



SENATE SECRETARIAT

Report No. 11

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE CONSTITUTION (AMENDMENT) BILL, 2019
(AMENDMENT OF ARTICLE 198)”**

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2019 (AMENDMENT OF ARTICLE 198)"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill, 2019 (Amendment of article 198)" introduced by Senator Muhammad Javed Abbasi in the Senate sitting held on 29th April, 2019. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Walid Iqbal	Member
14.	Senator Sitara Ayaz	Member
15.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 16th May, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi, however, at the time of consideration of Bill Senator Javed Abbasi recused himself from presiding the meeting and Senator Farooq Hamid Naek occupied the Chair as Acting Chairman, which was attended by the following Members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Farooq Hamid Naek
- iii. Senator Siraj ul Haq
- iv. Senator Muhammad Ali Khan Saif
- v. Senator Mustafa Nawaz Khokar
- vi. Senator Sana Jamali
- vii. Senator Sitara Ayaz

4. Senator Muhammad Javed Abbasi, Member-in-Charge briefed the Committee that "the reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of their litigation through sufficient benches of the High Courts in the provinces."

5. The Secretary, Law and Justice briefed the Committee that the creation of benches is already provided in clause (4) of Article 198 of the Constitution. In terms of the said clause benches can be constituted at such other places as the Governor may determine on the advice of the Cabinet and in consultation with the Chief Justice of the High Court.

6. The Committee took note that clause (3) of Article 198 of the Constitution had already been amended by Constitution (18th Amendment) Act, 2010, wherein benches in Mingora and Turbat were provided for. Therefore, the Committee opined that the instated of substituting clause (3) amendments may be brought in the existing clause (3) in line with the earlier scheme of amendments.

7. All Members present principally supported the Bill, however, Senators Muhammad Ali Khan Saif and Mustafa Nawaz Khokar were of the opinion that condition of resolution by the provincial assembly for establishment of benches, may be

omitted and existing clause (4), as provided in Article 198 of the Constitution shall remain as it is. Furthermore, proposed clause (4A) may also be omitted as power to create benches includes power to abolish the same.

8. In view of the deliberations, the Committee recommended that clause (2) of the Bill shall be substituted with the following:-

“(2) Amendment of clause (3) of Article 198 of the Constitution.- in the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, in clause (3),-

- (i) after the word Multan, commas and following words shall be inserted, namely
“, Dera Ghazi Khan, Faisalabad, Gujranwala, Sargodha,”
- (ii) after the word “Sukkur”, the commas and following words shall be inserted, namely,-
“, Hyderabad and Larkana”
- (iii) after the word “Mingora”, the commas and following words shall be inserted, namely,-
“, Mohmand Agency, North Waziristan”
- (iv) after the word “Sibi”, the commas and following words shall be inserted, namely,-
“, Loralai, Khuzdar”

9. The proposed amendments were duly supported by the Member-In-Charge of the Bill.

10. In view of the above mentioned, the Committee recommends that “The Constitution (Amendment) Bill, 2019 (Amendment of Article 198)”, as reported by the Committee may be passed by the Senate. (The Bill reported by the Committee is annexed as “A” and the Bill introduced in the Senate is annexed as “B”).



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law & Justice

[AS REPORTED BY THE COMMITTEE]**A****Bill**

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973 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 clause (3) of Article 198 of the Constitution.**- *in the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, in clause (3),-*

- (i) after the word Multan, commas and following words shall be inserted, namely
", Dera Ghazi Khan, Faisalabad, Gujranwala, Sargodha,"
- (ii) after the word "Sukkur", the commas and following words shall be inserted, namely,-
", Hyderabad and Larkana"
- (iii) after the word "Mingora", the commas and following words shall be inserted, namely,-
", Mohmand Agency, North Waziristan"
- (iv) after the word "Sibi", the commas and following words shall be inserted, namely,-
", Loralai, Khuzdar"

STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of their litigation through sufficient benches of the high courts in the provinces.

**SENATOR MUHAMMAD JAVED ABBASI
MEMBER-IN-CHARGE**

Annex-"B"

^{As}
~~[TO BE INTRODUCED IN THE SENATE]~~

A
Bill

*further to amend the Constitution of the Islamic Republic of Pakistan,
1973*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973, 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 198 of the Constitution: In the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, -

(i) for clauses (3) and (4) the following shall be substituted, namely:-

"(3) The High Court of Khyber Pakhtunkhwa shall have a Bench each at Abbottabad, Mingora, Mohmand Agency, North Waziristan and Dera Ismail Khan; the High Court of Punjab shall have a Bench each at Rawalpindi, Sargodha, Gujranwala, Faisalabad, Multan, Dera Ghazi Khan and Bahawalpur; the High Court of Sindh shall have a Bench each at Hyderabad, Larkana and Sukkur and High Court of Balochistan shall have a Bench each at Khuzdar, Loralai, Sibi and Turbat.

(4) Each of the High Courts may have Benches at such other places as the Governor, in consultation with the Chief Justice of the High Court, may order after the Resolution determining establishment of such Benches passed by the Provincial Assembly with two-third majority of the sitting members."

- (ii) after clause (4), substituted as aforesaid, the following new clause 4A shall be inserted, namely:-

“(4A) One or more seats of the High Court may be abolished after five years by the Governor in consultation with the Chief Justice of the High Court upon a Resolution passed by the Provincial Assembly with two-third majority of the sitting members.”

STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. Despite demands of the lawyers community for establishment of additional benches of the High Courts, the existing Constitutional provision could not address this issue.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of the litigation through sufficient benches of the high Courts in the provinces.

**SENATOR MUHAMMAD JAVED ABBASI
MEMBER-IN-CHARGE**