

[TO BE INTRODUCED IN THE SENATE]

Session 112
Sitting 02

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, 2015.

(2) It shall come into force at once.

2. Amendment of Article 248 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 248, clause (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The law is the same for everyone; it should be applied in the same way to all. The rule of law, also called supremacy of law, means that no one is above the law. Whether governor or governed, rulers or ruled, no one is above the law, no one is exempted from the law, and no one can grant exemption to the application of the law. This is very unfortunate that every leader in Pakistan has misused the law. It is about time that this unjust law must be removed to bring all as equal before the law whether it's a leader or common person.

SENATOR HAFIZ HAMDULLAH
Member-in-Charge

[STATEMENT BY THE SENATOR]

**ORIGINAL ARTICLE OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973, WHICH THE CONSTITUTION
(AMENDMENT) BILL, 2015, SEEKS TO AMEND [MOVED BY
SENATOR HAFIZ HAMDULLAH]**

248. Protection to President, Governor, Minister, etc. (1) The President, a Governor, the Prime Minister, a Federal Minister, a Minister of State, the Chief Minister and a Provincial Minister shall not be answerable to any court for the exercise of powers and performance of functions of their respective offices or for any act done or purported to be done in the exercise of those powers and performance of those functions:

Provided that nothing in this clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Federation or a Province.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President or a Governor in any court during his term of office.

(3) No process for the arrest or imprisonment of the President or a Governor shall issue from any court during his term of office.

(4) No civil proceedings in which relief is claimed against the President or a Governor shall be instituted during his term of office in respect of any thing done or not done by him in his personal capacity whether before or after he enters upon his office unless, at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him in the manner prescribed by law, stating the nature of the proceedings, the cause of action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which the party claims.

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