

# SENATE OF PAKISTAN



## REPORT NO 29.

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



**"THE CONSTITUTION (AMENDMENT) BILL, 2023"**

**(Amendment of Article 19)**

**PRESENTED BY**

**Senator Syed Ali Zafar**

**Chairman**

**Standing Committee on Law and Justice**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2023"

I, Senator Syed Ali Zafar, Chairman Standing Committee on Law and Justice; have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2023" (Amendment of Article 19) moved by Senator Mushtaq Ahmed, in the Senate sitting held on 16<sup>th</sup> January, 2023, and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Syed Ali Zafar	Chairman
2.	Senator Syed Shibli Faraz	Member
3.	Senator Rana Maqbool Ahmad	Member
4.	Senator Mian Raza Rabbani	Member
5.	Senator Farooq Hamid Naek	Member
6.	Senator Syed Muzaffar Hussain Shah	Member
7.	Senator Kamran Murtaza	Member
8.	Senator Muhammad Azam Khan Swati	Member
9.	Senator Walid Iqbal	Member
10.	Senator Manzoor Ahmed Kakar	Member
11.	Senator Musadik Masood Malik	Member
12.	Senator Samina Mumtaz Zehri	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 15<sup>th</sup> February, 2023, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

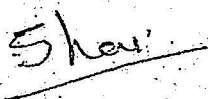
1.	Senator Rana Maqbool Ahmad	Member/Member-In-Charge
2.	Senator Syed Muzaffar Hussain Shah	Member
3.	Senator Mushtaq Ahmed Khan	Member In-Charge
4.	Senator Fawzia Arshad	Member-In-Charge
5.	Minister of State for Law and Justice	Ex-Officio Member

4. The Chairman Committee took up the Agenda item no. 9, regarding the Constitutional Amendment of Article 19, moved by Senator Mushtaq Ahmad, that seeks to omit the expression "friendly relations with foreign states, public order, decency, or morality". Senator Mushtaq Ahmad was of the view that in a situation of national security, integrity and defense of Pakistan, the limiting of constitutionally protected freedoms seems practical, but the contours of public order, friendly relations with foreign states, public order, decency, or morality have been the stumbling blocks to enforce freedom of speech and expression in its letter and spirit. By barring the right to discuss friendly relations with foreign states, public order, decency or morality affects the concept of freedom of speech, and needs to be removed from Article 19 of the Constitution.

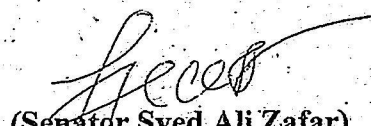
5. Senator Shahadat Awan, Minister of State Law and Justice, informed the Committee that the Sections 292 to 294 of the Pakistan Penal Code, 1860, provides for the laws against the offences affecting the public health, safety, convenience, decency and morals. He opined that the certain limitations or restrictions are defined to ensure the code of conduct for all the citizens of Pakistan which requires to be protected in all times. He opposed the bill by saying that the omission of such expression may derail the social setup and may affect the public at large. Senator Syed Muzaffar Hussain Shah also opposed the bill with the view that the said omission of expression may lead to an anarchical situation in the country.

6. The Chairman Committee commented that Article 19 'Freedom of Information' was the mother of all fundamental rights and was an essential part and parcel of any Parliamentary democracy. He stated that however like all fundamental rights there has to be reasonable restrictions imposed by the Constitution and the law. For example, 'Freedom of Speech' does not allow a person to incite a mob to kill anyone nor does it allow a person to abuse another or to jeopardize the integrity and security of the country. The Chairman stated that he has examined the constitutions and laws of various countries which contain the concept of 'Freedom of Information' as a fundamental right and all such constitutions and laws also contain restrictions in same or similar language in Article 19 of the Constitution. The Chairman further submitted to the Committee that according to him the language of Article 19 as contained in the Constitution has been discussed threadbare by the forefathers of Pakistan's Constitution and the same language has survived in the same form over the course of Pakistan's history.

7. After due deliberation, the Committee decided to vote upon the said bill, and none of members supported it, and subsequently the bill, stood not passed by the Committee the proposed amendment in Article 19 of Constitution to omit the expression, "friendly relations with foreign states, public order, decency, or morality", and recommended report to the House. Copy of the Bill is annexed (Attached as annexure-A).



(Mir Shai Mazar Baloch)  
DG/Secretary Committee

  
(Senator Syed Ali Zafar)  
Chairman Committee

**INTRODUCED ON 16.01.2023.**

**[AS 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, 2023.

(2) It shall come into force at once.

**2. Amendment of Article 19 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, in Article 19, the expression ", friendly relations with foreign States, public order, decency or morality," shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

Under Article 19 of the Constitution of the Islamic Republic of Pakistan every citizen has been entrusted with right to free speech, freedom of expression and freedom of press. In the contemporary world the right to express one's self through various forums has been embedded in the fundamental human rights. In our State these freedoms are not immune to conditions i.e. reasonable restrictions imposed by the law in the interests of the glory of Islam, security, integrity and defense of Pakistan along with the Public order, contempt of court and friendly relations with foreign countries.

2. It make sense in a situation of national security, integrity and defense of Pakistan to limit the constitutionally protected freedoms but, the contours of public order, friendly relations with foreign States and above all morality and decency have been the stumbling blocks to enforce freedom of speech and expression in its letter and spirit.

3. This Bill seeks to achieve the above-said objective.

**SENATOR MUSHTAQ AHMED  
MEMBER IN CHARGE**