

NATIONAL ASSEMBLY SECRETARIAT



**THE PARLIAMENTARY COMMITTEE
ON APPOINTMENT OF CHIEF ELECTION
COMMISSIONER AND MEMBERS OF THE
ELECTION COMMISSION RULES, 2011**

PREFACE

In pursuance of provision of clause (2B) of Article 213 read with Article 218 of the Constitution of the Islamic Republic of Pakistan, the Speaker, National Assembly was pleased to constitute Parliamentary Committee on appointment of Chief Election Commissioner and members of the Election Commission which comprises fifty percent members from the Treasury Benches and fifty percent from the Opposition Parties, based on their strength in Majlis-e-Shoora (Parliament), nominated by the respective Parliamentary Leaders. The Committee was notified on 22nd February, 2011. The Parliamentary Committee consist of twelve members out of which one-third are from the Senate.

The Committee in its second meeting held on 14th April, 2011 made these Rules for conduct of its business.

KARAMAT HUSSAIN NIAZI
Secretary
National Assembly Secretariat

Islamabad,
the 27th April, 2011.

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**THE PARLIAMENTARY COMMITTEE ON APPOINTMENT OF
THE CHIEF ELECTION COMMISSIONER AND MEMBERS OF
THE ELECTION COMMISSION RULES, 2011.**

1. **Short title and commencement:** (1) These rules may be called the Parliamentary Committee on appointment of the Chief Election Commissioner and members of the Election Commission Rules, 2011.

(2) These rules shall come into force at once.

2. **Definitions—**(1) In these rules, unless the context otherwise requires:

(a). **“Chairman”** means Chairman of the Committee;

(b). **“Committee”** means the Parliamentary Committee on appointment of the Chief Election Commissioner and members of the Election Commission constituted under clause (2B) of Article 213 read with clause (2) of Article 218 of the Constitution of the Islamic Republic of Pakistan;

(c). **“Member”** means a member of the Committee; and

(d). **“Secretary”** means the Secretary, National Assembly and includes a person for the time being performing the duties of Secretary National Assembly.

(2) The words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the same meanings as assigned to them in the Constitution of the Islamic Republic of Pakistan.

3. **Powers of the Committee,-** (1) The Committee shall have powers to summon or invite any person or call for any information or record required by it from any person or authority for the purposes of carrying out its functions.

(2) Subject to clause (3) of Article 66 of the Constitution of the Islamic Republic of Pakistan, the Committee shall have powers vested in Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

4. Functions of the Committee., (1) Nomination received by the Secretary from the Prime Minister or as the case may be, the Leader of the Opposition in the National Assembly, shall be placed before the Chairman who shall call a meeting of the Committee on a date, time and place determined by him in consultation with the members of the Committee, to be notified by the Secretary.

(2) The Committee after considering the nomination for an actual or anticipated vacancy of the Chief Election Commissioner or a member of the Election Commission may hear and confirm any nomination by a two third majority of its total membership within fourteen days of the receipt of such nomination.

(3) The Chairman shall send the name of the person confirmed to the Prime Minister for appointment within 14 days and such appointment shall be notified in the official gazette.

5. Legality of the proceedings of the Committee.- No action or decision taken by the Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

GENERAL PROVISIONS

6. Chairman of the Committee: - (1) The Chairman shall be elected by the Committee from amongst its members:

Provided that the election of the Chairman shall be held afresh after each general election to the National Assembly or an election to fill the seats in the Senate on the expiry of the term of half of the total membership of the Senate, as the case may be or the office of Chairman becomes vacant due to any reason:

Provided further that the Secretary in consultation with the Speaker National Assembly shall fix the meeting of the Committee for the election of the Chairman.

(2) If the Chairman of the Committee is not present at any sitting, the Committee shall elect one of its members present to act as Chairman for that sitting.

(3) The Chairman or the person presiding over the sitting shall regulate the proceedings of the Committee.

(4) Secretary, National Assembly shall act as Secretary of the Committee.

7. Quorum of a meeting. - The Quorum to constitute a sitting of the Committee shall be the majority of total membership of the Committee including the Chairman.

8. Record of the Proceedings. - The proceedings of the Committee shall be held in camera. However, a record of the proceedings shall be maintained by the Secretary.

9. **Travel.** - A member while attending a meeting of the Committee shall be entitled to the TA/DA as admissible to him under the provisions of the Members of Parliament (Salaries and Allowances) Act, 1974. (XXVII 1974).

10. **Amendment of the rules.** - The Committee shall have power to amend any of the provisions of these rules with two third majority of the total membership of the Committee.

11. **Residuary powers.** - All matters for which no provision or no sufficient provision has been made in these rules, shall be regulated in such manner as the Committee may direct.

**AN ABSTRACT OF THE RELEVANT PROVISIONS OF THE
CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN**

213. (1) There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President.

(2) No person shall be appointed to be Commissioner unless he is, or has been, a judge of the Supreme Court or is, or has been, a Judge of a High Court and is qualified under paragraph (a) of clause(2) of Article 177 to be appointed a Judge of the Supreme Court.

(2A) The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Commissioner to a Parliamentary Committee for hearing and confirmation of any one person.

(2B) The Parliamentary Committee to be constituted by the Speaker shall comprise fifty percent members from the Treasury Benches and fifty percent from the Opposition Parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:

Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate lists to the Parliamentary Committee for consideration which may confirm any one name:

Provided further that the total strength of the Parliamentary Committee shall be twelve members out of which one-third shall be from the Senate:

Provided also that when the National Assembly is dissolved and a vacancy occurs in the office of the Chief Election Commissioner, the total membership of the Parliamentary Committee shall consist of the members from the Senate only and the foregoing provisions of this clause shall, *mutatis mutandis*, apply.

(3) The Commissioner shall have such powers and functions as are conferred on him by the Constitution and law.

218. (1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election to such other public offices as may be specified by law, a permanent Election Commission shall be constituted in accordance with this Article.

(2) The Election Commission shall consist of,

- (a) the Commissioner who shall be the Chairman of the Commission; and
- (b) four members, each of whom has been a judge of a High Court from each Province, appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.

(3) It shall be the duty of the Election Commission Constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

**COMPOSITION
OF THE
PARLIAMENTARY COMMITTEE ON APPOINTMENT OF THE
CHIEF ELECTION COMMISSIONER AND MEMBERS OF THE
ELECTION COMMISSION**

01.	Syed Khursheed Ahmed Shah, MNA	Chairman
02.	Mr. Islam-ud-Din Sheikh, Senator	Member
03.	Haji Muhammad Adeel, Senator	Member
04.	Moulana Abdul Ghafoor Haideri, Senator	Member
05.	Mr. Haroon Akhtar Khan, Senator	Member
06.	Mr. Arif Aziz Sheikh, MNA	Member
07.	Dr. Muhammad Farooq Sattar, MNA	Member
08.	Mr. Munir Khan Orakzai, MNA	Member
09.	Khawaja Mohammad Asif, MNA	Member
10.	Lt. Gen. (Retd.) Abdul Qadir Baloch, MNA	Member
11.	Mrs. Tahmina Daultana, MNA	Member
12.	Engineer Amir Muqam, MNA	Member
13.	Karamat Hussain Niazi (SI), Secretary National Assembly.	Secretary Committee