

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



## **“THE CONSTITUTION (AMENDMENT) BILL, 2017 (AMENDMENT OF ARTICLE 130)”**

**Report No. 40**

**PRESENTED BY**

**SENATOR MUHAMMAD JAVED ABBASI  
CHAIRMAN**



## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2017"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill, 2017 (Amendment of Article 130)" introduced by Senator Saeed Ghani on 20<sup>th</sup> February, 2017. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<b>Senator Muhammad Javed Abbasi</b>	<b>Chairman</b>
2.	Senator Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 27<sup>th</sup> March, 2017, under the Chairmanship of Senator Muhammad Javed Abbasi, which was attended by the following hon'ble Members:-

- i. Senator Syed Muzafar Hussain Shah
- ii. Senator Ms. Ayesha Raza Farooq
- iii. Senator Nawabzada Saifullah Magsi
- iv. Senator Saeed Ghani





4. Senator Saeed Ghani, Mover briefed the Committee that in literal terms an “adviser” is a person who gives advice in a particular field. In practical terms an adviser is normally a person with more and deeper knowledge in a specific area and usually also includes persons with cross functional and multidisciplinary expertise. Initially, there was no such provision in the Constitution of the Islamic Republic of Pakistan, 1973, dealing with the advisers; this provision has emerged gradually in the wake of evolving role of the executive requiring expert advice. Advisers appointed under Article 93 of the Constitution of the Islamic Republic of Pakistan have right to speak in the Parliament and perform a much effective role in the governance. Whereas an Adviser appointed under clause (11) of Article 130 of the Constitution of the Islamic Republic of Pakistan, 1973, has a limited role, which leads to an anomaly. Furthermore, pursuant to the passage of the constitutional (Eighteenth Amendment) Act, 2010, implementation of scheme of devolution has added to functions of the provincial governments, therefore, expert advice and assistance in the governance structure is required. The proposed amendment in Article 130 will address the anomaly and attribute a much effective role to Advisers appointed under Article 130 of the Constitution of the Islamic Republic of Pakistan.

5. Ministry of Law and Justice supported the Bill on the following grounds:-

- 1) Article 93 of the Constitution empowers the President to appoint not more than five Advisors on such terms and conditions as the President may determine. Such Advisors have also the right to speak in Parliament under Article 57 of the Constitution.
- 2) Likewise, there is also a provision in Article 130 (11) of the Constitution which empowers the Chief Minister to appoint not more than five Advisors. The proposed Bill seeks to bring uniformity in language of Article 93 and Article 130(11) by adding the phrase “on such terms and conditions as the Chief Minister may determine”. Furthermore, the Bill also seeks to give right to speak in a Provincial Assembly to such Advisors.

6. After extensive discussion, the Bill was put to the vote of Committee and all members present voted in the favour of the Bill.



7. Accordingly, the Committee recommends that "The Constitution (Amendment) Bill, 2017 (Amendment of Article 130)", as introduced in the Senate, may be passed. (Copy of Bill is annexed).



**(RABEEA ANWAR )**  
**J.S / Secretary Committee**



**( SENATOR MUHAMMAD JAVED ABBASI)**  
**Chairman**



[TO BE INTRODUCED IN THE SENATE]

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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 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, 2017.

(2) It shall come into force at once.

**2. Amendment of Article 130 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, in Article 130,-

(i) for clause (11), the following shall be substituted, namely:-

“(11) The Chief Minister may appoint not more than five Advisers, on such terms and conditions as he may determine.”

(ii) after clause (11), as aforesaid, the following new clause (12) shall be added, namely,-

“(12) The provisions of Article 111 shall also apply to an Adviser appointed under clause (11).”

**STATEMENT OF OBJECTS AND REASONS**

In literal terms an “adviser” is a person who gives advice in a particular field. In practical terms an adviser is normally a person with more and deeper knowledge in a specific area and usually also includes persons with cross functional and multidisciplinary expertise. Initially, there was no such provision in the Constitution of the Islamic Republic of Pakistan, 1973, dealing with the advisers; this provision has emerged gradually in the wake of evolving role of the executive requiring expert advice. Advisers appointed under Article 93 of the Constitution of the Islamic Republic of Pakistan have right to speak in the Parliament and perform a much effective role in the governance. Whereas an Adviser appointed under clause (11) of Article 130 of the Constitution of the Islamic Republic of Pakistan, 1973, has a limited role, which leads to an anomaly. Furthermore, pursuant to the passage of the Constitutional (Eighteenth Amendment) Act, 2010, implementation of scheme of devolution has added to functions of the provincial governments, therefore, require expert advice and assistance in the governance structure. The proposed amendment in Article 130 will address the anomaly and attribute a much effective role to Advisers appointed under Article 130 of the Constitution of the Islamic Republic of Pakistan.

2. This Bill has been designed to achieve the aforesaid objectives.

**SENATOR SAEED GHANI**  
Member-in-Charge