

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 herein after appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- This Act shall be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of Article 1 of the Constitution.**- In the Constitution of Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2) for paragraph (a), the following shall be substituted, namely:-

“(a) The Provinces of Bahawalpur, the Balochistan, the Hazara, the Janubi Punjab, Khyber Pakhtunkhwa, the Punjab and the Sindh;

Explanation.- The Province of Bahawalpur shall comprise the existing administrative Division of the Bahawalpur, the Province of Hazara shall comprise the existing administrative Division of the Hazara, the Province of Janubi Punjab shall comprise the existing administrative Divisions of the Dera Gahzi Khan and Multan. The Bahawalpur Division, Dera Ghazi Khan Division and Multan Division shall stand excluded from the Provinces of the Punjab and Hazara Division shall stand excluded from the province of the Khyber Pakhtunkhwa.”

3. Amendment of Article 51 of the Constitution.- In the Constitution, in Article 51,-

(a) in clause (1), for the expression "three hundred and thirty-six" the expression "three hundred and sixty-three" shall be substituted.

(b) in clause (3), for the table, the following shall be substituted, namely,-

	"General seats	Women seats	Total seats
Bahawalpur	16	3	19
Balochistan	16	4	20
Hazara	12	3	15
Janubi Punjab	32	7	39
Khyber	40	9	49
Pakhtunkhwa			
Punjab	98	22	120
Sindh	70	16	86
Federal Capital	4	1	5
Total	288	65	353"

(c) clause (3A), shall be omitted.

4. Amendment of Article 59 of the Constitution.- In the Constitution, in Article 59,-

(1) In clause (1),-

(a) for the words "ninety-six", the words "one hundred and sixty-five" shall be substituted; and

(b) in paragraph (f), for the word "four", the word "seven" shall be substituted.

(2) in clause (3), for paragraph (f), the following shall be substituted, namely,-

“(f) of the members referred to in paragraph (f) of the aforesaid clause, three shall retire after the expiration of first three years and four shall retire after the expiration of next three years”.

(3) after clause (3A), the following new clauses shall be inserted, namely,-

“(3B) Notwithstanding the provisions of clause (3) or any other law for the time being in force, the members elected by the Provincial Assemblies of the new Provinces of Bahawalpur, Hazara and Janubi Punjab under paragraph (a), seven shall be retired in March, 2024 and seven in March, 2027, under paragraph (d), two shall be retired in March, 2024 and two in March, 2027, under paragraph (e), two shall be retired in March, 2024 and two in March, 2027 and under paragraph (f), one shall be retired in March, 2024 and one shall be retired in March, 2027 and thereafter this clause shall stand omitted.

“(3C) Notwithstanding the provisions of clauses (1) and (3) or any other law for the time being in force, the members elected from the Provinces of the Punjab and Khyber Pakhtunkhwa prior to the creation of the new Provinces of Bahawalpur, Hazara and Janubi Punjab shall complete their respective terms of office and thereafter this clause shall stand omitted”.

5. Amendment of Article 106, of the Constitution.- In the Constitution, in Article 106:-

(a) in clause (1), for the Table, the following shall be substituted, namely,-

	"General seats	Women	Non-Muslims	Total
Bahawalpur	35	8	2	45
Balochistan	51	11	3	65
Hazara	30	6	2	38
Janubi	70	16	4	90
Punjab				
Khyber	98	24	6	128
Pakhtunkhwa				
Punjab	206	47	7	260
Sindh	135	33	12	180"

(b) for clauses (1A) and (1B), the following shall be substituted, namely:-

"(1A) Notwithstanding anything contained in clause (1) or any other law for the time being in force, the members of the Provincial Assembly of the Punjab and Khyber Pakhtunkhwa elected in the general elections, 2018 including reserved seats for women and Non-Muslims shall continue till dissolution of the Provincial Assembly and thereafter this clause shall stand omitted".

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6. Amendment of Article 175A of the Constitution.- In the Constitution, in Article 175A, after clause (6), the following new clause shall be inserted, namely:-

“(6A) for initial appointment of the Chief Justice and the Judges of the Bahawalpur and the Janubi Punjab High Courts, the Chief Justice of the Lahore High Court shall be a member of the Commission and for initial appointment of the Chief Justice and Judges of the Hazara High Court, the Chief Justice of the Peshawar High Court shall also be a member of the Commission.”.

7. Amendment of Article 198 of the Constitution.- In the Constitution, in Article 198,-

(a) after clause (1A), the following new clause shall be added, namely,-

“(1B) The High Courts of the Bahawalpur, the Hazara and the Janubi Punjab shall have their principal seats at Bahawalpur, Abbotabad and Multan respectively”.

(b) in clause (3),-

(i) the expression “each at Bahawalpur, Multan and”, shall be omitted; and

(ii) the expression “,Abbottabad”, shall be omitted.

8. Amendment of Article 218 of the Constitution.- In the Constitution, in Article 218, in clause (2), in paragraph (b), for the word “four”, the word “seven” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Provincial Assembly of the Punjab had passed two separate Resolutions on 09th May, 2012 for the restoration of the Provincial status of Bahawalpur and creation of a new Province of Janubi Punjab. The Resolution were supported by members from political parties on both sides of the House. The Provincial Assembly of the Khyber Pakhtunkhwa had passed a resolution on 25th March, 2014 for creation of a new Province of Hazara. The resolution was supported by members from political parties on both sides of the House.

In order to address the grievances and to secure the political administrative and economic interests of the people of Bahawalpur, Janubi Punjab and Hazara, it is expedient that three new Provinces to be known as Province of Bahawalpur, Janubi Punjab and Hazara be created from the present Provinces Punjab and Khyber Pakhtunkhwa.

This Constitutional amendment shall provide better administration and speedy justice for the welfare of the deprived regions.

SENATOR MUHAMMAD TALHA MEHMOOD
Member-in-Charge