

[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, 2017.

(2) It shall come into force at once.

2. Amendment of Article 130 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, in Article 130,-

(i) for clause (11), the following shall be substituted, namely:-

“(11) The Chief Minister may appoint not more than five Advisers, on such terms and conditions as he may determine.”

(ii) after clause (11), as aforesaid, the following new clause (12) shall be added, namely,-

“(12) The provisions of Article 111 shall also apply to an Adviser appointed under clause (11).”

STATEMENT OF OBJECTS AND REASONS

In literal terms an “adviser” is a person who gives advice in a particular field. In practical terms an adviser is normally a person with more and deeper knowledge in a specific area and usually also includes persons with cross functional and multidisciplinary expertise. Initially, there was no such provision in the Constitution of the Islamic Republic of Pakistan, 1973, dealing with the advisers; this provision has emerged gradually in the wake of evolving role of the executive requiring expert advice. Advisers appointed under Article 93 of the Constitution of the Islamic Republic of Pakistan have right to speak in the Parliament and perform a much effective role in the governance. Whereas an Adviser appointed under clause (11) of Article 130 of the Constitution of the Islamic Republic of Pakistan, 1973, has a limited role, which leads to an anomaly. Furthermore, pursuant to the passage of the Constitutional (Eighteenth Amendment) Act, 2010, implementation of scheme of devolution has added to functions of the provincial governments, therefore, require expert advice and assistance in the governance structure. The proposed amendment in Article 130 will address the anomaly and attribute a much effective role to Advisers appointed under Article 130 of the Constitution of the Islamic Republic of Pakistan.

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