

ANNOUNCEMENT

I wish to announce that I have received the determination of the Supreme Court in respect of the Bill titled "Coronavirus Disease 2019(Covid-19) (Temporary Provisions) which has been challenged in the Supreme Court in terms of Article 121 (1) of the Constitution.

A three Judge Bench has adjudicated on the matter and two Judges have determined as follows:-

- 1) Clauses 2,3,4,6,7 and 10 of the Bill read together with the definition of "Covid-19 circumstance" in Clause 12 of the Bill are inconsistent with Articles 3 and 4 (c) of the Constitution and could be validly passed only with the special majority Provided for in Article 84(2) of the Constitution and approved by the People at a referendum.

However, the inconsistency would cease if the definition of "Covid-19 circumstance" in clause 12 is amended as opined by the Court and may be passed with a simple majority in Parliament.

- 2) Clause 4 of the Bill is inconsistent with Article 136 read together with Article 4(c) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

The inconsistency of the above clause would cease if amended as per the proposed amendment tendered to the Court and may be passed with a simple majority in Parliament.

- 3) Clauses 5, 6, 7 of the Bill are inconsistent with Article 12(1) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution.

- 4) Other provisions of the Bill are not in conflict with the Constitution and may be passed with a simple majority in Parliament. However, with regard to Clause 3(1) of the Bill, a provision may be made as opined by the Court.

The determination of the other Judge is as follows:-

- 1) Clauses 2,3,4,6,7,8,9 and 10 of the Bill read together with the definition of “Covid-19 circumstance” in Clause 12 of the Bill are consistent with Articles 3 and 4 (c) of the Constitution and could be validly passed with a simple majority in Parliament.

The definition of “Covid-19 circumstance” could however be amended owing to the fact that sub-clause is an example of sub-clause (c).

- 2) Clause 4 of the Bill is inconsistent with Article 136 read together with Article 4 (c) of the Constitution and could be validly passed only with the special majority provided for in Article 84(2) of the Constitution and the inconsistency would cease if the clause is amended as per the proposed amendment tendered to the Court and may be passed with a simple majority in Parliament.
- 3) Clauses 5, 6,7and 8 of the Bill are consistent with Article 12(1) of the Constitution and could be validly passed with a simple majority in Parliament.
- 4) Other provisions of the Bill are not in conflict with the Constitution and may be passed with a simple majority in Parliament.

I order that the determination of the Supreme Court be printed in the official report of today's proceedings.