**No-Confidence Motion: the Constitutional Consequences**

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March 16, 2022

Several Articles in the Constitution of Pakistan deal with the process of the no-confidence motion; prescribing the legal consequences against the Prime Minister of Pakistan. A vote of no-confidence against the prime minister would be conducted by an open vote by division as per Constitution. And if the Prime Minister loses the confidence of the majority of the members of the National Assembly, the entire federal government has to resign. Till the election of a new Prime Minister, the ousted prime minister would continue as a transitory head.

The first step for the vote of no-trust motion would be that if the National Assembly is not in session as per article 54 of the Constitution to file a requisition for summoning the House and that requisition must be signed by at least one-fourth of members of the total House. The speaker of the National assembly would have a maximum of 14 days to summon the session. As per article 95 of the Constitution, a vote of no-confidence against the prime minister requires at least 20 per cent of the total MNAs, which means that 68 members have to sign a resolution for it to be voted on. After the Assembly in session, the Secretary of National Assembly would circulate a notice for a no-confidence resolution, which will be moved on the next working day. As per Article 95 (2) of the Constitution, the proceedings of vote of no confidence would not take place before the expiry of three days or not later than seven days.

If the resolution of the vote of no confidence would be passed by a majority of the total membership of the National Assembly, the Prime Minister shall cease to hold office, the Prime Minister as per Article 95 of the Constitution would cease to hold the office and his cabinet would also be dissolved simultaneously. As per Article 58 of the Constitution, the Prime Minister cannot go for the dissolution of national assembly against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

As per article 95 of the Constitution, a vote of no-confidence against the prime minister requires at least 20 per cent of the total MNAs.

As per Article 48 of the Constitution, the President would dissolve the national assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, and no other member of the national assembly command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose. As per Article 94 of the Constitution, the President can ask the Prime Minister to continue to hold office until his successor enters upon the office of Prime Minister.

Through the 18th amendment in Constitution, Article 63A has been introduced whereby if a member of a Parliamentary Party composed of a single political party in a House votes or abstains from voting in the National Assembly contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to the election of the Prime Minister or the Chief Minister or a vote of confidence or a vote of no-confidence he would be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Presiding Officer and the Chief Election Commissioner of Pakistan and further before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him. The said Article of the Constitution has further described that the Presiding Officer of the House shall within two days refer, and in case he fails to do so it shall be deemed that he has referred, the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within 30 days of its receipt by the Chief Election Commissioner.

As soon as the Election Commission of Pakistan would confirm the declaration, the member of the National Assembly who violated the directions of Party Head shall cease to be a member of the National Assembly and his seat shall become vacant. However, the aggrieved member of the National Assembly by the decision of the Election Commission would have the right within 30 days to file an appeal to the Supreme Court, which shall decide the matter within 90 days from the date of the filing of the appeal.

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