

AS
[~~TO BE~~ 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, 2021.

(2) It shall come into force at once.

2. Amendment of Article 59 of the Constitution: - In the Constitution of the Islamic Republic of Pakistan, in Article 59,-

(i) in clause (1),-

(a) in paragraph (e), the word "and", occurring at the end, shall be omitted;

(b) in the proviso to paragraph (f), for the full stop ".", occurring at the end, a semi-colon and the word "; and" shall be substituted and thereafter, the following new paragraph shall be inserted, namely:-

"(g) two persons with disabilities, one from each Province, shall be elected by the members of each Provincial Assembly:

Provided that the members from the Provinces would rotate in every term in alphabetical order of the Provinces."

(ii) in clause (3),-

(a) in paragraph (e), the word "and", occurring at the end, shall be omitted;

(b) in the proviso to paragraph (f), for the full stop ".", occurring at the end, a semi-colon and the word "; and" shall be substituted and thereafter, the following new paragraph shall be inserted, namely:-

"(g) of the members referred to in paragraph (g) of the aforesaid clause, one shall retire after the expiration of first three years and one shall retire after expiration of next three years:

Provided that the Election Commission for the first term of seat for the persons with disabilities shall draw a lot as to which member shall retire after the first three years."

STATEMENT OF OBJECTS AND REASONS

The 5th Population and Housing Census conducted in 1998 identified the population of Persons with Disabilities in Pakistan to be 2.38% of the entire population. After that no authentic data is available about their existing number so far. According to the WHO, approximately 15pc of Pakistan's population consists of persons with disabilities. Pakistan is a signatory state of the Convention on the Rights of Persons with Disabilities (CRPD) according to which the government is committed to protect rights of PWDs and to make them functional members of society through constitutional and legal provisions as well as practical measures on policy level also.

As the government has to ensure fair representation of marginalized groups including persons with disabilities in all government bodies, as a result the government had already passed Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 in order to increase the representation of persons with disabilities in the public and private bodies. According to the National Policy for the Persons with Disabilities announced by the Federal Government in 2002 their employment quota was increased by two percent. Despite all these measures, however, there is an important initiative missing in this regard.

As per Article 29 of CRPD, to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, they must be represented in the parliament also. There are seats currently reserved for various minority groups in Senate, but not a single one for persons with disabilities. The bill has been proposed to provide equal representation to PWDs in Senate also. This will have an impact on policy development and changing society's image of persons with disabilities. We cannot afford to ignore millions of Pakistanis who are currently out of sight because of disability but who, if given a chance, could contribute significantly to the country.

This Bill seeks to achieve the above purpose.

SENATOR SEEMEE EZDI
Member in Charge