

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 30th 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 and 3rd July, and 20th and 21st August 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 the 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 Balochistan, Hazara, Khyber Pakhtunkhwa, the Punjab, and Sindh;

Explanation.- The Province of Hazara shall comprise the territories of existing districts in Hazara Division shall stand excluded from the Province of Khyber Pakhtunkhwa."

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
Balochistan	16	4	20
Hazara	5	2	7
Khyber Pakhtunkhwa	40	8	48
Punjab	141	32	173
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 and Hazara Division and women elected on reserved seats from these areas in General Elections 2018 shall continue till dissolution of the National Assembly and thereafter this clause shall stand omitted."

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

(a) in clause (1), for the words "ninety-six" the words "one hundred and nineteen" shall be substituted;

(b) after clause (3A), the following clauses shall be inserted, namely,-

"(3B) Notwithstanding the provisions of clause (1) and (3) or any other law for the time being in force, members elected from the Province of Hazara prior to the creation of Hazara Province shall complete their respective terms of office and thereafter this clause shall be 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,-

	General seats	Women	Non-Muslims	Total
Balochistan	51	11	3	65
Hazara	15	6	1	22
Khyber Pakhtunkhwa	100	20	3	123
Punjab	297	66	8	371
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 Hazara elected in the general elections, 2018 shall continue till dissolution of the Provincial Assembly and thereafter this clause, shall stand omitted.

6. 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 Hazara High Court, the Chief Justice of the Peshawar High Court shall also be a member of the Commission."

7. 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 "five" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Provincial Assembly of the Khyber Pakhtunkhwa on 31-3-2014 passed a Resolution recommending therein to the Federal Government to introduce a Bill for creation of new Province on administrative grounds including Hazara Province.

People from the Hazara Division continue to press for creation of new province of Hazara. This Constitution Amendment Bill seeks to meet very genuine demand of people of Hazara Division by creating the Hazara province comprising the districts under the existing administrative Hazara Division.

Sd/-

MR. ALI KHAN JADOON
MS. UZMA RIAZ
MR. SALEH MUHAMMAD
Members, National Assembly

قومی اسمبلی سیکرٹریٹ

دستور (ترمیمی) بل، ۲۰۱۹ء پر قائمہ کمیٹی برائے قانون و انصاف کی رپورٹ۔

میں، چیئر مین قائمہ کمیٹی برائے قانون و انصاف، ۳۰ اپریل، ۲۰۱۹ء کو کمیٹی کے سپرد کردہ اسلامی جمہوریہ پاکستان کے دستور میں مزید ترمیم کرنے کے بل [دستور (ترمیمی) بل، ۲۰۱۹ء] (نئی رکن کا بل) پر رپورٹ ہذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

چیئر مین	۱۔ جناب ریاض قتیانہ
رکن	۲۔ جناب عطاء اللہ
رکن	۳۔ جناب لال چند
رکن	۴۔ جناب محمد فاروق اعظم ملک
رکن	۵۔ محترمہ کشور زہرا
رکن	۶۔ محترمہ ملیکہ علی بخاری
رکن	۷۔ جناب محمد ثناء اللہ خان مستی خیل
رکن	۸۔ ملک محمد احسان اللہ ٹوانہ
رکن	۹۔ آغا حسن بلوچ
رکن	۱۰۔ جناب شیر علی ارباب
رکن	۱۱۔ محترمہ شنیدہ روت
رکن	۱۲۔ جناب سعد وسیم
رکن	۱۳۔ رانا ثناء اللہ خان
رکن	۱۴۔ چوہدری محمود بشیر ورک
رکن	۱۵۔ جناب عثمان ابراہیم
رکن	۱۶۔ خواجہ سعد رفیق
رکن	۱۷۔ سید حسین طارق
رکن	۱۸۔ سید نوید قمر
رکن	۱۹۔ ڈاکٹر نفیسہ شاہ
رکن	۲۰۔ محترمہ عالیہ کامران
رکن	۲۱۔ بیرسٹر ڈاکٹر محمد فروغ نسیم
رکن بلحاظ عہدہ	وزیر برائے قانون و انصاف

۳۔ کمیٹی نے ۲۲/۱۳ جولائی اور ۲۰/۲۱ اور ۲۱/۲۱ اگست، ۲۰۱۹ء کو منعقدہ اپنے اجلاسوں میں منسلکہ الف کے طور پر قومی اسمبلی میں پیش کردہ بل پر غور کیا۔ کمیٹی سفارش کرتی ہے کہ ایک پارلیمانی کمیٹی خصوصی کمیٹی تشکیل دی جائے جو بل ہذا مع دیگر مشابہہ بلوں پر غور کرے۔

دستخط۔

(ریاض قتیانہ)

چیئر مین

دستخط۔

(طاہر حسین)

سیکرٹری

اسلام آباد، ۲۵/اکتوبر، ۲۰۱۹ء