

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, 2022.

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

Explanation:- the Province of Hazara shall comprise the existing administrative Division of the Hazara. Hazara Division shall stand excluded from the province of the Khyber Pakhtunkhwa.”

3. Amendment of Article 51 of the Constitution.- In the Constitution, in Article 51, in clause (3) for the table, the following shall be substituted, namely:-

	“General seats	Women seats	Total seats
Balochistan	16	4	20
Hazara	11	3	14
Khyber Pakhtunkhwa	34	7	41
Punjab	141	32	173
Sindh	61	14	75
Federal Capital	3	...	3
Total	266	60	326”

4. Amendment of Article 59 of the Constitution.- (1) In the Constitution, in Article 59, in clause (1),-

(a) for the words “ninety-six” the words **“one hundred and twenty”** shall be substituted;

(b) in paragraph (f), for the words and expressions “four non-muslims, one from each province,” the words and expressions **“six non-muslims, one from each province and Islamabad Capital Territory,”** shall be substituted;

(2) in clause (3), in paragraph (f) and proviso thereto, for the word “two” occurring thrice, the word **“three”** shall be substituted.

(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 new Provincial Assembly of Hazara,

(a) **Under paragraph (a), seven shall retire in March, 2027 and seven shall retire in March, 2030;**

(b) **Under paragraph (d), two shall retire in March, 2027 and two shall retire in March, 2030;**

(c) **Under paragraph (e), two shall retire in March, 2027 and two shall retire in March, 2030; and**

(d) **Under paragraph (f), one shall retire in March, 2027 and one shall retire in March, 2030.**

(3C) Notwithstanding the provision of clauses (1) and (3) or any other law for the time being in force, Members elected from the Province of the Khyber Pakhtunkhwa prior to the creation of the new Province of Hazara shall complete their respective terms of the office and thereafter this clause and clause (3B) shall stand 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;

	“General seats	Women	Non-Muslims	Total
Balochistan	51	11	3	65
Hazara	29	6	1	36
Khyber	86	20	3	109
Pakhtunkhwa				
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 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 of the Khyber Pakhtunkhwa having a domicile in Hazara Province 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 clauses shall be added, namely:-

“(1A) As and when new Province is 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 Government of the existing and new Provinces;

- (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.**

(1B) The determination under clause (1) shall be based on recommendations of a National Commission for Hazara Province comprising eminent and reputable technical, financial, legal and other experts to be constituted by the Speaker National Assembly in consultation with Chairman Senate and Leaders of the House and Leaders of the Opposition, for this purpose and for consideration of proposals for new Provinces referred thereto by resolutions of the both Houses.”

7. Amendment of Article 175A of the Constitution.- In the Constitution, in Article 175A, after clause (5), the following new clause (5A) shall be inserted, namely:-

“(5A) Subject to the foregoing clause (5), for the initial appointment of Chief Justice and the judges of the province of The Hazara Province, the Chief Justices of four Provincial High Courts, shall also be members of the Commission:

Provided that in case of appointment of Chief Justice of the Tribal Province, the provisos to clause (5) shall, mutatis mutandis, apply.”

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 Court for Hazara shall have its principal seat at Hazara.”

(b) in clause (3), after the words “Dera Ismail Khan” the words and expressions “;the High Court of Hazara shall have a Bench at Hazara” shall be inserted.

9. 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

On 25th March, 2014, the Provincial Assembly of the Khybar Pakhtunkhwa had passed a Resolution for the creation of a new province of Hazara. This Resolution was supported by members from political parties on both sides of the House. The people from Hazara Division continued to press for the establishment of new province of Hazara since long. This Constitutional amendment Bill seeks to meet their very genuine demand for creating the Province of Hazara comprising the existing administrative division of Hazara.

The Bill seeks to achieve the above objectives.

**SENATOR SYED MUHAMMAD SABIR SHAH
MEMBER-IN-CHARGE**