

NATIONAL ASSEMBLY SECRETARIAT

INTERIM REPORT

OF THE PARLIAMENTARY COMMITTEE ON ELECTORAL REFORMS

I, Chairman of the **Parliamentary Committee on Electoral Reforms** have the honor to present this Interim Report on Electoral Reforms to the august Senate and National Assembly.

2. Pursuant to motions adopted by the National Assembly on 19th June, 2014 and Senate on 30th June, 2014, the Honourable Speaker, in consultation with the Chairman Senate and Parliamentary Leaders, had been pleased to constitute the Parliamentary Committee on Electoral Reforms (PCER) on 25th July, 2014 comprising the following:-

1.	Senator Mohammad Ishaq Dar, <i>Minister for Finance, Revenue, Economic Affairs, Statistics and Privatization</i>	Chairman
2.	Mr. Zahid Hamid, MNA <i>Minister for Law and Justice & Climate Change</i>	Member
3.	Rais Ghulam Murtaza Khan Jatoi, MNA <i>Minister for Industries and Production</i>	Member
4.	Lt. Gen. (Retd.) Abdul Qadir Baloch, MNA <i>Minister for States and Frontier Regions</i>	Member
5.	Mr. Abdul Hakeem Baloch, MNA <i>Minister of State for Communications</i>	Member
6.	Mr. Murtaza Javed Abbasi, MNA <i>Deputy Speaker, National Assembly</i>	Member
7.	Senator Molana Abdul Ghafoor Haideri, <i>Deputy Chairman Senate</i>	Member
8.	Ms. Anusha Rehman Khan Advocate, MNA <i>Minister of State for Information Technology and Telecommunications</i>	Member
9.	Dr. Tariq Fazal Chaudhry, MNA <i>Minister of State for Capital Administration and Development Division</i>	Member
10.	Syed Naveed Qamar, MNA	Member
11.	Shazia Mari, MNA	Member
12.	Mr. Shafqat Mehmood, MNA	Member
13.	Dr. Shireen Mehrunnisa Mazari, MNA	Member
14.	Dr. Arif Alvi, MNA	Member
15.	Dr. Muhammad Farooq Sattar, MNA	Member
16.	Sahibzada Tariq Ullah, MNA	Member
17.	Ms. Naeema Kishwar Khan, MNA	Member

18.	Mr. Abdul Qahar Khan Wadan, MNA	Member
19.	Mr. Ghous Bux Khan Mahar, MNA	Member
20.	Mr. Usman Khan Tarakai, MNA	Member
21.	Mr. Aftab Ahmed Khan Sherpao, MNA	Member
22.	Mr. Muhammad Ijaz-ul-Haq, MNA	Member
23.	Sheikh Rasheed Ahmed, MNA	Member
24.	Syed Ghazi Gulab Jamal, MNA	Member
25.	Senator Mushahid Ullah Khan	Member
26.	Senator Saleem Zia	Member
27.	Senator Aitzaz Ahsan	Member
28.	Senator Farooq Hamid Naek	Member
29.	Senator Saeed Ghani	Member
30.	Senator Col (Retd.) Syed Tahir Hussain Mashhadi	Member
31.	Senator Syed Shibli Faraz	Member
32.	Senator Sitara Ayaz	Member
33.	Senator Mushahid Hussain Syed	Member
34.	Senator Hidayat Ullah	Member

3. Terms of Reference of the PCER were / are as follows:-

- 1) The Committee shall elect its Chairman at its first meeting.
- 2) The scope of work of the Committee will include, but shall not be limited to, making recommendations in respect of electoral reforms, required to ensure free, fair and transparent elections, including adoption of the latest technology, available for holding elections, alongwith draft legislation, including constitutional amendments, if required for this purpose.
- 3) The Speaker may replace any Member of the Committee on request of the Leader of Parliamentary party concerned.
- 4) The Committee may make rules for regulating its procedure.
- 5) Quorum to constitute a sitting of the Committee shall be one fourth of its total membership.
- 6) The Committee shall present its report to the Parliament within three months from the date of the notification of the Committee.

4. The PCER invited proposals for electoral reforms from civil society organizations, lawyers (including Pakistan Bar Council and Provincial Bar Councils, Supreme Court and High Courts Bar Associations) and the general public through Notice in print and electronic Media in August-September, 2014. In response, more than 1200 proposals covering more than 4000 pages were received.

5. On 24th October, 2014, the Committee constituted a Sub-Committee headed by Mr. Zahid Hamid, MNA with the following Terms of Reference:-

- 1) To examine and make recommendations regarding the tabulated proposals received by the Committee in respect of electoral reforms required to ensure

free, fair and transparent elections including adoption of latest available technology along with draft legislation/constitutional amendments, if required.

- 2) The sub-committee shall complete its task and submit its report to the Committee as expeditiously as possible.

The Sub-Committee has held 57-meetings thus far. It has considered all proposals relating to six Election Laws along with the relevant provisions of the Constitution and presented 6 Progress Reports to the PCER. The Unified Election Act and Rules are being finalized along with requisite constitutional amendments.

6. The PCER has held 18 meetings thus far. It has reviewed progress of the Sub-Committee and discussed various proposals and recommendations regarding the electoral reforms. In its meeting held on 18th April, 2016, the PCER had decided that, keeping in view the impending completion of the term of the incumbent Members of the Election Commission of Pakistan (ECP) in early June, 2016, the Sub-Committee should, in its next meeting scheduled to be held on 26th April, 2016, finalize its recommendations regarding appointment of the Members and other ancillary matters which required amendments of the Constitution.

7. The Sub-Committee, in its 56th meeting held on 26th April, 2016 had again discussed the constitutional amendments relating to this issue which had been finalized / recommended by it earlier and had directed the Senior Legislative Advisor, Law & Justice Division to prepare final draft of these amendments in consultation with the Secretary, ECP for approval of the PCER. The Senior Legislative Advisor, Law and Justice Division prepared a draft Constitution Amendment Bill, containing all amendments relating to the ECP recommended by the Sub-Committee, including appointment of the Chief Election Commissioner and Members of the ECP and ancillary matters.

8. The Sub-Committee submitted an Interim Report, with the draft Constitution Amendment Bill and comments of the ECP thereon, for consideration of the PCER. It was recommended that, pending finalization of the entire package of constitutional and other amendments relating to the election laws, the draft Constitution Amendment Bill may be approved by the PCER for submission to both Houses of Parliament.

9. In its meeting held on 10th May, 2016 the PCER discussed the Interim Report and accompanying draft Constitution Amendment Bill along with ECP comments in detail, and decided that the Ministry of Law and Justice should redraft the Bill in the light of the amendments agreed in the meeting. It was also directed that the redrafted Bill be circulated to all Members for consideration / consultation with their respective Parliamentary Leaders before the next meeting.

10. The PCER considered the redrafted Bill in its 17th and 18th meetings held on 16th and 17th May, 2016 and approved the Bill with certain amendments which were incorporated therein. The PCER unanimously recommends that the Constitution Amendment Bill (**Annex-I**) be passed by the august Senate and National Assembly of Pakistan.

11. As Chairman of the PCER, I would like to express my appreciation to all the Members, especially the Convener and Members of the Sub-Committee, as well as officers and staff of the ECP, Ministry of Law and Justice, and National Assembly Secretariat for their hard work in finalizing the Constitution Amendment Bill.

Sd/-

(SENATOR MOHAMMAD ISHAQ DAR)
Chairman, PCER
Minister for Finance, Revenue, Economic
Affairs, Statistics and Privatization

Sd/-

(ABDUL JABBAR ALI)
Secretary
National Assembly Secretariat

Islamabad, the 17th May, 2016

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 (Twenty-second Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of Article 81 of the Constitution.— In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 81, in paragraph (b), for the word "servants", the word "staff", shall be substituted.

3. Amendment of heading of CHAPTER 1, PART VIII of the Constitution.— In the Constitution, in PART VIII, in CHAPTER 1, in the heading, for the word "COMMISSIONS" the word "COMMISSION" shall be substituted.

4. Amendment of Article 213 of the Constitution.— In the Constitution, in Article 213,—

(i) for clause (2), the following shall be substituted, namely:-

"(2) No person shall be appointed Commissioner unless he has been a judge of the Supreme Court or has been a senior civil servant or is a technocrat and is not more than sixty-eight years of age.

Explanation 1.— "senior civil servant" means a civil servant who has served for at least twenty years under Federal or a Provincial Government and has retired in BPS-22 or above.

Explanation 2.— "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education, recognized by the Higher Education Commission and has at least twenty years of experience, including a record of achievements at the national or international level.";

- (ii) in clause (2A), for the full stop at a end, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate lists to the Parliamentary Committee for consideration which may confirm any one name.";

- (iii) in clause (2B).-

(a) the first proviso shall be omitted;

(b) in the second proviso, the word "further", shall be omitted; and

(c) in the third proviso, for the word "also", the word, "further" shall be substituted; and

- (iv) in clause (3), after the word "Commissioner" the words "or a member" shall be inserted.

5. Amendment of Article 215 of the Constitution.— In the Constitution, in Article 215,—

- (i) in clause (1), for the proviso, the following provisos shall be substituted, namely:-

“Provided that two of the members shall retire after the expiration of first two and a half years and two shall retire after the expiration of the next two and a half years:

Provided further that the Commission shall for the first term of office of members draw a lot as to which two members shall retire after the first two and a half years:

Provided also that the term of office of a member appointed to fill a casual vacancy shall be the un-expired term of office of the member whose vacancy he has filled.”; and

- (ii) after clause (3), the following new clause shall be inserted, namely:-

“(4) Vacancy in the office of the Commissioner or a member shall be filled within forty-five days.”.

6. Amendment of Article 216 of the Constitution.— In the Constitution, in Article 216, in clause (2), for the colon a full-stop shall be substituted and the proviso shall be omitted.

7. Amendment of Article 217 of the Constitution.— In the Constitution, in Article 217, for the words “a Judge of the Supreme Court nominated by the Chief Justice of Pakistan” the words “the most senior member in age of the members of the Commission” shall be substituted.

8. Amendment of Article 218 of the Constitution.— In the Constitution, in Article 218, in clause (2), for paragraph (b), the following shall be substituted, namely:-

- "(b) four members, one from each Province, each of whom shall be a person who has been a judge of a High Court or has been a senior civil servant or is a technocrat and is not more than sixty-five years of age, to be appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.

Explanation.— "senior civil servant" and "technocrat" shall have the same meaning as given in clause (2) of Article 213."

9. Amendment of Article 219 of the Constitution.— In the Constitution, in Article 219,—

- (i) in the marginal heading, for the word "Commissioner" the word "Commission" shall be substituted; and
- (ii) for paragraph "(a)" the following shall be substituted, namely:—

"(a) preparing electoral rolls for election to the National Assembly, Provincial Assemblies and local governments, and revising such rolls periodically to keep them up-to-date;"

10. Amendment of Article 221 of the Constitution.— In the Constitution, in Article 221,—

- (i) In the marginal heading, for the word "servants" the word "staff" shall be substituted; and
- (ii) for the words "Election Commission" occurring for the second time, the word "Commissioner" and for the word "servants" the word "staff" shall be substituted.

11. Amendment of Article 222 of the Constitution.— In the Constitution, in Article 222,—

- (i) in paragraph (b), after the word "Commission" occurring at the end, the words "including delimitation of constituencies of local governments" shall be added;
 - (ii) in paragraph (f),—
 - (a) after the word "Houses" a comma shall be inserted and the word "and" occurring thereafter shall be omitted; and
 - (b) after the word "Assemblies" occurring at the end, the words "and local governments" shall be added; and
 - (iii) for the word "an" appearing before the words "Election Commission" occurring for the second time, the word "the" shall be substituted.
-