

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

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, 2017.

(2) It shall come into force at once.

2. Insertion of a new Article in the Constitution.- In the Constitution of the Islamic Republic of Pakistan, 1973, after Article 136, the following new Article shall be inserted, namely:-

“136A. Provincial Minister performing functions of Chief Minister.- (1) In the event of the death of the Chief Minister or of the office of Chief Minister becoming vacant by reason of his ceasing to be a Member of the Provincial Assembly, the Most Senior Minister for the time being shall be called upon by the Governor to perform the functions of that office and the Provincial Minister shall continue in office until a new Chief Minister has been elected and has entered upon his office.

(2) If the Provincial Assembly is in session at the time when the Chief Minister dies or the office of Chief Minister becomes vacant, the Assembly shall forthwith proceed to elect a Chief Minister, and if the Assembly is not in session the Governor shall for that purpose summon it to meet within fourteen days of the death of the Chief Minister or, as the case may be, of the office becoming vacant.

(3) When the Chief Minister, by reason of absence from Pakistan or any other cause, is unable to perform his functions, the Most Senior Provincial Minister for the time being shall perform the functions of Chief Minister until the Chief Minister returns to Pakistan or, as the case may be, resumes his functions.

(4) In this Article, “Most Senior Provincial Minister” means the Provincial Minister for the time being designated as such by the Chief Minister.”

STATEMENT OF OBJECTS AND REASONS

Like the Office of the Prime Minister at the center, the office of a Chief Minister is a very powerful office in each Province. A Chief Minister is the Chief Executive and most powerful functionary of the Provincial Government. He is the head of the Cabinet at Province, which is the real executive. He exercises vast powers and plays a leading role in the Province.

In view of above importance, the election for the office of a Chief Minister is not only a matter of general public interest; it largely determines the fate of a Province. As per the Constitution of Pakistan, a Chief Minister, after every general election, is elected by the Provincial Assembly concerned. However, the question arises, what should be the mode of election if the office of a Chief Minister falls vacant due to death or otherwise. The perusal of the Constitution reveals that no provision providing mechanism to fill in such vacuum is found. The only provision found provides solution in the event of resignation by a Chief Minister. Therefore, the legislative measures are urgently required to overcome such lacunae in the Constitution. Hence, this Bill.

SENATOR MUHAMMAD MOHSIN KHAN LEGHARI
Member-in-charge