



## RESOLUTION

### *Enhancement of Role and Powers of Senate of Pakistan—to protect the rights of the federating units and provide a meaningful participation to the Provinces and other territories in the affairs of the Federation*

**WHEREAS** the Constitution, 1973, gave expression to the long and arduous struggle of the peoples for a democratic, parliamentary and federal structure;

**WHEREAS** the Constitution, 1973, in the federal tradition created two coequal Houses of Parliament, the Senate – Provinces having equal seats allocated and other territories of the federation being represented, the National Assembly – having seats allocated to the provinces and the other territories of the federation on population basis;

**WHEREAS** the Constitution, 1973, in its scheme for the Senate envisaged:

- i) That the voting rights of the Provinces will be equal irrespective of population;
- ii) that through this mechanism provincial autonomy will be secured and preserved;
- iii) that the Provinces and the other territories will be co-authors of legislation that effects their economic, political and cultural rights;
- iv) that through parliamentary and other constitutional instruments, control and supervision over their natural resources and items listed in the Federal Legislative List Part-II, Constitution, 1973, will be exercised;
- v) that to provide representation to all shades of political opinion reflected in the Provincial Assemblies at the federal level.

**WHEREAS** the Eighteenth Constitutional Amendment reaffirms the principles of democratic, parliamentary and federal structure. It widened the concepts of participatory federalism, joint ownership of natural resources, collective management and supervision of items in Federal Legislative List Part-II, Constitution, 1973, and dispute resolution.

**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 and to materialize a constitutional command, 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. Therefore, in continuation of earlier Resolutions No.275 and 294 dated 5<sup>th</sup> August, 2016 and 19<sup>th</sup> December, 2016, respectively, the Senate do **Resolve** as under;

That in the Constitution of the Islamic Republic of Pakistan,-

- (i) Article 57 shall be amended to provide that the Chief Ministers of the Provinces shall have the right to address the Senate, as and when invited.



- (ii) 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.
- (iii) In Article 72, in clause (2) after the words "Speaker of the National Assembly" the words "or Chairman of the Senate" shall be inserted;
- (iv) In Article 72, in clause (4) the following proviso shall be added, 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."*
- (v) In Article 73, in clause (1A) a 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."*
- (vi) in Article 86, for the words "Federal Government", the word "Senate" shall be substituted.
- (vii) in Article 89, in clause (2), the existing paragraph (a) shall be substituted with the following, 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"
- (viii) in Article 126, for the words "*Provincial Government*", the words and commas "*Senate, on the recommendation of the Provincial Government,*" shall be substituted;
- (ix) 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;
- (x) 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 .”

- (xi) in Article 162, for the words “*National Assembly*”, the word “Senate” shall be substituted.
- (xii) the existing Article 166 shall be substituted with the following, namely,-  
 “166. (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).”

The Senate of Pakistan ***further Resolves*** to continue its struggle for,-

- Enhancement of the role and powers of the Senate in order to make Pakistan a true federation as envisaged by the Constitution, 1973;
- Protection and representation of interests and rights of the,-
  - Federating units and the people of Pakistan;
  - Marginalized segments of Society; and
  - Ethnic minorities
- Transmitting fruits of democracy to the people of Pakistan;
- Undertaking legislation that translates policies for the welfare and betterment of the Federation, the Federating Units and its citizenry;
- Ensuring that devolution of subjects and powers takes place and remains within the constitutional parameters; and
- Safeguarding the interest of the country in the wake of emerging regional and global realities.

Unanimously passed by  
the Senate of Pakistan on  
13<sup>th</sup> February, 2017