

NATIONAL ASSEMBLY SECRETARIAT

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

I, the Chairman of 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. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel	Member
8. Malik Muhammad Ehsan Ullah Tiwana	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-A, in its meetings held on the 2nd, 7th, 15th and 16th May, 10th June, 2nd and 03rd July 2019. The Committee recommends that a Parliamentary Committee/Special Committee shall be constituted to consider the Bill along with other similar Bills.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 25th October .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 1 of the Constitution.- In the Constitution of Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2), for paragraph (a) the following shall be substituted, namely,-

"(a) the Provinces of Bahawalpur, Balochistan, Janubi Punjab, Khyber Pakhtunkhwa, the Punjab, and Sindh;

Explanation.- The Province of Bahawalpur shall comprise the existing administrative division of Bahawalpur and the Province of Janubi Punjab shall comprise the existing administrative divisions of Dera Ghazi Khan and Multan. Bahawalpur, Dera Ghazi Khan and Multan Divisions shall stand excluded from the Province of the Punjab."

3. Amendment of Article 51 of the Constitution.- In the Constitution, in Article 51,-

(a) in clause (3), for the Table the following shall be substituted, namely,-

	General seats	Women seats	Total seats
Bahawalpur	15	3	18
Balochistan	16	4	20
Janubi Punjab	31	7	38
Khyber Pakhtunkhwa	45	10	55
Punjab	95	22	117
Sindh	61	14	75
Federal Capital	3	--	3
Total	266	60	326

(b) for clause (3A) the following shall be substituted, namely,-

"(3A) Notwithstanding anything contained in clause (3) or any other law for the time being in force, the members of the National Assembly from the Federally Administered Tribal Areas elected in the general elections, 2018 and women elected on reserved seats from the Punjab to the National Assembly shall continue till dissolution of the on-going National Assembly and thereafter this clause shall stand omitted."

4. Amendment of Article 59 of the Constitution.- In the Constitution, in Article 59,-

- (1) in clause (1),-
- (a) for the words "ninety-six" the words "one hundred and forty-two" shall be substituted;
- (b) in paragraph (f), for the word "four" the word "six" shall be substituted;
- (2) in clause (3), in paragraph (f) and proviso thereto, for the word "two" occurring thrice, the word "three" shall be substituted.
- (3) after clause (3A), the following new clauses (3B) and (3C) shall be inserted, namely,-

"(3B) Notwithstanding the provisions of clause (3) or any other law for the time being in force, of the members elected by the Provincial Assemblies of the new Provinces of Bahawalpur and Janubi Punjab,

- (a) under paragraph (a), seven shall retire in March 2021 and seven shall retire in March 2024;
- (b) under paragraph (d), two shall retire in March 2021 and two shall retire in March, 2024;
- (c) under paragraph (e), two shall retire in March 2021 and two shall retire in March, 2024; and
- (d) under paragraph (f), one shall retire in March 2021 and one shall retire in March, 2024;

(3C) Notwithstanding the provisions of clauses (1) and (3) or any other law for the time being in force, members elected from the Province of the Punjab prior to the creation of the new Provinces of Bahawalpur and Janubi Punjab shall complete their respective terms of office and thereafter this clause and clause (3B) shall stand omitted."

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

- (a) in clause (1), for the Table the following shall be substituted, namely,-

	<u>General seats</u>	<u>Women</u>	<u>Non-Muslims</u>	<u>Total</u>
Bahawalpur	31	7	1	39
Balochistan	51	11	3	65
Janubi Punjab	64	14	2	80
Khyber Pakhtunkhwa	115	26	4	145
Punjab	202	45	5	252
Sindh	130	29	9	168 "

- (b) after clause (1) amended as aforesaid, the following new clause (1A) shall be inserted, namely,-

"(1A) Notwithstanding anything contained in clause (1) or any other law for the time being in force, members of the Provincial Assembly of the Punjab elected in the general elections, 2018 on reserved seats for women and Non-Muslims shall continue till dissolution of the Provincial Assembly and thereafter this clause, including the proviso, shall stand omitted:

Provided that a woman member or a Non-Muslim member elected on a reserved seat to the Provincial Assembly of the Punjab having a domicile in Bahawalpur or Janubi Punjab Province may opt to be a member of the Provincial Assembly of that Province."

6. **Amendment of Article 154 of the Constitution.-** In the Constitution, in Article 154, after clause (1), the following new clauses shall be added, namely,-

"(1 A) As and when new Provinces or territories are included in the territories comprising Pakistan under Article 1, the Council shall determine, within three months, the apportionment, distribution, adjustment, allocation and transfer among the Federal Government and Provincial Governments of the existing and new Provinces or territories;

- (a) water and other natural resources;
- (b) present employees and future job quotas in the civil bureaucracy;
- (c) physical, monetary and other assets and liabilities and rights, and
- (d) other ancillary matters; and

(1 B) The determination under clause (1) shall be based on recommendations of a National Commission for New Provinces comprising eminent and reputable technical, financial, legal and other experts to be constituted by the Speaker, National Assembly in consultation with Chairman Senate and Leaders of the House and Leaders of Opposition, for this purpose and for consideration of proposals for new Provinces referred thereto by resolutions of both Houses."

7. **Amendment of Article 175A of the Constitution.-** In the Constitution, in Article 175A, after clause (6), the following new clause (6A) shall be inserted , namely:-

"(6A) For initial appointment of the Chief Justice and Judges of the Bahawalpur and Janubi Punjab High Courts, the Chief Justice of the Lahore High Court shall also be a member of the Commission."

8. **Amendment of Article 198 of the Constitution.-** In the Constitution, in Article 198,-

- (a) after clause (1A), the following new clause (1B) shall be inserted, namely:-

"(1B) The High Court for Bahawalpur shall have its principal seat at Bahawalpur, and the High Court for Janubi Punjab shall have its principal seat at Multan."

- (b) in clause (3), for the words "each at Bahawalpur, Multan and" the word "at" shall be substituted.

9. **Amendment of Article 218 of the Constitution.-** In the Constitution, in Article 218, in clause (2), in sub clause (b) for the word "four" the word "six" shall be substituted.