PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 24th February, 2020

No. F. 24(36)/2019-Legis.—The following Bills were introduced in the Senate on 20th January, 2020.

SENATE BILL NO. X OF 2020

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:—

(313)

Price: Rs. 6.00

[5220(2020)/Ex. Gaz.]
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 Judicial Committee duly constituted under clause (2D); and

   (2D) The Judicial Committee shall consist of Chief Justice and two senior most Judges of the Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible”.

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**STATEMENT OF OBJECTS AND REASONS**

Two seats in Election Commission of Pakistan had been lying vacant since January 26, 2019. The Government was bound to fill the seats in 45 days.

Prime Minister and opposition leader did not reach consensus and names were referred to 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 members of the Election Commission and the appointment was about seven months after the retirement of ECP members from Sindh and Balochistan.

Chief Election Commissioner refused to administer 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 matter.

Through above amendment, it is proposed in case there is also no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within 7
days shall become forwarded to the Judicial Committee duly constituted under newly inserted clause (2D) and it is proposed that the Judicial Committee shall consist of Chief Justice and two senior most Judges of Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible.

Amendment is proposed to achieve above objects.

Senator
SIRAJUL HAQ,
Member-in-Charge.

SENATE BILL NO. XI OF 2020

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 45 of the Constitution.—In the Constitution of the Islamic Republic of Pakistan, in Article 45, for the full stop occurring at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that the President would not exercise this power in cases of punishments awarded under Hudood or Qisas.”.

STATEMENT OF OBJECTS AND REASONS

Article 227 (1) of the Constitution of the Islamic Republic of Pakistan states as “All existing laws shall be brought in conformity with the injunctions of
Islam as laid down in the Holy Quran and Sunnah, in this part referred to as the injunctions of Islam, and no law shall be enacted which is repugnant to such injunctions”.

2. According to the Article 45, “The President of Pakistan has power to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority”.

3. This Article does not conform to the Shari’ah as there is clear command of Shari’ah in respect of punishments given under Hudood and Qisas, and as such no remission can be given in respect of these by any human authority.

4. Under the Islamic law of Diyyat and Qisas, the legal heirs of a deceased have the sole right to pardon or not the convicted person.

5. The Bill seeks to achieve the afore-mentioned objectives.

SENATOR
SIRAJUL HAQ,
Member-in-Charge.

DR. AKHTAR NAZIR,
Secretary.