

[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 commencements.- (1) This Act may be called the Constitution (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of Article 247 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 247, clause (7) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under paragraph (c) of clause (2) of Article 1 of the Constitution the Federally Administered Tribal Areas also constitute the territory of Pakistan. The people of Tribal Areas are therefore entitled to the same protection of fundamental rights as are guaranteed under the Constitution to the people of other parts of the country. By ousting the jurisdiction of the Supreme Court and a High Court, Article 247 (7) acts as a grave impediment in the way of the tribal people in securing their fundamental rights and thereby in their integration and mainstreaming.

Strident voices have been raised from time to time by the people of Tribal Areas and the stake holders calling for extending the jurisdiction of Supreme Court and High Court to FATA.

The Provincial Assembly of Khyber Pakhtunkhwa through a unanimous Resolution No.711 passed on May 7, 2012 urged the President and the Federal Government to adopt measures to ensure that the people of FATA also fully enjoyed the protection of and equality before the law as inalienable right of every citizen. The Resolution called for deleting clause (7) of Article 247 of the Constitution so as to extend the jurisdiction of the Supreme Court and High Court to the Tribal Areas.

Peshawar High Court in its judgment dated April 4, 2014 in case No.1741 of 2012 also advised the Parliament through Federal Government to make suitable amendments in Article 247(7) of the Constitution to enable the people of FATA invoke jurisdiction of the Peshawar High Court or the Supreme Court in case of infringement of their fundamental rights.

Tribal people and lawyers bodies including the Supreme Court Bar Association have also been raising voices in support of deleting clause (7) of Article 247 of the Constitution; the latter having adopted a Resolution on August 22, 2010 calling for extending the jurisdiction of the Supreme Court and High Court to Tribal Areas.

The Constitutional Amendment Bill seeks to give same protection of fundamental rights and equality before law as is guaranteed to the people of other parts of the country under the Constitution.

SENATOR FARHATULLAH BABAR
Member-in-charge