

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE CONSTITUTION (AMENDMENT) BILL, 2019

I, the Chairman of the Standing Committee on Law and Justice, 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, 2019] (Private Member's Bill) referred to the Committee on 23rd April, 2019.

2. The Committee comprises the following:-

1. Mr. RiazFatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad FarooqAzam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan MastiKhel	Member
8. Malik Muhammad EhsanUllahTiwana	Member
9. Agha Hassan Baloch	Member
10. Mr. Sher Ali Arbab	Member
11. Ms. Shunila Ruth	Member
12. Mr. Saad Waseem	Member
13. Rana Sana Ullah Khan	Member
14. Ch. Mehmood Bashir Virk	Member
15. Mr. Usman Ibrahim	Member
16. Khawaja Saad Rafique	Member
17. Syed Hussain Tariq	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem, Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-B), in its meetings held on 2nd and 7th May, 2019 and proposed the following amendments therein:-

1. Clause 2

i) In sub clause (i), for the words, "forty two" the words "thirty nine" shall be substituted.

ii) In sub clause (ii), for the expression,

"Khyber Pakhtunkhwa 51 10 61" the following shall be substituted, "Khyber Pakhtunkhwa 48 10 58"

iii) In sub clause (iii), in the proposed clause (3B), for the words, “twelve” the words “nine” shall be substituted.

2.

Clause 3

i) In sub clause (i), for the expression,

“Khyber Pakhtunkhwa 123 28 4 155”; and

the following shall be substituted,

“Khyber Pakhtunkhwa 119 27 4 150”; and

ii) In sub clause (ii), in paragraph (a), for the word “twenty four” the word “twenty” shall be substituted.

iii) In sub clause (ii), in paragraph (b), for the word “six” the word “five” shall be substituted.

iv) In sub clause (ii), for paragraph (c), the following shall be substituted;
“(c) the proviso shall be substituted with the following;

Provided that the election to the aforesaid seats shall be held not less than six months and not later than one year of the Constitution (Amendment) Act, 2019.

Provided further that the enhancement in the seats shall remain affective till the next census.”

v) sub clause (ii), shall be omitted.

4. The Committee recommends that the Bill as reported by the standing Committee placed at (Annex-A) may be passed by the Assembly. However Mr. Naveed Qamar, Khawaja Saad Rafique, Syed Hussain Tariq and Dr. Nafeesa Shah, MNAs has dissented the Bill.

Sd/-

TAHIR HUSSAIN

Secretary

Islamabad, the 7th May, 2019

Sd/-

(RIAZ FATYANA)

Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

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, 2019.

(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,-

(i) in clause (1), for the words "three hundred and thirty-six" the words "three hundred and thirty-nine" shall be substituted;

(ii) in clause (3), in the Table, for the expression Khyber Pakhtunkhwa, in the first column and the corresponding entries relating thereto in the second, third and fourth column, the following shall be substituted, namely:-

"Khyber Pakhtunkhwa 48 10 58";

(iii) after clause (3A), the following new clause (3B), shall be inserted, namely:-

"(3B) The seats for the Province of Khyber Pakhtunkhwa, referred to in clause (3), shall include nine general seats, in respect of the erstwhile Federally Administered Tribal Areas."; and

(iv) in clause (5), for the word "the", occurring for the first time following shall be substituted namely:-

"Save as provided in clause (3B) in respect of erstwhile Federal Administered Tribal Areas."

3. **Amendment of Article 106 of the Constitution.-** In the Constitution, in Article 106.-

(i) in clause (1), in the Table, for the expression "Khyber Pakhtunkhwa", in the first column and the corresponding entries relating thereto in the second, third, fourth and fifth columns the following shall be substituted, namely:-

"Khyber Pakhtunkhwa 119 27 4 150"; and

(ii) in clause (1A),-

- (a) for the word "sixteen" the words "twenty" shall be substituted;
- (b) for the word "four" the word "five" shall be substituted;
- (c) for the proviso shall be substituted with the following, namely:-

“Provided that the election to the aforesaid seats shall be held not less than six months and not later than one year of the Constitution(Amendment) Act,2019.

Provided further that the enhancement in the seats shall remain affective till the next census.”

STATEMENT OF OBJECT AND REASONS

Under the Constitution, State is responsible to protect the rights of all its citizens and to give them true representation in all walks of life. To ensure proper representation of the areas of erstwhile FATA, it is necessary that the number of general seats of the National Assembly allocated for those areas should remain the same. However the seats allotted in the Principal Assembly of Khyber Pakhtunkh for erstwhile FATA are also proposed to be increased to give adequate representation to the said area. The current allocation of the above said general seats made on the basis of provisional result, of the Population Census 2017 does not include Internally Displaced Persons (IDP's) in the population of erstwhile FATA.

This Bill seeks to achieve the above said objectives.

Sd/-
Mr. Mohsin Dawar
Member-in-Charge

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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, 2019.

(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.-

(i) in clause (1) for the expression "three hundred and thirty-six", the expression "three hundred and forty-two", shall be substituted;

(ii) in clause (3), in the Table, for the expression "Khyber Pakhtunkhwa", in the first column and the entries relating thereto in the second, third and fourth columns, the following shall be substituted, namely:-

"Khyber Pakhtunkhwa 51 10 61";

(iii) after clause (3A), the following new clause (3B) shall be inserted, namely:-

"(3B) The seats for the Province of Khyber Pakhtunkhwa, referred to in clause (3), shall include twelve general seats, in respect of the erstwhile Federally Administered Tribal Areas." ; and

(iv) in clause (5), in the beginning, expression "Save as provided in clause (3B) in respect of erstwhile Federal Administered Tribal Areas," shall be inserted and for the word "The" occurring for the first time the word "the" shall be substituted.

3. Amendment of Article 106 of the Constitution.- In the Constitution, in Article 106.-

(i) in clause (1), in the Table, for the expression "Khyber Pakhtunkhwa", in the first column and the entries relating thereto in the second, third, fourth and fifth columns, the following shall be submitted, namely:-


"Khyber Pakhtunkhwa 123 28 4 155"; and

- (ii) in clause (1A),-
 - (a) for the word “sixteen” the words “twenty four” shall be substituted;
 - (b) for the word “four” the word “six” shall be substituted; and
 - (c) the proviso shall be omitted.
- (iii) Clause (1B) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under the Constitution, State is responsible to protect the rights of all its citizens and to give them true representation in all walks of life. To ensure proper representation of the areas of erstwhile FATA, it is necessary that the number of general seats of the National Assembly allocated for those areas should remain the same. However, the seats allotted in the Provincial Assembly of Khyber Pakhtunkhwa for erstwhile FATA are also proposed to be increased to give adequate representation to the said area. The current allocation of the above said general seats made on the basis of provisional results of the Population Census 2017 does not include Internally Displaced Persons (IDP's) in the population of erstwhile FATA.

This Bill seeks to achieve the above said objectives.

Sd/-
Mr. Mohsin Dawar

Members, National Assembly