

[TO BE 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-fourth Amendment)* Act, 2016.

(2) It shall come into force at once.

2. Amendment of Article 184 of the Constitution.— In the Constitution of the Islamic Republic of Pakistan, in Article 184, after clause (3), the following new clauses shall be added, namely:-

"(4) Any person aggrieved by an order passed by the Supreme Court under clause (3) may, within thirty days of the passing of such order, prefer an appeal to the Supreme Court.

(5) An appeal preferred under clause (4) shall be heard by a Bench larger than the Bench which had passed the order under appeal."

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STATEMENT OF OBJECTS AND REASONS

At present there is no provision for appeal against an order of the Supreme Court in exercise of its original jurisdiction under clause (3) of Article 184 of the Constitution. Since such an order invokes a question of public importance with reference to enforcement of Fundamental Rights conferred by Chapter I of Part II, an aggrieved party should have the right of appeal, which shall also be in conformity with the fundamental right to fair-trial and due process conferred by Article 10A of the Constitution. The proposed amendment provides for an appeal within thirty days of an order of the Supreme Court under clause (3) of Article 184, to be heard by a Bench larger than the Bench which had passed the order under appeal.

The Bill seeks to achieve the aforesaid object.

MR. ZAHID HAMID,
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Minister-in-Charge