



SENATE SECRETARIAT

Report No. 08

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



"THE CONSTITUTION (AMENDMENT) BILL, 2024 (AMENDMENT OF ARTICLE 106)"

PRESENTED BY

Senator Farooq Hamid Naek
Chairman
Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONSTITUTION (AMENDMENT) BILL, 2024 (AMENDMENT OF ARTICLE 106)

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Constitution (Amendment) Bill, 2024. (Amendment of Article 106)" introduced by Senators Manzoor Ahmed and Danesh Kumar in the Senate sitting held on 1st January, 2024. 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 Farooq Hamid Naek	Chairman
2.	Senator Syed Ali Zafar	Member
3.	Senator Anusha Rahman Ahmad Khan	Member
4.	Senator Shahadat Awan	Member
5.	Senator Ejaz Ahmad Chaudhary	Member
6.	Senator Kamran Murtaza	Member
7.	Senator Khalil Tahir	Member
8.	Senator Mohammad Abdul Qadir	Member
9.	Senator Zamir Hussain Ghumro	Member
10.	Senator Hamid Khan	Member
11.	Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 26th September, 2024 and 8th January, 2025, respectively under the Chairmanship of Senator Farooq Hamid Naek. Final consideration of the Bill was held in the meeting dated 8th January, 2025, which was attended by the following hon'ble Members:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Syed Ali Zafar	Member
3.	Senator Shahadat Awan	Member
4.	Senator Kamran Murtaza	Member
5.	Senator Khalil Tahir	Member
6.	Senator Zamir Hussain Ghumro	Member
7.	Senator Hamid Khan	Member
8.	Senator Danesh Kumar	Member-in-Charge

4. Member In-Charge briefed the Committee that 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.

5. The Ministry of Law and Justice in its written brief stated that the members in the statement of objects and reasons of the Bill have stated that the population census of that Province which was 6.5 million in 1998 is now 12.3 million after passage of twenty years, therefore, the Bill will address the derivative of the people of Balochistan by giving them more representation. On the basis of new population census results, other Provincial Government shall also claim enhancement of seats in their Provincial Assemblies, therefore, comments of all Provincial Government have been sought, despite the fact that the allocation of seats in the Provincial Assemblies is not based on the basis of population in accordance with the last preceding census officially published as required under Article 51(5) of the Constitution. Comments of the Parliamentary Affairs Division and Ministry of Finance are also required which have been sought but are still awaited.

6. Senator Farooq Hami Naek, Chairman Committee, emphasized a constitutional nuance, pointing out that while Article 51 of the Constitution provides for seat allocation in the National Assembly based on population, Article 106, governing provincial assemblies, does not contain such a provision. He cautioned that any increase in seats for Balochistan based on population could lead to similar demands from other provinces, which may complicate regional representation.



7. During the deliberations, the Committee also reviewed international examples, where despite population-based allocations, legislative seats were

capped to maintain a balanced structure. This comparative analysis provided additional insight into the complexities of legislative seat distribution. Additionally, the Committee was informed that this bill had been reviewed in the past, and the previous Committee had conducted a public hearing in Quetta on the matter. In light of this, the Chairman directed that the previous Committee's report should be shared with the current Committee to inform their deliberations.

8. Given the significance of the issue, the Committee formed a sub-committee comprising Senator Hamid Khan, Senator Zamir Hussain Ghumro, and Senator Anusha Rahman to further examine the proposal and submit a report within thirty days.

9. Senator Zamir Hussain Ghumro, Convener Sub-Committee, presented the report of the sub-committee. The sub-Committee, by majority of vote, recommended that the Bill, as introduced in the Senate, may be passed by the Standing Committee. The Committee, after deliberations, adopted the report of the sub-committee (Annexure-A).

10. Accordingly, the Committee recommends that "The Constitution (Amendment) Bill, 2024 (Amendment of Article 106)", as introduced in the Senate, may be passed by the House. (Copy of Bill is annexed as "B").


(RABEEA ANWAR)
A.S / Secretary Committee


(SENATOR FAROOQ HAMID NAEK)
Chairman

SENATE OF PAKISTAN



REPORT OF THE SENATE SUB-COMMITTEE ON LAW AND JUSTICE

ON

“TO EXAMINE AND REPORT ON THE PROPOSALS CONTAINED IN “THE CONSTITUTIONAL (AMENDMENT) BILL, 2024 (AMENDMENT OF ARTICLE 106)” INTRODUCED BY SENATOR MANZOOR AHMED AND DANESH KUMAR IN THE SENATE SETTING HELD ON 01-01-2024, WITH SPECIFIC CONSIDERATION OF THE CONSTITUTIONAL FRAMEWORK OUTLINED IN ARTICLE 51 AND 106 AND TO EXAMINE PREVIOUS LEGISLATIVE PROPOSALS ON THIS SUBJECT AND EVALUATE THE OUTCOMES OF EARLIER CONSULTATIVE PROCESS”

PRESENTED BY

**Senator Zamir Hussain Ghumro
Convener
Sub-Committee on Law and Justice**

SENATE SECRETARIAT

Subject: - REPORT OF THE SENATE SUB-COMMITTEE OF STANDING
COMMITTEE ON LAW AND JUSTICE

I, Senator Zamir Hussain Ghumro, Convener Sub-Committee on Law and Justice, have the honor to submit, on behalf of the sub-Committee, this report on "To examine and report on the proposals contained in "the Constitutional (Amendment) bill, 2024 (Amendment of Article 106)" Introduced by Senator Manzoor Ahmed and Danesh Kumar in the Senate sitting held on 01-01-2024, with specific consideration of the constitutional framework outlined in Article 51 and 106 and to examine previous legislative proposals on this subject and evaluate the outcomes of earlier consultative process".

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

i)	Senator Zamir Hussain Ghumro	Convener
ii)	Senator Hamid Khan	Member
iii)	Senator Anusha Rahman Ahmad Khan	Member
iv)	Senator Danesh Kumar	Mover
v)	Senator Manzoor Ahmed	Mover

3. The Sub-Committee considered the Bill and held comprehensive discussion on it in its meeting held on 9th December, 2024, under the convenor ship of Senator Zamir Hussain Ghumro, with the following in attendance:

i)	Senator Zamir Hussain Ghumro	Convener
ii)	Senator Hamid Khan	Member
iii)	Senator Anusha Rahman Ahmad Khan	Member
iv)	Senator Danesh Kumar	Mover

4. Brief background of the Bill "The Constitutional (Amendment) bill, 2024" is that the Bill seeks to enhance the Baluchistan Provincial Assembly seats from 65 to 80 by amending article 106 of the Constitution of Pakistan. The intent behind the proposed legislative amendment is geographical longevity, poverty and persecution of women and minorities in Baluchistan. Baluchistan has approximately an area of 347,190 sq Kilometers out of total area of Pakistan which is 796,095 Sq Kilometers. Baluchistan is inhabited by various ethnicities which clamor for adequate representation. Due to huge Constituencies having vast area, representative model of Baluchistan Assembly highly is flawed creating hardships for the people to choose or have access to their elected representatives. Besides, Constitution doesn't bar increase in the number

of seats of a Province on such or any other basis. All the Province of Pakistan could have different number of Provincial Assembly seats irrespective of their population.

5. The Bill was presented before the Sub-Committee, The Mover of the Constitutional Amendment Bill, 2024 Senator Danesh Kumar shared the provisions of the bill and said that Article 106 of the Constitution of Pakistan contains 65 seats for Provincial Baluchistan Assembly which need to be enhanced to 80 Seats through the amendment Bill under Consideration. The struggle for enhancement of seats for Provincial Assembly of Baluchistan spreads over last five years and the then Senate Committee had passed the same Bill after prolonged deliberations and public hearings but due to completion of parliamentary period, the bill lapsed. The mover Senator Danesh Kumar urged the Committee to pass the bill as a lot of efforts have been put into the process. Senator Anusha Rahman Ahmad Khan remarked that without taking input from the rest of the provinces we cannot decide only for Baluchistan. An input from all the provinces and Election Commission of Pakistan should be taken into consideration before passing this bill. Senator Danesh Kumar submitted that when he was a Member of the Provincial Assembly, a comprehensive debate on and even public hearings took place and the Bill was also passed by the then Senate Committee but unfortunately, it lapsed. The mover requested Senator Anusha Rahman Ahmad Khan to adopt the Bill as it has been vetted through various proceedings.

The Convener, Sub-Committee shared precedent of the Indian Constitution which sets limit of seats for States from 60 to 500 seats. He also stated that United Kingdom House of Commons have 650 seats and UK's population is less than 70 million souls. From that point of view also Baluchistan's representative model is too restricted. He said that there is no bar in 106 to enhance seats of any Provincial Assembly and the current representation model for Baluchistan being too restricted and inconvenient, the Bill has been introduced rightly so. Seats of any Provincial Assembly could be increased by Parliament irrespective of its population as any such increase doesn't impact other institutions or decision-making under the Constitution. It creates diversity which is congenial for the Federation of Pakistan. It requires amendment to Article 106 as there is deliberate omission of criteria of Population in article 106 of the Constitution as opposed to Article 51 of the Constitution which applies to number of seats in National Assembly. The convener, Sub-Committee added that if we pass the bill, right of representation for the People of Baluchistan in their province would be more expansive and convenient and this would also resolve the issue of geographical longevity. Senator Hamid Khan said that the population of Baluchistan has multiplied in the preceding census reports and if people of Baluchistan could be helped this way, it would go a long way to address their

grievances. He said that Constitution is being trampled by Government but this right application of Constitution which should not be opposed. Senator Danesh Kumar added that increase is not being sought on the basis of population only but also on the basis of poverty, huge area of constituencies and communal representation of Baluchistan including women and minorities.

6. Senator Anusha Rahman Ahmad Khan stated that, in principle, she doesn't disagree with the proposal. However, she emphasized that Pakistan's constitutional framework is vote-based, and if different metrics are to be applied for Baluchistan, the foundation for this change must be thoroughly analyzed. She further added that increasing the number of seats would alter the representation dynamics, which would, in turn, affect the voting system. The Additional Secretary Ministry of Law and Justice submitted that increase in the provincial seats is a policy matter rather than a legal matter. There is no denying the fact that in article 51 the basis of population and census is mentioned, while in article 106 there is no such bar. He said the ministry is more concerned about the uniformity of the increase. If we increase the number of seats in Baluchistan only, it could raise the eyebrows. He said that the yard stick should be the same for all the provinces.

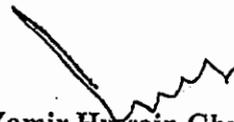
Senator Hamid Khan said that we are dealing here with article 106 independently. The issue of geographical longevity is pertinent to Baluchistan and if we can reduce the hardships of people of Baluchistan with this amendment it would be in larger public good. Senator Hamid Khan further added that pre-legislative scrutiny of the constitutional amendment is crucial, it's unfortunate that we have changed the whole constitutional framework without any debate. This process of debate is congenial for amendments to the law of Constitution.

7. The convener, Sub-committee took sense of the Committee, Senator Anusha Rahman Ahmad Khan said that at this stage she cannot vote in favor or against the Bill, while Senator Hamid Khan and Convener Sub-committee, Senator Zamir Hussain Ghumro voted in favor of the Bill. The Sub-committee passed the bill.

8. Accordingly, Subcommittee recommends that "the Constitutional (amendment) Bill, 2024", as introduced in the Senate may be passed by the Standing Committee on Law and Justice.



(Muhammad Shafiq)
Secretary Sub-Committee



(Senator Zamir Hussain Ghumro)
Convener Sub-Committee

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, 2024.

(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 KAUDA BABAR
SENATOR MANZOOR AHMED
SENATOR NASEEBULLAH BAZAI
SENATOR SANA JAMALI
SENATOR DANESH KUMAR
MEMBERS-IN-CHARGE