

REPORT

Of the

Commission

**for Creation of New Province (s) in the
Province of the**

Punjab

28th January, 2013

NATIONAL ASSEMBLY SECRETARIAT

COMMISSION FOR CREATION OF NEW PROVINCE (S) IN THE PROVINCE OF THE PUNJAB

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CONFIDENTIAL**NATIONAL ASSEMBLY SECRETARIAT****REPORT OF THE COMMISSION****FOR CREATION OF NEW PROVINCE (S)****IN THE PROVINCE OF THE PUNJAB**

I, the Chairman of the Commission for creation of new province (s) in the province of the Punjab, have the honor to present this report with reference to the communication, placed at **Annex-A**, vide which the honorable Speaker, National Assembly on 16th August, 2012 constituted the subject Commission in pursuance of the message dated 30th May, 2012 received from the President of the Islamic Republic of Pakistan and authorization given by the National Assembly on 11th July, 2012, for creation of new Province (s) in the province of the Punjab.

1. Composition

The Commission comprises the following:

1) Senator Mr. Farhatullah Babar	Chairman
2) Senator Syeda Sughra Imam,	Member
3) Senator Haji Mohammad Adeel,	Member
4) Senator Mr. Kamil Ali Agha,	Member
5) Senator Malik Muhammad Rafique Rajwana,	Member
6) Senator Molana Abdul Ghafoor Haideri,	Member

7) Mr. <u>Arif Aziz Sheikh</u> , MNA,	Member
8) Mr. <u>Jamshaid Ahmad Dasti</u> , MNA,	Member
9) Syed <u>Abdul Kadir Gillani</u> , MNA,	Member
10) Mrs. Tahmina Daultana, MNA,	Member
11) Ch. Saud Majeed, MNA,	Member
12) Dr. <u>Muhammad Farooq Sattar</u> , MNA,	Member

2. Background

(a) The National Assembly of Pakistan unanimously passed the following Resolution, placed at **Annex-B**, on May 3, 2012:

“This House hereby resolves that in order to address the grievances and to secure the political, administrative and economic interests of the people of the southern region of the province of the Punjab and to empower them in this regard, it is expedient that a new province to be known as Province of Janoobi Punjab be created from the present Province of the Punjab.

This House, thus calls upon the Provincial Assembly of the Punjab to present a Bill in the Punjab Assembly to amend the Constitution in accordance with Article 239(4) of the Constitution of the Islamic Republic of Pakistan, 1973, for passage which would have the effect of altering the limits of Province of the Punjab, thereby creating Province of Janoobi Punjab”.

(b) The Provincial Assembly of the Punjab on May 9, 2012 unanimously passed two identical Resolutions, placed at **Annex-C & C/1**, on the same

subject. These resolutions were also forwarded by it the next day to the Parliament as well as to the concerned state institutions.

(c) Subsequently the President of the Islamic Republic of Pakistan on May 30, 2012 addressed a communication to the Speaker National Assembly calling upon her to initiate a process to amend the Constitution in terms of Article 239 for the creation of a new province. As part of the process the President also called upon the Speaker National Assembly to constitute a Commission comprising of six members of the Senate to be nominated by the Chairman, six members of the National Assembly to be nominated by the Speaker and two members from the Provincial Assembly of the Punjab to be nominated by the Speaker of the Provincial Assembly of the Punjab to look into these issues. The Commission was required to submit its report to the honorable Prime Minister and the honorable Speaker National Assembly within thirty days which has subsequently been extended up to 8th February, 2013.

(d) The Chairman Senate nominated six members of the Senate as Members of the Commission on August 8, 2012. Several communications were addressed to the Speaker Provincial Assembly of the Punjab to nominate two MPAs as members of the Commission but these were not furnished.

(e) Accordingly, the Speaker National Assembly on August 16, 2012 constituted the Commission comprising of members as detailed in para 1 above.

3. Proceedings

(a) The Commission in its first meeting held on August 28, 2012 unanimously elected Senator Farhatullah Babar as its Chairman.

The first issue before the Commission after the election of its Chairman was the drafting of Rules to regulate its procedure.

(b) During discussions on the drafting of Rules in meetings of the Commission held on 29th August and 11th September, 2012 the honorable Members raised the following three points.

- i) Whether the Commission could be set up by the honorable Speaker;
- ii) Whether the Commission had powers to seek attendance of witnesses and production of documents; and
- iii) Whether new provinces can be created under Article 239 (4) of the Constitution.

(c) The Commission decided to invite the honorable Minister for Law and Justice to satisfy the members on these points. The honorable Minister briefed the Commission as under:

- i) It was legitimate and legal for the President to send a Message to the honorable Speaker under Article 56 (2) of the Constitution with reference to the Resolutions passed by the National Assembly and the Provincial Assembly of the Punjab. The Message was read in the National Assembly. Syed Khursheed Ahmed Shah, Minister for Religious Affairs, moved and the House authorized the honorable Speaker to constitute Commission in the light of the Message. A

question may be asked as to why a Commission and not a Special Committee or Parliamentary Committee was set up by the honorable Speaker. Special Committee could not be formed as the Senators and Members from Provincial Assembly could not become its members. Parliamentary Committee also could not be formed by the Speaker as it could be set up only in a Joint Sitting of the Parliament. Furthermore, the members of the Provincial Assembly could not be included in a Parliamentary Committee. Therefore, the Commission was rightly constituted.

ii) In order to enable the Commission to regulate its procedure including power to seek the attendance of witnesses and production of documents, the Commission may formally request the honorable Speaker that a necessary direction may be made under Rule 29 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, to enable the Commission to regulate its procedure and also to direct that Rule 227 of the rules *ibid* shall, *mutatis mutandis*, apply to the proceedings of the Commission.

iii) The Law Minister was of the view that new provinces can be created under Article 239 (4) as the word “alter” used in the said Article includes defining of new boundaries which means creating a new province or provinces. However, Article 1A and other relevant Articles of the Constitution will require to be amended in consequence thereof.

iv) On a query by a member, regarding procedure under Article 239(4), the honorable Minister explained that first a Bill to create a

province is passed by either House with two-thirds majority, and then to be passed by the other House with two-thirds majority. Thereafter, it has to be passed by the Provincial Assembly concerned with two-thirds majority and then it is to be presented to the President for assent.

After briefing and discussion, the honorable members were satisfied and unanimously decided to request the honorable Speaker to issue necessary direction as suggested by the honorable Minister for Law and Justice.

(d) Accordingly the honorable Speaker, on 3rd December, 2012, issued the directions as under:

“In exercise of the powers conferred by Rule 29 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the Speaker National Assembly is pleased to direct as follows:-

1. The Commission for creation of new province (s) in the province of the Punjab, constituted in pursuance of the Message of the President, shall make rules regulating its procedure.
2. Rule 227 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, regarding taking evidence or calling for papers, records or documents, shall, *mutatis mutandis*, apply to the proceedings of the Commission.”

(e) The Commission during its meeting held on 10th December, 2012 unanimously approved the draft rules placed at **Annex-D**.

(f). The Commission decided to invite written proposals/suggestions, regarding the creation of new province (s) in the province of the Punjab from the public and all those who have interest in the subject and have carried out research/study in this regard, through a Public Notice in the national as well as local Newspapers, within 10 days of its publication. Accordingly proposals/suggestions were invited through publication in the Newspapers as detailed in **Annex-E**.

(g). In response to the said Public Notice, over 2300 communications both by post and e-mail were received by the Commission, some containing elaborate details about the proposed new province (s). These communications have been made part of the record. A number of experts and interested persons also expressed the desire to appear in person before the Commission to make their presentations.

(h). Accordingly the Commission invited fifteen experts for personal presentations on different dates. The list of those invited and the dates on which they made presentations is placed at **Annex-F**.

(i) All the members of National Assembly and the Senate belonging to regions in southern Punjab were also invited to express their views on the subject matter. The list of those who gave their views on the proposed names of the province and its geographical boundaries is placed at **Annex-G**.

4. Grievances of the regions of Southern Punjab.

All the presentations made before the Commission and the communications addressed to it made a passionate plea for addressing the grievances of the people of South Punjab by creating a separate province. The sense of deprivation of the people of South Punjab was

highlighted with facts and figures by almost everyone. The people of South Punjab felt deprived in terms of resource allocation, job quotas, educational institutions and development projects.

Following is the detail, by no means comprehensive, of the deprivations highlighted during the course of presentations and meetings.

The quota of the Punjab in the federal civil bureaucracy is nearly 50% of the total. Ordinarily the three Southern Punjab divisions of Multan, Bahawalpur and D.G Khan should get 30% of the Punjab quota in the civil bureaucracy, being 30% of its population. However, it has only 12 to 15 % quota in federal civil jobs.

As an example, the number of the Punjab officers in the three important civil service groups, i.e., the DMG, Police and OMG is 1086. Its further break up is as under:

Rawalpindi Division 146,

Gujranwala Division 149 and

Lahore Division 338.

As against this, the three Divisions of the Punjab namely Dera Ghazi Khan, Multan and Bahawalpur jointly have 157 officers in these three groups. The situation was aggravated by the absence of zoning formula (mandated under Article 27 of the Constitution) for recruitment in the Punjab. Zoning was mandated in the 1973 Constitution for 20 years, i.e., up to 1993. It transpired that sometime in the mid 1990s the Supreme Court on a petition filed before it ruled that the provisions of zoning in the Constitution had since expired. In 1997 the issue was agitated in the Parliament. Consequent

upon this, the Constitutional Amendment Bill was passed to extend the zoning provision for 40 years i.e. up to August 14, 2013. However, despite extension in the life of the Constitutional provision of zoning the Punjab Government has not reverted to the two zones resulting in further sharpening the sense of deprivation of the regions in southern Punjab.

Interestingly, other provinces continued with the policy of zoning in recruitment perhaps by providing legislative basis to it as the Constitutional basis had ended in 1993 but the same was not followed in the Punjab even after the Constitutional Amendment Bill which extended the life of zoning provision until August 14, 2013.

In Khyber Pakhtunkhwa there are 5 zones, in Balochistan 6 zones and in Sindh 2 zones (urban and rural).

Similarly deep concern was expressed over the allocation of funds by the federal and provincial governments to regions in South Punjab and there were complaints of grievous sufferings. In the 7th NFC Award the criteria has been expanded to include population, poverty, revenue collection and inverse population density. According to this criteria Punjab gets 51.7 % of the share in the 7th NFC. South Punjab should get 30% of the total Punjab share in it but a review of the development projects in South Punjab shows that it gets far too less than what it should get in accordance with its population.

Likewise in the PSDP (Federal Government) allocations also south Punjab has been given far too less than its due share commensurate with its

population. The situation with regard to the allocation of Punjab ADP is even worse from the perspective of South Punjab.

It is worth mentioning that the downslide of South Punjab seems to set in from 1970s onwards. In 1970 Multan was at S.No. 4 in terms of development and Rahim Yar Khan at S.No. 6 in the Punjab. Over the years the downslide continued. In 2011 Multan went down to S.No. 13 and Rahim Yar Khan to S.No. 16 in the development index in the Punjab. These figures indicated the steep downslide of the areas of southern Punjab region.

5. Internal Discussions

In all fourteen meetings of the Commission were held on different dates as mentioned in the **Annex-H**. Decisions on various issues involved were taken by the majority of the members and expressed unanimously. The views of the members of the Commission on various issues, however, were also separately recorded in the minutes of the proceedings of the meetings held from time to time.

The Commission recognized that it had only been mandated to give its report and draft appropriate Constitutional Amendment Bill to give effect to its recommendations.

The actual practical steps under the Constitution could be taken only by the National Assembly, the Senate and the Provincial Assembly of the Punjab. The Constitutional Amendment Bill even if passed by both Houses of the Parliament with two-thirds majority could not be assented to by the

President until it was also passed by the two-thirds majority of the Provincial Assembly of the Punjab as laid down in the Constitution.

The Commission also recognized that its mandate was limited only to the consideration of creation of new province (s) in the Province of the Punjab as expressed in the unanimous Resolutions of the Provincial Assembly. It could not take up any other demand in this regard that may have been raised from any quarter.

The Commission is of the view that only one province be created out of the existing province of Punjab to address the grievances of the people of South Punjab. It noted that one of the Resolutions adopted by the Provincial Assembly of Punjab called for 'restoration' of the Bahawalpur province. However, during Commission's investigations and study, no evidence came to surface that Bahawalpur ever had the status of a province in the past. It transpired that it was a state like other princely states that was merged in West Pakistan. After the dismemberment of One Unit it was merged in Punjab. The legal challenge mounted to the merger of Bahawalpur in Punjab also failed. It was thus felt that making this former state a separate province would give rise to the demands for making former states of Khairpur, Swat and many others as provinces as well. It was also felt that Bahawalpur should be given special consideration within the new province to address the long standing grievances of the former state.

6. Name of the New Province

The Commission after due deliberations proposed that the new province be named as Bahawalpur-Janoobi Punjab with its capital in Bahawalpur. It was closer to the expression used in Resolution adopted in

the National Assembly and the two Resolutions adopted in the Provincial Assembly of the Punjab.

7. Demarcation

Although various models of geographical boundaries of the new proposed province were considered, the following three models were found noteworthy of consideration.

Model 1: Three divisions of South Punjab comprising of the divisions of DG Khan (4 districts), Multan (4 districts) and Bahawalpur (3 districts). This constitutes over 30% of the Punjab population and covers nearly 49 % of the land area of Punjab.

Model 2: In addition to the three divisions as in Model No. 1 it also includes Mianwali and Bhakkar. Obviously this model constitutes more than one third of the population and over half of the land area of Punjab.

Model 3: This model envisages Bahawalpur as a separate province. In terms of population and area Bahawalpur constitutes 22% of population and 10 % of the area of Punjab.

The Commission after considering various proposals about its geographical boundaries was of the view that the new province may comprise of three existing divisions of the Punjab, namely, Multan Division, Bahawalpur Division and D. G Khan division and the two districts of Mianwali and Bhakkar. Various factors including feelings of deprivation, under-development, geographical contiguity, administrative needs, social homogeneity and water resources lay at the basis of including these two districts in the proposed province.

The Commission felt that a province comprising of these three divisions plus Mianwali and Bhakkar districts was highly sustainable from

economic point of view as highlighted by the following facts: 84% of the cotton crop of Punjab is produced in the three divisions of Multan, Bahawalpur and D.G Khan alone. As Punjab itself accounts for 70% of the country's cotton it means that the three southern divisions alone account for nearly 59% of the national production of cotton.

The three divisions alone also account for 41% of wheat production and 36% of sugar production of Punjab. Over 85% of the cotton ginning factories, nearly 40 % of the flour mills, 30% of sugar mills and 25% of fertilizer manufacturing units of Punjab are located in the proposed new province.

8. Distribution of Resources:

(i) The Commission noted that Constitutional provisions existed to determine the distribution of resources between the provinces. The relevant provisions of the Constitution are Articles 153, 154 and 155 relating to the Council of Common Interests (CCI). The CCI has further been strengthened under the 18th Constitutional Amendment and now it will have its permanent secretariat (Article 154-2) and it has to be constituted within thirty days of the Prime Minister's taking the oath of office. The CCI is now also empowered under 18th Amendment to formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and shall exercise supervision and control over related institutions. These include, among other matters, issues relating to inter-provincial coordination, the CCI, national planning and national economic coordination, mineral oil and natural gas etc.

(ii) The Water Accord of 1991 may have to be revisited to provide for the share of the new province of Bahawalpur-Janoobi Punjab. Article 155 (1) of the Constitution further provides mechanism for addressing disputes in water issues.

(iii) The provisions of Article 156 of the Constitution relating to the National Economic Council substituted, as a result of the 18th Amendment, Prime Minister as its Chairman and Chief Minister and a member from each province nominated by its Chief Minister. Article 160 relating to National Finance Commission as strengthened by the 18th Amendment and all other Articles relating to the rights of the provinces will come into play for the resolution of all ancillary matters either through an executive order or through ordinary legislation.

9. Articles of the Constitution requiring Amendment

The following Articles of the Constitution would require amendment in order to give effect to the proposal of creating the new province of Bahawalpur-Junoobi Punjab from the existing province of the Punjab.

Article 1 (2)
 Article 51 (3)
 Article 59 (1)
 Article 59 (1) (f)
 Article 59 (3) (f)
 Article 59 (4)
 Article 106 (1)
 Article 175A (6) and Article 218 (2) (b)

10. Draft Bill

Accordingly draft of the Constitutional Amendment Bill to give effect to the proposal of creating the new province has been prepared with

the help of the Law Division for which the Commission wishes to thank the Ministry of Law and Justice. The Constitutional Amendment Bill is placed at **Annex-I**.

11. Adoption of the Report

The honorable members unanimously approved this Report by affixing their signatures thereon. Senators Haji Mohammad Adeel, Mr. Kamil Ali Agha and Molana Abdul Ghafoor Haideri, and Mr. Arif Aziz Sheikh, Dr. Muhammad Farooq Sattar, MNAs also recorded their separate Notes-Observations which are placed at **Annex-A.1**.

12. Vote of Thanks

The Commission wishes to thank the honorable Speaker National Assembly for the trust reposed in its members in assigning them this task of national importance. The Commission acknowledges with gratitude the contributions made by all experts and knowledgeable persons who took the pains of making personal presentations and/or addressed communications to it. Together they improved the understanding of Commission's members on the issues involved in the creation of a new province in the Punjab and helping it prepare its report. It specially acknowledges the solid work done by its honorable member Senator Syeda Sughra Imam and her team in analyzing the potential and possibilities of various models of geographic demarcations. The Commission also acknowledges with appreciation the efforts made by the Secretary of the Commission and Mr. Qamar Sohail Lodhi Additional Secretary and the staff of National Assembly Secretariat for their efficiency and professionalism in facilitating its work.

The Commission noted that for the first time in the history the honorable Head of the State had addressed a Message to the honorable Speaker National Assembly on the subject matter and placed on record its appreciation of the honorable President Mr. Asif Ali Zardari.

As Chairman of the Commission, I personally acknowledge and deeply appreciate the great contributions made by all the honorable members of the Commission and for the remarkable team spirit displayed

by each one of them. Despite belonging to different political persuasions they displayed a rare spirit of accommodation. Without their active participation and remarkable spirit of cooperation it would not have been possible to complete this task of national importance assigned to it. They have demonstrated that spirit excellently.

Accordingly, the Commission unanimously decided to submit this report to the honorable Prime Minister of Pakistan and the honorable Speaker National Assembly in terms of the Message of the honorable President to the honorable Speaker National Assembly and the order of the honorable Speaker National Assembly constituting the Commission for the subject assignment.

Sd/-

(Senator Farhatullah Babar)
Chairman

Commission for Creation of
New Province (s) in the Province
of the Punjab

Sd/-

(Karamat Hussain Niazi)

Secretary

National Assembly Secretariat
Islamabad, the 28th January, 2013

✓ 1. Senator Syeda Sughra Imam,	Member	Sd/-
✓ 2. Senator Haji Mohammad Adeel,	Member	Sd/-
✓ 3. Senator Mr. Kamil Ali Agha,	Member	Sd/-
✓ 4. Senator Molana Abdul Ghafoor Haideri,	Member	Sd/-
✓ 5. Mr. Arif Aziz Sheikh, MNA,	Member	Sd/-
✓ 6. Mr. Jamshaid Ahmad Dasti, MNA,	Member	Sd/-
✓ 7. Syed Abdul Kadir Gillani, MNA,	Member	Sd/-
✓ 8. Dr. Muhammad Farooq Sattar, MNA,	Member	Sd/-

SEPARATE NOTE OF SENATOR HAJI MOHAMMAD ADEEL
Acting President Awami National Party

I believe that the MPAs / Parliamentarians of Punjab particularly those belonging to the three districts of Bahawalnagar, Mianwali and Bhakkar (proposed to be included in the new province of Bahawalpur Janobi Punjab) should also have been invited to express their views on the issues involved i.e. creation of new province in Province of Punjab.

Furthermore, I wish to state that the mandate of this Commission is very clear and is limited only to the division of the Province of Punjab. Any other suggestion about the division of any other province is clearly beyond its mandate.

Haji Mohammad Adeel
Acting President Awami National Party
28.01.2013

Senator Farhatullah Babar
Chairman,
Commission for creation of
New Provinces in Punjab

مزارہ صوبہ بنانے کے لیے عملی اقدامات اٹھانے کا حق

جناب عالی -
قومی اسمبلی میں میری جماعت پاکستان مسلم لیگ کی طرف سے پیش کردہ مزارہ

کو صوبہ بنانے کا قرارداد منظور ہو چکا ہے جس کو منظور کر دینے کے لیے صوبائی اسمبلی کو صوبہ
غیر مختص اٹھوان کی ضرورت ہے عملی اقدامات کیلئے بھیج دیا جائے۔

اس لیے میں نے اپنی جماعت کی ہدایت پر کمیشن کی صیغہ میں
بار بار گزارش کی تھی کہ کمیشن اس سلسلہ میں وزیر اعظم سے درخواست
کیلئے اختیارات حاصل کرے لیکن جو جو نہ تو وزیر اعظم اور نہ ہی صدر
پاکستان سے یہ درخواست کی گئی اس لئے میں اجورٹ اور ڈرافٹ بل
پر اس اعتراض کو اٹھاتے ہوئے دستخط کر رہا ہوں۔

 28/1/13

SENATOR
KAMIL ALI AKHTAR



SENATE OF PAKISTAN
Parliament House
Islamabad

Molana Abdul Ghafoor Haideri
Chairman Standing Committee
on Railways
Secretary General,
Jamiat Ulama-e-Islam, Pakistan

نوٹ:

نمبر ۱:

ذریعہ غازیخان ڈویژن چونکہ ماضی میں بلوچستان کا حصہ رہا ہے۔ متذکرہ بالا ڈویژن کی اکثریت کا مطالبہ ہے کہ ہمارے ڈویژن کو بلوچستان کا

حصہ بنایا جائے۔

لہذا ذریعہ غازیخان ڈویژن کو بلوچستان میں شامل کیا جائے تاکہ ماضی میں کی گئی زیادتیوں کا ازالہ ہو سکے۔

(مولانا عبدالغفور حیدری)

ممبر پارلیمانی کمیشن، سینیٹ آف پاکستان

28-1-2013

نوٹ نمبر ۲:

بہاولپور صوبے کی بحالی وہاں کے عوام کا بنیادی حق اور دیرینہ مطالبہ ہے۔ اور پنجاب اسمبلی کی متفقہ قرارداد کا تقاضا بھی یہی ہے کہ۔

بہاولپور کو بحیثیت صوبہ بحال کیا جائے۔

نوٹ نمبر ۳:

بھکر اور میانوالی کو مجوزہ صوبے میں شامل نہ کیا جائے۔

(مولانا عبدالغفور حیدری)

ممبر پارلیمانی کمیشن، سینیٹ آف پاکستان

28-1-2013



NATIONAL ASSEMBLY OF PAKISTAN

Tel: 062-2001414

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0300-6800353

ARIF AZIZ SHEIKH

Member, National Assembly of Pakistan

NA-183 Bahawalpur

Note/Observations

Mr. Arif Aziz Sheikh MNA

I wish to place on record this note with regard to comments made about division of some other provinces and request that it be placed on the record of the proceedings of the Commission.

The mandate of this Commission is unambiguous and very clear. It is limited to making recommendations for creating new province (s) in the Province of the Punjab as required in the two unanimous Resolutions of the Punjab Assembly, the unanimous Resolution of the National Assembly, the message sent by the President to the Speaker, the circular issued under the authority of the Speaker National Assembly and the Rules framed thereafter.

It is not within the mandate of the Commission to even discuss let alone make recommendations on the division of other provinces which have not even so been demanded through Parliamentary Resolutions. It is also not within the mandate of this Commission to consider/ recommend amendments in the Constitution other than that needed for the making of province(s) in the Province of the Punjab.

Arif Aziz Sheikh

Member National Assembly

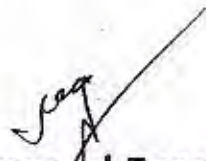
Member Commission for creation of new province(s) in Punjab

Goth Hafeez Ullah, Chak # 153/NP The. Ahmedpur, District Bahawalpur

Note of Dr. Muhammad Farooq Sattar, MNA

To strengthen Pakistan and its Federation, I, being representative of my party, MQM, am confident that in line with the subject Commission for creation of new province (s) in the province of the Punjab, similar Commission may also be constituted by the President of Pakistan and to that effect the Parliament and concerned Provincial Assemblies should also respond to the needs and popular demands of their people for creating new provinces on the administrative grounds.

Similarly, appropriate amendments in Article 239 of the Constitution may also be made for creation of new provinces as and when the need may arise.


Dr. Muhammad Farooq Sattar
MNA-MQM

Annex-A

NATIONAL ASSEMBLY SECRETARIAT

No. F.1(3)/2012- Secy

Islamabad, the 16th August, 2012CIRCULAR**SUBJECT: CONSTITUTION OF A COMMISSION FOR CREATION OF NEW PROVINCES.**

In pursuance of the message received from the President of the Islamic Republic of Pakistan and authorization by the National Assembly on 11th July, 2012, the Honourable Speaker National Assembly has been pleased to constitute a Commission for creation of new Provinces in the Punjab consisting of the following members:-

1. Senator Farhatullah Babar
2. Senator Syeda Sughra Imam
3. Senator Haji Mohammad Adeel
4. Senator Kamil Ali Agha
5. Senator Malik Muhammad Rafique Rajwana
6. Senator Molana Abdul Ghafoor Haideri
7. Mr. Arif Aziz Sheikh, MNA
8. Mr. Jamshaid Ahmad Dasti, MNA
9. Syed Ali Musa Gillani, MNA
10. Mrs. Tahmina Daultana, MNA
11. Ch. Saud Majeed, MNA
12. Dr. Muhammad Farooq Sattar, MNA

Two members of the Provincial Assembly of the Punjab would be included as and when their nominations will be received from the Speaker, provincial Assembly, Punjab.



(KARAMAT HUSSAIN NIAZI)

Secretary

All Members of the Committee

23
Annex-B

RESOLUTION

This House hereby resolves that in order to address the grievances and to secure the political, administrative and economic interests of the people of the Southern Region of the Province of the Punjab and to empower them in this regard, it is expedient that a new province to be known as Province of Janoobi Punjab be created from the present Province of the Punjab.

This House, thus, calls upon the Provincial Assembly of the Punjab to present a Bill in the Punjab Assembly to amend the Constitution in accordance with Article 239(4) of the Constitution of Islamic Republic of Pakistan, 1973, for passage which would have the effect of altering the limits of Province of the Punjab, thereby creating Province of Janoobi Punjab.

Sd/-
FAROOQ H. NAEK,
Minister for Law and Justice
Date: 03-05-2012

ASSEMBLY BUSINESSPROVINCIAL ASSEMBLY OF THE PUNJAB

No. PAP/Legis-1(12)/08/2540

10 May 2012

From

Maqsood Ahmad Malik
Secretary

To

1. The Secretary, Governor of Pakistan,
Ministry of Law, Justice & Parliamentary Affairs, Islamabad.
2. The Secretary, Government of Pakistan, Cabinet Division, Islamabad.
3. The Secretary, Government of Pakistan, Establishment Division, Islamabad.
4. The Secretary, Senate of Pakistan, Islamabad.
5. The Secretary, National Assembly of Pakistan, Islamabad.

Subject:

RESOLUTION PASSED BY THE PROVINCIAL ASSEMBLY OF THE PUNJAB

Sir,

I am directed to inform you that in its sitting held on 9 May 2012, the Provincial Assembly of the Punjab has unanimously passed the following resolution, notice given and moved by Rana Sana Ullah Khan, Minister for Law & Parliamentary Affairs:-

قرارداد

"صوبائی اسمبلی پنجاب کا یہ نمائندہ ایوان، وفاقی حکومت سے صوبہ جنوبی پنجاب کی تشکیل کا مطالبہ کرتا ہے اور اس نئے صوبے کی تشکیل کو عملی جامہ پہنانے کے لئے وفاقی حکومت سے یہ بھی مطالبہ کرتا ہے کہ فی الفور ایک قومی کمیشن تشکیل دیا جائے جو نئے صوبوں سے متعلق تمام کلیدی معاملات (پانی و دیگر وسائل کی منصفانہ تقسیم، جغرافیائی حد بندی (demarcation) سمیت تمام آئینی، قانونی، انتظامی معاملات) پر فوری فیصلہ دے اور نئے صوبوں کی تشکیل کے عمل کو جلد مکمل کرے۔"

(Khalid Mahmood)

Assistant Secretary (Legislation)

No. & date even:

A copy is forwarded for information to:-

1. Secretary General to the President of Pakistan, Islamabad.
2. Principal Secretary to Prime Minister of Pakistan, Islamabad.
3. Principal Secretary to Governor, Punjab.
4. Principal Secretary to Chief Minister, Punjab.
5. All Ministers, Punjab.
6. Rana Sana Ullah Khan, Minister for Law & Parliamentary Affairs. (Mover)
7. All Special Assistants to Chief Minister, Punjab.
8. All Parliamentary Secretaries, Punjab.
9. All Members, Provincial Assembly of the Punjab.
10. Secretaries, Provincial Assemblies of Sindh, Khyber Pakhtunkhwa & Balochistan.
11. Chief Secretary, Punjab, Lahore.
12. Additional Chief Secretary, Punjab, Lahore.
13. Secretary to Government, Punjab, Law and Parliamentary Affairs Department, Lahore.
14. Secretary to Government, Punjab, (I&C) S&GAD, Lahore.
15. Secretary to Government, Punjab, Information Department, Lahore.
16. Director General, Public Relations, Punjab, Lahore.
17. Manager, APP/PPI, Lahore.
18. General Manager, PTV, Lahore.
19. Station Director, Radio Pakistan, Lahore.

Assistant Secretary (Legislation)

From

Maqsood Ahmad Malik
Secretary

To

1. The Secretary, Government of Pakistan, Ministry of Law, Justice & Parliamentary Affairs, Islamabad.
2. The Secretary, Government of Pakistan, Cabinet Division, Islamabad.
3. The Secretary, Government of Pakistan, Establishment Division, Islamabad.
4. The Secretary, Senate of Pakistan, Islamabad.
5. The Secretary, National Assembly of Pakistan, Islamabad.

Subject:

RESOLUTION PASSED BY THE PROVINCIAL ASSEMBLY OF THE PUNJAB

Sir,

I am directed to inform you that in its sitting held on 9 May 2012, the Provincial Assembly of the Punjab has unanimously passed the following resolution, notice given and moved by Rana Sana Ullah Khan, Minister for Law & Parliamentary Affairs:-

قرارداد

"صوبائی اسمبلی پنجاب کے اس ایوان کی رائے ہے کہ بہاولپور کے عوام جو ایک طویل عرصہ سے بہاولپور صوبہ کی بحالی کی جدوجہد کر رہے ہیں، یہ مطالبہ نیا صوبہ بنانے کا نہیں بلکہ سابقہ صوبے کو بحال کرنے کا ہے، جس کی بنیاد انتظامی، جغرافیائی، تاریخی، آئینی اور سیاسی حقائق ہیں۔ ان حقائق کی بنیاد پر اس ایوان کی رائے ہے کہ سابقہ صوبہ بہاولپور کو بلا تاخیر بحال ہونا چاہیے۔ لہذا یہ ایوان صوبہ بہاولپور کی فی الفور بحالی چاہتا ہے۔ اور وفاقی حکومت سے یہ بھی مطالبہ کرتا ہے کہ فی الفور ایک قومی کمیشن تشکیل دیا جائے جو نئے صوبوں سے متعلق تمام کلیدی معاملات (پانی و دیگر وسائل کی منصفانہ تقسیم، جغرافیائی حد بندی (demarcation) سمیت تمام آئینی، قانونی، انتظامی معاملات) پر فوری فیصلہ دے اور نئے صوبوں کی تشکیل کے عمل کو جلد مکمل کرے۔"

(Khalid Mahmood)

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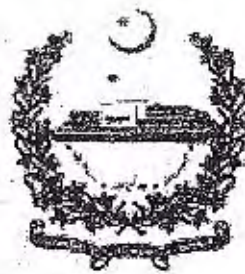
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6. Rana Sana Ullah Khan, Minister for Law & Parliamentary Affairs. (Mover)
7. All Special Assistants to Chief Minister, Punjab.
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Assistant Secretary (Legislation)

NATIONAL ASSEMBLY SECRETARIAT



**THE COMMISSION FOR CREATION
OF NEW PROVINCE (S) IN THE PROVINCE OF
THE PUNJAB (PROCEDURE) RULES, 2012**

NATIONAL ASSEMBLY SECRETARIAT



**THE COMMISSION FOR CREATION
OF NEW PROVINCE (S) IN THE PROVINCE OF
THE PUNJAB (PROCEDURE) RULES, 2012**

PREFACE

In pursuance of the Message received from the President of the Islamic Republic of Pakistan and authorisation by the National Assembly on 11th July, 2012, the Speaker, National Assembly has been pleased to constitute Commission for creation of new Province (s) in the Province of the Punjab, which comprises six Senators and six Members of the National Assembly. Two members of the Provincial Assembly of the Punjab would be included as and when their nominations will be received from the Speaker, Provincial Assembly of the Punjab.

The Commission was constituted on 16th August, 2012. The Commission presently consists of twelve members out of which fifty percent are from the Senate.

The Speaker, National Assembly issued directions on 3rd December, 2012 that the Commission shall make rules for regulating its procedure. The Commission in its meeting held on 10th December, 2012 made these rules for regulating its procedure.

KARAMAT HUSSAIN NIAZI

Secretary

National Assembly Secretariat

**Islamabad,
the 10th December, 2012.**

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**THE COMMISSION FOR CREATION OF NEW PROVINCE (S)
IN THE PROVINCE OF THE PUNJAB (PROCEDURE)
RULES, 2012**

In pursuance of the directions issued by the Speaker, National Assembly on 3rd December, 2012, vide National Assembly Circular No.F.1(3)/2012-Secy dated 3rd December, 2012, the Commission for creation of new Province (s) in the Province of the Punjab is pleased to make the following rules to regulate its procedure.

1. **Short title and commencement.**- (1) These rules may be called the Commission for creation of new province (s) in the province of the Punjab (Procedure) Rules, 2012.

(2) These rules shall come into force at once.

2. **Definitions.**- (1) In these rules, unless the context otherwise requires:

(a) **"Chairman"** means Chairman of the Commission;

(b) **"Commission"** means the Commission constituted by the Speaker National Assembly in pursuance of the message received from the President of the Islamic Republic of Pakistan and authorization given by the National Assembly on 11th July, 2012;

(c) **"Member"** means a member of the Commission; and

(d) "Secretary" means the Secretary, National Assembly and includes a person for the time being performing the duties of Secretary National Assembly.

(2) The words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the same meanings as assigned to them in the Constitution of the Islamic Republic of Pakistan.

3. **Powers of the Commission.**-(1) The Commission shall have powers to summon or invite any person or call for any information or record required by it from any person or authority for the purposes of carrying out its functions.

(2) The provisions of rule 227 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, regarding taking of evidence or calling for records, documents *etatis mutandis*, apply to the proceedings.

4. **Functions of the Commission.**-(1) The Commission shall determine the following issues and matters for creation of new province (s) from the existing province of the Punjab:

- a) distribution of economic, financial and administrative resources;
- b) demarcation;

- c) allocation/re-adjustment of seats:
 - i. in the National Assembly;
 - ii. in the Senate;
 - iii. in the concerned Provincial Assembly;
 - iv. in the new province (s) on the basis of population;
 - v. of minorities;
 - vi. of women;
- d) other constitutional, legal and administrative matters;
- e) the provisions of the Constitution requiring amendment, *inter alia*, of Articles 1(2), 51, 59, 106 and any other relevant provision of the Constitution.

(2) The Commission shall present its report within thirty days, or within such period as the Speaker may extend, to the Speaker and the Prime Minister.

5. **Chairman of the Commission.**- (1) The Chairman shall be elected by the Commission from amongst its members by majority of the members present and voting.

(2) If the Chairman of the Commission is not present at any sitting, the Commission shall elect one of its members present to act as Chairman for that sitting.

(3) The Chairman or the person presiding over the sitting shall regulate the proceedings of the Commission.

(4) Secretary, National Assembly shall act as Secretary of the Commission.

6. **Quorum and Voting.**- (1) The Quorum to constitute a sitting of the Commission shall be one third of the total membership of the Commission including the Chairman.

(2) All decisions at a sitting of the Commission shall be determined by a majority of the total membership of the Commission including the Chairman.

7. **Record of the Proceedings.**- The proceedings of the Commission shall be held in camera. However, a record of the proceedings shall be maintained by the Secretary.

8. **Travel.**- A member while attending meeting of the Commission shall be entitled to the TA/DA as admissible to him under the provisions of the Members of the Parliament (Salaries and Allowances) Act, 1974 (XXVII 1974).

9. **Amendment of the rules.**- The Commission shall have power to amend any of the provisions of these rules with majority of the total membership of the Commission including the Chairman.

10. Residuary Powers.- All matters for which no provision or no sufficient provision has been made in these rules, shall be regulated in such manner as the Commission may direct.

Directions issued by the Speaker

In exercise of the powers conferred by Rule 29 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the Speaker National Assembly is pleased to direct as follows:-

1. The Commission for creation of new province (s) in the province of the Punjab, constituted in pursuance of the Message of the President, shall make rules regulating its procedure.
2. Rule 227 of the rules of Procedure and Conduct of Business in the National Assembly, 2007, regarding taking evidence or calling for papers, records of documents, shall, *mutatis mutandis*, apply to the proceedings of the Commission.

By order of the Speaker

Islamabad,
the 3rd December, 2012.

PUBLIC NOTICE WAS PUBLISHED IN THE FOLLOWING NEWS PAPERS. 12-12-12

1. Jang, Multan
2. News, Lahore
3. Nawa-e-Waqt, Multan
4. Dawn, Lahore
5. Barwaqt Khabar, Bahawalpur
6. Multan nama, Multan
7. Jhoke, Multan (Seraiki)
8. Sayatat, Bahawalpur
9. Naya Dur, Multan
10. Wafa, Bahawalpur

Annex-F **37**

Briefings By Experts

GIVEN TO THE COMMISSION FOR CREATION OF NEW PROVINCE (S) IN THE PROVINCE OF THE PUNJAB

S. No.	Expert	Date
1.	Mr. Akbar Ansari, Advocate High Court, Markazi Secretary General Pakistan Saraiki Party	13 th Dec., 2012
2.	Mr. Shakeel Anjum, President Multan Press Club	
3.	Mr. Kanwar Muhammad Dilshad, Ex-Secretary Election Commission of Pakistan	
4.	Mr. Muhammad Ali Durrani, Ex-Senator	18 th Dec., 2012
5.	Mirza Masroor Ahmad Baig Advocate, Mailsi, District Vehari	
6.	Mr. Iqbal Ahmad Khan Pattafi Advocate, Ex-General Secretary, District Bar Muzafar Garh	
7.	Mr. Ashiq Khan Buzdar, Incharge Peoples Cultural Wing Janoobi Punjab, Saraiki Belt, Rajan Pur	
8.	Mr. Ghazanfar Mehdi, Director General (Rtd.), National Highways Authority/Chairman World Saraiki Congress	24 th Dec., 2012
9.	Mr. Rafat-ur-Rehman Rehmani Advocate, Bahawalpur	
10.	Malik Khair Muhammad Budh, former Civil Servant, Journalist, visiting faculty member of the B.Z. University, Multan	
11.	Barrister Taj Muhammad Khan Langah, President Pakistan Saraiki Party	7 th Jan., 2013
12.	Mr. Muhammad Mahmood Nizami, Taunsa, District D.G. Khan	
13.	Shaikh Badar Munir, Secretary General, Saraiki Waseeb Movement Pakistan, Layyah	
14.	Colonel (Retd) Mr. Abdul Jabbar Abbasi, Karachi	
15.	Senator Syeda Sughra Imam	10 th Jan., 2013

BRIEFINGS

LIST OF MNAs and Senators

Who briefed

THE COMMISSION FOR CREATION OF NEW PROVINCE (S)
IN THE PROVINCE OF THE PUNJAB24th January, 2013

1. Mr. Mahmood Hayat Khan Tooche Khan (NA-170), PPPP, Vehari-IV
2. Makhdoom Shahabuddin (NA-194) PPPP Rahim Yar Khan-IV
3. Abdul Ghafoor Chaudhry, PPPP NA-190, Bahawalpur-
4. Natasha Daultana (NA-168), PPPP Vehari-II
5. Syed Mumtaz Alam Gillani, (NA-189), Muzaffargarh-II
6. Begum Nasim Akhter Chaudhry, PPPP Multan
7. Mian Abdus Sattar, PPPP, NA-193, Rahim Yar Khan, II
8. Mr. Abdul Qayum Khan Jatoti, (NA-180), PPPP Muzaffargarh-V
9. Senator Ms. Khalida Parveen, Muzaffargarh
10. Dewan Ashiq Hussain Bokhari, PML, NA-153, Multan -VI
11. Senator Mr. Muhammad Mohsin Khan Laghari, DG Khan
12. Mr. Mohammad Raza Hayat Harraj, PML NA-156, Khanewal-I
13. Khawaja Sheraz Mehmood, PML, NA-171, D.G. Khan-I
14. Ms. Hina Rabbani Khar, PPPP, NA-177, Muzaffargarh-II

LIST OF MEETINGS OF THE COMMISSION FOR CREATION OF NEW PROVINCE (S) IN THE PROVINCE OF THE PUNJAB

S.NO	DATE	AGENDA
1.	28.8.2012	Honourable Senator Mr. Farhatullah Babar elected as Chairman
2.	29.8.2012	Consideration of Draft Rules of the Commission
3.	11.9.2012	Briefing by Law Minister on the Commission and Draft Rules of the Commission
4.	10.12.2012	Draft Rules Approved
5.	13.12.2012	Briefings by 3-experts
6.	18.12.2012	Briefings by 5-experts
7.	24.12.2012	Briefings by 3-experts
8.	07.01.2013	Briefings by 3-experts with request to Senator Syeda Sughra Imam for a presentation
9.	10.01.2013	Briefings by Senator Syeda Sughra Imam; Ministry of Law requested for Draft Bill; Speaker requested for extension of time; Tentative Draft Report of Senator Syeda Sughra Imam sent to all members of the Commission
10.	16,17,18 Jan, 2013	Cancelled due to LONG MARCH
11.	22.01.2013	Consideration of the Draft Constitution (Twenty-Fourth Amendment) Bill, 2013
12.	23.01.2013	Consideration of the Draft Constitution (Twenty-Fourth Amendment) Bill, 2013
13.	24.01.2013	Briefings by all the MNAs and Senators from Multan, DG Khan and Bahawalpur Divisions and Draft Constitution (Twenty-Fourth Amendment) Bill, 2013
14.	26.01.2013	Draft Constitution (Twenty-Fourth Amendment) Bill, 2013-APPROVED
15.	28.01.2013	Consideration of the Draft Report of the Commission for Creation of New Province (s) in the Province of the Punjab

A

Annex-9

40

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 (Twenty-Fourth Amendment) Act, 2013.

(1) 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) in paragraph (a), after the word "Punjab", the comma and words "Bahawalpur Janoobi Punjab" shall be inserted and thereunder the following Explanation shall be inserted, namely:-

"Explanation.- The Province of Bahawalpur Janoobi Punjab shall comprise of territories of Multan, Bahawalpur and Dera Ghazi Khan Divisions and the Districts of Mianwali and Bhakkar."

3. **Amendment of Article 51 of the Constitution.**- In the Constitution, in Article 51, in clause (3), in the table,-

(a) for the entries relating to "Punjab", in the first, second, third and fourth columns, the following shall be substituted, namely:-

"Punjab 101 23 124"; and

(b) after the entries relating to "Punjab" substituted as aforesaid, the following new entries shall be inserted, namely:-

"Bahawalpur Janoobi Punjab" 47 12 59"

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

(1) in clause (1),-

(a) for the words "one hundred and four", the words "one hundred and twenty-seven" shall be substituted; and

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

(2) in clause (3), in paragraph (f), for the word "two" occurring for the second time the word "three" shall be substituted.

(3) Clause (4) shall be renumbered as clause (5) of that Article and before clause (5) renumbered as aforesaid, the following new clause shall be inserted, namely:-

"(4) The seats of members enhanced through the Constitution (Twenty-Fourth Amendment) Act, 2013, shall be filled within ninety days of the commencement of the said Act and the members to be elected on those seats shall retire on the 11th March, 2015."

5. **Amendment of Article 106 of the Constitution.**-In the Constitution, in Article 106, in clause (1), in the table,-

(a) for the entries relating to "Punjab", in the first, second, third and fourth columns, the following shall be substituted, namely:-

"Punjab 199 44 5 248"; and

(b) after the entries relating to "Punjab" substituted as aforesaid, the following new entries shall be inserted, namely:-

"Bahawalpur Janoobi Punjab 98 22 3 123"

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

"6A.- For initial appointment of the Chief Justice and the Judges of the Province of Bahawalpur Janoobi Punjab, the Chief Justices of the four Provincial High Courts shall also be members of the Commission."

7. **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 "five" shall be substituted."
