

[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. Omission of Article 182 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, Article 182, shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Ad-hoc-ism in all its form is discharged in contemporary era, from all spheres of the Government, for it responds to the urgent instead of important and based on firefighting scheme than establishing a system and procedures.

2. Ad-hoc-ism in higher judiciary has negative impact over dispensation of justice as well as independence of the judicature. The fate of the people may be left over at the discretion of Ad-hoc Judges, having vested interests including that of their continuation in the office. Moreover, it also militates against the "doctrine of lawful expectancy" qua the members of higher judiciary and Chief Justices of the High Courts whose elevation/promotion to the Supreme Court in particular is blocked by the appointment of Ad-hoc Judges.

3. At present the highest lawyers' representative bodies i.e., Pakistan Bar Council, Supreme Court Bar Association and Provincial Bar Councils have shown concerns and strong reservations over appointment of Ad-hoc Judges. The legal fraternity understands this invades and transgresses upon independence of bar and takes away the right of senior lawyers who under the Constitution can be appointed in the higher judiciary including the Apex Court.

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