

**[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 95, the following new Article shall be inserted, namely:-

**“95A. Federal Minister performing functions of Prime Minister.**- (1) In the event of the death of the Prime Minister or the office of Prime Minister becoming vacant by reason of his ceasing to be a Member of the National Assembly, the most senior Federal Minister for the time being shall be called upon by the President to perform the functions of that office and the Federal Ministers and Ministers of State shall continue in office until a new Prime Minister has been elected and has entered upon his office.

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

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

(4) In this Article, "most senior Federal Minister means the Federal Minister for the time being designated as such by the Prime Minister.”

**STATEMENT OF OBJECTS AND REASONS**

The Office of the Prime Minister of Pakistan is central to the working of federal government. The powers of the Prime Minister are enormous and his authority is onerous. He has been rightly termed as the 'key-stone of the Cabinet-arch' 'a moon amongst the lesser stars' or 'a sun around whom ministers revolve like planets'. He is likened to the Prime Minister of England whose powers are over-whelming.

The Constitution of Pakistan lays down procedure of initial appointment of Prime Minister. According to it, the National Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, to elect, after the election of the Speaker and the Deputy Speaker, one of its members to be the Prime Minister. But it is totally silent on how to fill in vacancy to the office of the Prime Minister caused by the death or otherwise. Resultantly, when the Office of Prime Minister falls vacant by death or otherwise, the country undergoes through a period of uncertainty and without being headed by someone. Such situation is undesirable for the smooth functioning of government and, more importantly, for the integrity of the country. Hence, this Bill.

**SENATOR MUHAMMAD MOHSIN KHAN LEGHARI**  
**Member-in-charge**