

[AS PASSED BY 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;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Constitution (Twentieth Amendment) Act, 2012.

(2) It shall come into force at once.

2. **Amendment of Article 48 of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 48, in clause (5), in paragraph (b), after the word “Cabinet”, the words, commas, figures and letter “in accordance with the provisions of Article 224 or, as the case may be, Article 224 A”, shall be added.

3. **Amendment of Article 214 of the Constitution.**- In the Constitution, in Article 214,-

(a) in the marginal note, the word “Commissioner’s”, shall be omitted; and

(b) after the word “Pakistan”, the commas and words “,and a member of the Election Commission shall make before the Commissioner,”, shall be inserted.

4. **Amendment of Article 215 of the Constitution.**- In the Constitution, in Article 215,-

(a) in the marginal note, after the word “Commissioner”, the words “and members”, shall be added;

(b) in clause (1),-

(i) after the word “Commissioner”, the words “and a member”, shall be inserted; and

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- (ii) in the proviso, after the word “incumbent”, the word “Commissioner”, shall be added;
- (c) in clause (2),-
 - (i) after the word “Commissioner”, occurring for the first time, the words “or a member”, shall be inserted; and
 - (ii) after the word “Commissioner”, at the end, the words and commas “or, as the case may be, a member”, shall be added; and
- (d) in clause (3), after the word “Commissioner”, the words “or a member”, shall be inserted.

5. **Amendment of Article 216 of the Constitution.**- In the Constitution, in Article 216,-

- (a) in the marginal note, after the word “Commissioner”, the words “and members”, shall be inserted;
- (b) in clause (1), after the word “Commissioner”, the words “or a member”, shall be inserted; and
- (c) in clause (2), after the word “Commissioner”, occurring for the first time, the words “or a member”, shall be inserted.

6. **Amendment of Article 218 of the Constitution.**- In the Constitution, in Article 218, in clause (3), the words “constituted in relation to an election”, shall be omitted.

7. **Amendment of Article 219 of the Constitution.**- In the Constitution, in Article 219, in paragraph (e), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that till such time as the members of the Commission are first appointed in accordance with the provisions of paragraph (b) of clause (2) of Article 218 pursuant to the Constitution (Eighteenth Amendment) Act, 2010, and enter upon their office, the Commissioner shall remain charged with the duties enumerated in paragraphs (a), (b) and (c) of this Article.”.

8. **Amendment of Article 224 of the Constitution.**- In the Constitution, in Article 224,-

- (a) in clause (1A),-
 - (i) in the first proviso, for the word “selected”, the word “appointed”, shall be substituted;
 - (ii) after the proviso, as amended hereinabove, the following new proviso shall be inserted, namely:-

“Provided further that if the Prime Minister or a Chief Minister and their respective Leader of the Opposition do not agree on any person to be appointed as a care-taker Prime Minister or the care-taker Chief Minister, as the case may be, the provisions of Article 224A shall be followed.”; and

- (iii) in the second proviso, for the word “further”, the word “also”, shall be substituted; and
- (b) in clause (6), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that if at any time the party list is exhausted, the concerned political party may submit a name for any vacancy which may occur thereafter.”.

9. **Insertion of new Article 224A of the Constitution.**- In the Constitution, after Article 224, amended as aforesaid, the following new Article, shall be inserted, namely:-

“224A. **Resolution by Committee or Election Commission.**- (1) In case the Prime Minister and the Leader of the Opposition in the outgoing National Assembly do not agree on any person to be appointed as the care-taker Prime Minister, within three days of the dissolution of the National Assembly, they shall forward two nominees each to a Committee to be immediately constituted by the Speaker of the National Assembly, comprising eight members of the outgoing National Assembly, or the Senate, or both, having equal representation from the Treasury and the Opposition, to be nominated by the Prime Minister and the Leader of the Opposition respectively.

(2) In case a Chief Minister and the Leader of the Opposition in the outgoing Provincial Assembly do not agree on any person to be appointed as the care-taker Chief Minister, within three days of the dissolution of that Assembly, they shall forward two nominees each to a Committee to be immediately constituted by the Speaker of the Provincial Assembly, comprising six members of the outgoing Provincial Assembly having equal representation from the Treasury and the Opposition, to be nominated by the Chief Minister and the Leader of the Opposition respectively.

(3) The Committee constituted under clause (1) or (2) shall finalize the name of the care-taker Prime Minister or care-taker Chief Minister, as the case may be, within three days of the referral of the matter to it:

Provided that in case of inability of the Committee to decide the matter in the aforesaid period, the names of the nominees shall be referred to the Election Commission of Pakistan for final decision within two days.

(4) The incumbent Prime Minister and the incumbent Chief Minister shall continue to hold office till appointment of the care-taker Prime Minister and the care-taker Chief Minister, as the case may be.

(5) Notwithstanding anything contained in clauses (1) and (2), if the members of the Opposition are less than five in the Majlis-e-Shoora (Parliament) and less than four in any Provincial Assembly, then all of them shall be members of the Committee mentioned in the aforesaid clauses and the Committee shall be deemed to be duly constituted.”.

10. Amendment of the Second Schedule to the Constitution.- In the Constitution, in the Second Schedule,-

- (a) in paragraph 1,-
 - (i) for the words “Chief Election Commissioner”, the words “Election Commission of Pakistan”, shall be substituted; and
 - (ii) after the word “and”, occurring for the second time, the words “Chief Election Commissioner”, shall be substituted; and
- (b) in paragraphs 2 and 22, for the words “Chief Election Commissioner”, the words “Election Commission of Pakistan”, shall be substituted.

11. **Amendment of the Third Schedule to the Constitution.**- In the Constitution, in the Third Schedule, in the Oath prescribed for the Chief Election Commissioner,-

- (a) in the title, after the word “COMMISSIONER”, the words “OR A MEMBER OF THE ELECTION COMMISSION OF PAKISTAN”, shall be added; and
- (b) after the word “Commissioner”, the words and commas “or, as the case may be, member of the Election Commission of Pakistan”, shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of Pakistan had directed the Federation to constitute Election Commission of Pakistan in accordance with the amended provision of the Constitution of the Islamic Republic of Pakistan and to legally cover the bye-elections conducted by the Chief Election Commissioner in the interregnum. Further it is also necessary to give due independence to the Election Commission of Pakistan and to provide for the manifestation of the Interim Cabinets. In order to achieve the aforesaid objectives it is necessary to amend the Constitution of the Islamic Republic of Pakistan.

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Parliamentary Affairs,
Member-in-Charge.