



MUHAMMAD SIBTAIN KHAN
SPEAKER

SUBJECT: **RULING REGARDING THE ORDER OF GOVERNOR FOR SUMMONING OF SESSION OF THE PROVINCIAL ASSEMBLY OF THE PUNJAB UNDER ARTICLE 130 (7) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

The Provincial Assembly of the Punjab is already in session having been summoned by the Speaker on a requisition by the members of the Assembly vide Notification No. PAP/Legis-1(94)/2022.44 dated 23 October 2022 which was published for general information, in terms of the powers conferred on the undersigned under Clause (3) of Article 54 read Article 127 of the Constitution of Islamic Republic of Pakistan. The current session may be prorogued only by the undersigned under the said Articles.

2. Until and unless the current session is prorogued, the Governor cannot summon any fresh session. As held by a three-member bench of the Honourable Lahore High Court in Manzoor Ahmad Wattoo v. Federation of Pakistan, PLD 1997 Lahore 38, the question of confidence in the Chief Minister in terms of Article 130(7) of the Constitution can be determined only in a session which is especially summoned for this purpose. Such a session can only be summoned once the current session is prorogued by the Speaker in terms of Article 54 (3) read with Article 127 of the Constitution. It cannot be summoned by the Governor for the purposes of Article 130(7) while the current session is going on. Needless to mention that in Manzoor Ahmad Wattoo's case, itself, the court directed that "not

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less than ten clear days" be granted to the Chief Minister to obtain the vote of confidence. Procedurally, that is the minimum time which is mandatorily to be provided to the Chief Minister.

3. The Governor is empowered under Article 109 of the Constitution to summon and prorogue a session of the Assembly. Accordingly, the Governor, earlier, vide Notification No.PA:4-01/2018(41st Session) dated 14.06.2022 summoned the 41st Session of the Assembly at Aiwan-e-Iqbal, Egerton Road, Lahore, however, the said session was never prorogued by the Governor. That being the case, the Governor is not empowered to summon the session requiring the Chief Minister to obtain a vote of Confidence.

4. In view of the above, the undersigned, in terms of Rule 209-A of the Rules of Procedure of the Provincial Assembly of the Punjab 1997, give ruling that the order of Governor requiring the Chief Minister to take vote of Confidence, being not in accordance with the aforementioned provisions of the Constitution and Rules of Procedure, may not be processed any further; hence, disposed of accordingly.

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