

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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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, 2017.

(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, in Article 198, for clause (3), the following shall be substituted, namely:-

“(3) The Lahore High Court, the High Court of Sindh, the Peshawar High Court and the High Court of Balochistan, shall have their Benches at divisional headquarter of each Division in the Province in addition to Benches established by the Provincial Government in consultation with the Chief Justice of the concerned High Court, as the Provincial Government may deem fit and appropriate, from time to time, keeping in view population of the area or other factors.”.

STATEMENT OF OBJECTS AND REASONS

There is no doubt that better administration of justice is the responsibility of every democratic government as the democracy and Rule of Law, as provided in Article 4 of the Constitution of the Islamic Republic of Pakistan, cannot be separated from each other and Rule of Law can only be ensured if dispensation of justice be ensured at door steps or without troubles.

2. After the enactment and commencement of the Constitution of the Islamic Republic of Pakistan in the year 1973, only addition of two Benches of the High Courts of Peshawar Balochistan at Mingora and Turbat were made through the Constitution (Eighteenth Amendment), 2010 (Act No. X of 2010).

3. However, the population of the Province of the Sindh and the Punjab has been multiplied so many times since the year 1973 and even there are voices from different parts of the Punjab and Sindh for establishment of new Benches of the High Courts particularly in the Punjab. Even the lawyers community resorted to strikes for creation of Benches of the respective High Courts in different cities and divisional headquarters.

4. There is also no doubt that each and every political party has made commitments in the Election Manifestoes for better access to justice and speedy justice but as usual majority parties in the National Assembly and Senate have not taken any step towards speedy and better administration of justice.

5. However, it is necessary that a general principle be laid down for creation of new Benches of the respective High Courts of the Provinces regarding creation and establishment of their Benches and it is logically beneficial that each High Court should have its Bench at the divisional headquarter as the Provincial Governments established or create divisions certainly keeping in view problems of the people of the areas but the at the same time ignoring the most important responsibility regarding better administration of justice whereas the population of the concerned new divisions is burdened with the expenses of executive machinery.

6. Therefore, it is appropriate that as a matter of principle each division, whether existing or at the time of its creation/establishment, simultaneously has a Bench of the respective high court of the Province. However, it is also expedient to empower the Provincial Governments to establish or create new Benches of respective High Courts in consultation with the Chief Justice of the concerned High Courts while apprising them problems of the people of areas as well as other factors which necessitate and justify for creation or establishment of a new Bench of a High Court in any city of the Province.

7. The Bill seeks to achieve the above-said objective.

Sd/-

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