

[AS 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 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, Hazara, Janubi Punjab, Khyber Pakhtunkhwa, the Punjab, and Sindh;

Explanation.- The Province of Bahawalpur shall comprise the existing administrative division of Bahawalpur; the Province of Hazara shall comprise the existing administrative division of Hazara; 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 and 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 |
|--------------------|-----------------------|--------------------|--------------------|
| Bahawalpur | 15 | 3 | 18 |
| Balochistan | 16 | 4 | 20 |
| Hazara | 7 | 2 | 9 |
| Janubi Punjab | 31 | 7 | 38 |
| Khyber Pakhtunkhwa | 38 | 8 | 46 |
| 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 and Khyber Pakhtunkhwa to the National Assembly 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,-

(1) in clause (1),-

- (a) for the words "ninety-six" the words "one hundred and sixty-five" shall be substituted;
- (b) in paragraph (f), for the word "four" the word "seven" shall be substituted;

(2) in clause (3), for paragraph (f), the following shall be substituted, namely,-

"(f) of the members referred to in paragraph (f) of the aforesaid clause, three shall retire after the expiration of first three years and four shall retire after the expiration of next three years."

(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, Hazara and Janubi Punjab,

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

and thereafter this clause shall stand omitted.

(3C) Notwithstanding the provisions of clauses (1) and (3) or any other law for the time being in force, members elected from the Provinces of the Punjab and Khyber Pakhtunkhwa prior to the creation of the new Provinces of Bahawalpur, Hazara and Janubi Punjab 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 |
|--------------------|----------------------|--------------|--------------------|--------------|
| Bahawalpur | 31 | 7 | 1 | 39 |
| Balochistan | 51 | 11 | 3 | 65 |
| Hazara | 18 | 4 | 1 | 23 |
| Janubi Punjab | 64 | 14 | 2 | 80 |
| Khyber Pakhtunkhwa | 97 | 22 | 3 | 122 |
| 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 and Khyber Pakhtunkhwa 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 having a domicile in Bahawalpur or Hazara or Janubi Punjab 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 clause (1A) shall be added, namely:-

“(1A) (a) As and when new Province 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, of (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.

(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 the Chairman, Senate and the Leaders of the House and Leaders of the Opposition, for this purpose and for consideration of proposals for new Provinces referred to it 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, and 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.”

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 Courts for Bahawalpur, Hazara and Janubi Punjab shall have their principal seats at Bahawalpur, Abbottabad and Multan respectively.

(b) in clause (3), the words “each”, “Bahawalpur, Multan and”, and the word and comma “Abbottabad,” shall be omitted.

9. Amendment of Article 218 of the Constitution:- In the Constitution, in Article 218, in clause (2), in paragraph (b), for the word “four” the word “seven” shall be substituted.

STATEMENT OF OBJECT AND REASONS

The Provincial Assembly of the Punjab had passed two separate Resolutions on 9th May 2012 for the restoration of the provincial status of Bahawalpur and creation of a new provinces of Janubi Punjab. The Resolutions were supported by members from political parties on both sides of the House.

The Provincial Assembly of Khyber Pakhtunkhwa had passed a Resolution on 25th March, 2014 for creation of a new province of Hazara. This Resolution was also supported by members from political parties on both sides of the House.

People from the erstwhile state of Bahawalpur and people from Hazara and Janubi Punjab continue to press for establishment of the new provinces of Bahawalpur, Hazara and Janubi Punjab respectively. This Constitution Amendment Bill seeks to meet their very genuine demands by restoring the provincial status of Bahawalpur (comprising the existing administrative division of Bahawalpur) and creating the provinces of Hazara (comprising the existing administrative division of Hazara) and Janubi Punjab (comprising the existing administrative divisions of Dera Ghazi Khan and Multan.

Sd/-

MR. MURTAZA JAVED ABBASI
MEMBER-IN-CHARGE