SENATE SECRETARIAT

Islamabad, the 22nd January, 2019

No. F. 24(46)/2018-Legis.— The following Bills were introduced in the Senate on 21st January, 2019:—

SENATE BILL NO. I OF 2019

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973 for the purposes hereinafter appearing;

It is hereby enacted as follows:

(191)

Price : Rs. 10:00

[125 (2019)/Ex. Gaz.]
1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of Article 260 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, 1973 in Article 260, in clause (1), in the definition “service of Pakistan”,-

(i) after the words “but does not include service as” the word and comma “President,” shall be inserted; and

(ii) after the words and comma “Minister of State,” the word and comma “Governor,” shall be inserted.

———

**STATEMENT OF OBJECTS AND REASONS**

In the original definition of the “service of Pakistan” as provided vide Article 260 of the Constitution of Pakistan, 1973, the service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister or member of a House or a Provincial Assembly, were declared to be not included in the service of Pakistan. Thereafter, through the Constitution (First Amendment) Act, 1974, the Constitution (Fifth Amendment) Act, 1976 and the Constitution (Sixth Amendment) Act, 1976 some further services were declared not to be included in the “service of Pakistan”. Therefore, through this Bill it is proposed to declare the service as “President” and the “Governor” not to be included in the “service of Pakistan”. This is essential given the fact that due to imposition of bar under Article 63 (1) (k) of the Constitution on a person holding office of the President or the Governor, as the case may be, from becoming a Member of National or Provincial Assembly for a period of two years of the relinquishing charge of the said office, active political workers having political acumen, experience and wisdom do not opt for these Offices. Hence, restricting choices / options of suitable candidates for the Offices of the President and the Governor, respectively.

Hence, this Bill seeks to achieve the aforesaid objective.

SENATOR NASEEBULLAH BAZAI,
*Member-In-Charge.*
further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973 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, 2019.
   (2) It shall come into force at once.

2. Amendment of Article 30 of the Constitution.—In the Constitution of the Islamic Republic of Pakistan, in Article 30, clause (2), shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Clause (2) of Article 30 which is proposed to omit is as under;

“The validity of an action or of law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the state, any organ or authority of the state or any person on such ground.”

The Principles of Policy Articles cover different aspects of national life such as; promotion of Islamic way of life; local government institutions; discouragement of parochial and other prejudices; enabling women’s participation in national life; protection of family and minorities; promotion of social justice and eradication of social evils and promotion of socio-economic well-being of citizens and eradication of Riba; participation of people in armed forces, strengthening bonds with Muslim world and promoting international peace.

The object of the aforesaid amendment is to remove any type of doubt regarding the deciding whether any action of an organ or authority of the State, or of
a person performing functions on behalf of an organ or authority of the State is in accordance with the law or not?

The Bill is aimed to obtain the above-cited objectives.

SENATOR SIRAJUL HAQ,
SENATOR MUSHTAQ AHMED,
Members-in-Charge.

———

SENATE BILL NO. III OF 2019

A

BILL

to provide compulsory blood test for proposed spouse for Thalassaemia

WHEREAS it is expedient to take concrete steps for controlling the hazardous disease of Thalassaemia and to make a law for testing of proposed spouses who have Thalassaemia and manifest the disease;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Compulsory Blood Test of the Spouses and Proposed Spouses for Thalassaemia Disease Act, 2019.

   (2) It extends to the whole of Islamabad Capital Territory.

   (3) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context requires otherwise,—

   (a) “Thalassaemia” means a disease in which a child or an adult becomes anaemic because of a genetic defect of haemoglobin;

   (b) “Thalassaemia major” means a stage of Thalassaemia which clinically manifests itself as severe anaemia requiring treatment with repeated blood transfusion and medicines;

   (c) “Thalassaemia minor or trait” means Thalassaemia which results in mild anaemia and is often misdiagnosed as an iron deficiency anaemia if appropriate blood tests are not carried out; and
(d) “Prenatal diagnosis” means test carried out during pregnancy.

3. **State Obligation for Affirmative Action.**—(1) The Government shall design and follow a strong and effective system and shall introduce and set up system of Genetic Counselling and diagnostic facilities for the citizens of Islamabad Capital Territory and shall encourage the citizens to take necessary counselling and blood test to diagnose Thalassaemia trait status.

(2) The Government shall ensure easy access to facilities provided for diagnosis of Thalassaemia carriers and safe blood transfusion as well.

(3) The Government shall also ensure that Non-Governmental Organizations are providing safe blood transfusion to the Thalassaemia patients.

4. **Blood Test before Marriage.**—(1) The Citizens shall be advised and counselled to obtain the premarital blood screening to ensure that they are not carrying the trait.

(2) All clinics, hospitals and centres treating the Thalassaemia patients shall ensure that they shall provide necessary counselling to the proposed spouses and their parents before marrying and inform them clearly about the risks of consanguineous marriage and on their chances of having Thalassaemia children.

(3) Antenatal tests shall be carried out on pregnant women who are known carriers and whose spouses are also carrier for the trait, subject to the approval having being obtained from the pregnant women and their spouses.

(4) All Non-Governmental Organizations (NGOs) running centres dealing with Thalassaemia shall ensure that they spend at least 10% of their budget on developing facilities for prenatal diagnosis of Thalassaemia.

(5) In case a non-Governmental Organization, clinic or hospital fails to carry out the necessary action they shall face administrative action from the concerned Ministry. A fine amounting to rupees fifty thousand shall be imposed on the non-Governmental Organization, clinic or hospital which fails to carry out the test.

5. **Reporting of test result.**—(1) The test results are to be reported to those who are tested and if they are carriers (have Thalassaemia minor or trait) they are to be given counselling regarding their marrying someone with the same trait and the risk of passing on the disease to their offspring. The test results are to be entered into a data bank for registration of carriers of the trait.

(2) Antenatal test result are to be reported to the women tested and her partner and if the test is positive the parents are to be advised about the condition of the fetus and offered an option of terminating the pregnancy.
6. **Preventive Measures.**—Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, every marriage in the Islamabad Capital Territory before solemnizing shall fulfil the following precautionary/preventive health measures that:

(a) Nikkah Registrar shall obtain test reports of premarital screening of spouse for Thalassaemia;

(b) The result whatever it may be shall have no effect on the marriage being solemnized.

(c) The Nikah Registrar shall keep and maintain these reports for at least two years from the date marriage is solemnized;

(d) If marriage is solemnized in contravention of these provisions or paragraph (c) is violated, the license of such Nikah Registrar shall be cancelled or whoever, other than Nikah Registrar, solemnized such marriage shall be fined Rs.10,000.

7. **Power to make rules.**—The Government shall make rules for carrying out the purposes of this Act within six months of the commencement of this Act and shall be placed before the Parliament for information.

__________

**STATEMENT OF OBJECTS AND REASONS**

Thalassaemia is a hereditary genetic disorder causing impaired production of haemoglobin. It is a dangerous disease which kills a large number of children in Pakistan every year. It is very much needed to take appropriate steps to stop further spread of this disease and arrange for proper precautionary measures control its spread.

2. The Bill seeks to achieve the aforesaid objectives.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH,
Member-in-Charge.

__________

AMJED PERVEZ,
Secretary.