

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) Bill, 2017.

(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 divisional basis by Election Commission of Pakistan on the basis of Non-Muslim population.".

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 Pakhtunkhwa	99	22	4	125
The Punjab	297	66	12	375
Sindh	130	29	13	172”.

STATEMENT OF OBJECTS AND REASONS

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 ago.

There were ten reserved seats for non-Muslims when the numbers of general seats were 207. When general seats were increased to 272 in 2002, the number of seats reserved for non-Muslim remained the same, i.e. ten. 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 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.

Sensing 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 elections were held which was 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. In this way they would remain integrated with the mainstream politics and true representatives of their communities would surface. The representative 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 vote both in their AJK hometown constituencies and in Pakistani constituencies where they reside.

Constituency on Population basis:

For election on reserved seats for Non-Muslims, delimitation of constituencies may be made on population basis by the Election Commission of Pakistan. The number of constituencies shall be on the basis of Non-Muslims population, so as to make a total of 15 constituencies for the National Assembly.

Using the same mechanism 4 constituencies shall be formed in Balochistan, 4 in Khyber Pakhtunkhwa, 12 in Punjab, and 13 in Sindh for Provincial Assemblies. Since 2002 the electoral role in general election do not identify voters by their religions. In this regard NADRA is the only source to track down Non-Muslims population in Pakistan because NADRA has documented the religion of every citizen who applies for NADRA CNIC.

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