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Constitutional amendments Parties near consensus: Fazl

BACK

Asim Yasin & Aftab Ahmed & by our correspondent

Tuesday, Oct 15, 2024

ISLAMABAD/ HYDERABAD/KARACHI: PPP Chairman Bilawal Bhutto Zardari Monday said his party was not ready for any compromise on the proposed constitutional amendment package, as setting up a federal constitutional court had become compulsory to improve the country's justice system.

He said this while speaking in a ceremony held here at the Chief Minister House to launch Benazir Hari Card. The PPP chief said they couldn't backtrack on the promise of the party's late leader Benazir Bhutto of forming a constitutional court if an imprisoned person was in no mood to pass the amendment.

He recalled that Benazir Bhutto had returned to the country with the resolve to implement the Charter of Democracy (CoD). He said Ms Bhutto embraced martyrdom while striving to fulfil her mission of implementing the CoD.

"Should we forget our leader's promise due to an imprisoned person? The Pakistan People's Party is not ready for any compromise on this matter," he said. Bilawal said he wanted to ask the people of Sindh whether they were satisfied with the current justice system.

He said the present system would continue unchanged if the people were satisfied with it. He said the CoD provided a solution to rectify the fractured justice system of Pakistan based on injustice.

The PPP chairman said each province should get equal representation in the judiciary if the dispensation of justice had to be ensured. He said the proposal to constitute a special court along with the regular apex judiciary was aimed at improving the justice system.

He viewed that the constitutional issues would be sorted out if an equal number of judges from each province heard such cases. Bilawal opined that the new constitutional court would guarantee the protection of fundamental rights of the people.

He said the proposed new court would also adjudicate contentious issues between the federation and any province. Bilawal reiterated his demand that the federal constitutional court should be set up, while the mechanism to appoint the judges should also be adopted as per the CoD.

He said the government that the timing for adopting the constitutional amendment



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He said the narrative that the timing for adopting the constitutional amendment was not appropriate was meaningless. "When will it happen if it doesn't happen now?" Bilawal asked.

He recalled that no one was worried when military dictator General Ziaul Haq was authorised to amend the Constitution and constitute the federal constitutional court. Bilawal said he knew about the present judicial system more than anyone.

He lamented that the apex judiciary in the past instead of protecting the rights of the people and serving justice allowed the military dictators to amend the constitution. He said the judiciary only served justice to the judges instead of serving the masses facing injustices.

Bilawal informed the audience that the constitutional amendment proposed by the PPP was as per Benazir's promise and provisions of the CoD.

"We will collectively make the demand for dispensing justice, adopting judicial reforms, constitutional amendment, and equal representation (of provinces in the judiciary)," he said. He hoped that a consensus would emerge as a result of his consultations with the political forces to ensure that the parliament passed the proposed constitutional amendment.

Bilawal told the audience that he was again going to meet JUI-F chief Fazlur Rehman on this issue on Tuesday (today). "We will collectively improve the justice system through the 26th Amendment," said the PPP chairman.

Meanwhile, in a statement on his X handle, Bilawal said the political parties and civil society had a unanimous consensus on a specific judicial reform adding that no one should be allowed to undermine the legitimate structural requirements for a Federal Constitutional Court.

The PPP chief said the civil society had called for a Charter of Democracy 2.0 (CoD) in August 2023 to complete the unfinished agenda of CoD signed in 2006 to regain the space lost to the impact of Imran Khan, Gen. Pasha and Gen. Faiz's assault on the democratic consensus.

He said the civil society had given several recommendations including the creation of a Federal Constitutional Court. He said the long list of endorsements even included a sitting PTI senator.

With his post, Bilawal posted the report of civil society — AwazCDS-Pakistan, Pakistan Development Alliance and Asian Democracy Network that had called for a Charter of Democracy 2.0 to complete the unfinished agenda of CoD signed in 2006.

Meanwhile, JUI-F chief Fazlur Rehman said the government should legislate in accordance with the national conditions and needs. Talking to the reporters here on Monday, he said the government's constitutional draft will undermine judicial freedom and the public interest.

He said negotiations with the coalition government had led to considerable consensus, while the draft crafted by the government had been rejected, as it will end personal freedom. "It is our responsibility to create a balance among all the institutions. We have almost reached the consensus. It took us nine months to pass the 18th Amendment; we will prioritize the things needing time." Fazl said they had objected to the government's draft adding that judicial freedom and the people's rights would have been rejected by the government's

draft. Everything has to be done in the interest of the people and the country, he added.

The JUI-F chief said he will meet the PPP Chairman Bilawal Bhutto Zardari in Karachi on Tuesday (today) and PMLN chief Muhammad Nawaz Sharif in Lahore. Fazl said he had appealed to the PTI to postpone the protest until the departure of the SCO delegates.

He said there had been protests in the past but no good results came out. Postponing the protest will not create any problem. As long as the guests are on Pakistan's soil, the protest can be postponed, he emphasized.

In a related development, PPP Vice President and parliamentary leader in the Senate Senator Sherry Rehman held consultations with the Muttahida Qaumi Movement-Pakistan on the proposed constitutional amendments with the special focus on establishment of Federal Constitutional Court and Provincial Constitutional Court.

Dr Asim Hussain accompanied Sherry, while the MQM-P delegation comprised Governor Sindh Kamran Tessori, Dr. Farooq Sattar, and Amin ul Haque. The meeting was held at the Sindh House here.

The meeting is part of a broader consultation process in accordance with Bilawal Bhutto's vision of a dedicated constitutional court to handle constitutional matters efficiently and ensure equal representation for all provinces the at federal level.

This reform is a critical part of the unfinished agenda of 2006 Charter of Democracy. It will ensure that no government can manipulate the judiciary for political gains as envisioned by Shaheed Mohtarma Benazir Bhutto to uphold democratic principles.

During the meeting, both parties reached a consensus on moving forward with constitutional amendments in a transparent and collaborative manner. The discussions focused on maintaining ongoing communication and fostering cooperation between the two parties.

Both sides exchanged views on their respective priorities, highlighting the importance of continuing a constructive dialogue. Senator Sherry emphasized the significance of a longstanding relationship between the PPP and MQM, adding, "Our discussions today were fruitful, and we are committed to maintaining this engagement moving forward."

She highlighted that on the instructions of Bilawal Bhutto, the PPP was actively engaging all the stakeholders in the process of constitutional reforms. "Today, we briefed the MQM leadership about the establishment of constitutional courts," she stated.

In a brief talk with the media, MQM leader Dr Farooq Sattar reiterated that politics was the way to engage the relevant stakeholders. In another related development, the sub-committee was Monday asked to finalise recommendations about the constitutional amendments within next two days and furnish them with the Special Committee slated to meet on Thursday.

The Special Committee met here with Syed Khursheed Shah in the chair. The ANP presented its draft for the constitutional amendment and submitted a proposal for renaming Khyber Pakhtunkhwa as "Pakhtunkhwa".

It also supported the PPP and PMLN's proposal of establishing a Federal Constitutional Court but opposed the provincial constitutional courts, terming it fanciful and absurd idea putting unnecessary fiscal burden on the state kitty.

The PTI has not submitted its draft to the Special Committee so far. However, it has hinted at submitting its proposals or draft after a meeting with the JUI-F chief Fazlur Rehman on Wednesday.

In its proposal, the ANP opposed the fixing of tenure of the chief justice for three years arguing that it was discriminatory and against the constitutional norms. The ANP suggested that in article 1 (2)(a), after comma words the Khyber occurring before Pakhtunkhwa shall be omitted.

In article 172(3) the following shall be added, "Parliament shall by law provide for equal representation of the federal and respective provincial governments in the management, administration and regulation of mineral oil and natural gas.



In article 176, ANP suggested that the following shall be added, "Provided that all provinces shall have equal number of judges in the total strength of the Supreme Court." The ANP also opposed a proposal for fixing 40 years as the age of a judge for appointment to the High Court arguing that it would compromise the quality and integrity of the High Courts.

In the meeting, all the proposed drafts of the PTI were rejected. Former prime minister Raja Pervez Ashraf said any further delay was unjustified and now all the parties will have to be serious.

The proposed drafts of all political parties have arrived; this amendment is not for a single individual or a specific party," he said. During the meeting, ANP chief Aimal Wali Khan and Opposition Leader in the National Assembly Omar Ayub Khan exchanged hot words when Aimal accused the PTI of non-serious attitude.

According to the sources, Omar said, "If we are serious then we are sitting here." Sources said Aimal responded that he was not addressing him but the chairman. "You should also address the chair," Aimal Wali Khan responded.

Senator Irfan Siddiqui pointed out that all the parties had submitted their drafts but the PTI was the only party that did not submit anything in black and white. He said if the PTI leaders were serious, then they should have submitted their inputs on the drafts submit there. Syed Khursheed Shah convened a meeting of Special Committee on Thursday, (October 17).

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