No. F. 23(25)/2019-Legis.—The following Bills were introduced in the National Assembly on 30th April, 2019:—

BILL NO. 21

A

BILL

_further to amend the Control of Narcotic Substances Act, 1997_

WHEREAS, it is expedient further to amend the Control of Narcotic Substances Act, 1997 (No. XXV of 1997), for the purposes hereinafter appearing;

(1)

_Price: Rs. 40.00_

[784(2019)/Ex. Gaz.]
It is hereby enacted as follow:—

1. **Short title and commencement.**—(1) This Act may be called the Control of Narcotic Substances (Amendment) Act, 2019.

   (2) It shall come into force at once.

2. **Amendment of section 9, Act XXV of 1997.**—In the Control of Narcotic Substances Act, 1997, in section 9,—

   (a) in clause (a), in the end after the word “less” the expression “in case of Heroin (Including Amphetamine/ICE and other forms of Heroin) ranging from one gram up to one hundred gram grams, possessing, manufacturing or while trafficking through airports/by air, by sea or by road, it shall be a non-bailable offence punishable with imprisonment not less than ten years, and shall also be liable to fine which shall not be less than fifteen hundred thousand”, shall be added.

   (b) in clause (b), in the end after the word “Kilo gram” the expression “in case of Heroin (Including Amphetamine / ICE and other forms of Heroin) exceeding one hundred grams, possessing, manufacturing or while trafficking through airport/by air, by sea or by road, it shall be a non-bailable offence and punishable with imprisonment of not less than fourteen years, and shall also be liable to fine which shall not be less than two million”, shall be added.

STATEMENT OF OBJECTS AND REASONS

Crystal Meth (street name ICE), is a smoking form of “Methamphetamine Hydrochloride” and a refined form of Heroin. It is spreading rapidly amongst the youngsters throughout the country. ICE is a strong intoxicating drug which is more addictive than most other forms of the drugs. ICE cause obsession, hallucination and is notoriously associated with violence. It increases the “fight or flight” reaction which can make people respond more aggressively to situations.

An increase in ICE abuse has been reported recently. An estimated more than 2000 abusers are identified as per informal discussion of Psychiatric Clinics and hospitals in Peshawar city only. It is highly addictive stimulant that can have long term harmful effects on human body. This substance is illegal and has no other purpose than abuse.
To eliminate the menace of ICE in order to discourage its wide spread use and sale amongst youngsters and to make the control of Narcotic Substances Act more effective. Severe punishments, in this regard, is proposed through this Bill.

Sd/-

NOOR ALAM KHAN,
Member, National Assembly.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 22

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 the 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 Balochistan, Hazara, Khyber Pakhtunkhwa, the Punjab, and Sindh;

Explanation.—The Province of Hazara shall comprise the territories of existing districts in 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,—

<table>
<thead>
<tr>
<th>Province</th>
<th>General seats</th>
<th>Women seats</th>
<th>Total seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balochistan</td>
<td>16</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Hazara</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>40</td>
<td>8</td>
<td>48</td>
</tr>
<tr>
<td>Punjab</td>
<td>141</td>
<td>32</td>
<td>173</td>
</tr>
<tr>
<td>Sindh</td>
<td>61</td>
<td>14</td>
<td>75</td>
</tr>
<tr>
<td>Federal Capital</td>
<td>3</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>266</td>
<td>60</td>
<td>326</td>
</tr>
</tbody>
</table>

(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 and Hazara Division and women elected on reserved seats from these areas in General Elections 2018 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,—

(a) in clause (1), for the words “ninety-six” the words “one hundred and nineteen” shall be substituted;

(b) after clause (3A), the following clauses shall be inserted, namely,—

“(3B) Notwithstanding the provisions of clause (1) and (3) or any other law for the time being in force, members elected from the Province of Hazara prior to the creation of Hazara Province 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
---
Balochistan  51  11  3  65
Hazara  15  6  1  22
Khyber Pakhtunkhwa  100  20  3  123
Punjab  297  66  8  371
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 Hazara elected in the general elections, 2018 shall continue till dissolution of the Provincial Assembly and thereafter this clause, shall stand omitted.

6. 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 Hazara High Court, the Chief Justice of the Peshawar High Court shall also be a member of the Commission.”

7. Amendment of Article 218 of the Constitution.—In the Constitution, in Article 218, in clause (2), in sub clause (b) for the word “four” the word “five” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Provincial Assembly of the Khyber Pakhtunkhwa on 31-3-2014 passed a Resolution recommending therein to the Federal Government to introduce a Bill for creation of new Province on administrative grounds including Hazara Province.

People from the Hazara Division continue to press for creation of new province of Hazara. This Constitution Amendment Bill seeks to meet very genuine demand of people of Hazara Division by creating the Hazara province comprising the districts under the existing administrative Hazara Division.

Sd/-
MR. ALI KHAN JADOON,
Member-in-charge.
[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 23

A

BILL

further to amend the Child Marriage Restraint Act, 1929 (XIX of 1929)

WHEREAS it is expedient further to amend the Child Marriage Restraint Act, 1929 (XIX of 1929) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Child Marriage Restraint (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Amendment of section 2, Act XIX of 1929.—In the Child Marriage Restraint Act, 1929 (XIX of 1929), hereinafter referred to as the said Act, in section 2, for clause (a), the following shall be substituted, namely:—

“(a) “child” means a person who is under eighteen years of age;”

3. Amendment of section 4, of Act XIX of 1929.—In the said Act, in section 4,—

(i) for the word “simple” the word “rigorous” shall be substituted;

(ii) for the words “one month” the words “three years” shall be substituted; and

(iii) for the words “one thousand rupees” the words “two hundred thousand rupees” shall be substituted.

4. Amendment of section 5, Act XIX of 1929.—In the said Act, in section 5,—

(i) for the word “simple” the word “rigorous” shall be substituted;

(ii) for the words “one month” the words “two years” shall be substituted; and
(iii) for the words “one thousand rupees” the words “two hundred thousand rupees” shall be substituted.

5. Amendment of section 6, Act XIX of 1929.—In the said Act, in section 6, in sub-section (1),—
   (i) for the word “simple” the word “rigorous” shall be substituted;
   (ii) for the words “one month” the words “three years” shall be substituted; and
   (iii) for the words “one thousand rupees” the words “two hundred thousand rupees” shall be substituted.

6. Substitution of section 8, Act XIX of 1929.—In the said Act, for section 8, the following shall be substituted, namely:—

   “8. Jurisdiction under this Act.—The Family Court, established under section 3 of the West Pakistan Family Courts Act, 1964 (XXXV of 1964) shall exercise jurisdiction under this Act and may take cognizance of an offence in the manner provided by section 190 of the Code of Criminal Procedure, 1898 (V of 1898).”

7. Substitution of section 9, Act XIX of 1929.—In the said Act, for section 9, the following shall be substituted, namely:—

   “9. Offences under this Act shall be cognizable.—All offences under this Act shall be cognizable; such cognizance with in no case be taken after the expiry of one year from the date on which the offence is alleged to have been committed.”

8. Substitution of section 12, Act XIX of 1929.—In the said Act, for section 12, the following shall be substituted, namely:—

   “12. Power to issue injunction prohibiting marriage in Contravention of this Act.—(1) Notwithstanding anything to the contrary of this Act, contained in any other law, the court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act is going to be arranged or is about to be solemnized, issue an injunction against any person or authority involved therein, including an injunction against any of the persons mentioned in sections 3, 4, 5 and 6 of this Act, prohibiting such marriage.
(2) Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section, disobeys such injunction, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one hundred thousand rupees, or with both.”

STATEMENT OF OBJECTS AND REASONS

Poverty and illiteracy, are factors cited for the prevalence of child marriage. An early marriage leads to early conception, which ultimately affects the health of the teenage girl. Typically enormous pressure to bear children is put on child brides. In developing countries, the leading cause of death for young girls between the age of 15 and 18 is early pregnancy. A child according to the UN Convention on the Rights of the Child is any person under the age of 18.

Unfortunately the practice of child marriage is common in all parts of Pakistan particularly in the poor areas but the act of solemnizing child marriage is not cognizable and the police cannot take actions against the offenders. The amendment is intended to serve as a deterrent and to remove the existing gender disparity in age.

2. The Bill seeks to achieve the above-said objectives.

Sd/-

DR. RAMESH KUMAR VANKWANI,
Member National Assembly.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 24

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 Pakthunkhwa, 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 Pakthunkhwa.”

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:

<table>
<thead>
<tr>
<th>Province</th>
<th>General seats</th>
<th>Women seats</th>
<th>Total seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahawalpur</td>
<td>15</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>Balochistan</td>
<td>16</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Hazara</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Janubi Punjab</td>
<td>31</td>
<td>7</td>
<td>38</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>38</td>
<td>8</td>
<td>46</td>
</tr>
<tr>
<td>Punjab</td>
<td>95</td>
<td>22</td>
<td>117</td>
</tr>
<tr>
<td>Sindh</td>
<td>61</td>
<td>14</td>
<td>75</td>
</tr>
<tr>
<td>Federal Capital</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>266</strong></td>
<td><strong>60</strong></td>
<td><strong>326</strong></td>
</tr>
</tbody>
</table>

(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,—

<table>
<thead>
<tr>
<th>Province</th>
<th>General seats</th>
<th>Women</th>
<th>Non-Muslims</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahawalpur</td>
<td>31</td>
<td>7</td>
<td>1</td>
<td>39</td>
</tr>
<tr>
<td>Balochistan</td>
<td>51</td>
<td>11</td>
<td>3</td>
<td>65</td>
</tr>
<tr>
<td>Hazara</td>
<td>18</td>
<td>4</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>Janubi Punjab</td>
<td>64</td>
<td>14</td>
<td>2</td>
<td>80</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>97</td>
<td>22</td>
<td>3</td>
<td>122</td>
</tr>
<tr>
<td>Punjab</td>
<td>202</td>
<td>45</td>
<td>5</td>
<td>252</td>
</tr>
<tr>
<td>Sindh</td>
<td>130</td>
<td>29</td>
<td>9</td>
<td>168</td>
</tr>
</tbody>
</table>

(b) after clause (1) amended as aforesaid, the following new clause (IA) 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.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 25

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. **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.

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**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.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 26

A

BILL

further to amend the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981

WHEREAS it is expedient further to amend the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) for the purposes hereinafter appearing;

It is hereby enacted as under:

1. Short title, extent and commencement.—(1) This Act may be called the Disabled Persons (Employment and Rehabilitation) (Amendment) Act, 2019.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Insertion of new section 10A, Ordinance XL of 1981.—In the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981), hereinafter referred to as the said Ordinance, after section 10, the following new section 10A, shall be added, namely.—

“10A. Effective Access to the disabled persons.—(1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, the Government shall approve construction plans for new public and privately owned buildings to be used for public offices, which ensure provision of effective access of wheelchair and other assisted mode used by the disabled persons.
(2) The Government organizations shall bring necessary changes in the existing public and privately owned buildings housing public offices for effective access to disabled persons.”.

3. Amendment of section 20, Ordinance XL of 1981.—In the said Ordinance, the existing provision of section 20 shall be re-numbered as sub-section (1) thereof, and thereafter the following new sub-section (2), shall be inserted, namely:

“(2) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, a person found guilty of misusing any provision of the Ordinance or any law, rule or regulation to fraudulently offer employment or extend right thereunder to a person who does not fall within the meanings of disabled person, both of them shall be punished with rigorous imprisonment for a term which may extend to two years but not less than three months.”

STATEMENT OF OBJECTS AND REASONS

The Government of Pakistan promulgated Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (Ordinance XL of 1981) with an objective to economically and socially empower the persons with disabilities by providing job quota in the public organization. It has been observed that due to ineffective enforcement the authorities were not enforcing the law effectively. In addition due to lack of appropriate physical access to the work place, the employed persons are not able to discharge their duties effectively.

It is also needed that in order to make the disable persons effective and inclusive part of the society, the private sector should also provide employment to such persons.

Furthermore, it is a growing practice that the legal provision have been misused and people who are not qualified to be called as persons with disabilities are getting benefit of law prescribed for such persons.

This Bill is designed to achieve the purpose to expand the scope of the law to make physical access easy for the disabled persons, encourage private sector for job provision, and to make the misuse of law punishable.

Sd/-
MS. TAHIRA AURANGZEB,
Member, National Assembly.
[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 27

A

BILL

further to amend the Transplantation of Human Organs and Tissues Act, 2010

WHEREAS it is expedient to amend the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Transplantation of Human Organs and Tissues (Amendment) Act, 2018.

   (2) It shall come into force at once.

2. **Insertion of new section 4A, Act VI of 2010.**—In the Transplantation of Human Organs and Tissues Act, 2010 (VI of 2010), after section 4, the following new section shall be added, namely:

   “4A. **Provision for Donation of human organs or tissues after accidental death.**—(1) The authority issuing a driving licence shall make a provision at the first page of a driving licence in the form of an undertaking for obtaining consent of applicant of such driving licence regarding donation of human organs or tissues in case of accidental death of the holder of such driving licence.

   (2) Whoever apply for a driving licence may opt for signing the undertaking as provided in sub-section (1) consenting that his organs or tissues may be transplanted to any person in need of such human organs or tissues in case of accidental death of the signatory to be removed by the nearest authorized medical institution or hospital duly recognized by the Monitoring Authority.

   (3) The Monitoring Authority, driving licence issuing authority or such other authorities in the field of public health shall publicize the importance to be a deceased donor for the welfare of humanity from different scientific and religious aspects so that people may contribute through their voluntary donations of organs and tissues in case of accidental death.”.
STATEMENT OF OBJECTS AND REASONS

There are so many accidental deaths while driving motor vehicles. During such deaths human body is mutilated, injured or damaged in such form that sanctity of human corpse like natural death is not possible and even routine rituals are also not performed. However, most of human organs or tissues are still active even after clinical death and some of such human organs or tissues may be transplanted to persons in need of such human organs or tissues. Such donation may give a new lease of life to person in need of such human organs or tissues. Therefore, there is need to make a provision to donate human organs or tissues in case of accidental death.

2. The Bill will achieve the above aims and objects.

Sd/-

MS. KISHWER ZEHRA,
Member-in-charge.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 28

A

BILL

to make provisions for prohibition of corporal punishment against children.

WHEREAS the Constitution recognizes the inviolability of dignity of a person as fundamental right;

WHEREAS it is necessary to make provisions for the protection of children against corporal punishment by any person, at work place, in all types of educational institutions including formal, non-formal, and religious both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings both public and private, and in the Juvenile Justice System;

AND WHEREAS Pakistan has ratified United Nations Convention on Rights of the Child (1989) and in accordance with Article 19 of this Convention, Government of Pakistan has committed to taking all appropriate legislative, administrative, social and educational measures to protect the child from all
forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;

It is hereby enacted as follows:—

1. **Short title, extent and Commencement.**—(1) This Act may be called the Islamabad Capital Territory Prohibition of Corporal Punishment Act, 2019.

   (2) It extends to the Islamabad Capital Territory.

   (3) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—

   (a) “care institutions” means an educational institution, an orphanage or a place of safety for one or more children for the purposes of providing alternative care or foster care; it may include a children's home, rehabilitation center or shelter either on permanent or temporary basis whether public or private; registered or unregistered;

   (b) “child” means any person under the age of eighteen years;

   (c) “corporal” or “physical” means any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light it may be, which may involve hitting (“smacking”, “slapping”, “Spanking”) a child, with the hand or with an implement (a whip, stick, belt, shoe, wooden spoon, etc.) including kicking, shaking or throwing a child, scratching, pinching, biting, pulling hair or boxing ears. Forcing a child to stay in uncomfortable positions, burning, scalding or forced ingestion for example, washing a child's mouth out with soap or forcing him to swallow hot spices, including mental abuse or any other kind of punishment but not limited to:

      (i) “assault” as defined in section 351 of the Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section as “the said Code”;

      (ii) “hurt” as defined in section 332 of the said Code;

      (iii) “criminal force” as defined in section 350 of the said Code; and
(iv) other non-physical forms of punishment which are cruel and degrading, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child;

(d) “educational institution” means any institution where any kind of instruction is imparted in a formal or non-formal way whether it is on a full time or part time basis; including boarding houses, both public or private; registered or unregistered;

(e) “work place” means the place of work or the premises where an organization or employer operates and includes building, factory, shop, commercial establishment, workshop, farm, residential hotel or restaurant, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

(2) “words and expression” used but not defined shall have the same meaning as assigned in the respective laws.

3. **Prohibition of Corporal Punishment.**—(1) The child has the right to be shown respect for his personality and individuality and shall not be made subject to corporal punishment or any other humiliating or degrading treatment.

(2) Notwithstanding anything contained in section 89 of the Pakistan Penal code, 1860 and any other law and regulation for the time being in force, corporal punishment of children by any person is prohibited in all its forms, at work place, in schools and other educational institutions including formal, non-formal, and religious, both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings, both public and private, and in the Juvenile Justice System.

(3) Disciplinary measures concerning the child can only be taken in accordance with the child's dignity, and under no circumstances corporal punishments, or punishments which relate to the child's physical and mental development or which may affect the child's emotional status are allowed.

4. **Penalties.**—(1) Whoever violates the provisions of section 3 of this Act shall be liable to the punishments prescribed for the said offences in the Pakistan Penal Code, 1860 and in other enactments.

(2) The following minor and major penalties shall be in addition to other enactment, who violate the provisions of section 3 of this Act in educational, care institutions, and in other alternative care setting:—
(a) **Minor penalties:**

(i) censure;

(ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;

(iii) stoppage from promotion, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and

(iv) recovery from pay of the whole or any part of any pecuniary loss caused to government by negligence or breach of orders;

(b) **Major penalties:**

(i) demotion to a lower post or time-scale, or to a lower stage in a time scale;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

(3) Removal from service does not, but dismissal from service does, disqualify for future employment.

(4) In this section removal or dismissal from service does not include the discharge of a person—

(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or

(c) engaged under a contract in accordance with the terms of the contract.

5. **Complaint procedure in the cases of corporal punishment.**—The Federal Government shall prescribe a complaint procedure in coordination with other line departments, to entertain complaints of corporal punishment by children or by any other person.
6. **Enforcement of the provisions of this Act to private institutions.**—(1) The Federal Government shall devise a comprehensive system for the enforcement and monitoring of the Act in private institutions whether registered or unregistered.

(2) All private institutions shall formulate a complaint system to address corporal punishment.

(3) At the time of registration the private institutions will have to submit an undertaking in writing that they will be responsible for the formulation of complaint system in line with the Act and Rules made there under for entertaining complaints of corporal punishment; failing which will make them liable to the cancelation of registration. The form of undertaking will be prescribed.

(4) In case of a private institution the complaint of corporal punishment may also be filed for invoking the provisions of the Act before an authority which may be prescribed.

7. **This Act to override all other laws.**—The provisions of this Act shall override all other laws for the time being in force.

8. **Rules.**—(1) The Federal Government may make rules, by official notification under the Act, within six months after promulgation of this Act.

(2) The Federal Government shall amend the Code of Conduct for teachers and the relevant Rules etc. to include the prohibition of corporal punishment against children at workplace and in all educational institutions including formal, non-formal, and religious, both public and private, and in child care institutions including foster care, rehabilitation centers, and any other alternative care settings, both public and private and in Juvenile Justice System.

**STATEMENT OF OBJECTS AND REASONS**

Physicians, psychologists, and educationists around the globe have pointed out towards negative effects of physical punishment of children on their mental and cognitive development. Countless studies have proved that corporal punishment and uncongenial learning environment creates a number of psycho-social imbalances in the personalities of children including aggression. Experts have consensus that physical punishment can have adverse consequences on the child's health, particularly their behavior and emotional wellbeing. One of the reasons attributed to the higher drop-out rate in schools and low learning outcomes of students is physical punishment and castigation of pupils by the teachers.
The cases of injuries inflicted by teachers on their students are regularly reported by the media. In accordance with United Nations Convention on Rights of Child (1989) ratified by Pakistan, it is now the responsibility of the state to protect children from all forms of physical and mental violence and maltreatment. Therefore, it is desirable that corporal punishment is banned legally and declared an offense through an Act.

Sd/-

MS. MEHNAZ AKBER AZIZ,
Member, National Assembly.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 29

A

BILL

further to amend the Pakistan Citizenship Act, 1951

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Citizenship (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 2, Act II of 1951.**—In Section 2 of the Pakistan Citizenship Act, 1951 (II of 1951) hereinafter referred to as the said Act, after the definition of ‘Commonwealth citizen’, the following definition shall be inserted, namely:—

   “Certificate of Pakistan citizenship” means a certificate of Pakistan Citizenship granted under this Act and includes a certificate of naturalization or a certificate of registration granted under the Nationality and Citizenship Act 1951;”
3. **Substitution of Section 4, Act II of 1951.**—In the said Act, for section 4, the following new section shall be substituted, namely:—

“4. **Citizenship by birth.**—(1) Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth, if:

(a) any one of the parent of the person was, at the time of birth a citizen of Pakistan or a permanent resident of Pakistan; or;

(b) he has been ordinarily residing in Pakistan, for the period of ten years commencing from the date of his birth.

(2) A person shall not be a citizen of Pakistan by virtue of this section if, at the time of birth, the parents were alien enemy and such birth had taken place while such parents were under occupation of the enemy:

Provided that permanent resident does not include a reference to a person who is, for the purposes of the Migration Act 1958, an exempt non-citizen.

(3) The persons residing in Pakistan, for a continuous period of 20 years or by birth and are registered with the alien registration authority as provided in Section 14(D)(1) of The Foreigners Act, (1946, Act No. XXXI of 1946), or NADRA, or UNCHR or any other government department or authority, on their presence in Pakistan, shall have the right to seek nationality through application submitted to the Federal Government, accompanied with affidavit to remain sincere and loyal to the country.

(4) The Federal Government may by order either generally or with respect to particular class of foreigners or any specific class of foreigners may grant nationality to those foreigners who fulfill the criteria set out in Sub-Section (1) and (2) in pursuance of powers vested in the Federal Government under Section 8(1) read with Section 3(1) of the Foreigners Act, 1946. (No. XXXI of 1946).”

4. **Substitution of Section 5, Act II of 1951.**—In the said Act, for section 5, the following new section shall be substituted, namely:—

“5. **Citizenship by descent.**—(1) Subject to the provisions of section (3), a person born after the commencement of this Act shall be a citizen of Pakistan by descent if his father is a citizen of Pakistan at the time of his birth:

Provided that if the father of such a person is a citizen of Pakistan by descent only, that person shall not be a citizen of Pakistan by virtue of this section unless—
(a) that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where by treaty, capitulation, grant, usage, sufferance, or other lawful means, the Federal Government has jurisdiction; or

(b) that person’s birth having occurred in a place in a foreign country other than a place such as is mentioned in the last foregoing paragraph, the birth is registered at Pakistan consulate within one year of birth or with the permission of the foreign office; or

(c) If the foreign office so directs, a birth shall be deemed for the purposes of this section to have been registered with his permission notwithstanding that his permission was not obtained before the registration.

5. **Substitution of Section 10, Act II of 1951.**—In the said Act, for section 10, the following new section shall be substituted, namely:

“10. **Married Women.**—(1) Any woman who by reason of her marriage to a British subject before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Pakistan who but for her death would have been a citizen of Pakistan under sections 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, and if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject to as aforesaid, a man or a woman who has been married to a man or woman who, but for his/her death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether by migration as provided in the said sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if he/she is an alien, to him/her obtaining the certificate and taken the oath mentioned therein.

(4) A person who has ceased to be a citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be
entitled to be registered as a citizen thereof under this section but may be registered with the prior permission of the Federal Government.”

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Pakistan Citizenship Act, 1951 (II of 1951) to regulate the nationality of those persons who are living in Pakistan for twenty years or by birth due to political situation, war, civil war etc. The Government is worried about their this very condition. They are deprived of their fundamental rights as citizens. They have started business and purchased property in the country and have deep roots in the society by entering into marriages with the locals. They are unable to get CNIC, open bank accounts, share property or get job and consequently they do not pay tax to the Government. After the aforesaid amendment they will become part of Pakistan and make contribution to the economy of Pakistan. In order to achieve the aforesaid objectives it is necessary to amend the Pakistan Citizenship Act, 1951 (II of 1951).

Sd/-
MR. RIAZ FATYANA,
Member National Assembly.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 30

A

BILL

_further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898_

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Law (Amendment) Act, 2019.
2. **Substitution of section 489F, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 489F, the following shall be substituted, namely:

"489F. **Dishonestly issuing a cheque.**—(1) Whoever dishonestly issues a cheque towards repayment of a loan or fulfilment of an obligation which is dishonoured on presentation, shall be punishable as under,—

(a) if the amount mentioned in the cheque is less than rupees ten hundred thousand, with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than double of the amount mentioned in the cheque, or with both; or

(b) if the amount mentioned in the cheque is more than rupees ten hundred thousand but less than rupees fifty hundred thousand, with imprisonment of either description for a term which may extend to five years, or with fine which shall not be less than double of the amount mentioned in the cheque, or with both; or

(c) if the amount mentioned in the cheque is more than rupees fifty hundred thousand but less than rupees ten million, with imprisonment of either description for a term which may extend to seven years, or with fine which shall not be less than double of the amount mentioned in the cheque, or with both; or

(d) if the amount mentioned in the cheque is more than rupees ten million with imprisonment of either description for a term which may extend to ten years, or with fine which shall not be less than double of the amount mentioned in the cheque, or with both, unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honoured and that the bank was at fault in not honouring the cheque."

3. **Amendment of Schedule II, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, for section 489F, in column 1 and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:
STATEMENT OF OBJECTS AND REASONS

Section 489F was added to cheque the menace of issuing cheques without making arrangements of funds for honouring such cheques by their bankers. However, deterrent effect of section 489F is losing its importance where the amount payable through cheques is in millions of rupees. Consequently, the punishment is neither proportionate to amount of cheque and even where there amounts in millions of rupees, makers of such cheques prefer to stay in prisons instead of showing any interest in repayment of their loans or other liabilities, etc., during business transactions. Thus, it is necessary to provide more effective punishments proportionate to amount of cheques so that section 489F should remain an effective measure to establish financial discipline and fulfillment of financial liabilities as the civil claims are not suitable remedy due to lengthy litigation process and lack of trust of people on system of dispensation of justice at least at subordinate judiciary level.

2. This Bill seeks to achieve the above-said objectives.

Sd/-

MS. KISHWER ZEHRA,
Member-in-charge.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 31

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,—

   (a) in clause (1), for the words “three hundred and thirty six” the words “three hundred and forty one” shall be substituted; and

   (b) in clause (4) for the word “ten” the word “fifteen” shall be substituted.

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:

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<th>General Seats</th>
<th>Women</th>
<th>Non-Muslims</th>
<th>Total</th>
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</thead>
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<td>51</td>
<td>11</td>
<td>04</td>
<td>66</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
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<td>26</td>
<td>04</td>
<td>145</td>
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<td>173</td>
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</tbody>
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**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 per Article 106 the table indicates the number of seats in the Provincial Assembly to be allocated to non-Muslims. There were ten reserved seats for non-Muslims when the number of general seats were 207. When general seats were increased to 272 in 2002, the number of seats reserved for non-Muslims remained the same *i.e.* 10. The Minority Community strongly feels that
minorities representation in National and Provincial Assemblies may be increased according to the proportion to the population of non-Muslims.

2. The Bill seeks to achieve the above-said objectives.

Sd/-
DR. DARSHAN,
Member-in-charge.

TAHIR HUSSAIN,
Secretary.