



PROVINCIAL ASSEMBLY SECRETARIAT, KHYBER PAKHTUNKHWA

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NOTIFICATION

Dated Peshawar, the 06/04/2026.

No.PA/Khyber Pakhtunkhwa/Bills-83/2026/ 4557 In pursuance of the provision contained in Rule 113(1) of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 2025, the Khyber Pakhtunkhwa Public Service Commission (Amendment) Bill, 2026 as introduced in the Provincial Assembly of Khyber Pakhtunkhwa on 30th March, 2026 is hereby published for general information.

(Here print as in the accompaniment).


(SYED WIQAR SHAH)

Secretary,

Provincial Assembly of Khyber Pakhtunkhwa.

The Manager, Government
Printing Press, Peshawar

For publication in the Gazette of Khyber
Pakhtunkhwa, extraordinary bearing the same date.
One copy may be supplied to this Secretariat


Assistant Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

E.No.PA/Khyber Pakhtunkhwa /Bills-83/2026/ 4558-60 Dated 06 /04/2026.

Copy of the above is forwarded for information and necessary action to:-

1. The Principal Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
2. The Deputy Private Secretary to Deputy Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
3. ✓ The Director I.T, Provincial Assembly of Khyber Pakhtunkhwa, for official website.


Assistant Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

**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.

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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.

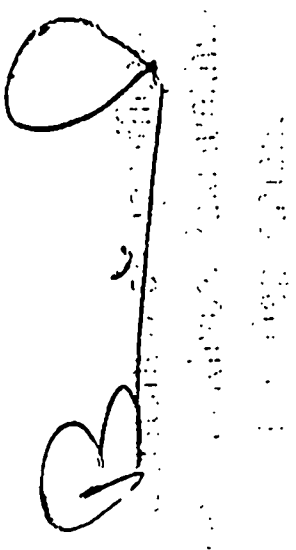
STATEMENT OF OBJECTS AND REASONS

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

Govt of Khyber Pakhtunkhwa
Law Commission

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.