

[AS RECOMMENDED BY THE COMMITTEE]

A

BILL

further to amend the Delimitation of Constituencies Act, 1974

Whereas it is expedient further to amend the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.-(1) This Act may be called the Delimitation of Constituencies (Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 4, Act XXXIV of 1974.-(1) In the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), hereinafter referred to as the said Act, in section 4, in sub-section (3),-

(a) for the words "**other two members**" the words "**majority of the members of the Commission**" shall be substituted.

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

"Provided that-

(a) where the members attending the proceedings of the Commission are four and they are equally divided in their opinion; or

(b) where the members attending the proceedings of the Commission are three and there is difference of opinion amongst them,

the matter shall be placed before the Commission for decision."

3. Substitution of section 5, Act XXXIV of 1974.- In the said Act, for section 5, the following shall be substituted, namely:-

"5. Delegation of powers, etc.- (1) The Commission may authorize two or more of its members, acting [* *] together, to exercise and perform all or any of its powers and functions under this Act.

(2) Where two or more members are authorized under sub-section (1),-

- (a) their decision shall be expressed in terms of the opinion of the majority; or
- (b) if they are equally divided, the matter shall be placed before the Commission.”.

4. Amendment of section 7, Act, XXXIV of 1974.- (1) In the said Act, for section 7, for sub-section (1), the following shall be substituted, namely:-

“(1) On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as set out in the table below:-

S. No.	Province/Area	General seats	Women seats	Total
1.	Balochistan	14	3	17
2.	Khyber Pakhtunkhwa	35	08	43
3.	Punjab	148	35	183
4.	Sindh	61	14	75
5.	Federally Administered Tribal Areas	12	-	12
6.	Federal Capital	02	-	02
	Total	272	60	332

Provided that in addition to the number of seats referred in the above table there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.”.

5. Substitution of section 8, Act XXXIV of 1974.- In the said Act, for section 8, the following shall be substituted, namely:-

“**8. Delimitation of Constituencies.-**(1) For the purpose of election to the National Assembly, the Commission shall divide:-

- (a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province under section 7; and
- (b) the Federally Administered Tribal Areas and the Federal Capital into as many separate territorial constituencies, as the number of general seats respectively allocated to said Areas and Federal Capital under section 7.

(2) The constituencies for the seats reserved for women in the National Assembly shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under section 7.

(3) The constituency for all seats reserved for non-Muslims in the National Assembly under clause (4) of Article 51 shall be the whole country.

(4) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many separate territorial constituencies as the number of general seats [* * * *] given below:

Province/Area	General Seats	Women seats	Non-Muslims	Total
Balochistan	51	11	3	65
Khyber Pakhtunkhwa	99	22	3	124
Punjab	297	66	8	371
Sindh	130	29	9	168

(5) The constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under [* * * *] **sub-section (4).**"

6. **Substitution of section 9, Act XXXIV of 1974.**- In the said Act, for section 9, the following shall be substituted, namely:-

"9. Principles of delimitation.-(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies:

Provided that for the purpose of delimiting constituencies for the general seats for the Federally Administered Tribal Areas two or more separate areas may be grouped into one constituency.

(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population."

7. **Omission of Schedule, Act XXXIV of 1974.**- In the said Act, the Schedule, occurring at the end, shall be omitted.

(7)

STATEMENT OF OBJECTS AND REASONS

The proposed amendments in the Delimitation of Constituencies Act, 1974 are essentially required to bring the provisions of the Act, in conformity with Articles 51, 106 and 218 of the Constitution as amended by the Constitution (Eighteenth Amendment) Act, 2010. Accordingly, consequential amendments have been proposed in Section 4, 5, 7, 8 and 9 of the Act,

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

Sd/-
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Minister for Law, Justice & Parliamentary Affairs

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