# ***UnderLine Key Points***

# ***CHAPTER 3.***

# **THE FEDERAL GOVERNMENT**

## 90. Exercise of executive authority of the Federation:

[[1]](#footnote-1)[[[2]](#footnote-2)[**90.** (1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation.

(2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal

Minister.]

## The Cabinet:

[[3]](#footnote-3)[**91.** (1) There shall be a Cabinet of Ministers, with the Prime Minister at its head, to aid and advise the President in the exercise of his functions.

1. The National Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the President.

1. After the election of the Speaker and the Deputy Speaker, the National Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Muslim members to be the Prime Minister.

1. The Prime Minister shall be elected by the votes of the majority of the total membership of the National Assembly:

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of votes of the members present and voting.

1. The member elected under clause (4) shall be called upon by the President to assume the office of Prime Minister and he shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule:

Provided that there shall be no restriction on the number of terms for the office of the Prime Minister.

1. The Cabinet, together with the Ministers of State, shall be collectively responsible to the Senate and the National Assembly.

1. The Prime Minister shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime Minister does not command the confidence of the majority of the members of the National Assembly, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly.

1. The Prime Minister may, by writing under his hand addressed to the President, resign his office.

1. A Minister who for any period of six consecutive months is not a member of the National Assembly shall, at the expiration of that period, cease to be a Minister and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly :

Provided that nothing contained in this clause shall apply to a Minister who is member of the Senate.

1. Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State for continuing in office during any period during which the National Assembly stands dissolved, or as preventing the appointment of any person as Prime Minister or other Minister or a Minister of State during any such period.]

## 92. Federal Ministers and Ministers of State:

**92.** (1) Subject to clauses [[4]](#footnote-4)[(9) and (10) of Article 91, the President shall appoint Federal Ministers and Ministers of State from amongst the members of Majlis-e-Shoora (Parliament) on the advice of the Prime Minister:

Provided that the number of Federal Ministers and Ministers of State who are members of the Senate shall not at any time exceed onefourth of the number of Federal Ministers [[5]](#footnote-5)[:]

2[Provided further that the total strength of the Cabinet, including Ministers of State, shall not exceed eleven percent of the total membership of Majlis-e-Shoora (Parliament):

Provided also that the aforesaid amendment shall be effective from the next general election held after the commencement of the Constitution

Eighteenth Amendment) Act, 2010.]

1. Before entering upon office, a Federal Minister or Minister of State shall make before the President oath in the form set out in the Third Schedule.

1. A Federal Minister or Minister of State may, by writing under his hand addressed to the President, resign his office or may be removed from office by the President on the advice of the Prime Minister.

## 93. Advisers:

**93.** (1) The President may, on the advice of the Prime Minister, appoint not more than five Advisers, on such terms and conditions as he may determine.

(2) The provisions of Article 57 shall also apply to an Adviser.

## 94. Prime Minister continuing in office:

**94.** The President may ask the Prime Minister to continue to hold office until his successor enters upon the office of Prime Minister.

## 95. Vote of no-confidence against Prime Minister:

**95.** (1) A resolution for a vote of no-confidence moved by not less than twenty per centum of the total membership of the National Assembly may be passed against the Prime Minister by the National Assembly.

1. A resolution referred to in clause (1) shall not be voted upon before the expiration of three days, or later than seven days, from the day on which such resolution is moved in the National Assembly.

1. A resolution referred to in clause (1) shall not be moved in the National Assembly while the National Assembly is considering demands for grants submitted to it in the Annual Budget Statement.

1. If the resolution referred to in clause (1) is passed by a majority of the total membership of the National Assembly, the Prime

Minister shall cease to hold office.]

## 96. [*Omitted*]

**96.**[Vote of no confidence against Prime Minister.] Omitted by substitution through renumbering vide P. O. No. 14 of 1985, Art. 2 and Sch.

## 97. Extent of executive authority of Federation:

**97.** Subject to the Constitution, the executive authority of the federation shall extend to the matters with respect to which [[6]](#footnote-6)[Majlis-eShoora (Parliament)] has power to make laws, including exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan :

Provided that the said authority shall not, save as expressly provided in the Constitution or in any law made by 1[Majlis-e-Shoora (Parliament)], extend in any Province to a matter with respect to which the Provincial Assembly has also power to make laws.

## 98. Conferring of functions on subordinate authorities:

**98.** On the recommendation of the Federal Government, 1[Majlis-eShoora (Parliament)] may by law confer functions upon officers or authorities subordinate to the Federal Government.

## 99. Conduct of business of Federal Government:

[[7]](#footnote-7)[**99.** (1) All executive actions of the Federal Government shall be expressed to be taken in the name of the President.

(2) The [[8]](#footnote-8)[Federal Government] shall by rules specify the manner in which orders and other instruments made and executed [[9]](#footnote-9)[in his name of the President] shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the President.

[[10]](#footnote-10)[(3) The Federal Government shall also make rules for the

allocation and transaction of its business.]]

## 100. Attorney-General for Pakistan:

**100.** (1) The President shall appoint a person, being a person qualified to be appointed a Judge of the Supreme Court, to be the Attorney-General for Pakistan.

1. The Attorney-General shall hold office during the pleasure of the President 2[and shall not engage in private practice so long as he holds the office of the Attorney-General].

1. It shall be the duty of the Attorney-General to give advice to the Federal Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Federal Government, and in the performance of his duties he shall have the right of audience in all courts and tribunals in Pakistan.

1. The Attorney-General may, by writing under his hand addressed to the President, resign his office.

1. Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for Articles "90, 91, 92, 93, 94, 95 and 96." [↑](#footnote-ref-1)
2. Subs. *ibid.*, s. 29, for “Article 91”. [↑](#footnote-ref-2)
3. Subs. *ibid*., s. 29, for “Article 91”. [↑](#footnote-ref-3)
4. Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 30, for “(7) and (8)”. [↑](#footnote-ref-4)
5. Subs. *ibid*., for the full-stop. 2 Provisos ins. *ibid.*  [↑](#footnote-ref-5)
6. See footnote 6 on page 3, *supra*. [↑](#footnote-ref-6)
7. Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "Art. 99." [↑](#footnote-ref-7)
8. Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010) s. 31, for “President”. [↑](#footnote-ref-8)
9. Subs. *ibid.*, for “in his name” [↑](#footnote-ref-9)
10. Subs. *ibid.*, s. 31, for “clause (3)”.2 Added *ibid*., s. 32. [↑](#footnote-ref-10)