

[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, 1973 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, 2018.

(2) It shall come into force at once.

2. Amendment of Article 260 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, 1973 in Article 260, in clause (1), in the definition "service of Pakistan",-

(i) after the words "but does not include service as" the word and comma "President," shall be inserted; and

(ii) after the words and comma "Minister of State," the word and comma "Governor," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

In the original definition of the "service of Pakistan" as provided vide Article 260 of the Constitution of Pakistan, 1973, the service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister or member of a House or a Provincial Assembly, were declared to be not included in the service of Pakistan. Thereafter, through the Constitution (First Amendment) Act, 1974, the Constitution (Fifth Amendment) Act, 1976 and the Constitution (Sixth Amendment) Act, 1976 some further services were declared not to be included in the "service of Pakistan". Therefore, through this Bill it is proposed to declare the service as "President" and the "Governor" not to be included in the "service of Pakistan". This is essential given the fact that due to imposition of bar under Article 63 (1) (k) of the Constitution on a person holding office of the President or the Governor, as the case may be, from becoming a Member of National or Provincial Assembly for a period of two years of the relinquishing charge of the said office, active political workers having political acumen, experience and wisdom do not opt for these Offices. Hence, restricting choices / options of suitable candidates for the Offices of the President and the Governor, respectively.

Hence, this Bill seeks to achieve the aforesaid objective.