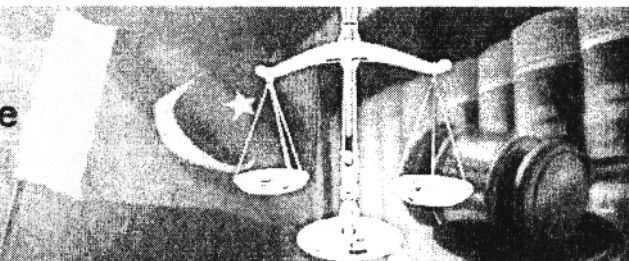


REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS



House of the Federation

**Senate Standing Committee
on Law, Justice and
Human Rights**



**“THE CONSTITUTION (AMENDMENT) BILL, 2015
[SUBSTITUTION OF CLAUSE (1) OF ARTICLE 140A]”**

**Report No. 08
(Thirteenth Parliamentary Year)**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON "THE CONSTITUTION (AMENDMENT) BILL, 2015 [SUBSTITUTION OF CLAUSE (1) OF ARTICLE 140A]"

I, Chairman of the Standing Committee on Law, Justice and Human Rights, have the honour to present report on "The Constitution (Amendment) Bill, 2015 [substitution of clause (1) of Article 140A]" introduced by Senator Muhammad Mohsin Khan Leghari on 3rd August, 2015. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law, Justice and Human Rights is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Raja Muhammad Zafarul Haq	Member
3. Senator Aitzaz Ahsan	Member
4. Senator Mrs. Zahida Khan	Member
5. Senator Dr. Muhammad Farogh Naseem	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ms. Ayesha Raza Farooq	Member
8. Senator Nawabzada Saifullah Magsi	Member
9. Senator Saeed Ghani	Member
10. Senator Zaheerud Din Babar Awan	Member
11. Senator Farooq Hamid Naek	Member
12. Senator Saleem Zia	Member
13. Minister for Law, Justice and Human Rights	Ex-officio Member
14. Senator Muhammad Mohsin Khan Leghari	Mover

3. The Committee considered the Bill in its meetings held on 1st September, and 8th September, 2015 respectively.

4. The Committee noted that the "The Constitution (Amendment) Bill, 2015 [substitution of clause (1) of Article 140A]", seeks to make amendment in Local



Government System in Islamabad Capital territory (ICT) and Cantonments just like the Provinces, and to enable the residents of Islamabad Capital Territory (ICT) and Cantonments to enjoy their Constitutional rights of devolution of political, administrative and financial authority from their local elected representative just like the residents of the provinces and to end the discrimination against the residents of Islamabad Capital Territory (ICT) and Cantonments.

5. Secretary Ministry of Law, Justice and Human Rights agreed with the basic proposals, however, requested that the text may be refined. As per the directions of the Committee, the Ministry of Law, Justice and Human Rights presented a revised draft of the Constitution (Amendment) Bill, 2015 [substitution of clause (1) of Article 140A] .

6. In view of the revised draft, the Committee recommended that the proposed Section 2 of the proposed Bill may be substituted with the following:-

**“PART IVA
Local Government**

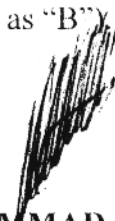
140A. Local Government.— (1) The Federation in respect of Islamabad Capital Territory and the Cantonments and each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representative of the local governments in accordance with such law.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.”

6. The Committee recommends that “The Constitution (Amendment) Bill, 2015 [substitution of clause (1) of Article 140A]”, as reported by the Committee, may be passed by the Senate (Copy of Bill “As reported by the Committee” is annexed as “A” and Copy of Bill “As introduced in the Senate” is annexed as “B”)



(RABEEA ANWAR)
D.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman

[As reported by the Committee]

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 titled and commencement:— (1) This Act may be called the Constitution (.....Amendment) Act, 2015.

(2) It shall come into force at once.

2. Substitution of Article 140A of the constitution:— In the Constitution of the Islamic Republic of Pakistan, for Article 140A, the following shall be substituted. namely:-

**“PART IVA
Local Government**

140A. Local Government.— (1) The Federation in respect of Islamabad Capital Territory and the Cantonments and each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representative of the local governments in accordance with such law.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.”.

STATEMENT OF OBJECTS AND REASONS

To give as a mandatory constitutional cover to the Local Government System in Islamabad Capital territory (ICT) and Cantonments just like the Provinces, and to enable the residents of Islamabad Capital Territory (ICT) and Cantonments to enjoy their Constitutional rights of devolution of political, administrative and financial authority from their local elected representative just like the residents of the provinces and to end the discrimination against the residents of Islamabad Capital Territory (ICT) and Cantonments, this amendments is proposed.

This Bill s designed to achieve the aforesaid objects.

Member-In-charge

^{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, 2015.

(2) It shall come into force at once.

2. Amendment of Article 140A of the Constitution.- In the Constitution of Islamic Republic of Pakistan, in Article 140A, for clause (1), the following shall be substituted, namely:-

"(1) The Federal Government and each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments, in Islamabad Capital Territory (ICT) and Cantonments, and each of the Provinces respectively."

STATEMENT OF OBJECTS AND REASONS

To give Constitutional cover to the Local Government System in Islamabad Capital Territory (ICT) and Cantonments just like the Provinces, and to enable the residents of Islamabad Capital Territory (ICT) and Cantonments to enjoy their Constitutional rights of devolution of political, administrative and financial authority from their local elected representatives just like the residents of the provinces and to end the discrimination against the residents of Islamabad Capital Territory (ICT) and Cantonments, this amendment is proposed.

SENATOR MUHAMMAD MOHSIN KHAN LEGHARI
Member-in-charge

**ORIGINAL ARTICLE OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973, WHICH THE CONSTITUTION
(AMENDMENT) BILL, 2015, SEEKS TO AMEND [MOVED BY
SENATOR MUHAMMAD MOHSIN KHAN LEGHARI]**

140A. Local Government.- (1) Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.
