



**REPORT OF THE STANDING COMMITTEE NO. 25 ON HUMAN RESOURCE
MANAGEMENT DEPARTMENT ON THE KHYBER PAKHTUNKHWA PUBLIC
SERVICE COMMISSION (AMENDMENT) BILL, 2026**

I, Abdul Monim, Chairperson of the Standing Committee No. 25 on Human Resource Management Department, have the honour to present the report on the Khyber Pakhtunkhwa Public Service Commission (Amendment) Bill, 2026 [Government Bill], referred to the Committee on 30th March, 2026 for examination.

2. The Committee comprises the following:

1) Mr. Abdul Monim, MPA	Chairperson
2) Mian Sharafat Ali, MPA	Member
3) Muhammad Arif, MPA	Member
4) Ms. Aiman Jalil Jan, MPA	Member
5) Ms. Shazia Tehmas Khan, MPA	Member
6) Ms. Meher Sultana, MPA	Member
7) Ms. Ashbar Jan Jadoon, MPA	Member
8) Ms. Jamila Paracha, MPA	Member
9) Ms. Khadija Bibi, MPA	Member
10) Ms. Arifa Bibi, MPA	Member
11) The Honorable Minister for Human Resource Management, Khyber Pakhtunkhwa.	Ex officio Member

3. The Committee considered the Bill as introduced in the Provincial Assembly, place at: **Annexure-A** in its **third meeting held on 8th April, 2026** and **fourth meeting held on 7th May, 2026** in the Rehman Baba Conference Room, Provincial Assembly Secretariat, Khyber Pakhtunkhwa.

1) The Following Honorable Members attended third Meeting, held on 8th April, 2026):

a. Mian Sharafat Ali,	MPA
b. Ms. Aiman Jalil Jan,	MPA
c. Ms. Shazia Tehmas Khan,	MPA
d. Ms. Meher Sultana,	MPA
e. Ms. Ashbar Jan Jadoon,	MPA
f. Ms. Jamila Paracha,	MPA
g. Ms. Afshan Hussain,	MPA as (Special Invitee)

2) The Following Honorable Members attended forth Meeting held on 7th May, 2026:

a. Muhammad Arif,	MPA
b. Ms. Shazia Tehmas Khan,	MPA
c. Ms. Meher Sultana,	MPA
d. Ms. Ashbar Jan Jadoon,	MPA
e. Ms. Jamila Paracha,	MPA
f. Ms. Khadija Bibi,	MPA
g. Ms. Arifa Bibi,	MPA

4. The following officers attended the meetings:

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| 1) Mr. Zulfiqar Ali Shah, | Secretary HRM Department, Khyber Pakhtunkhwa |
| 2) Mr. Akbar Ali Khan, | Secretary Public Service Commission, Khyber Pakhtunkhwa |
| 3) Mr. Hikmat Ullah, | Special Secretary HRM Department, Khyber Pakhtunkhwa |
| 4) Mr. Jamal Ud Din, | Additional Secretary (R-1), HRM Department, Khyber Pakhtunkhwa |
| 5) Mr. Muhammad Shoaib, | Additional Secretary, HRM Department, Khyber Pakhtunkhwa |
| 6) Mr. Hayat Hussain, | Director Examination, Public Service Commission, Khyber Pakhtunkhwa |
| 7) Mr. Faseeh Ullah, | Deputy Legislation Officer, Law Department, Khyber Pakhtunkhwa |
| 8) Mr. Muhammad Iqbal, | Assistant Director, Information & PRs Department, Khyber Pakhtunkhwa |
| 9) Mr. Basheer Khan, | Drafting Officer, Law Department, Khyber Pakhtunkhwa |
| 10) Mr. Khushal Khan, | Section Officer Service, HRM Department, Khyber Pakhtunkhwa |
| 11) Mr. Kiramat Ullah, | Assistant Director, Information & PRs Department, Khyber Pakhtunkhwa |

5. **Reference and Scope of Examination.** - The Bill was referred to the Committee for fifteen days under Rule 114 of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 2025. The Committee was informed that it may examine whether the proposed legislation violates or disregards the Constitution, and may propose amendments thereto.
6. The Committee was further apprised that, while examining the Bill, it may consider whether the proposed legislation violates, disregards, or is otherwise inconsistent with the Constitution, and may propose amendments thereto. Prior to clause-by-clause consideration, the Committee directed that the **legislative intent of the Bill** be explained.
7. **Briefing on Legislative Intent, Aims, Objects and Benefit Analysis.** - The Secretary Human Resource Management Department, Government of Khyber Pakhtunkhwa briefed the Committee in detail. The following Salient points were recorded:

- 1) **Constitutional Basis:** The Khyber Pakhtunkhwa Public Service Commission was established under Article 242 of the Constitution of the Islamic Republic of Pakistan, initially through KPPSC Act, 1973, later on replaced by the KPPSC Ordinance, 1978.
- 2) **Background and Legal Challenge:** Ambiguities in appointment procedures had led to litigation, including adverse High Court judgments, necessitating

statutory clarity to avoid future disputes.

- 3) **Proposed Amendments:** Substitution of the term "Governor" with "Government" in relevant provisions.
 - a. Statutory recognition of the Search and Scrutiny Committee chaired by the Chief Secretary, to ensure merit-based appointments and equitable zonal representation.
 - b. Streamlining resignation procedures, allowing Members to submit resignations directly to Government.
 - c. Clarification of executive functions, affirming substantive authority vests in elected Government under Articles 105, 129, and 139 of the Constitution of the Islamic Republic of Pakistan,
- 4) **Benefit Analysis:**
 - a. Clarification of executive authority, aligning statutory provisions with constitutional practice.
 - b. Reduction of litigation by minimizing interpretive conflicts.
 - c. Institutionalization of merit-based appointments through structured scrutiny.
 - d. Strengthening accountability through Cabinet oversight.
- 5) **Comparative Practices:** Punjab, Sindh, Balochistan, and Federal level practices were explained, showing variations in appointment powers between Governor, Chief Minister, and Cabinet.

8. Clause-by-Clause Examination and Amendments

The Committee examined the Bill clause by clause and agreed with the amendments proposed by the Human Resource Management Department, which were as follows:

1) Amendment in Clause 3

In the proposed Section 3 of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 (Khyber Pakhtunkhwa Ordinance No. XI of 1978),—

- a. In sub-section (2), the word "*Governor*" shall be substituted by the word "*Government*".
- b. For sub-section (3), the following shall be substituted, namely:
“(3) The Chairman of the Commission shall be appointed by the Governor, on the advice of the Chief Minister, in terms of Clause (1B) of Article 242 of the Constitution of the Islamic Republic of Pakistan.”
- c. After sub-section (3), as so substituted, the following new sub-sections shall be inserted, namely:
“(3A) the members of the Commission shall be appointed by Government, on the recommendation of the Search and Scrutiny Committee.
- d. (3B) there shall be a Search and Scrutiny Committee, to be constituted under the chairmanship of the Chief Secretary, consisting of such other

members as approved by the Chief Minister, which shall recommend a panel of candidates for the appointment of Chairman and members of the Commission by Governor and Government, respectively.”

2) **Amendment in Clause 4**

In Section 4 of the said Ordinance, in sub-section (2), the word “Governor” shall be substituted by the word “Government”.

3) **Amendment in Clause 6**

In Section 6 of the said Ordinance, the word “Governor” shall be substituted by the word “Government”.

4) **Amendment in Clause 7**

In Section 7 of the said Ordinance, in sub-section (1),—

- a. In clause (b), the word “Governor” shall be substituted by the word “Government”; and
- b. In clause (b), as so amended, in sub-clause (iii), the word “Governor” shall be substituted by the word “Government”.

5) **Amendment in Clause 8**

In Section 8 of the said Ordinance, the word “Governor” shall be substituted by the word “Government”.

6) **Amendment in Clause 9**

In Section 9 of the said Ordinance, in sub-section (1), for the word “Governor”, wherever occurring, the word “Government” shall be substituted.

9. **Observations and Recommendations:** - The Committee observed that the Scrutiny Committee should be constituted so as to ensure inclusivity and cross-party representation. It was recommended that one member be nominated from the Opposition, while additional members be nominated on the recommendation of the Chief Minister.
10. The Committee, after thorough deliberation, **agreed with the amendments proposed by the Human Resource Management Department** and endorsed draft Bill and it was unanimously recommended that the Bill, placed at **Annex-B** as recommended by the committee, may be taken into consideration by the Assembly.


2 14-05-26
(ABDUL MONIM)
CHAIRPERSON/MPA
Standing Committee No. 25 on
Human Resource Management
Department

**A
Bill**

further to amend the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 (Khyber Pakhtunkhwa Ordinance No. XI of 1978), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Public Service Commission (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 3 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.---In the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978 (Khyber Pakhtunkhwa Ordinance No. XI of 1978), hereinafter referred to as the said Ordinance, in section 3,-

(a) in sub-section (2), for the word 'Governor', the word 'Government' shall be substituted;

(b) for sub-section (3), the following shall be substituted, namely:

“(3) The Chairman of the Commission shall be appointed by the Governor, on the advice of the Chief Minister, in terms of Clause (1B) of Article 242 of the Constitution of Islamic Republic of Pakistan.”; and

(c) after sub-section (3), as so substituted, the following new sub-sections shall respectively be inserted, namely:

“(3A) The members of the Commission shall be appointed by Government, on the recommendation of the Search and Scrutiny Committee.

(3B) There shall be a Search and Scrutiny Committee, to be constituted under the chairmanship of Chief Secretary, consisting of such other members as approved by the Chief Minister, which shall recommend a panel of candidates for the appointment of Chairman and members of the Commission by Governor and Government, respectively.”.

3. Amendment of section 4 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.---In the said Ordinance, in section 4, in sub-section (2), for the word “Governor”, the word “Government” shall be substituted.

Assistant Director, Chgo 4
 Govt. of Khyber Pakhtunkhwa
 Law Department

4. **Amendment of section 6 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.**---In the said Ordinance, in section 6, for the word "Governor", the word "Government" shall be substituted.

5. **Amendment of section 7 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.**---In the said Ordinance, in section 7, in sub-section (1),-

- (a) in clause (b), for the word "Governor", the word "Government" shall be substituted; and
- (b) in clause (b), as so amended, in sub-clause (iii), for the word "Governor", the word "Government" shall be substituted.

6. **Substitution of section 8 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.**---In the said Ordinance, for section 8, the following shall be substituted, namely:

"8. Commission to be informed when its advice not accepted. ---Where Government does not accept the advice of the Commission, it shall inform the Commission accordingly."

7. **Amendment of section 9 of the Khyber Pakhtunkhwa Ordinance No. XI of 1978.**---In the said Ordinance, in section 9, in sub-section (1), for the word "Governor", wherever occurring, the word "Government" shall respectively be substituted.

STATEMENT OF OBJECTS AND REASONS

1. The Constitution of the Islamic Republic of Pakistan, as amended from time to time, clearly demarcates executive authority between the elected Government and the office of the Governor. Article 242 (1B) of the Constitution explicitly provides that the Chairman of a Provincial Public Service Commission shall be appointed by the Governor on the advice of the Chief Minister. In contrast, Article 105 mandates that the Governor shall act on and in accordance with the advice of the Cabinet or the Chief Minister, except where the Constitution expressly provides otherwise. The post-Eighteenth Amendment constitutional scheme, as interpreted by the superior judiciary, underscores the primacy of the elected executive in matters of governance.
2. The existing provisions of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978, particularly section 3 and other related sections, continue to reflect a framework in which certain functions relating to the Provincial Public Service Commission are treated as falling within the discretionary domain of the Governor. This framework is no longer fully aligned with the constitutional provisions and principles governing executive authority.
3. The proposed Bill seeks to rationalise and harmonise the statutory and procedural framework governing the Provincial Public Service Commission by aligning it with relevant constitutional provisions. The amendments aim to clearly define and reflect the respective roles of the Governor, Government and Chief Minister, particularly in relation to

9
Accounting Officer
Govt. of Khyber Pakhtunkhwa
Law Department

appointments and administrative matters of the Commission. In this regard, it is proposed to amend sections 3, 4, 6, 7, 8 and 9 of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978, mainly by substituting the word "Governor" with "Government" wherever applicable, while preserving the constitutional role of the Governor in the appointment of the Chairman in accordance with Article 242 (1B) of the Constitution.

4. The proposed amendments are intended to ensure constitutional compliance, remove ambiguities regarding executive authority, promote good governance and enhance transparency and merit-based decision-making in the functioning of the Khyber Pakhtunkhwa Public Service Commission. Hence, this Bill.

Peshawar,
dated the
, 2026.

MINISTER-IN-CHARGE.

9
Assistant Secretary
Govt. of Khyber Pakhtunkhwa
Law Department

A
Bill

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