

Introduced on 20-7-2020

^{As}
[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, 2020.

(2) It shall come into force at once.

2. Amendment of Article 100 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, after clause (3) of Article 100, the following new clauses shall be added, namely:-

"(3A) The Attorney-General shall promote, protect and uphold the Rule of law and defend the public interest in an un-biased manner.

(3B) The Attorney-General may, either at his own volition or at the instance of a member of public, initiate legal action in the matter of public interest, at appropriate legal forum.

(3C) The Attorney-General shall give advice to a member of public, who approaches him on the legal matters of public interest."

STATEMENT OF OBJECTS AND REASONS

The concept of Public Interest Litigation (PIL) has always impressed legal minds for decades. In Pakistan, it has given voices to many, especially the poor and underprivileged, and has helped them establish their Fundamental Rights and various other legal rights governed by the laws of the country. At the same time it has granted opportunity to the private individuals or organizations to litigate against the public office holders for their misuse of authority which causes loss to national exchequer. By relaxing the requirements of locus standi, and permitting any person who has sufficient interest in a matter to file a suit, the concept of PIL as developed by the Supreme Court of Pakistan has added breath and life to the constitution and transformed it into a living document for us.

But, it has been observed that the role of the office of Attorney General in this regard is either non-existing or passive in nature. A whistle blower who undertakes to save the national kitty by resort to legal means often finds himself helpless. The Attorney General's Office represents, defends and protects the interests of the Federal government only. Ironically, in some cases the said office sides with the Federal Government instead of a private litigant who is honestly litigating to save the national wealth and to improve the level of governance. In such circumstances, there is dire need to expand the role of the Attorney General. A vibrant role on the part of Attorney General is required to improve governance and to help citizens litigating solely in the public interest. Being a supreme law officer it should be the duty of Attorney General to facilitate and advice public on the legal matters purely or public interest.

The Bill is designed to achieve above objective.

SENATOR ENGR. RUKHSANA ZUBERI
MEMBER-IN-CHARGE