

**INTRODUCED ON 15-11-2021**

**[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, 2021.

(2) It shall come into force at once.

**2. Amendment of Article 111 of the Constitution.** - In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 111,-

(a) after the phrase "Advocate-General", the phrase "and Prosecutor-General" shall be inserted; and

(b) for the phrase "he may be named a member", the phrase "they may be named members", shall be substituted.

**3. Amendment of Article 140 of the Constitution.** - In the Constitution, in Article 140,-

(a) in the marginal note, after the phrase "Advocate-General", the phrase "and Prosecutor-General" shall be inserted;

(b) in clause (1), after the phrase "Advocate General", the phrase "and Prosecutor-General", shall be inserted;

(c) for the existing clauses (2) and (3), the following shall be substituted namely:-

"(2) It shall be the duty of Advocate-General or Prosecutor-General, as the case may be, to give advice to the Provincial Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to anyone of them by the Provincial Government.

(3) The Advocate-General and Prosecutor-General shall hold office during the pleasure of the Governor and shall not engage in private practice so long as they hold the office of Advocate-General or Prosecutor General, as the case may be." ; and

(d) in clause (4), after the phrase "Advocate General", the phrase "or Prosecutor-General", shall be inserted.

**4. Amendment of Article 260 of the Constitution.** - In the Constitution, in Article 260, in clause (1), in paragraph (b), in the definition of expression "service of Pakistan", after phrase "Advocate-General," , the phrase "Prosecutor-General," shall be inserted.

**5. Amendment of Article 275 of the Constitution.-** In the Constitution, in Article 275, in clause (2), in paragraph (f), after the phrase "Advocate General", the phrase "and Prosecutor-General", shall be inserted.

**STATEMENT OF OBJECTS AND REASONS**

The Prosecutor General is the head of the Prosecution Service. The Prosecution Service has the right of representation and audience on behalf of the Government in all courts including the Supreme Court, the Federal Shariat Court and the High Courts of the respective provinces through special law enacted by the respective Provincial Assemblies. Any person, qualified to be appointed as Judge of the High Court or has for a period of, or for the periods aggregating, not less than ten years, being an advocate of the High Court, can be appointed as a Prosecutor General under the relevant legislations.

The establishment of prosecution department in the provinces, and consequently the appointment of Prosecutor Generals in the provinces is on equal stature of Advocate General office. However, no such provisions regarding the appointment or powers of the Prosecutor Generals are provided in the Constitution. This amendment aims at defining the status of Prosecutor General of Provinces similar to that of Advocate General in the Constitution.

**SENATOR SHAHADAT AWAN**  
**Member in charge**

