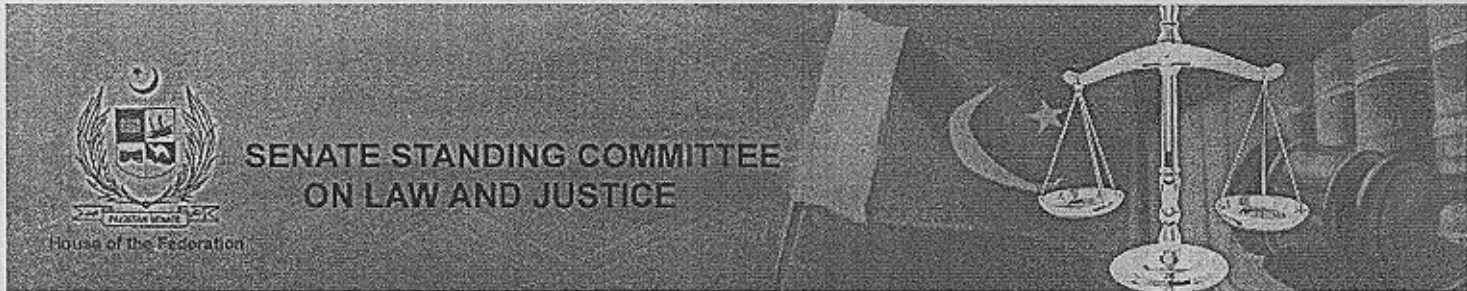


SENATE OF PAKISTAN



REPORT NO.25

REPORT OF THE SENATE STANDING COMMITTEE ON
LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2019”
(AMENDMENT OF ARTICLES 51 AND 106)

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

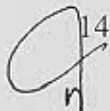
SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2019" (AMENDMENT OF ARTICLES 51 AND 106).

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2019" (Amendment of Articles 51 And 106)" (Private Members' Bill), introduced in the Senate by Senators Sajjad Hussain Turi, Ahmed Khan, Naseebullah Bazai, Sana Jamali, Manzoor Ahmed, Dr. Jehanzeb Jamalini, Sarfaraz Ahmed Bugti, Dr. Ashok Kumar, Muhammad Akram, Sardar Muhammad Yaqoob Khan Nasar, Muhammad Usman Khan Kakar, Molana Abdul Ghafoor Haideri, Agha Shahzaib Khan Durrani, Kalsoom Perveen, Sardar Muhammad Shafiq Tareen, Mir Kabeer Ahmed Muhammad Shahi, Abida Muhammad Azeem, Gul Bashra, Kauda Babar and Anwaar-ul-Haq Kakar on 2nd September 2019 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

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



3. The Committee considered the Bill in multiple meetings and also held public hearings in Karachi and Quetta to assess on-ground situation and get firsthand knowledge of public opinion. All political parties, civil society representatives, lawyers, academia, students and general public were invited to the public hearings. In Balochistan, there was unanimous support for increasing Balochistan Assembly seats as well as seats of the province in National Assembly. The support was based on three main reasons:

- i. Vast area of Balochistan, which makes it impossible for elected representatives to cover their constituencies fully and properly and also hinders development.
- ii. Since existing seats are mostly won by well-established political and tribal figures, new seats will create room for youth to come forward.
- iii. Balochistan Assembly is the smallest House. Increase of provincial assembly seats will bring it at par with other provincial assemblies to some extent.

4. In Sindh, however, there was agreement on increasing the seats of Balochistan Assembly as it was good for Balochistan without having any bearing on other federating units. However the proposal for increasing Balochistan's seats in the National Assembly did not receive support as the seats in National Assembly are based on population under the Constitution.

5. The Committee held conclusive deliberations on the Bill in its meeting held on 9th March 2020, with the following in attendance:

Senator Muhammad Javed Abbasi	Chairman
Senator Dr. Ghous Muhammad Khan Niazi	Member
Senator Sirajul Haq	Member
Senator Ayesha Raza Farooq	Member
Senator Zeeshan Khanzada	Member
Senator Sana Jamali	Member
Senator Muhammad Ali Khan Saif	Member
Senator Mustafa Nawaz Khokhar	Member
Senator Sajjad Hussain Turi	Member-In-Charge
Senator Naseebullah Bazai	Member-In-Charge
Senator Ashok Kumar	Member-In-Charge
Senator Muhammad Usman Khan Kakar	Member-In-Charge
Senator Molana Abdul Ghafoor Haideri	Member-In-Charge
Senator Kalsoom Perveen	Member-In-Charge

In his introductory remarks, the Chairman Committee held that increase in Balochistan Assembly seats needed special consideration while increase in Balochistan's seats in National Assembly may be considered at a later stage. Thereafter, he invited the Members In-Charge of the bill to express their opinion.

6. Senators Usman Khan Kakar, Moulana Abdul Ghazfoor Haidri, Sajjad Hussain Turi, Dr. Ashok Kumar, Anwaar-ul-Haq Kakar, Naseebullah Bazai, Sana Jamali, Gul Bashra and Kalsoom Perveen asserted for more seats for Balochistan in National Assembly based on very large area of each constituency, insufficient development funds for such large areas and inadequate say of Balochistan in matters such as election of Prime Minister. They argued that some constituencies in Balochistan were larger in area than many districts of other provinces combined.

7. When asked by the Chair if there was any legal requirement or formula for increase in provincial assembly seats, Secretary Law replied that the Constitution provides no such requirement or formula rather it has been left on the Legislature. Senator Mustafa Nawaz Khokhar agreed that seats of Provincial Assembly of Balochistan may be increased by amending section 106 of the Constitution however noted that since seats of all provinces in National Assembly are allocated on the basis of population, as per officially published census, under Article 51(5) of the Constitution, seats of a particular provinces in National Assembly cannot be increased in deviation of the formula provided in the Constitution. He also observed that the results of the census conducted in 2017 have not been finalized or officially published yet. Senator Ayesha Raza Farooq said there was no denying of Balochistan's deprivations, therefore proposal for increasing Balochistan Assembly seats was supported. For greater representation of provinces in national parliament, Senate exists. National Assembly is based on population and that is the Constitutional Scheme, which everyone has to adhere to.

8. Senator Dr. Ghous Muhammad Khan Niazi and Senator Sirajul Haq also supported the view that Balochistan Assembly seats may be increased but Balochistan's seats in National Assembly cannot be increased as it would not be in accordance with the Constitutional Scheme. Senator Muhammad Ali Khan Saif agreed in principle with the demand of senators from Balochistan for more seats in National Assembly however in view of Constitutional requirement the proposal needed to be reconsidered. He also supported increase in Balochistan Assembly seats since it did not involve any legal requirements or formula. Senator Sana Jamali pressed for both

the proposals in view of Balochistan's peculiar circumstances. She also thanked the Chairman and other Members for supporting the proposal of increase in Balochistan Assembly seats. Senator Syed Shibli Faraz, Leader of the House, who specially attended the meeting, remarked that it was an important issue and demand for enhanced parliamentary representation of Balochistan was genuine. He also supported increase in Balochistan Assembly seats.

9. Noting that the Bill proposes to increase total number of seats for Balochistan Assembly from 65 to 80, Senator Mustafa Nawaz Khokhar inquired the rationale for particular number of seats to be increased and said his dissent on specific number of seats may be made part of the record if there is no such rationale. Senator Ayesha Raza Farooq observed that General seats were proposed to be increased to 64 from 51 and Women seats to 13 from 11 but seats for Non-Muslims were not increased from 3. After deliberations on the issue, the Chairman concluded that the Committee will propose for total seats to be increased to 80 from 65 while General, Women, Non-Muslim seats be increased proportionately as per the previous formula, if any.

10. Thereon, Chairman Committee put the Bill to vote. Clause 2 of the Bill, proposing amendment in Article 51 of the Constitution to increase Balochistan's seats in National Assembly, was rejected unanimously. Clause 3 of the Bill, proposing amendment in Article 106 of the Constitution to increase Balochistan Assembly's total seats from 65 to 80, was passed unanimously, with the caveat that General, Women, Non-Muslim seats be increased proportionately as per the previous formula (For increase of total seats from 65 to 80, the multiplying factor is 1.23, so the seats in all columns will be multiplied by 1.23). Hence following amendments were proposed in the Bill:

(i) Clause 2 of the Bill shall be omitted.

(ii) Clause 3 of the Bill, renumbered as Clause 2, shall be substituted with the following:-

2. Amendment of Article 106 of the Constitution.- In the Constitution, in Article 106,-

(i) in clause (1), in the table, for the word, "Balochistan", in the first column and the entries thereto in the second, third, fourth and fifth columns,

the following shall be substituted, namely:-

"Balochistan	63	13	4	80"
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11. With the above amendments, the Bill was passed unanimously. The Committee recommended that "The Constitution (Amendment) Bill, 2019" (Amendment of Articles 51 & 106) (Private Members' Bill), as reported by the Committee may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House.

12. The Bill as reported by the Committee is at Annex-A, and the Bill as introduced in the Senate is at Annex-B.


(Haris Rehman)
DS / Secretary Committee


(Senator Muhammad Javed Abbasi)
Chairman

Islamabad
The 23rd June 2020

[AS REPORTED BY THE 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 106 of the Constitution.- In the Constitution, in Article 106,-

(i) in clause (1), in the table, for the word, "Balochistan", in the first column and the entries thereto in the second, third, fourth and fifth columns, the followings shall be substituted, namely:-

"Balochistan 63 13 4 80"

STATEMENT OF OBJECTS AND REASONS

According to the 1998 census, the population of Balochistan was 6.5 million and there were only 51 seats allotted to the province at that time. The latest census figures have revealed that the population in Balochistan has risen to 12.3 million over the last 20 years but the number of seats still remains the same. Therefore, increase of seats in the Provincial Assembly of Balochistan will address the deprivation of the people of Balochistan by giving them more representation and their resolve of fighting the national security challenges.

The Bill is designed to achieve the aforesaid objects.

**SENATOR SAJJAD HUSSAIN TURI
SENATOR AHMED KHAN
SENATOR NASEEBULLAH BAZAI
SENATOR SANA JAMALI
SENATOR MANZOOR AHMED
SENATOR DR. JEHANZEB JAMALDINI
SENATOR SARFARAZ AHMED BUGTI
SENATOR DR. ASHOK KUMAR
SENATOR MUHAMMAD AKRAM
SENATOR SARDAR MUHAMMAD YAQOOB KHAN NASAR
SENATOR MUHAMMAD USMAN KHAN KAKAR
SENATOR MOLANA ABDUL GHAFUOR HAIDERI
SENATOR AGHA SHAHZAIB DURRANI
SENATOR KALSOOM PERVEEN
SENATOR SARDAR MUHAMMAD SHAFIQ TAREEN
SENATOR MIR KABEER AHMED MUHAMMAD SHAHI
SENATOR ABIDA MUHAMMAD AZEEM
SENATOR GUL BASHRA
SENATOR KAUDA BABAR
SENATOR ANWAAR-UL-HAQ KAKAR
MEMBERS-IN-CHARGE**

[AS INTRODUCED IN THE SENATE]

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 fifty three" shall be substituted;
- (ii) for clause (3) and the Table thereunder, the following shall be substituted, namely:-

"(3) The seats in the National Assembly referred to in clause (1), except the seats mentioned in clause (4), shall be allocated to each Province and the Federal Capital as under:-

	General Seats	Women Seats	Total Seats
Balochistan	30	7	37
Khyber Pakhtunkhwa	45	10	55
Punjab	141	32	173
Sindh	61	14	75
Federal Capital	3	-	3
Total	280	63	343"

3. Amendment of Article 106 of the Constitution.- In the Constitution, in Article 106,-

- (i) in clause (1), in the table, for the word, "Balochistan", in the first column and the entries thereto in the second, third, fourth and fifth columns, the followings shall be substituted, namely:-

"Balochistan 64 13 3 80"

