

As
[TO BE INTRODUCED IN THE SENATE)

A
Bill

further to amend the Service Tribunals Act, 1973

WHEREAS it is expedient further to amend the Service Tribunals Act, 1973 (LXX of 1973) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act shall be called the Service Tribunals (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 3, Act LXX of 1973.— In the Service Tribunals Act, 1973 (LXX of 1973), in section 3, in sub-section (4), in the proviso, for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter the following new proviso shall be added, namely:-

"Provided further that the Chairman and members of a Tribunal shall be appointed in consultation with the Chief Justice of Pakistan."

STATEMENT OF OBJECTS AND REASONS

The Service Tribunal performs 'judicial functions' in exercise of 'judicial powers' conferred upon it by the Legislature and therefore, enjoys the status of a 'Court' and is required to be separated from the Executive in terms of Article 175(3) of the Constitution of the Islamic Republic of Pakistan. However, the existing provisions of the Service Tribunals Act, 1973, relating to the appointment of Chairman and Members of the Service Tribunals do not provide for consultation with the Chief Justice of Pakistan. It is necessary to ensure that the Chairman and the Members shall act independently following the principle of independence of judiciary, especially since their role is in substitution of the high constitutional body i.e. High Court. This amendment aims at provision of the aforesaid objective in line with the Article 175 of the Constitution.

**SENATOR SHAHADAT AWAN
MEMBER-IN-CHARGE**