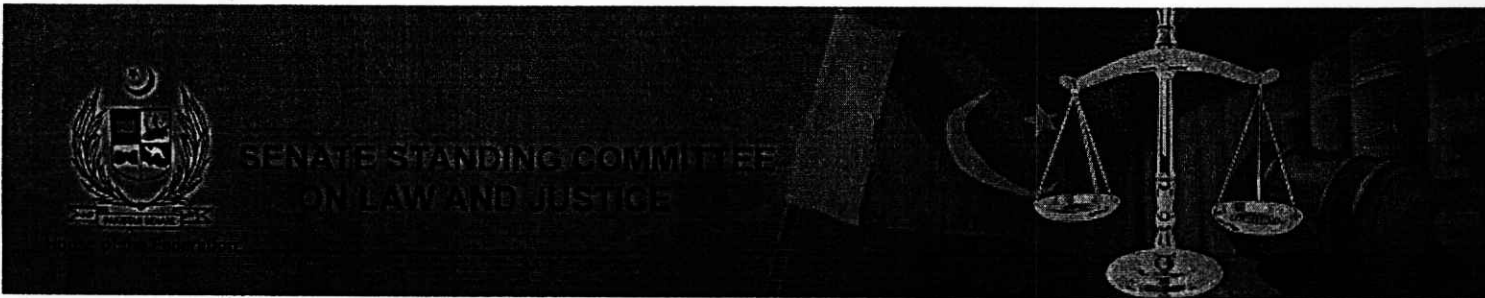


SENATE OF PAKISTAN



REPORT NO. 9

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2020”

(Amendment of Article 100)

PRESENTED BY

Senator Syed Ali Zafar

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 Syed Ali Zafar, 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" (Amendment of Article 100) moved by Senator Eng. Rukhsana Zuberi, in the Senate sitting held on 20th July, 2020 and referred to the Committee for consideration and report.

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

1. Senator Syed Ali Zafar	Chairman
2. Senator Syed Shibli Faraz	Member
3. Senator Azam Nazeer Tarar	Member
4. Senator Mian Raza Rabbani	Member
5. Senator Farooq Hamid Naek	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Kamran Murtaza	Member
8. Senator Muhammad Azam Khan Swati	Member
9. Senator Walid Iqbal	Member
10. Senator Manzoor Ahmed Kakar	Member
11. Senator Musadik Masood Malik	Member
12. Senator Samina Mumtaz Zehri	Member
13. Senator Mustafa Nawaz Khokhar	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its various meetings previously and held conclusive discussion in the meeting on 3rd November, 2021, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

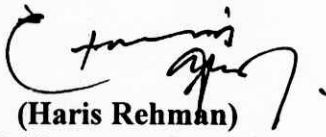
1. Senator Farooq Hamid Naek	Member
2. Senator Muhammad Azam Khan Swati	Member
3. Senator Mustafa Nawaz Khokhar	Member
4. Senator Walid Iqbal	Member

- | | |
|---------------------------------|------------------|
| 5. Senator Musadik Masood Malik | Member |
| 6. Senator Samina Mumtaz Zehri | Member |
| 7. Senator Eng. Rukhsana Zuberi | Member In-Charge |

4. Senator Eng. Rukhsana Zuberi, while giving background of the Bill, said that she had to approach Supreme Court regarding overpricing of petrol through public interest litigation but in this pursuit she was not provided any help from the government, as is rendered in many other countries. She further informed the members that the bill has been amended as per recommendations in earlier meetings of the Committee, however the amended draft of the Bill changes the basic principle of the Bill as introduced in the Senate therefore under the Rules she will have to introduce a new Bill.

5. At this, the Committee decided that the Bill under consideration may be withdrawn and the amended draft may be introduced in the Senate as a new Bill, which will then be considered by the Committee once referred to it.

6. The Committee recommended that the Senate may grant leave to Senator Eng. Rukhsana Zuberi to withdraw "The Constitution (Amendment) Bill, 2020" (Amendment of Article 100). Copy of the Bill is annexed.


(Haris Rehman)
DS / Secretary Committee


(Senator Syed Ali Zafar)
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 100 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after clause (3) of Article 100, the following new clauses shall be added, namely:-

“(3A) The Attorney-General shall promote, protect and uphold the Rule of law and defend the public interest in an un-biased manner.

(3B) The Attorney-General may, either at his own volition or at the instance of a member of public, initiate legal action in the matter of public interest, at appropriate legal forum.

(3C) The Attorney-General shall give advice to a member of public, who approaches him on the legal matters of public interest.”

STATEMENT OF OBJECTS AND REASONS

The concept of Public Interest Litigation (PIL) has always impressed legal minds for decades. In Pakistan, it has given voices to many, especially the poor and underprivileged, and has helped them establish their Fundamental Rights and various other legal rights governed by the laws of the country. At the same time it has granted opportunity to the private individuals or organizations to litigate against the public office holders for their misuse of authority which causes loss to national exchequer. By relaxing the requirements of locus standi, and permitting any person who has sufficient interest in a matter to file a suit, the concept of PIL as developed by the Supreme Court of Pakistan has added breath and life to the constitution and transformed it into a living document for us.

But, it has been observed that the role of the office of Attorney General in this regard is either non-existing or passive in nature. A whistle blower who undertakes to save the national kitty by resort to legal means often finds himself helpless. The Attorney General's Office represents, defends and protects the interests of the Federal government only. Ironically, in some cases the said office sides with the Federal Government instead of a private litigant who is honestly litigating to save the national wealth and to improve the level of governance. In such circumstances, there is dire need to expand the role of the Attorney General. A vibrant role on the part of Attorney General is required to improve governance and to help citizens litigating solely in the public interest. Being a supreme law officer it should be the duty of Attorney General to facilitate and advice public on the legal matters purely or public interest.

The Bill is designed to achieve above objective.

SENATOR ENGR. RUKHSANA ZUBERI
MEMBER-IN-CHARGE