

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE CONSTITUTION (TWENTY-SIXTH AMENDMENT) BILL, 2020

I, the Chairman of Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Constitution of the Islamic Republic of Pakistan [The Constitution (Twenty-Sixth Amendment) Bill, 2020] (Government Bill) referred to the Committee on 29th October, 2020.

2. The Committee comprises the following:-

1. Mr. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel	Member
8. Malik Muhammad Ehsan Ullah Tiwana	Member
9. Agha Hassan Baloch	Member
10. Mr. Junaid Akbar	Member
11. Ms. Shunila Ruth	Member
12. Rana Sana Ullah Khan	Member
13. Ch. Mehmood Bashir Virk	Member
14. Mr. Usman Ibrahim	Member
15. Mr. Mohsin Nawaz Ranjha	Member
16. Khawaja Saad Rafique	Member
17. Syed Hussain Tariq	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on the 13th January and 28th January 2021. The Committee recommended with majority that the Bill may be passed by the National Assembly. However note of dissent submitted by Ms. Aliya Kamran, MNA and Mr. Usman Ibrahim, MNA are placed as Annex-B and C, respectively.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 28th January .2021

Sd/-
(RIAZ FATYANA)
Chairman

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 shall be called the Constitution (twenty-sixth Amendment) Act, 2020.

(2) It shall come into force at once.
 2. **Amendment of Article 59 of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 59, in clause (2), ~~before~~ after the word "transferable" the word "open" shall be inserted.
 3. **Amendment in Article 63 of the Constitution.**- In the Constitution in Article 63, in clause (1), in paragraph (c), for the words "or acquires the citizenship of a foreign State", the words "or in case of dual citizenship does not provide as a conclusive proof the certificate of renunciation of citizenship of a foreign State before taking oath." shall be substituted.
 4. **Amendment of Article 226 of the Constitution.**- In the Constitution, in Article 226, after the words "of the", the expression "Senate, the" shall be inserted.
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STATEMENT OF OBJECT AND REASONS

Transparent Senate elections without manipulations that have happened in the past and grant of voting rights to the Overseas Pakistanis are the long outstanding demands of almost all the political parties including PTI. Federal Cabinet, in its meeting held on 28th January, 2020 constituted a Cabinet Committee to formulate recommendations regarding electoral reforms in order to ensure transparent, free and fair elections in the country. Based on the recommendations of the Committee, the Cabinet approved electoral reforms package consisting of the Constitution (twenty-sixth Amendment) Bill, 2020 and the Elections (Amendment) Bill, 2020. These bills broadly cover the Senate elections, women and Minorities reserved seats, delimitation of constituencies on the basis of enrolled voters instead of population, voting rights to overseas Pakistanis and conditional participation of dual nationals in elections.

2. Accordingly, this bill is aimed to achieve the aforesaid objectives.

(ZAHEER-UD-DIN BABAR AWAN)
Adviser to the Prime Minister,
on Parliamentary Affairs

Note of Dissent

I oppose the amendments introduced through this bill, the proposal with regard to article 59 & 226 needs a dialogue between the political parties on the subject as such this committee pend the same, as regard the proposal relating to article 63 of the Constitution is concerned, it appears to mockery in law, a person having two nationalities will contest the elections, in case he elects then he will surrender the 2nd nationality, produce a certificate as such take oath, infect it's a shame attempt.

Sd/-
(ALIYA KAMRAN)
MNA (NA-329)