No. F. 23(20)/2019–Legis.—Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following report of the Standing Committee, presented to the National Assembly on 9th May, 2019 is published for information.

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

I, the Chairman of the 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 23rd April, 2019.

2. The Committee comprises the following:—

Price : Rs. 10.00

[738(2019)/Ex. Gaz.]
1. 

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<tr>
<th>Mr. Riaz Fatyana</th>
<th>Chairman</th>
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<td>Mr. Atta Ullah</td>
<td>Member</td>
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<td>Mr. Lal Chand</td>
<td>Member</td>
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<td>Mr. Muhammad Farooq Azam Malik</td>
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<td>Ms. Kishwer Zehra</td>
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<td>Ms. Maleeka Ali Bokhari</td>
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<td>Mr. Muhammad Sana Ullah Khan Masti Khel</td>
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<td>Malik Muhammad Ehsan Ullah Tiwana</td>
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<td>Agha Hassan Baloch</td>
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<td>Mr. Sher Ali Arbab</td>
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<td>Mr. Saad Waseem</td>
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<td>Syed Naveed Qamar</td>
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<td>Dr. Nafisa Shah</td>
<td>Member</td>
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<td>Ms. Aliya Kamran</td>
<td>Member</td>
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<td>Barrister Dr. Muhammad Farogh Naseem,</td>
<td>Ex-officio Member</td>
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<td>Minister for Law and Justice</td>
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3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-B), in its meetings held on 2nd and 7th May, 2019 and proposed the following amendments therein:—

1. **Clause 2**

   (i) In sub clause (i), for the words, “forty two” the words “thirty nine” shall be substituted.

   (ii) In sub clause (ii), for the expression, “Khyber Pakhtunkhwa 51 10 61” the following shall be substituted, “Khyber Pakhtunkhwa 48 10 58”

   (iii) In sub clause (iii), in the proposed clause (3B), for the words, “twelve” the words “nine” shall be substituted.

2. **Clause 3**

   (i) In sub clause (i), for the expression, “Khyber Pakhtunkhwa 123 28 4 155”; and
the following shall be substituted,
“Khyber Pakhtunkhwa 119 27 4 150”; and

(ii) In sub clause (ii), in paragraph (a), for the word “twenty four” the word “twenty” shall be substituted.

(iii) In sub clause (ii), in paragraph (b), for the word “six” the word “five” shall be substituted.

(iv) In sub clause (ii), for paragraph (c), the following shall be substituted;

“(c) the proviso shall be substituted with the following;

Provided that the election to the aforesaid seats shall be held not less than six months and not later than one year of the Constitution (Amendment) Act, 2019:

Provided further that the enhancement in the seats shall remain affective till the next census.”

(v) sub clause (iii), shall be omitted.

4. The Committee recommends that the Bill as reported by the standing Committee placed at (Annex-A) may be passed by the Assembly. However Mr. Naveed Qamar, Khawaja Saad Rafique, Syed Hussain Tariq and Dr. Nafeesa Shah, MNAs has dissented the Bill.

Sd/-

TAHIR HUSSAIN
Secretary

(RIAZ FATYANA)
Chairman

Islamabad, the 9th May, 2019

ANNEX-A

[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 51 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution, in Article 51,—

   (i) in clause (1), for the words “three hundred and thirty-six” the words “three hundred and thirty-nine” shall be substituted;

   (ii) in clause (3), in the Table, for the expression Khyber Pakhtunkhwa, in the first column and the corresponding entries relating thereto in the second, third and fourth column, the following shall be substituted, namely:—

   “Khyber Pakhtunkhwa 48 10 58”;

   (iii) after clause (3A), the following new clause (3B), shall be inserted, namely:—

   “(3B) The seats for the Province of Khyber Pakhtunkhwa, referred to in clause (3), shall include nine general seats, in respect of the erstwhile Federally Administered Tribal Areas.”;

   (iv) in clause (5), for the word “the”, occurring for the first time following shall be substituted namely:—

   “Save as provided in clause (3B) in respect of erstwhile Federal Administered Tribal Areas.”

3. **Amendment of Article 106 of the Constitution.**—In the Constitution, in Article 106.

   (i) in clause (I), in the Table, for the expression “Khyber Pakhtunkhwa”, in the first column and the corresponding entries relating thereto in the second, third, fourth and fifth columns the following shall be submitted, namely:—

   “Khyber Pakhtunkhwa 119 27 4 150”; and

   (ii) in clause (1A),—
(a) for the word “sixteen” the words “twenty” shall be substituted;

(b) for the word “four” the word “five” shall be substituted;

(c) for the proviso shall be substituted with the following, namely:

“Provided that the election to the aforesaid seats shall be held not less than six months and not later than one year of the Constitution(Amendment) Act, 2019:

Provided further that the enhancement in the seats shall remain affective till the next census.”

STATEMENT OF OBJECT AND REASONS

Under the Constitution, State is responsible to protect the rights of all its citizens and to give them true representation in all walks of life. To ensure proper representation of the areas of erstwhile FATA, it is necessary that the number of general seats of the National Assembly allocated for those areas should remain the same. However the seats allotted in the Principal Assembly of Khybrer Pakhtunkhwa for erstwhile FATA are also proposed to be increased to give adequate representation to the said area. The current allocation of the above said general seats made on the basis of provisional result, of the Population Census 2017 does not include Internally Displaced Persons (IDP’s) in the population of erstwhile FATA.

This Bill seeks to achieve the above said objectives.

       Sd/-
       Mr. Mohsin Dawar
       Member-in-Charge

ANNEX-B

[to be introduced in the National Assembly]
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 51 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution, in Article 51.—

   (i) in clause (1) for the expression “three hundred and thirty-six”, the expression “three hundred and forty-two”, shall be substituted;

   (ii) in clause (3), in the Table, for the expression Khyber Pakhtunkhwa”, in the first column and the entries relating thereto in the second, third and fourth columns, the following shall be substituted, namely:— “Khyber Pakhtunkhwa 51 10 61”;

   (iii) after clause (3A), the following new clause (3B) shall be inserted, namely:—

   “(3B) The seats for the Province of Khyber Pakhtunkhwa, referred to in clause (3), shall include twelve general seats, in respect of the erstwhile Federally Administered Tribal Areas.”; and

   (iv) in clause (5), in the beginning, expression “Save as provided in clause (3B) in respect of erstwhile Federal Administered Tribal Areas,” shall be inserted and for the word “The” occurring for the first time the word “the” shall be substituted.

3. **Amendment of Article 106 of the Constitution.**—In the Constitution, in Article 106.—

   (i) in clause (1), in the Table, for the expression Khyber Pakhtunkhwa”, in the first column and the entries relating thereto in the second, third, fourth and fifth columns, the following shall be submitted, namely:— “Khyber Pakhtunkhwa 123 28 4 155”;

   (ii) in clause (1A),—

   (a) for the word “sixteen” the words “twenty four” shall be substituted;
(b) for the word “four” the word “six” shall be substituted; and

(c) the proviso shall be omitted.

(iii) Clause (1B) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under the Constitution, State is responsible to protect the rights of all its citizens and to give them true representation in all walks of life. To ensure proper representation of the areas of erstwhile FATA, it is necessary that the number of general seats of the National Assembly allocated for those areas should remain the same. However, the seats allotted in the Provincial Assembly of Khyber Pakhtunkhwa for erstwhile FATA are also proposed to be increased to give adequate representation to the said area. The current allocation of the above said general seats made on the basis of provisional results of the Population Census 2017 does not include Internally Displaced Persons (IDP’s) in the population of erstwhile FATA.

This Bill seeks to achieve the above said objectives.

Sd/-
Mr. Mohsin Dawar
Member, National Assembly

TAHIR HUSSAIN,
Secretary.