

# SENATE OF PAKISTAN



**REPORT NO. 17**

**REPORT OF THE SENATE STANDING COMMITTEE ON  
LAW AND JUSTICE**



**“THE CONSTITUTION (AMENDMENT) BILL, 2021”**

**(Amendment of Article 89)**

**PRESENTED BY**

**Senator Syed Ali Zafar**

**Chairman**

**Standing Committee on Law and Justice**

4. Senator Mushtaq Ahmed Khan

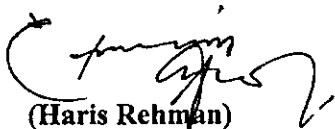
Member In-Charge

5. Minister for Law and Justice

Ex-Officio Member

4. In the previous meetings of the Committee on subject bill, the honorable Senator Raza Rabbani explained the amendment in Article 89 of the Constitution and informed the members that the bill provides that if an ordinance is not laid in the first sitting of the National Assembly or Senate after its promulgation, it shall stand repealed. The real purpose of the amendment is to avoid inordinate delay in laying of ordinances. Honorable Senator Mian Raza Rabbani also shared a letter (Attached as annexure-A) with the honorable Members, addressed to the Chairman Committee and the Minister for Law and Justice. The Senator also read out the letter with permission of the Chair, stating therein that in view of ongoing Constitutional violations and crisis in the country, his proposal for Constitutional amendments may be withdrawn. He asserted that it is the need of hour to defend the Constitution rather than amend it. The Chairman, Minister for Law and Justice and Members of the Committee appreciated efforts made by Senator Mian Raza Rabbani in drafting the bill and tried to convince him to reverse his decision, to which honorable Member respectfully refused.

5. At this, the Committee decided that the Bill under consideration may be withdrawn and recommended that the Senate may grant leave to Senator Mian Raza Rabbani to withdraw "The Constitution (Amendment) Bill, 2021" (Amendment of Article 89). Copy of the Bill is annexed (Attached as annexure-B).



(Haris Rehman)

Principal Secretary to Chairman Senate /  
Secretary Committee



(Senator Syed Ali Zafar)

Chairman, Standing Committee on Law and Justice



**Senator Mian Raza Rabbani**

Chairman  
Standing Committee  
Inter-Provincial Coordination  
Senate of Pakistan

Dated: 11<sup>th</sup> May, 2022.

Senator Syed Ali Zafar,  
Chairman,  
Senate Standing Committee on Law and Justice,  
Senate of Pakistan,  
Islamabad.

Sir,

I have moved the following amongst other Bills;

- i) The Constitution (Amendment) Bill, 2021, amendment to Articles 57, 62, 72, 73, 86, 89, 126, 159, 160, 162 and 166.
- ii) The Constitution (Amendment) Bill, 2021, amendment to Article 160.
- iii) The Constitution (Amendment) Bill, 2020, amendment to Article 89.
- iv) The Constitution (Amendment) Bill, 2021, amendment to Article 89.
- v) The Constitution (Amendment) Bill, 2022, amendment to Article 27.

The above all, Bills pertain to amendments in the Constitution, 1973, which is a sacred document and is the fiber which holds the federation together. Such amendments pertain to and deal with enhancing the powers of the Senate, which in a federal structure is the linchpin, structuring discretion of the Federal Government of promulgating Ordinances, enhancing the share of the Provinces if the NFC Award is not issued within the timeframe prescribed under the Constitution, 1973.

Constitutional amendments need to be passed with the broadest political consensus in which all stakeholders have been consulted and their point of view

accommodated. As the Constitution is not the property of a political party but belongs to the people, who must rise to defend and protect it from adventures.

In the given circumstances when offices functioning under the Constitution are willfully violating the Constitution, 1973, moving amendments in the said document, when it, itself is struggling to survive, seems inappropriate. When misinterpreting and or violating the Constitution, 1973, or bringing into disrepute institutions working under the Constitution, seems to have a premium. I do not wish to burden the record of the Senate Standing Committee on Law and Justice and the Senate with the aforesaid Bills.

These are times when the Constitution, 1973, must be preserved and protected if the federation is to survive, rather than bringing amendments. This is a battle for the survival of the Constitution, 1973.

Therefore, I as the mover of the said Bills, exercise my prerogative under Rule 115, Rules of Procedure and Conduct of Business in the Senate, 2012, and hereby declare my intention to move for the withdrawal of the said Bills.

In this sea of unconstitutionality and lack of rule of law, this withdrawal is a mark of protest on behalf of the overwhelming majority of Pakistanis, against the game of power politics, which is tearing and polarizing our society, bringing severe strains on national security and indeed the federation itself.

Thanking you,

Yours truly,

  
(SENATOR MIAN RAZA RABBANI)

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Cc.

✓1. The Federal Minister for Law and Justice, Islamabad.

**AC**  
**[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, 2021.

(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,

(i) in clause (1), for the full stop occurring at the end a colon ":" shall be substituted, and thereafter the following proviso shall be added, namely:-

"Provided that the reasons recorded by the President shall be part of the preamble of the Ordinance."

(ii) in clause (2), in paragraph (a),

(a) sub-paragraph "(i)" shall be omitted;

(b) sub-paragraph (ii), shall be re-numbered as sub-paragraph (i); and

(c) in the renumbered sub-paragraph "(i)", after the word "it", occurring in the first line, the expression, "does not contain provisions dealing with any of the matters referred to in sub-paragraph (i)" shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

It is a cardinal principle of representative democracy, that all legislation pertaining to and dealing with the levy of taxes and all matters ancillary thereto, more particularly a Money Bill, as defined in Article 73, Constitution, 1973, are to be passed by Parliament rather than by promulgation of an Ordinance. When the Constitution, 1973, is viewed in holistic manner, Article 89, Constitution, 1973, needs to be brought in harmony with Articles 73 and 77, Constitution, 1973, hence this amending Bill.

**SENATOR MIAN RAZA RABBANI**  
**MEMBER-IN-CHARGE**