

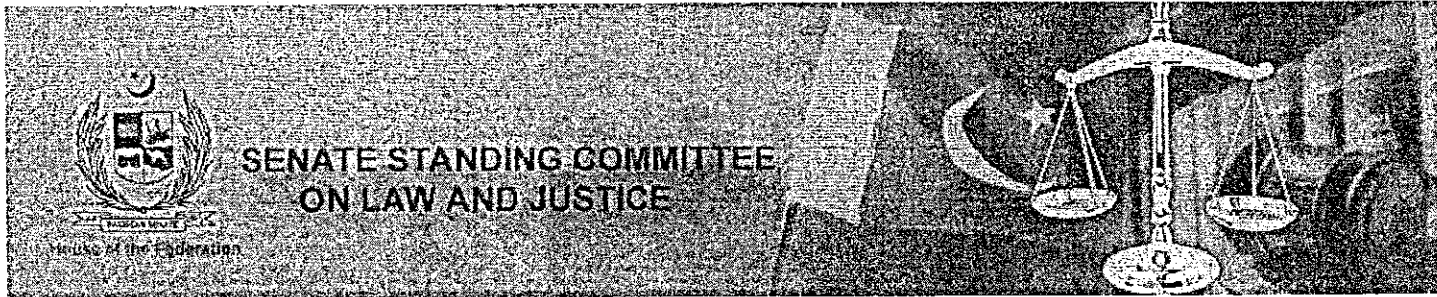
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SENATE OF PAKISTAN



REPORT NO. 26

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CONSTITUTION (AMENDMENT) BILL, 2022”

(Amendment of Articles 218 & 228)

PRESENTED BY

Senator Syed Ali Zafar

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2022"

I, Senator Syed Ali Zafar, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Constitution (Amendment) Bill, 2022" (Amendment of Articles 218 & 228) moved by Senator Engr. Rukhsana Zuberi, in the Senate sitting held on 3rd October, 2022, and referred to the Committee for consideration and report.

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

1. Senator Syed Ali Zafar	Chairman
2. Senator Syed Shibli Faraz	Member
3. Senator Rana Maqbool Ahmad	Member
4. Senator Mian Raza Rabbani	Member
5. Senator Farooq Hamid Naek	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Kamran Murtaza	Member
8. Senator Muhammad Azam Khan Swati	Member
9. Senator Walid Iqbal	Member
10. Senator Manzoor Ahmed Kakar	Member
11. Senator Musadik Masood Malik	Member
12. Senator Samina Mumtaz Zehri	Member
13. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 14th December, 2022, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

1. Senator Farooq Hamid Naek	Member/Member-In-Charge
2. Senator Rana Maqbool Ahmad	Member/Member-In-Charge
3. Senator Mian Raza Rabbani	Member
4. Senator Kamran Murtaza	Member
5. Senator Palwasha Mohammad Zai Khan	Member-In-Charge
6. Senator Mushtaq Ahmed Khan	Member In-Charge

7. Senator Engr. Rukhsana Zuberi	Member-In-Charge
8. Senator Sardar Muhammad Shafiq Tareen	Member-In-Charge
9. Senator Fawzia Arshad	Member-In-Charge
10. Minister for Law and Justice	Ex-Officio Member

4. The Committee appreciated the honorable Senator's endeavor and intention to propose an amendment in the Constitution, to increase women's representation in the Elections Commission of Pakistan (ECP) and the Council of Islamic Ideology (CII).

5. In case of Election Commission of Pakistan, honorable Minister for Law and Justice proposed that irrespective of gender, any person, being male or female can become a member of the Election Commission of Pakistan, so, instead of proposing four (04) new female members, it would be appropriate, if the composition would have kept the same, but on rotation basis, one women member from any province shall be appointed for every term. After considerable deliberations, Senator Engr. Rukhsana Zuberi, mover of the bill, agreed with this suggestion. All members of the Committee also seconded Minister's stance, and afterwards, approved on the following amendment in the said bill:


In the Constitution, in Article 218, in clause (2), the following new clause shall be inserted as (c), namely:


"218 (2) (c): At least one of the four members at all times shall be a woman member, appointed in accordance with Article 218(2)(b) hereinabove and chosen from each province on a rotation basis in the following order: Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan, provided that there shall be no bar on the appointment of more than one woman member to the Commission."

In the light of afore-mentioned discussion, it was decided that "Constitution (Amendment) Bill, 2022," as amended by the Senate Standing Committee on Law & Justice, may be passed by the Senate.

6. After consideration discussion on Article 228 of the Constitution, it was decided to pass it, without any amendment.

7. Afterwards, the Committee decided to vote upon the said bill, and all members supported the bill, and subsequently the bill, as amended, stood passed unanimously. Copy of the Bill is annexed (Attached as annexure-B).


(Mir Shai Mazar Baloch)
DG/Secretary Committee


(Senator Syed Ali Zafar)
Chairman Committee

INTRODUCED ON 03.10.2022.
[AS INTRODUCED IN THE SENATE]

A
BILL

further to amend the Constitution of Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of 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 215 of the Constitution. - In the Constitution of Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 215, in clause (1), for the first and second provisos, the following shall be substituted, namely:-

"Provided that four of the members, shall retire after expiration of first two and a half years and four shall retire after the expiration of the next two and half years, with equal proportion of men and women:

Provided further that the Commission shall for the first term of office of members draw a lot as to which four members, with equal proportion of men and women, shall retire after the first two and a half years:"

3. Amendment of Article 218 of the Constitution. - In the Constitution, in Article 218, in clause (2), for paragraph (b), the following shall be substituted, namely:-

"(b) eight members, two from each province with one being woman, each of whom shall be a person who has been a judge of a High Court or has been a senior civil servant-or is a technocrat and is not more than sixty-five years of age, to be appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.

Explanation.- "senior civil servant" and "technocrat" shall have the same meaning as given in clause (2) of Article 213."

4. **Amendment of Article 228 of the Constitution.** - In the Constitution, in Article 228, in clause (3), for paragraph (d), the following shall be substituted, namely:-

"(d) at least two of the members are women."

STATEMENT OF OBJECTS AND REASONS

As per Census 2017, Pakistan Bureau of Statistics declared 207,684,626 as total population of Pakistan, out of which, 106,318,220 and 101,344,632 are male and female respectively. As the female population is continuously increasing, there is a need to increase representation of women population in government and private authorities, bodies, commissions, councils and tribunals all over Pakistan.

2. As female participation is meager and not adequate, so, efforts should be enhanced for said purpose. Moreover, as per the Constitution of Pakistan, there is no specific provision regarding female membership in the Election Commission of Pakistan, thus, the same may be provided. In addition, Council of Islamic Ideology comprises of only one female member, and same ought to be increased. Hence, this bill has been proposed to increase women participation in both of these institutes, which would be an effective contribution to the development and prosperity of Pakistan.

3. This Bill is aimed to achieve the above-said objective.

**SENATOR ENGR. RUKHSANA ZUBERI
MEMBER-IN-CHARGE**

AS REPORTED BY THE COMMITTEE
[TO BE INTRODUCED IN THE SENATE]

A
BILL

further to amend the Constitution of Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of 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 218 of the Constitution.** - In the Constitution, in Article 218, in clause (2), after paragraph (b), the following shall be inserted, namely:

“(c) At least one of the four members at all times shall be a woman member, appointed in accordance with Article 218(2)(b) hereinabove and chosen from each province on a rotation basis in the following order: Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan, provided that there shall be no bar on the appointment of more than one women member to the Commission.”
3. **Amendment of Article 228 of the Constitution.** - In the Constitution, in Article 228, in clause (3), for paragraph (d), the following shall be substituted, namely:

“(d) At least two of the members shall be women.”

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MEMBER IN CHARGE**