

<sup>AS</sup>  
~~[TO BE INTRODUCED IN THE SENATE]~~

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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 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, 2019.

(2) It shall come into force at once.

**2. Insertion of new clauses in Article 213 of the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, in Article 213, after clause (2B), the following new clauses shall be inserted, namely:-

“(2C) When there is no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within seven days shall become forwarded to the Judicial Committee duly constituted under clause (2D).

(2D) The Judicial Committee shall consist of Chief Justice and two senior most Judges of the Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible.”

**STATEMENT OF OBJECTS AND REASONS**

Two seats in Election Commission of Pakistan had been lying vacant since January 26, 2019. The Government was bound to fill the seats in 45 days.

Prime Minister and opposition leader did not reach consensus and names were referred to Parliamentary Committee duly constituted under Article 213 (2B).

There was no consensus in Parliamentary Committee too for appointments.

The Government had announced the appointment of two new members of the Election Commission and the appointment was about seven months after the retirement of ECP members from Sindh and Balochistan.

Chief Election Commissioner refused to administer oath to the new members stating that their appointment has not been carried out as per the Constitution of Pakistan.

In above situation, there is no provision in the constitution to deal with the matter.

Through above amendment, it is proposed in case there is also no consensus among the members of Parliamentary Committee for the appointment of members, all the names proposed, from both sides in the Committee, within 7 days shall become forwarded to the Judicial Committee duly constituted under newly inserted clause (2D) and it is proposed that the Judicial Committee shall consist of Chief Justice and two senior most Judges of Supreme Court and Chief Justice of High Courts of respective provinces and consider the names for appointment from the list so forwarded as early as possible.

Amendment is proposed to achieve above objects.

**SENATOR SIRAJUL HAQ**  
**Member-in-Charge**