

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;

WHEREAS to effectively enforce participatory federalism, ensure provincial autonomy, provide a meaningful participation to the Provinces and other territories in the affairs of the Federation, there is a need to revisit the legislative competence, parliamentary oversight and other functions of the Senate of Pakistan, in particular its relationship with the Provinces. The Senate through earlier Resolutions No.275, 294 and 305 dated 5th August, 2016, 19th December, 2016 and 13th February, 2017, respectively, has reaffirmed to enhance the role of the House of the Federation;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Article 57 of the Constitution.- In the Constitution of Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 57,-

- (i) before the words "The Prime Minister", the brackets and figure "(1)" shall be inserted; and
- (ii) after the renumbered clause (1), the following new clause (2), shall be inserted namely:-

"(2) A Chief Minister shall have the right to speak and take part in the proceedings of the Senate of Pakistan when so invited by the Chairman, but shall not by virtue of this Article be entitled to vote."

3. Amendment of Article 62 of the Constitution.- In the Constitution, in Article 62, in clause (1), in paragraph (c), for the words "enrolled as a voter in", the words and commas "a registered voter and resident for five years of" shall be substituted.

4. Amendment of Article 72 of the Constitution.- In the Constitution, in Article 72,-

- (i) in clause (2), after the words "Speaker of the National Assembly" the words "or Chairman of the Senate" shall be inserted;
- (ii) in clause (4), for the full stop occurring at the end a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:-

"Provided that one vote of a Member of Senate shall be proportionate to the total number of seats in the National Assembly divided by the total number of seats in the Senate."

5. Amendment of Article 73 of the Constitution.- In the Constitution, in Article 73, in clause (1A), for the full stop occurring at the end a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:-

"Provided that simultaneously the National Assembly shall inform the Senate about the status of recommendations of the Senate on the Bill, which shall include details as to the recommendations incorporated in the Bill and recommendations not incorporated, alongwith the reasons for non-incorporation."

6. Amendment of Article 86 of the Constitution.- In the Constitution, in Article 86, for the words "Federal Government", the word "Senate" shall be substituted.

7. Amendment of Article 89 of the Constitution.- In the Constitution, in Article 89, in clause (2), for the existing paragraph (a), the following shall be substituted namely:-

- "(a) shall be laid before both Houses and shall stand repealed at the expiration of one hundred and twenty days from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by either House, upon the passing of that resolution:

Provided that either House may by a resolution extend it for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by a House, upon the passing of that resolution:

Provided further that extension for a further period may be made only once; and"

8. Amendment of Article 126 of the Constitution.- In the Constitution, in Article 126, for the words "Provincial Government", the words and commas "Senate, on the recommendation of the Provincial Government," shall be substituted.

9. Amendment of Article 159 of the Constitution.- In the Constitution, in Article 159, in clause (4), for the words "an arbitrator appointed by the Chief Justice of Pakistan", the words "the Senate" shall be substituted;

10. Amendment of Article 160 of the Constitution.- In the Constitution, in Article 160, after clause (5), the following new clause (5A) shall be added, namely:-

"(5A) If the next Award of National Finance Commission could not be announced within five years the Government shall take permission from the Senate to extend the previous Award for another year:

Provided that in case of extension the Senate may increase the Award to the Provinces by one percent.

Provided further that in case of every extension, the Senate may further increase the Award for the Provinces by one percent annually."

11. Amendment of Article 162 of the Constitution.- In the Constitution, in Article 162, for the words "National Assembly", the word "Senate" shall be substituted.

12. Amendment of Article 166 of the Constitution.- In the Constitution, for Article 166, the following shall be substituted, namely:-

"166. **Borrowing by Federal Government** (1) The executive authority of the Federation extends to borrowing upon the security of the Federal Consolidated Fund within such limits, if any, as may from time to time be fixed by Act of Majlis-e-Shoora (Parliament), and to the giving of guarantees within such limits, if any, as may be so fixed.

(2) Every borrowing agreement entered by the Federal Government shall be ratified by the both Houses of Majlis-e-Shoora (Parliament)."

STATEMENT OF OBJECTS AND REASONS

The Senate of Pakistan on the 5th August, 2016, 19th December, 2016 and 13th February, 2017 passed Resolutions to enhance its role and powers, to protect the rights of the federating units and ensure meaningful participation of the provinces in the affairs of the Federation. These Resolutions gave voice to the longstanding demand of the Provinces, members and other stakeholders that, there is a need to revisit the legislative competence, parliamentary oversight and other functions of the Senate of Pakistan in particular its relationship with the Provinces.

**SENATOR MIAN RAZA RABBANI
MEMBER-IN-CHARGE**