

### Introduction

The purpose of the caretaker administration in Pakistan is to ensure the neutrality of the government overseeing elections and reduce the scope for abuse or misuse of power and state resources in election campaigns. After the National Assembly (NA) is dissolved, the President appoints a neutral caretaker cabinet to oversee the conduct of elections and serve until the formation of the elected Government. Similarly, at the provincial level, the Governor appoints a caretaker cabinet for the Province ahead of Provincial Assembly Elections.<sup>1</sup>

### Rules Governing the Caretaker Cabinet

Caretaker cabinet members possess the same powers and responsibilities as the elected Prime Minister, Chief Minister and Ministers, who they replaced. The caretaker Prime Minister and Provincial Chief Ministers have full authority to appoint persons of their choice to key positions in the bureaucracy.

The only legal restriction on the caretaker administration is that the caretaker Prime Minister, Chief Ministers, Ministers, their spouses and their children are not eligible to contest the election conducted under the caretaker government. There are no legal qualifications for appointment, but it is understood that those appointed to the positions should be neutral and have no known affiliation to any political party.

### Appointment Process

The 18<sup>th</sup> and 20<sup>th</sup> Amendments to the Constitution have made the selection of the caretaker Prime Minister, Chief Minister and Federal and Provincial Ministers more consultative and transparent. The President is required to appoint a caretaker Prime Minister in consultation with the incumbent Prime Minister and the Leader of the Opposition. Caretaker Ministers are appointed by the President on the advice of the Prime Minister, consultation between the Prime Minister and the Opposition is not required. The same is true for the Provincial caretaker cabinet.

If the Prime Minister and the Leader of the Opposition cannot agree on a caretaker Prime Minister within three days of the dissolution of the NA, they will each forward two names to a Parliamentary Committee tasked with making the decision. If established, the Committee would be comprised of eight members of the outgoing NA and/or Senate with equal representation from the Government and the Opposition. The members of the committee will be nominated by the Prime Minister and the Leader of the Opposition, respectively. The Committee must finalize their decision within three days. The same basic procedure is used for the appointment of a caretaker Chief Minister by the Governor of a Province; however, the Committee would be made up of six members rather than eight. If there are fewer than five members of the Opposition in the Parliament or fewer than four in a Provincial Assembly, they would all be members of the Committee.<sup>2</sup>

<sup>1</sup> The Constitution of the Islamic Republic of Pakistan, Article 224.

<sup>2</sup> The Constitution of the Islamic Republic of Pakistan, Article 224A

If the Committee also fails to agree on one of the four options sent by the Prime Minister/Chief Minister and Opposition Leader, the names are referred to the Election Commission of Pakistan (ECP), which will make the final decision within two days.<sup>3</sup>

During the appointment process, the incumbent Prime Minister/Chief Minister continues in his/her position until the caretaker replacement is appointed.

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<sup>3</sup> The Constitution of the Islamic Republic of Pakistan, Articles 224 & 224A