

**[AS INTRODUCED IN THE SENATE]**

**A**

**BILL**

*further to amend the Constitution of the Islamic Republic of Pakistan, 1973*

**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, 2016.

(2) It shall come into force at once.

**2. Amendment of Article 209 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, in Article 209,-

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

“Provided that in case of complaint against the Chief Justice of Pakistan, the senior most Judge of the Supreme Court shall head the Council, with two next senior judges as its members. Similarly, the accused Chief Justice of a High Court shall be replaced with the senior Chief Justice of another High Court in the Council.”

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

(3A) If a complaint is received against a Judge of the Supreme Court or of a High Court, the Council shall,-

(a) make the complaint public; and

(b) dispose it within a period of forty-five days.

(3B) In case of a frivolous complaint, the complainant shall be prosecuted for making a false complaint.

(3C) An appeal against the final order of the Council shall lie to the full bench of the Supreme Court, which shall be decided within a period of thirty days.”.

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(iii) after clause (7), the following new clause shall be inserted, namely:-

“(7A) In case of dismissal or removal of a Judge of the Supreme Court or of a High Court from his office, he shall not be entitled to the perks, privileges and pension and shall not have any immunity from further or consequential legal proceedings.”.

### **STATEMENT OF OBJECTS AND REASONS**

In order to make it more effective and elaborative, the checks over higher judiciary guaranteed under the provisions of the Constitution need to be further improved. Accordingly, the instant constitutional amendment Bill is proposed to remove the ambiguities through:-

- (a) Extending the applicability of Article 209 to the Chief Justice of Pakistan/Chief Justices of High Courts;
- (b) Stipulating time lines for expeditious disposal of the complaints;  
and
- (c) Identifying minimum punishment for a judge against whom charge is established by the Council.

2. This Bill has been designed to achieve the aforesaid objectives.

**SENATOR ZAHEER-UD-DIN BABAR AWAN**  
Member-in-Charge