GRAPHICAL CODING (TEXT MODE)

HUMAN COMPUTER INTERATION



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CHAPTER 3. – THE PROVINCIAL GOVERNMENTS

**129. Exercise of executive authority of the province**

4[**129.** (1) Subject to the Constitution, the executive authority of the

Province shall be exercised in the name of the Governor by the Provincial

Government, consisting of the Chief Minister and Provincial Ministers,

1 Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 41, for “three months”.

2 Subs. *ibid.,* for “; and”.

3 Provisos Ins. *ibid*.

4 Subs. *ibid.*, s. 42, for “Article 129”. CONSTITUTION OF PAKISTAN

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which shall act through the Chief Minister.

(2) In the performance of his functions under the Constitution,

the Chief Minister may act either directly or through the Provincial

Ministers.]

**130. The Cabinet**

1[**130.** (1) There shall be a Cabinet of Ministers, with the Chief

Minister at its head, to aid and advise the Governor in the exercise of his

functions.

(2) The Provincial 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 Governor.

(3) After the election of the Speaker and the Deputy Speaker,

the Provincial Assembly shall, to the exclusion of any other business,

proceed to elect without debate one of its members to be the Chief

Minister.

(4) The Chief Minister shall be elected by the votes of the

majority of the total membership of the Provincial Assembly:

Provided that, if no member secures such majority in the first poll,

a second poll shall be held between the members who secures 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 Chief Minister:

Provided further that, if the number of votes secured by two or

more members securing the highest number of votes is equal, further polls

shall be held between them until one of them secures a majority of votes

of the members present and voting.

(5) The member elected under clause (4) shall be called upon

by the Governor to assume the office of Chief Minister and he shall,

before entering upon the office, make before the Governor 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 Chief Minister.

(6) The Cabinet shall be collectively responsible to the

Provincial Assembly and the total strength of the Cabinet shall not exceed

fifteen members or eleven percent of the total membership of a Provincial

Assembly, whichever is higher:

1 Subs. *ibid.*, s. 43, for “Article 130”.CONSTITUTION OF PAKISTAN

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Provided that the aforesaid limit shall be effective from the next

general elections after the commencement of the Constitution (Eighteenth

Amendment) Act, 2010.

(7) The Chief Minister shall hold office during the pleasure of

the Governor, but the Governor shall not exercise his powers under this

clause unless he is satisfied that the Chief Minister does not command the

confidence of the majority of the members of the Provincial Assembly, in

which case he shall summon the Provincial Assembly and require the

Chief Minister to obtain a vote of confidence from the Assembly.

(8) The Chief Minister may, by writing under his hand

addressed to the Governor, resign his office.

(9) A Minister who for any period of six consecutive months is

not a member of the Provincial 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.

(10) Nothing contained in this Article shall be construed as

disqualifying the Chief Minister or any other Minister for continuing in

office during any period during which the Provincial Assembly stands

dissolved, or as preventing the appointment of any person as Chief

Minister or other Minister during any such period.

(11) The Chief Minister shall not appoint more than five

Advisors.]

**131. Governor to be kept informed**

1[**131.** The Chief Minister shall keep the Governor informed on matters

relating to Provincial administration and on all legislative proposals the

Provincial Government intends to bring before the Provincial Assembly.]

**132. Provincial Ministers**

2[**132.** (1) Subject to clauses 3[(9) and (10)] of Article 130, the

Governor shall appoint Provincial Ministers from amongst members of the

Provincial Assembly on the advice of the Chief Minister.

(2) Before entering upon office, a Provincial Minister shall

make before the Governor oath in the form set out in the Third Schedule.

1 Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 44, for “Article 131”.

2 Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "Articles 132 and 133".

3 Subs. by the Act, No. 10 of 2010, s. 45, for “(7) and (8)”.CONSTITUTION OF PAKISTAN

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(3) A Provincial Minister may, by writing under his hand

addressed to the Governor, resign his office or may be removed from

office by the Governor on the advice of the Chief Minister.

**133. Chief Minister continuing in office**

**133.** The Governor may ask the Chief Minister to continue to hold

office until his successor enters upon the office of Chief Minister.]

**134.** [*Omitted*]

**134.** [*Resignation by Chief Minister] Omitted by P.O. No. 14 of 1985,*

*Art. 2 and Sch.*

**135.** [*Omitted*]

**135.** *[Provincial Minister performing functions of Chief Minister.]*

*Omitted by P.O. No. 14 of 1985, Art. 2 and Sch.*

**136. Vote of no-confidence against Chief Minister**

1 [**136.** (1) A resolution for a vote of no-confidence moved by not less

than twenty per centum of the total membership of the Provincial

Assembly may be passed against the Chief Minister by the Provincial

Assembly.

(2) 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 Provincial Assembly.

(3) If the resolution referred to in clause (l) is passed by a

majority of the total membership of the Provincial Assembly, the Chief

Minister shall cease to hold office.]

**137. Extent of executive authority of Province**

**137.** Subject to the Constitution, the executive authority of the Province

shall extend to the matters with respect to which the Provincial Assembly

has power to make laws :

Provided that, in any matter with respect to which both 2[Majlis-e-

Shoora (Parliament)] and the Provincial Assembly of a Province have

power to make laws, the executive authority of the Province shall be

subject to, and limited by, the executive authority expressly conferred by

the Constitution or by law made by 2[Majlis-e-Shoora (Parliament)] upon

the Federal Government or authorities thereof.

1 Subs. by P. O. No. 14 of 1985, Art. 2 and Sch.. for "Art. 136".

2 See footnote 6 on page 3, *supra*.CONSTITUTION OF PAKISTAN

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**138. Conferring of functions on subordinate authorities**

**138.** On the recommendation of the Provincial Government, the

Provincial Assembly may by law confer functions upon officers or

authorities subordinate to the Provincial Government.

**139. Conduct of business of Provincial Government**

1[**139.** (1) All executive actions of the Provincial Government shall be

expressed to be taken in the name of the Governor.

(2) The 2[Provincial Government] shall by rules specify the

manner in which orders and other instruments made and executed 3[in the

name of Governor] 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 Governor.

4[(3) The Provincial Government shall also make rules for the

allocation and transaction of its business.]]

**140. Advocate General for a Province**

**140.** (1) The Governor of each Province shall appoint a person,

being a person qualified to be appointed a Judge of the High Court, to be

the Advocate General for the Province.

(2) It shall be the duty of the Advocate-General 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

him by the Provincial Government.

(3) The Advocate-General shall hold office during the pleasure

of the Governor 5[and shall not engage in private practice so long as he

holds the office of the Advocate-General].

(4) The Advocate-General may, by writing under his hand

addressed to the Governor, resign his office.

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**140A. Local Government**

7[**140A.** (1) Each Province shall, by law, establish a local

1 Subs. by P O. No. 14 of 1985, Art. 2 and Sch., for "Article 139".

2 Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 46, for “Governor”.

3 Subs. *ibid.*, for “in his name”.

4 Subs. *ibid.,* for “clause (3)”

5 Added *ibid.,* s. 47.

6 Existing Article 140A stands omitted as a consequence of the (Eighteenth Amdt.) Act, 2010 (10 of 2010), *see*

section 2.

7 New Article 140A ins. *ibid.*, s. 48. CONSTITUTION OF PAKISTAN

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government system and devolve political, administrative and financial

responsibility and authority to the elected representatives of the local

governments.

(2) Elections to the local governments shall be held by the

Election Commission of Pakistan.]