

NATIONAL ASSEMBLY SECRETARIAT

Subject: - REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON
THE CONSTITUTION (TWENTY-NINTH AMENDMENT) BILL, 2017

I, the Chairman of Standing Committee on Law and Justice, have the honor to present this report on the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Twenty-ninth Amendment) Bill, 2017] referred to the Committee on 15th May, 2017.

2. The Committee comprises the following: -

1)	Chaudhary Muhammad Ashraf	Chairman
2)	Justice (Retd.) Iftikhar Ahmad Cheema	Member
3)	Rana Muhammad Afzal Khan	Member
4)	Mr. Muhammad Moeen Wattoo	Member
5)	Mr. Muhammad Raza Hayat Harraj	Member
6)	Sardar Muhammad Amjad Farooq Khan Khosa	Member
7)	Ms. Kiran Haider	Member
8)	Syed Imran Ahmad Shah	Member
9)	Ms. Asiya Naz Tanoli	Member
10)	Mr. Rajab Ali Khan Baloch	Member
11)	Syed Naveed Qamar	Member
12)	Mr. Muhammad Ayaz Soomro	Member
13)	Ms. Shagufta Jumani	Member
14)	Mr. Shahab-ud-Din Khan	Member
15)	Eng. Ali Muhammad Khan Advocate	Member
16)	Dr. Arif Alvi	Member
17)	Mr. S.A Iqbal Quadri	Member
18)	Moulana Muhammad Khan Sherani	Member
19)	Ms. Aisha Syed	Member
20)	Chaudhry Mahmood Bashir Virk, Minister for Law and Justice	<i>Ex-officio Member</i>

3. The Committee considered the Bill placed at Annex-A, in its meetings held on 26-07-2017, 16-10-2017 and 25-10-2017. The Committee made the following amendment therein: -

(1). Clause 2

Clause 2 shall be omitted and the remaining clauses shall be re-numbered accordingly.

(2). Clause 3

Clause 3 shall be omitted and the remaining clauses shall be re-numbered accordingly.

4. The Committee recommends that the Bill placed at Annex-B may be passed by the Assembly. Note of dissent given by S.A. Iqbal Quadri, MNA is placed at Annex-C.

-sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 28th February, 2018

-sd/-
(CHAUDHRY MUHAMMAD ASHRAF)
Chairman
Standing Committee on Law and Justice

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

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 (Twenty-ninth Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of Article 48 of the Constitution.— In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 48,—

(1) in clause (1),—

(i) after the words "Prime Minister" the words "or a Minister authorized by the Cabinet or the Prime Minister" shall be added; and

(ii) in the proviso, after the words "Prime Minister" the word "or Minister" shall be inserted; and

(2) in clause (4),—

(i) for the comma occurring after the word "Cabinet" the word "or" shall be substituted; and

(ii) for the comma and words ", a Minister or Minister of State" the words "or a Minister" shall be substituted.

3. Amendment of Article 193 of the Constitution.— In the Constitution, in Article 193, in clause (2), for the word "forty-five" the word "forty" shall be substituted.

4. Insertion of new PART and the main heading after Article 211 of the Constitution.— In the Constitution, after Article 211, the following new PART and the main heading shall be inserted, namely:—

"PART VII A

Executive Magistracy and Administrative Courts and Tribunals"

5. Insertion of new Article in the Constitution.— In the Constitution, after Article 211, the following new Article shall be inserted, namely:—

"211A. Establishment of Executive Magistracy.—

Notwithstanding anything contained in the Constitution, the Federal Government or a Provincial Government may, by law establish Executive Magistracy for certain specified purposes including control of law and order situation."

6. Amendment of Article 212 of the Constitution.— In the Constitution, in Article 212, in clause (1) and clause (2), for the words "hereinbefore contained" the words "contained in the Constitution" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Under clause (1) of Article 48, the President acts on advice of the Cabinet or the Prime Minister but in clause (4) thereof, the expression "Minister or Minister of State" also occur with the result that both these clauses are contradictory to each other. It is, therefore, necessary to remove this contradiction by amending clause (4) of Article 48 to omit expression "Minister or Minister of State". Amendment in Article 193 is aimed at lowering the age limit of High Court Judges from forty-five years to forty years. New Article 211A is being added to revive Executive Magistracy for specified purposes including control of law and order situation. It has been observed that functioning of local administration and enforcement of local and special laws has been seriously impaired in the absence of Executive Magistracy.

The Bill is designed to achieve the aforesaid objects.

MR. ZAHID HAMID,
Minister for Law and Justice and Climate Change
Minister-in-Charge

[AS REPORTED BY THE STANDING COMMITTEE]

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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 (Twenty-ninth Amendment) Act, 2017.

(2) It shall come into force at once.

2. Insertion of new PART and the main heading after Article 211 of the Constitution.- In the Constitution, after Article 211, the following new PART and the main heading shall be inserted, namely: -

"PART VII A

Executive Magistracy and Administrative Courts and Tribunals"

3. Insertion of new Article in the Constitution.- In the Constitution, after Article 211, the following new Article shall be inserted, namely :-

"211A. Establishment of Executive Magistracy.- Notwithstanding anything contained in the Constitution, the Federal Government or a Provincial Government may; by law establish Executive Magistracy for certain specified purposes including control of law and order situation."

4. Amendment of Article 212 of the Constitution.- In the Constitution, in Article 212, in clause (1) and clause (2), for the words "hereinbefore contained" the words "contained in the Constitution" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

New Article 211A is being added to revive Executive Magistracy for specified purposes including control of law and order situation. It has been observed that functioning of local administration and enforcement of local and special laws has been seriously impaired in the absence of Executive Magistracy.

The Bill is designed to achieve the aforesaid objects.

CHAUDHRY MAHMOOD BASHIR VIRK
Minister for Law and Justice

ANNEX-C

DISSENT NOTE

The Hon. Chairman,
Standing Committee on Law and Justice,
ISLAMABAD.

Subject: - Dissent Note to Clause 5 and 6 of the Bill "The Constitution (Twenty-Ninth Amendment) Act, 2017.

The Clause 5 and 6 offends the principle of separation of
Judiciary, Islamabad.

Sd/-
(S.A. Iqbal Quadri)
MNA (NA-241)
Dated: - 25-10-2017