

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 11th December, 2018.

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 03rd January, 2019, 15th January, 2019, and 28th November, 2019. The Committee recommends that Bill to the extent of Clauses, 2, 4 and 5 may not be passed by the Assembly.

4. The Committee further recommends that a Parliamentary Committee/Special Committee shall be constituted to consider the Bill along with other similar Bills, to the extent of amendments in Articles 51 and 106 of the Constitution of the Islamic Republic of Pakistan.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 12th December, 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, 2018.

(2) It shall come into force at once.

2. **Insertion of Article 25B of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, after Article 25A, the following new Article shall be inserted, namely: -

“25B. Establishment of Women Universities.- The State shall take necessary steps to establish women university in each city of the country having population of 5,00,000 or more by 2020;

Provided that a completely separate women campus of a university will suffice in this regard:

Provided further that this Article shall not prevent the government to establish women universities in smaller cities.”.

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

(a) in clause (1), for the expression “three hundred and thirty-six” the expression “three hundred and forty ~~one~~” 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 law.”;

(c) In clause (6)-

(i) for paragraph (e), the following shall be substituted, namely: -

“(e) Non-Muslim shall have 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 following table: -

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

4. **Insertion of Article 63B of the Constitution.**- In the Constitution, after Article 63A, the following new Article shall be inserted, namely: -

“63B. Disqualification.- A member shall permanently be disqualified to be elected as member of Majlis-e-Shoora (Parliament) or of a Provincial Assembly if he is elected or attempts to be elected or elects or attempts to elect a member by way of bribery of any kind:

Provided that a member who is already a member or elected as a member and commits the act of bribery as aforesaid, shall be de-seated forthwith.”

5. **Amendment of Article 92 of the Constitution.**- In the Constitution, in Article 92, in clause (1), for the expression “and Ministers of State” the expression “, Ministers of State and Parliamentary Secretaries” shall be substituted.

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

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

STATEMENT OF OBJECTS AND REASONS

The women are most neglected segment of Pakistani society. There is no concept of women empowerment without higher education. So, insertion of Article 25B will open new avenues for women education and empowerment.

Under Article 36 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 seats in the Provincial Assembly of Sindh. These seats were added/increased long back.