

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON THE CONSTITUTION (AMENDMENT) BILL, 2014, MOVED BY MR. DR. RAMESH KUMR VANKWANI, MNA.

I, the Chairman of the Standing Committee on Law, Justice and Human Rights have the honour to present this report on the Bill further to amend the Constitution of the Islamic, Republic of Pakistan [The Constitution (Amendment) Bill, 2014] (Amendment in Article 51) moved by Dr. Ramesh Kumar Vankwani MNA, and was referred to the Committee on 21st October, 2014

2. The Committee comprises the following members:

01.	Chaudhry Mahmood Bashir Virk	Chairman
02.	Justice (Retd) Iftikhar Ahmad Cheema	Member
03.	Chaudhary Muhammad Ashraf	Member
04.	Rai Mansab Ali Khan	Member
05.	Mr. Mohsin Shah Nawaz Ranjha	Member
06.	Mr. Muhammad Moeen Wattoo	Member
07.	Mr. Muhammad Raza Hayat Harraj	Member
08.	Sardar Muhammad Amjad Farooq Khan Khosa	Member
09.	Ms. Ayesha Raza Farooq	Member
10.	Ms. Kiran Haider	Member
11.	Syed Ayaz Ali Shah Sherazi	Member
12.	Mr. Muhammad Ayaz Soomro	Member
13.	Syed Naveed Qamar	Member
14.	Ms. Alizeh Iqbal Haider	Member
15.	Eng. Ali Muhammad Khan Advocate	Member
16.	Ms. Munaza Hassan	Member
17.	Mr. S.A. Iqbal Quadri	Member
18.	Moulana Muhammad Khan Sherani	Member
19.	Ms. Aisha	Member
20.	Minister Incharge for Law, Justice & Human Rights	Ex-officio Member

3. The Committee in its meeting held on 24th December, 2014 examined the Bill in detail and observed that there was no need to move amendment in the Constitution in this regard. Therefore, the Committee recommends that the Bill may not be considered for further legislation. The Bill as introduced in the National Assembly is at Annex-A

Sd/-
MOHAMMAD RIAZ
Secretary
Islamabad 12th January, 2015

Sd/-
CHAUDHRY MAHMOOD BASHIR VIRK
Chairman

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

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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) Bill, 2014.
 - (2) It shall come into force at once.
2. **Amendment of Article 51 of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 51.-
 - (a) in clause (1), for the words "three hundred and forty two" the words "three hundred and forty seven", shall be substituted;
 - (b) in clause (4),-
 - (i) for the word "ten" the word "fifteen" shall be substituted; and
 - (ii) after clause (4), the following new clause, shall be inserted, namely:-

"(4A) The members to fill the seats referred to in clause (4) shall be elected through direct election by casting free vote by minority communities in accordance with the law".
 - (c) In clause (6),-
 - (i) for paragraph (e), the following shall be substituted, namely:-

"(e) Non-Muslim has the right to cast dual vote; one vote for general seat and second vote for reserved seat in accordance with the law." and
 - (ii) after paragraph (e), the following new paragraph (f), shall be inserted, namely:-

"(f) "Delimitation of Constituencies for National Assembly and Provincial Assemblies shall be made on provincial basis by Election Commission of Pakistan as proposed in the chart."

Province	Balochistan	KPK	Punjab	Sindh	Total
Seats for NA	1	1	5	8	15

3. **Amendment of Article 106 of the Constitution.**- In the Constitution, in Article 106, in clause (1), for the table the following shall be substituted, namely:-

	"General Seats	Women	Non-Muslims	Total
Balochistan	51	11	4	66
Khyber Pukhtunkhwa	99	22	04	125
The Punjab	297	66	10	373
Sindh	130	29	14	173"

STATEMENT OF OBJECTS AND REASONS

Under Article 25 of the Constitution, the State is obliged to safeguard the legitimate rights and interests of minorities. Presently under Article 51(4) of the Constitution, ten seats are reserved for non Muslims in the National Assembly. As regards seats for non-Muslims in Provincial Assemblies, under Article 106 of the Constitution, three seats are reserved in the Provincial Assembly of Balochistan, three in Khyber Pakhtunkhwa, eight in Punjab and nine in the Provincial Assembly of Sindh. These seats were added/increased long back.

There were ten reserved seats for non-Muslims when the number of general seats was 207. When general seats were increased to 272 in 2002, the number of seats reserved for non-Muslims remained the same, i.e. 10. Minority community strongly feels that minority's representation in National and Provincial assemblies may be increased according to the proportion to the population of non-Muslims.

Direct Electorate instead of choosing from party list:

By choosing from party list the minority community has no say in as to who occupies the 10 reserved seats in the National Assembly. Instead, these seats become a tool for victorious parties to pick their favorites. Moreover, there is fragile relation between those selected on reserved seats and those who are active member of the minority community.

Sending the sentiments of the minority communities in Pakistan it is time to end the party list system. Changing the election procedure of reserved seats of Non-Muslims is not a new

phenomenon. In 1985, separate electorate was introduced for non-Muslim and separate electorate five elections were held which were totally abolished in 2002. On top of that, in the Global community religious and ethnic minority communities are represented in the parliament through direct election. Taking example of Jordan, Lebanon, India, New Zealand, Fiji, Croatia, Iran and Belgium where religious and ethnic minorities are elected through direct electorate.

Dual vote system for Non-Muslims:

Besides changing the election criteria of reserved seats for Non-Muslims, it is also proposed to give the right to the Non-Muslims to cast double vote. This means dual franchise and enables Non-Muslims to cast one vote to a general seat candidate and the second to a member of their own community. This way they would remain integrated with the mainstream politics and true representatives of their communities would surface. The representatives would be answerable to their community and take keen interest in the welfare and development of their communities. The argument of double vote cites the example of the residents of Azad Jammu & Kashmir who cast votes both in their AJK hometown constituencies and in Pakistani constituencies where they reside.

Constituency on divisional basis:

For election on reserved seats for Non-Muslims the delimitation of Constituencies may be made on divisional basis by the Election Commission of Pakistan. The number of Divisions included in each constituency shall be on the basis of Non-Muslims population, so as to make a total of 15 constituencies for the National Assemblies.

Using the same mechanism 4 constituencies shall be formed in Balochistan, 4 in Khyber Pakhtunkhwa, 10 in Punjab, and 14 in Sindh for Provincial Assemblies. Since 2002 the electoral role in general election do not identify voter by their religions. In this regard NADRA is the only source to track down non-Muslims population in all divisions of Pakistan because NADRA has documented the religion of every citizen who applies for NADRA CNIC.

Sd/-

(DR. RAMESH KUMAR VANKWANI)
Member, National Assembly