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[TO BE INTRODUCED IN THE SENATE]

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Bill

*further to amend the Constitution of the Islamic Republic of Pakistan,
1973*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan, 1973, 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, 2019.

(2) It shall come into force at once.

2. Amendment of Article 198 of the Constitution: In the Constitution of the Islamic Republic of Pakistan, 1973, in Article 198, -

(i) for clauses (3) and (4) the following shall be substituted, namely:-

“(3) The High Court of Khyber Pakhtunkhwa shall have a Bench each at Abbottabad, Mingora, Mohmand Agency, North Waziristan and Dera Ismail Khan; the High Court of Punjab shall have a Bench each at Rawalpindi, Sargodha, Gujranwala, Faisalabad, Multan, Dera Ghazi Khan and Bahawalpur; the High Court of Sindh shall have a Bench each at Hyderabad, Larkana and Sukkur and High Court of Balochistan shall have a Bench each at Khuzdar, Loralai, Sibi and Turbat.

(4) Each of the High Courts may have Benches at such other places as the Governor, in consultation with the Chief Justice of the High Court, may order after the Resolution determining establishment of such Benches passed by the Provincial Assembly with two-third majority of the sitting members.”

- (ii) after clause (4), substituted as aforesaid, the following new clause 4A shall be inserted, namely:-

“(4A) One or more seats of the High Court may be abolished after five years by the Governor in consultation with the Chief Justice of the High Court upon a Resolution passed by the Provincial Assembly with two-third majority of the sitting members.”

STATEMENT OF OBJECTS AND REASONS

The reasons for pendency and delay in litigation at High Courts level include the large number of cases being filed each day at current seats which have become insufficient due to increase of population and other factors. The lingered litigation further worsens the state of litigants who belong to remote areas of the court jurisdiction as the litigants and many of the lawyers have to travel a long distance and stay overnight in the court city to attend their cases. Despite demands of the lawyers community for establishment of additional benches of the High Courts, the existing Constitutional provision could not address this issue.

This Bill seeks to address the problems faced by the litigants as well as the lawyers community seeking cost-effective and early disposal of the litigation through sufficient benches of the high Courts in the provinces.

**SENATOR MUHAMMAD JAVED ABBASI
MEMBER-IN-CHARGE**