

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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 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.

STATEMENT OF OBJECTS AND REASONS

This Constitutional Amendment Bill seeks to alter eligibility criteria for appointment of the Chief Election Commissioner and Members of the Election Commission of Pakistan and to provide for other related matters. At present only Judges of Supreme Court or High Court are eligible for appointment as Chief Election Commissioner or Members, respectively. After amendment, in addition to retired Judges of the Supreme Court or High Court, retired senior bureaucrats and technocrats will also be eligible for appointment as Chief Election Commissioner or a member. In order to give representation to all Provinces, out of four Members, one from each Province shall be appointed. Maximum age for appointment as Chief Election Commissioner (68 years) and a Member (65 years) is also being fixed.

2. Another important change relates to continuity of the Commission, whereby instead of all four members retiring together, two of the members shall retire every two and a half years. For the first term, the Commission will draw a lot as to which two members shall retire after the first two and a half years.

3. Other amendments provide that delimitation of constituencies and preparation of electoral rolls for elections to local governments shall also be the responsibility of the Election Commission of Pakistan.

4. The Bill is designed to achieve the aforesaid objects.

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MEMBER-IN-CHARGE