

NATIONAL ASSEMBLY SECRETARIAT

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

1. 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 20th August, 2019, 31th October 2019 and 27th November, 2019. The Mover had withdrawn the Amendment of Article 76 of the Constitution of the Islamic Republic of Pakistan; hence, the Committee recommends that the Bill to the extent of said amendment 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 Constitution (Amendment) Act, 2019.

(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, in clause (5), before the colon appearing at the end the following expression shall be added, namely: -

“and within the province(s) and Federal Capital all the seats be based on equal number of voters”.

3. Amendment in Article 76 of the Constitution. — In the Constitution of the Islamic Republic of Pakistan, in Article 76, in clause (3), the expression “, or a Bill which having been passed by the National Assembly is pending in the Senate,” shall be omitted.

4. Amendment of Article 106 of the Constitution.— In the Constitution, in Article 106, in clause (3), in paragraph (a), before the semicolon appearing at the end the expression, “all the seats shall be based on equal number of voters”, shall be added.

STATEMENT OF OBJECTS AND REASONS

Democracy is based on mandate of people through their representatives elected by eligible voters entered in the electoral rolls of the constituencies. Only voters are entitled to elect their representatives during the general elections or for filling of casual vacancies. However, there are disparities in number of voters in the constituencies which is in violation of principle of equality guaranteed in Article 25 of the Constitution. There is a difference of more than millions of voters i.e. fifty percent seats are with highest number of voters and fifty percent seats are with lowest number of voters. This amounts to disenfranchising millions of valid rightful voters and wasting their precious votes when many seats in the same House is allocated to the voters who are 300% more whereas in the same House other seats are allocated to the voters who are 300% less. There are cases in which the difference is more than 300%. There are different numbers of votes for different constituencies in different provinces, areas or territories of Pakistan. Due to this reason there is disproportionate representation of people or voters belonging to different Provinces, areas or territories becoming cause of concern and frustration. Article 25 of the Constitution provides for equality but the same principle of equality is not being applied for allocation of seats on the basis of equal number of voters into electoral constituencies.

2. The amendment in Article 76 is proposed so that the Bills passed by the Assembly and pending in the Senate may not lapse on dissolution of the Assembly.

3. The Bill seeks to achieve the aforesaid objectives.

Sd/-

Ms. Kishwer Zehra
Members, National Assembly